

Environmental Health Referral Response - contaminated lands

Application Number:	DA2022/2152
Proposed Development:	Demolition works and subdivision of land into 9 lots including tree removal and infrastructure work
Date:	10/01/2023
Responsible Officer	Adam Croft
Land to be developed (Address):	<p>Lot 3 DP 210342 , 128 Crescent Road NEWPORT NSW 2106</p> <p>Lot 21 DP 545339 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 407538 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 460612 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot 1 DP 503390 , 126 Crescent Road NEWPORT NSW 2106</p> <p>Lot 2 DP 210342 , 55 The Avenue NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot LIC 188424 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p>

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

Environmental Health has been requested to provide comment on the proposed development for contamination consideration. A review of the proposal has found that some minor excavation may be required. Given the historic uses in the area and urbanised location there is potential for contamination below the hardstand to be excavated.

The Detailed Site Investigation by Aargus Pty Ltd dated 6th October 2022 (reference:ES8577). contaminated land report has been provided with the application.

The report found that the site will need a RAP to become suitable for the proposed use.

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Contaminated Land Data gap Analysis Investigation

Prior to the issue of any Construction Certificate and post demolition a data gap analysis investigation is to be undertaken with a report prepared detailing findings and recommendations.

Further investigation is to be carried out in accordance with the Detailed Site Investigation (Contamination) Project 86973.04 August 2022 to determine if there is any further contamination under building footprints an list what further actions are to be taken regarding any contamination discoveries. The investigation is to be in accordance with relevant industry guidelines including Resilience and Hazards SEPP and NSW EPA guidelines.

The report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and supplied to the Principle Certifier together with any recommendations around Contamination Management to be include in an amended Disposal/ Remediation Action Plan before work proceeds.

Reason: Protection of the environment, Resilience and Hazards SEPP Compliance

Remedial Action Plan

A site-specific Remedial Action Plan (RAP) is to be prepared as per the results of the Detailed Site Investigation

The RAP must be prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW EPA Guidelines including Guidelines for Consultants reporting on contaminated Land.

The RAP is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

Reason: Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021 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 Certifier.

Reason: To protect human health and the environment.

Compliance with the Contamination Management Plan

Any Recommendations within the Contaminated Land Reports including the Detailed Site Investigation Report and the Remedial Action Plan (if required) must be followed during works.

Reason: Protection of the environment, State Environmental Planning Policy (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 the site to any other premises.

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**

Onsite Encapsulation of Contaminated Material

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.

Compliance with Contamination Management Plan

Prior to the issue of an Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been compliance 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 the Principal Certifier.

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