

Environmental Health Referral Response - contaminated lands

Application Number:	DA2025/0132
Proposed Development:	Demolition works and construction of a restaurant (McDonalds) including signage
Date:	19/02/2025
Responsible Officer	Claire Ryan
Land to be developed (Address):	Lot 100 DP 1199949 , 37 Roseberry Street BALGOWLAH NSW 2093

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

In relation to the proposal and the potential presence of contamination, a Detailed Site Investigation (DSI) has been prepared and lodged with the proposal.

The DSI concludes that, the site is suitable for the proposed development and provides a number of recommendations.

Environmental Health agrees with the findings of the DSI and supports the proposal, based on compliance with the recommendations with the inclusion of a number of conditions of consent.

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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Hazardous Material Survey

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

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.

Compliance with Detailed Site Investigation

The requirements of the Detailed Site Investigation dated 27 August 2024 Project No. 24072 Version 1 by Reditus Consulting Pty Ltd 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.

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

Off-site Disposal of Contaminated Soil - Chain of Custody

If fill is required to be transported off site, 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the site 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.