

Environmental Health Referral Response - industrial use

Application Number:	DA2017/1294
To:	Adam Mitchell
Land to be developed (Address):	Lot A DP 356986 , 9 Lawrence Street FRESHWATER NSW 2096 Lot CP SP 1172 , 15 Lawrence Street FRESHWATER NSW 2096

Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

Is the proposal for an industrial use?	YES
Was sufficient documentation provided appropriate for referral?	YES
Are the reports undertaken by a suitably qualified consultant?	YES
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A

General Comments

Noise - an acoustic report has not been submitted to determine if the noise generated from the property (specifically the condenser units located on the roof) will not create offensive noise.

The SoEE states that the mechanical plant has not been selection at this stage. Environmental Health recommends that prior to issuing the CC an acoustic report is to be submitted and recommendations detailed in the report shall be implemented to ensure that the selected plant does not exceed the regulations.

Contamination - A stage 1 Preliminary report was submitted and it was stated that potential contamination was identified. Environmental health has recommends a condition for additional investigation to be undertaken.

Electromagnetic Field: A electromagnetic survey was submitted, the results of the survey determined

that there was no significant electric or magnetic field measured, and all fields comply with Australian and International Standards. However the survey has only addressed short term exposure. Advice provided by John Lincoln - Electromagnetic fields expert confirmed that there is no studies available at this stage to determine the effects of long term low-exposure effects.

Environmental Health does not have any ground to refuse this application, the report that was provided and any current short term exposure studies indicate that there is no risk to public health. Until there are long term studies Environmental Health is unable to make comments with regards to long term public health risk.

Recommendation

Approval - Subject to conditions

Comments completed by: Mary Shimon

Date: 22 May 2018

Recommended Environmental Investigations Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

- a)** How all the requirements and / or recommendations contained within the Contamination Reports titled STAGE 1 PRELIMINARY ENVIRONMENTAL SITE ASSESSMENT, REF: E30969Krpt# prepared by Environmental Investigation Services and dated 16 November 2017 are to be implemented;
- b)** A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c)** Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority;
- d)** A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
 - (a) During construction in order to monitor water and soil quality the following is to be implemented:
 - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's

Guideline for Construction Water Quality Monitoring

- ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
- (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:

- i) Fortnightly during excavation works
 - ii) Monthly during building works;
- e)** To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Note E: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility;

- f)** All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note F: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997; and
 - ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999);
- g)** Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

Note G: The following standards applied at the time of determination:

- i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999);
- h)** Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:

- 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material to and from the subject premises.
- Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
- Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP 55 compliance.

Noise from mechanical plant

Mechanical plant situated on the roof and in the carpark of the premises must be acoustically treated to ensure noise emissions are not audible at the nearest residential premises. Details are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment of the premises in the event concerns regarding the emission of 'offensive noise' are raised and/or justified by Council.

Reason: To protect the acoustic amenity of neighbouring properties.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**Requirement to meet electromagnetic long-term studies**

Any new information or long-term studies undertaken that has the potential to alter previous conclusions about electromagnetic fields exposure shall be implemented to ensure the risk to public health is minimise.

Reason: To maintain public health risk (DACHPGOG5)

Correspondence with substation services provider

Correspondence with the services provided (at the time of this report being Ausgrid) shall be regularly maintained (i.e every 6 months/annually) to detail if any changes have been made to the substation that may have potential to alter previous conclusions about electromagnetic fields exposure. Appropriate measure must be implemented if required.

Reason: To maintain public health risk (DACHPGOG5)