

Environmental Health Referral Response - contaminated lands

Application Number:	DA2023/1289
Proposed Development:	Demolition works and construction of Shop Top Housing
Date:	28/09/2023
Responsible Officer	Gareth David
Land to be developed (Address):	Lot 21 DP 571298 , 1112 - 1116 Barrenjoey Road PALM BEACH NSW 2108

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

This application is seeking consent for the demolition of the existing site structures and the construction of a shop top housing development incorporating 7 apartments above 2 retail tenancies and basement car parking for 23 vehicles accessed from the Barrenjoey Road frontage.

A detailed site investigation was conducted by EI Australia dated 30 July 2021. Soil sampling was undertaken at 6 borehole locations. Soil sample results reported Asbestos in shallow fill at 2 locations.

Bonded asbestos was identified which will require remediation in fill at two borehole locations.

This remediation can be managed via conditions through the development application.

Environmental Health recommends 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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Remedial Action Plan

A Remedial Action Plan is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

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

Hazardous Building Materials

A clearance inspection and certificate are to be provided following the site building demolition and removal of all asbestos impacted fill in the vicinity of EBH103 and EBH104w where asbestos fill was identified. See the Detailed Site Investigation Report completed by EI Australia dated 30 July 2021.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Hazardous Materials 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

Off-site Disposal of Contaminated Soil - Chain of Custody

Any soil materials being removed from the site (including virgin excavated natural materials) must be classified for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines.

Reason: For protection of environment.

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

Hazardous Building Materials Survey

A clearance inspection and certificate are to be provided following the site building demolition and removal of all asbestos impacted fill in the vicinity of EBH103 and EBH104w where asbestos fill was identified. See the Detailed Site Investigation Report completed by EI Australia dated 30 July 2021.

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

Validation for Remediation

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.

The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure environmental amenity is maintained.