

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2024/1219
<b>Proposed Development:</b>	Demolition and construction of mixed use development with residential and senior living housing, shops and basement
<b>Date:</b>	16/09/2024
<b>Responsible Officer</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 28 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 29 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 30 DP 394337 , 142 - 146 Pitt Road NORTH CURL CURL NSW 2099 Lot 262 DP 1028346 , 142 - 146 Pitt Road NORTH CURL CURL 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

#### General Comments

Environmental Health has been requested to provide comment on this proposal in respect of the matter of contaminated lands.

Consideration has been given to the documents accompanying the proposal with particular regard to:

- Preliminary Site Investigation
- Detailed Site Investigation
- Remediation Action Plan
- Hazardous Materials Survey

Environmental Health supports the proposal however it is considered appropriate to condition the development to have all waste material removed from site as opposed to having some waste remain in-situ and be "capped".

### 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**

**Hazardous Building Materials Survey**

Prior to issuing of a construction certificate, it shall be demonstrated to the Principal Certifier that all materials identified by the Hazardous Materials Survey by Waratah Property Inspections reference number WEC121.HMS\_v1.0 dated 19 June 2023 have been removed and disposed of in accordance with the reports recommendations,

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

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Site Contamination**

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. 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.

Note: The following Acts and Guidelines applied at the time of determination: Protection of the Environment Operations Act 1997; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

**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.

**Imported Fill**

Prior to the importation of any landfill material onto the site, a waste classification report is to be prepared in accordance with the NSW Environment Protection Authority Guidelines, the report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

**Compliance with Remedial Action Plan**

The requirements of the Remedial Action Plan by Waratah Environmental Consulting, reference WEC121>RAP\_v2.0 dated 3 September 2024 required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an

Occupation Certificate with the following exception:

- No "capping" of waste material as outlined by section 6.6 of the report is to be undertaken. All waste material is to be disposed off site.

Reason: Protection of the environment, SEPP (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 subject premises to a lawful waste facility.

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**

**Validation for Remediation**

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be 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.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure environmental amenity is maintained.