

Environmental Health Referral Response - contaminated lands

Application Number:	DA2022/1807
Proposed Development:	Change of use and fitout of Warehouse 11 for the purpose of a golf facility (indoor recreation facility)
Date:	16/12/2022
Responsible Officer	Adam Susko
Land to be developed (Address):	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099

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

Not supported - Further information required

Environmental Health has been requested to provide comment on the proposed development in relation to contamination, however it is noted that applicant has supplied information pertaining to the acoustics of the proposed development with the development bundle which will comment will be provided for through a separate referral.

Environmental Health understands the subject site was formerly run by Roche for the manufacture of pharmaceuticals and was declared significantly contaminated by the EPA requiring a site auditor to oversee the remediation of the site through the consent. To date the rehabilitation of the site has not been completed and a site audit statement has not been received as part of the sign off for the works of the original consent.

Based on this alone Council does not have all the relevant information in relation to the suitability of the site for use surrounding existing contaminant as the final OC has not been granted. Any consent being granted poses risk to Council in that there is the possibility that the site may not be suitable for the proposed use based on contamination.

Environmental Health see's two pathways forward to resolve this:

1. Council to provide condition to a consent requiring deferred commencement awaiting the results of the final site audit statement. This will require more information for the current site auditor to give Council confidence that the site is able to be remediated and there will be no residual contamination on the land that is not contained or poses a risk to users of the site.
2. The applicant wait's until the final site audit statement is provided before lodging their development application and furnishing the document with the development bundle.

The proposal in its current form does not satisfy the requirements under the hazards and resilience SEPP in that Council is not certain that contamination can be excluded from the proposed use.

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.