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| To: | Sydney North Planning Panel |
| Cc: | Maxwell DuncanPrincipal Planner |
| From: | Max PayneActing Manager Environmental Health |
| Date: | 22 August 2024 |
| Subject: | Request for further review of contamination and recommendations for DA2023/1708 |
| Record Number: | 2024/600396 |

Further review of documents submitted in support of development application DA2023/1708 – 431 Pittwater Rd, North Manly for a proposed gymnastics and multisport centre has been undertaken upon request from the north Sydney planning panel. The review consisted of the Preliminary Site Investigation by GEOTESTA dated 9 October 2023, the hazardous building materials survey by Hibbs & Associates Pty Ltd dated November 2015 and Council’s previous referral response in relation to contaminated land concerns. From the review of the submitted documentation my belief is that despite data gaps acknowledged in the preliminary site investigation the site will be able to be suitably remediated through the development process and will be suitable for its proposed use subject to the below conditions of consent being imposed.

**RECOMMENDATION**

The following conditions are to be imposed as part of DA2023/1708 if approved by the Sydney North Planning Panel.

**Conditions to be satisfied prior to commencement**

**Hazardous Building Materials Survey**Hazardous building materials identified in the hazardous building materials survey by Hibbs and Associates PTY LTD report references as S8654-BUI00137 and dated November 2015 are to be removed in accordance with the recommended practices for removal specified in the report prior to demolition. Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To protect human health.

**Conditions to be satisfied prior to the issue of the construction certificate**

**Data Gap Contamination Investigation**

A Data Gap Contamination Assessment post demolition of the existing structures/dwellings is to be undertaken by a suitably qualified person to address further potential areas of Environmental concern identified previously in the Preliminary Site Investigation prepared by GEOTESTA dated 9 October 2023 and to determine if any contamination hotspots exist within the footprint of the former sheds and dwellings.

Reason: To ensure potential contamination is identified.

**Remedial Action Plan to be prepared if required**
A site-specific Remedial Action Plan (RAP) is to be prepared if the results of the data gap analysis identifies that contaminated material is required to be remediated/removed from site. The RAP must be prepared in accordance with the relevant guidelines and legislation including Managing Land Contamination Planning Guidelines, State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW EPA Guidelines including Guidelines for Consultants reporting on contaminated Land.

The RAP is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.Reason: Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

**During Works**

**Requirement to Notify about New Contamination Evidence**
Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

**Classification of Waste & Off-site Disposal of Waste (fill and/or soil material)**
Prior to the exportation of waste (fill and/or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014).

Testing is required prior to off-site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

‘Chain of Custody’ documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.
Details demonstrating compliance are to be submitted to the Principal Certifying Authority within seven (7) days of transport and made available to Council upon request.

Reason: Appropriate disposal of waste and protection of the environment.

**Conditions which must be complied with prior to the issue of the occupation certificate**

**Compliance with Contamination Management**

Prior to the issue of an Occupation Certificate, if applicable, any contamination identified within the Data Gap Contamination Assessment must be managed according to the report by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: Protection of the environment and effective management of potential contamination.

**Validation for Remediation**
At the completion of any required remediation works (if the results of the data gap analysis identify that contaminated material is required to be remediated/removed from site) a validation report is to be prepared by, or reviewed and approved, by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy and submitted to the satisfaction of the Principal Certifying Authority.

The Validation Report must be in accordance with the requirements of the following:
• Environmental Protections and State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.;
• Contaminated Land Management Act 1997;
• Relevant NSW EPA guidelines including the NSW EPA Guidelines for Consultants reporting on contaminated Land: Contaminated land guidelines 2020

The report shall document the following:
a. The extent of validation sampling, and the results of the validation testing; and
b. That the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan.

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

Reason: Protection of the environment, State Environmental Planning Policy (Resilience and Hazards) 2021 compliance.

**Ongoing requirement**

**Onsite Encapsulation of Contaminated Material**

No onsite encapsulation of contaminated material is to occur without approval under a separate DA or modification submitted to Council.

Reason: To allow for a proper evaluation of any proposed encapsulation works and to ensure that any contaminated material is effectively capped and managed long term.