

Environmental Health Referral Response - contaminated lands

Application Number:	DA2023/0987
Proposed Development:	Demolition and construction of a shop top housing development with basement parking
Date:	30/04/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 1 SP 14133 , 39 Belgrave Street MANLY NSW 2095 Lot 2 SP 14133 , 38 Belgrave Street MANLY NSW 2095 Lot 3 SP 14133 , 36 Belgrave Street MANLY NSW 2095 Lot 4 SP 14133 , 35 Belgrave Street MANLY NSW 2095 Lot 5 SP 14133 , 1 / 37 Belgrave Street MANLY NSW 2095 Lot 6 SP 14133 , 2 / 37 Belgrave Street MANLY NSW 2095 Lot 7 SP 14133 , 3 / 37 Belgrave Street MANLY NSW 2095 Lot 1 DP 100633 , 40 Belgrave Street MANLY NSW 2095 Lot 1 DP 104766 , 41 Belgrave Street MANLY NSW 2095 Lot 1 DP 34395 , 42 Belgrave Street MANLY NSW 2095 Lot 1 DP 719821 , 43 Belgrave Street MANLY NSW 2095 Lot CP SP 14133 , 35 - 39 Belgrave Street MANLY NSW 2095

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 seeks consent for demolition of existing structures and construction of a shop top housing development at 35-43 Belgrave Street, Manly.

Excavation to a maximum depth of approximately 7m below existing surface levels would be required to achieve the lowest basement level.

A human-health risk assessment was undertaken for the soil vapour concentrations identified in the PSI.

A Detailed Site Investigation (DSI) was undertaken to assess the level of potential contamination conditions at the site including any potential groundwater contamination and a Remediation Action Plan (RAP) was prepared based on the findings of the DSI.

A review of the above provided a conclusion that the site can be made suitable for the proposed development provided further data gap assessments are undertaken and the RAP is complied with.

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

Remediation of Contaminated Land

Remediation of contaminated land is to be undertaken on the site in accordance with the Remediation Action Plan dated 10 April 2024, prepared by JK Environments, reference E35999BTcpt4.

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Pre-Remediation, Investigation and Reporting

After demolition and prior to Construction, the Pre-Remediation (Data Gap) Investigation and Reporting is to be undertaken as per Section 5 of the Remediation Action Plan dated 10 April 2024 prepared by JK Environments, ref:E35999BTcpt4.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure contamination onsite has been assessed affectively

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Imported Fill

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Planning and Environment guidelines, the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

Off-site Disposal of Contaminated Soil - Chain of Custody

‘Chain of Custody’ documentation shall be kept and submitted for the transport of the validated fill material from the site to the subject premises.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

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

Validation for Remediation

If required, 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.