

Environmental Health Referral Response - contaminated lands

Application Number:	DA2023/1757
Proposed Development:	Demolition works and major alterations and additions to Forest Way shopping centre including road infrastructure works and a pedestrian overpass on Forest Way
Date:	24/10/2024
Responsible Officer	Adam Croft
Land to be developed (Address):	Lot 20 DP 1209801 , Forest Way FRENCHS FOREST NSW 2086

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

This application is seeking consent for demolition and construction works to the Forest Way Shopping Centre. The works include excavation for 2 levels of basement carparking. A Preliminary Site Investigation was conducted by CEC Geotechnical dated 15 December 2023 reference ER23047. A previous contamination report was completed by Presnsa GME in 2018 which identified contamination in the groundwater due to UPSS associated with the former BP Service Station on Russell Avenue (no longer there). Although sample results (from 2015) indicated hydrocarbon levels were decreasing, further sampling in 2016 identified some monitoring well results being above adopted criteria. Presnsa monitored 17 groundwater wells in 2018. The results of the groundwater monitoring event indicated that TRH and BTEXN contamination remains in groundwater in the vicinity of the former service station in the north section of the site.

CEC Geotechnical has stated in their report 2023;

Given that the stage one development will include the excavation of two basement levels to approximately 6.0 mBGL, it is likely that the excavation works in the northern section of the site (in and around the footprints of the former service station) would intersect hydrocarbon contaminated groundwater this excavation warrants the review an update of the existing HHRA for the site, which identified a potential unacceptable health risk for maintenance workers in excavations that intersect groundwater informal service station location (which would also apply for construction workers).

However, CEC Geotechnical, concludes that the site can be suitable for the proposed alteration of existing 2-storey shopping centre and development of 2 level basement car park upon following recommendations.

Given all of the above, Council's Environmental Health Team are of the opinion that an up-to-date Detailed Site Investigation be undertaken by a suitably qualified person to assess the current site contamination conditions on this subject site. The report is to include both groundwater and soil sampling for potential contaminants.

Previous groundwater sampling data and the contents of the Presnsa Report (2018) are to be reviewed and form part of the new Detailed Site Investigation Report.

The detailed site investigation report is to give comprehensive information on:

- issues raised in the preliminary investigation
- the type, extent and level of contamination and assess:
- contaminant dispersal in air, surface water, groundwater, soil and dust
- the potential effects of contaminants on public health, the environment and building structures
- (where applicable) off-site impacts on soil, sediment and biota
- the adequacy and completeness of all information available to be used in making decisions on remediation.

If the results of the detailed site investigation indicate that the site poses unacceptable risks to human health or the environment – on-site or off-site, and under either the present or the proposed land use – then a remedial action plan (RAP) needs to be prepared and implemented.

The completed RAP will need to be submitted with the Development Application.

Environmental Health recommends refusal at this time.

Update - 24/10/2024

The applicant has provided further information in response to Environmental Health's previous referral comments which recommended refusal.

An Environmental Site Assessment Review by and environmental consultancy has been provided.

The review provided a thorough analysis of the history of contamination matters at the site, including historical environmental assessments and previous remediation and monitoring activities.

The report provides the following conclusion:

"Ultimately, all primary sources (service station infrastructure) of contamination were removed from site some time ago, and likewise all secondary sources (contaminated soil) were removed to a practicable extent. Phase separated hydrocarbons were never detected on site, either visually or using an interface probe. In contrast, dissolved phase hydrocarbons were consistently detected across the multiple ESA's that took place between 1988 and 2019, however the extent of contamination was delineated using the available groundwater monitoring wells and the data collected from annual GME's showed that contaminant concentrations were stable, decreasing and naturally attenuating. As a result of these findings, human health risk assessment outlined the very limited risk to human health and safety, noting the only potential concern would be exposure to contaminated vapours or water seepage when conducting further excavation works within site boundaries. This activity will be managed through the implementation of the existing EMP.

Upon review of the existing data for the site, Kleinfelder feel additional intrusive investigations are not required to obtain an understanding of the existing hydrocarbon impacts to soil, groundwater and vapours associated with the former BP Service Station, as residual hydrocarbon impact at the site has been assessed, shown to be naturally attenuating and does not pose an unacceptable risk to human health or the environment."

Environmental Health concurs with the above statement and recommends approval with the inclusion of a condition of consent requiring compliance with the abovementioned EMP (Environmental Management Plan).

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 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 Certifier.

Reason: To protect human health and the environment.

Compliance with Contamination Management Plan

The requirements of the Environmental Management Plan included in the Groundwater Management Plan, reference number Kleinfelder Project Number: 20151817.001A dated 17 December 2014 is 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.