

Environmental Health Referral Response - contaminated lands

Application Number:	DA2019/0382
Responsible Officer	Jordan Davies
Land to be developed (Address):	Lot 100 DP 592389 , 312 Warringah Road FRENCHS FOREST NSW 2086

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

REQUEST FOR REVIEW 18 July 2019

Additional correspondence has been received in relation to our previous assessment comments.
Critically is the degree of remediation - when is a remediated site fit for purpose?
Reading through the information supplied and additional reference sources:

Compliance with (Standard) "HIL A " would be the highest land use scenario under the National Environment Protection (Assessment of Site Contamination) Measure 1999 * and the applicant is maintaining through their consultant's report and follow up, that this is achieved.

So therefore the land has been remediated to the "highest" level (my words) permitting residential use in fact exceeding the scale for what is proposed on the site.

Therefore the ongoing conditions/management sort by our previous comments appear unachievable ongoing.

* extract

1.2 Purpose of HILs

The HILs (including interim HILs) are scientific, risk-based guidance levels (or Tier 1 criteria) designed to be used in the first stage of an assessment of potential risks to human health from chronic exposure to contaminants. The HILs are referred to by regulators, auditors and consultants in the initial process of assessing site soil contamination.

HILs are defined as the concentration of a contaminant above which further appropriate investigation and evaluation will be required.

Levels in excess of the HILs do not imply unacceptability or that a significant health risk is likely to be present. Similarly, levels below the HILs do not necessarily imply acceptability or that a health risk is not likely to be present, particularly if more sensitive populations^[1] are present or the assumptions for land use scenarios are not appropriate

Therefore there are 3 matters to consider:

1. Has the site been remediated?
2. The subdivision of the land.
3. The proposed development of the land by housing etc.

In keeping with the concept of risk management, following the remediation of the site, the subdivision only of the land is not a critical issue and the further use of the land (ie minimising soil based usage) can be assessed and dealt with now, at DA Stage, for further use of each new subdivision allotment.

The current DA is for both subdivision into separate allotments and development (5 Residential Houses).

Due to the limited allotment size, use of the open space available for say "intensive agricultural use" is not a likely possibility.

Therefore risks are within acceptable limits by the Site Auditor and legislation and accordingly we have no objections to the DA with specific conditions.

RECOMMENDATION

APPROVAL subject to conditions.

Recommended Environmental Investigations Conditions:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Requirement to Notify about New Contamination Evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions and reports about site contamination or hazardous materials shall be immediately notified to the Council, the Principal Certifying Authority and qualified site remediation consultant.

Reason: To protect human health and the environment. (DACHPE01)

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

Covenant for site contamination and remediation issues

A covenant must be registered on the title of the land, giving notice of the former use, level of site contamination and its former location on the land.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and management as well as any future rehabilitation works required in terms of materials on the site, including the discharge or prevention of discharge therefrom of any contaminants.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Environmental Protection. (DACHPF07)

Requirement for ongoing site Management- Site Contamination at Occupation Stage

Prior to occupation the Certifier shall ensure that the Environmental Management Plan prepared by the EPA-accredited Site Auditor, Marc Salmon as part of the Site Audit Report and Site Audit Statement 0103 -1202 (Easterly Point, November 2016), has been complied with including requirements for the

ongoing management of the site by site current and future owners.

Reason: To ensure ongoing management of the site (DACHPFPOC6)