

Environmental Health Referral Response - contaminated lands

Application Number:	DA2020/0661
Date:	07/07/2020
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 7356 DP 1167221 Crown Licence RI 569549 , 7356 / 1167221 Huston Parade 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

Applicant advises :

As required by SEPP 55, a preliminary site investigation has been undertaken (refer to Appendix S)

The preliminary site investigation recommends that:

- An Acid Sulfate Soils Management Plan needs to be commissioned prior to commencement of excavation work. Details are available in the Acid Sulfate Soils report issued separately (Ref: CUAB-19-PASSA);
- If required, excavated soils can be re-used on-site subject to treatment and testing of the soils in accordance with an Acid Sulfate Soils Management Plan as per Recommendation 1 above;
- Should any evidence become apparent during site/earth works that asbestos or asbestos fragments (or other contaminants including hydrocarbon odours) are present in soils then appropriate actions should be undertaken in accordance with relevant guidelines and regulations;
- Any soils imported to the Site must be validated as suitable for Public Open Space land use; and
- On-site soils meet the contamination criteria for classification as General Solid Waste. All soils to be taken offsite must take into the presence of Potential Acid Sulfate Soils at the Site prior to being disposed of to a suitable landfill facility

(these matters will be dealt with in the Acid Sulfate referral)

additionally they advise:

4.1 General History

A review of the John Fisher Park and Abbott Road Land Plan of Management (2001) identifies the Site and the surrounding areas history as;

The site now occupied by John Fisher Park, also referred to as Abbott Road Fields was previously low lying, poorly draining estuarine flats. The area supported Swamp Mahogany (*Eucalyptus robusta*) heath and scrub, dominated by Swamp Oak (*Casuarina glauca*). Due to its poorly drained soils, swamp lands and dense vegetation, the area was not suited to colonisation by early settlers who were looking for agricultural land (Benson and Howell, 1990).

Early in the 20th century, part of the land was cleared and drainage was improved for the establishment of market gardens. These gardens retained some proportion of the previous native vegetation. Following World War I, the northern beaches of Sydney became popular holiday resorts.

As motor cars improved access to northern areas, small cottages were built behind the beaches from Manly to Newport. Following World War II intensive urban development began to spread along the coastal beaches and up onto the sandstone plateaus. In response to urban development and population growth in the local area, in 1951 the market gardens

were converted into a tip. This involved extensive filling with both putrescible and nonputrescible wastes and resulted in the straightening of the previously more winding Greendale Creek. As a result of the change in hydrology and the addition of fill, the banks of the creek were progressively raised and steepened, narrowing the creek.

Filling was followed by civil works which continued up until the mid-1970's, after which the park was developed as open space, with numerous sporting facilities. The finished park was named after John L. Fisher, Shire President at the time the project began. The park is also referred to as Abbott Road Fields.

Sources and supporting information are provided in Appendix G.

4.2 Heritage Registers

The Site was listed (at the time of preparation of this report) as a heritage item under Australian and NSW Heritage registers. A statement of significance show The Memorial Gateway has historical, technical and aesthetic significance as a man-made and high visual element designed as a formal entrance to the newly established playing fields for both Manly High School and its adjoining sports grounds. It also has a high degree of social significance in its association with famous local sports identities.

Schedule 5 of Council's LEP did not list the site as a heritage item. The search did not identify the presence of any items of national or state significance in the vicinity of the Site.

The results of the heritage database search are provided in Appendix D.

Canopy Enterprises PSI/WC Part of Abbott Road Fields, Curl Curl 2096 Ref: CUAB-19-PSI Page 12

4.3 EPA Records

Search of the NSW EPA's public register under the Protection of the Environment Operations Act 1997 (POEO Act) was undertaken (Appendix E). The search for the Site did not identify any records in the database for the Site.

A search was conducted of the EPA's public contaminated land register (Appendix E). The search showed no entry for the Site. There is a site located 1.2km west of the site which has been notified to the EPA under Section 60 of the Contaminated Land Management Act 1997 (CLM Act). The property is listed as a "Landfill". It is assigned an EPA Site Management Class of "Regulation under CLM Act not required" which means that "The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required."

In summary the site was a previous landfill capped and used as playing fields , The limited construction work for a communications tower only is likely to uncover a small quantity of previous landfill and needs to be managed.(Acid Sulfate Soil is dealt with in another referral)

The applicant has carried out limited boring and testing and is not expecting any significant issues but acknowledges that the material removed will need to be examined with regard to potential contaminants including asbestos.

Environmental Health will require this material to be managed and covered after excavation, pending testing and then appropriately reused on site or removed and disposed of appropriately, conditions will be added below.

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 COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

During works -Excavated Material

Material excavated on the site is to be stored completely covered with a waterproof membrane and tested by an appropriately qualified person for chemical contamination as well as asbestos related material prior to its treatment and reuse on site or disposal to an authorised disposal facility.

(Records of testing, treatment and disposal shall be supplied to the certifying Authority before commissioning of the tower)

Reason: To manage in an environmentally responsible way, potential contaminants in excavated fill material.

Off-site Disposal of Contaminated Soil - Chain of Custody

'Chain of Custody' documentation shall be kept and submitted for the transport and disposal of any contaminated excavation fill material from the site .

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of the environment.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Records required -excavated material

Records of testing , treatment and disposal of excavated material shall be supplied to the certifying Authority before commissioning of the tower.

Reason: To document the management of potential contaminants in excavated fill material