

## Environmental Health Referral Response - contaminated lands

<b>Application Number:</b>	DA2021/2600
<b>Date:</b>	27/04/2022
<b>Responsible Officer</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 1 DP 349085 , 49 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 972209 , 43 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 349085 , 45 Warriewood Road WARRIEWOOD NSW 2102

### 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

Environmental Health have reviewed the Preliminary Site Investigation Report (PSI) by NG Child & Associates dated 16 November 2021. The PSI accepts the findings and recommendations outlined in the original PSI dated February 2020 however, there has been substantial activity on the site since the original PSI was completed. As such, the conclusions of the PSI are no longer valid. A new PSI is required in order to consider additional contaminants of concern relative to the works completed. More extensive testing for asbestos may also be required.

The site, which covers approximately 21,000 square metres, was fully covered by vegetation and built structures until an unknown date between 1 October 2020 and 7 December 2020. Between these two dates 19 x dilapidated sheds were demolished on the property (each approx. 28m in length x 4.5m) along with two or more small structures adjacent to the main residential buildings. All vegetation surrounding the sheds and residential buildings was cleared leaving approx. 12,420 square metres of the site exposed. Council has no records pertaining to the demolition of these buildings or clearing of any vegetation.

On 25 January 2021, satellite images show excavators and stockpiles of sediment on the site. Further clearing had occurred. Satellite images captured in April 2021 and June 2021 show extensive use of the property for the storage of building materials and large sediment stockpiles. These stockpiles were not consistent in appearance with the exposed topsoil observed in previous images. Two, possibly three retention pits had been constructed and there was a narrow trench excavated through the middle of the property. By 11 August 2021, the site had been filled and levelled, and vegetation has been growing back ever since.

The PSI acknowledges that "materials containing asbestos are likely to be present within the existing buildings and structures at the site. .... it is possible that minor quantities of other potentially hazardous or dangerous materials may be identified during any future demolition or construction works at the site". Section 6.20.2 of the PSI outlines recommendations pertaining to the handling and disposal of hazardous and dangerous materials, including the development of an Unexpected Finds Protocol.

Council has no information as to how or by whom the buildings were demolished, whether a

**hazardous materials survey was completed prior to demolition, or whether the recommendations outlined in the PSI were followed. Similarly, there is no information available as to where the materials were disposed of. The storage and use of fill of unknown origin on the site is also cause for concern.**

**The Biodiversity Development Assessment Report by Cumberland Ecology dated 8 July 2021, states that parts of the land have undergone some levelling and fill to facilitate the extension of Lorikeet Grove in a Westerly direction. The report further states that these works were undertaken by Sydney Water in association with the project such that the road extension will allow access points to the development.**

**Council has made preliminary enquiries with Sydney Water, however, have been unsuccessful in locating any staff with knowledge of these works to date. Further enquiries will be made. Environmental Health believes it is highly unlikely that Sydney Water would be responsible for demolition of the buildings, or the full extent of works observed via satellite imagery.**

**As acknowledged in the Biodiversity Development Assessment Report, the works described above have caused some loss of protected native vegetation at the rear of the site.**

**The master set of plans indicate a car wash bay in the basement carpark however, no further information is provided by the applicant. This wash bay must drain via oil/chemical separators to sewer. A trade waste agreement with Sydney Water would be required and separators will need to be maintained on a regular basis.**

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.