

Environmental Health Referral Response - contaminated lands

Application Number:	DA2020/0433
Date:	28/05/2020
Responsible Officer	Nick England
Land to be developed (Address):	Lot 2 DP 543012 , 4 Cross Street BROOKVALE NSW 2100

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

The proposal is for the construction of a storage premises at 4 Cross Street, Brookvale.

The site was previously a storage premises that was destroyed due to fire and subsequently contaminated with friable asbestos.

The asbestos contamination was remediated and a clearance certificate provided. The site following the fire is now predominately hardstand

A Pre-Lodgement Meeting was held with Northern Beaches Council on 28 January 2020.

Comments from environmental health at the time were:

Environmental Health understands that 4 Cross st has provided all the required information on the Clean up Notice referenced as PEO2019/0020. This includes an asbestos clearance certificate. To facilitate a timely assessment, the documentation provided as part of the clean-up notice should be provided with the development application and mentioned in the statement of environmental effects under contamination. Based on the provided information Environmental Health are satisfied that the site does not require further contamination testing at this stage.

Notwithstanding the above, there are potential concerns regarding any potential contamination located beneath the hardstand. In particular, any chemicals that could have been released during the fire, any fill materials below the hardstand and impacts from previous uses of the warehouse.

Furthermore, the Geotechnical Report prepared by JKGeotechnics and provided as part of the application states the following on Page 4:

From review of the following architectural drawings, we understand that the proposed development will comprise a four storey Rent-A-Space self storage building, with no basement, founded on piles. Localised minor excavation may however be required for the centrally located lift and stair cores, and perhaps buried services. Existing floor slabs will be removed and new slabs constructed at about 0.1m to 0.2m below the existing levels.

And on Page 9:

In summary, the proposed development comprises a ground floor level plus three commercial levels for storage. The building footprint extends over almost all of the site. No bulk excavation is planned but proposed finished floor levels will be about 0.1m to 0.2m lower than existing. The investigation has confirmed uncontrolled, poorly compacted fill, a high groundwater level, and deep highly variable soils over rock which occurs at varying depths and is of varying quality.

From the above it appears that the works will involve the disturbance of soils located beneath the hardstand and that fill materials may also be present.

This proposal is not for a change of use however, as part of SEPP 55 a Consent Authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

There needs to be consideration of the risks during the construction and operation of the development. This includes work safety issues and the potential for construction to disturb contamination and cause off-site movement of chemicals.

A preliminary site investigation (Stage One) in accordance with SEPP 55 and NSW EPA guidelines is required in order to establish if there will be any risks from contamination during the construction and operation of the development.

Depending on the outcome of the preliminary site investigation, a detailed site investigation (Stage 2) may also be required in accordance with SEPP 55 and NSW EPA guidelines. If the land is found to be contaminated and not suitable for the proposed development, a Remedial Action Plan (RAP) will also be required for the remediation of the land.

Recommendation

REFUSAL

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.