

Addendum A
Supplementary Memo for DA 10/1511

Internal Memo

TO: David Paine

FROM: Jenna Garwood

DATE: 19 July 2011

SUBJECT: DA 10/1511 – Construction of Residential Flat Building and Boarding House at 121-123 Union St., Cooks Hill, NSW

The Compliance Services Unit (CSU) has reviewed this application and has no objections provided the following conditions are applied to address potential environmental impacts.

Proposal

The proposal submitted to Council and reviewed by the Compliance Services Unit (CSU) seeks to demolish the existing building Bimet Executive Lodge located at 121-123 Union St, Cooks Hill, NSW. The proposal also seeks to construct the following

- A residential flat development containing one hundred and seven units including
 - 91 one bedroom units
 - 12 two bedroom units
 - 4 three bedroom units
- A boarding house containing 112 bedrooms and a managers residence
- At grade and basement car parking for 153 vehicles and,
- Variation of property boundaries.

Documents reviewed

- Statement of Environmental Effects, ADW Johnson Pty Ltd, date unknown
- Noise Impact Assessment, Reverb Acoustics, September 2010.
- Coffey Geotechnics letter to Northrop Engineers Pty Ltd regarding preliminary geotechnical and environmental advice, 25 August, 2010.
- Reverb Acoustics letter to Parkway Accommodation Pty Ltd C/- CKDS Architecture Pty regarding additional information request related to car park exhaust fans noise, 5 June 2011.
- Construction Noise & Vibration Management Plan Residential Development 121-123 Union Street Cooks Hill NSW, Reverb Acoustics, June 2011.
- Phase 1 and limited Phase 2 Environmental Site Assessment 121-123 Union Street Cooks Hill NSW, RCA Australia, June 2011
- Letter to Newcastle City Council from RCA Australia regarding Phase 1 and limited Phase 2 Environmental Site Assessment, dated 5 July 2011.
- Remedial Action Plan 121-123 Union Street, Cooks Hill NSW, RCA Australia, dated July 2011
- Long-Term Environmental Management Plant 121-123 Union Street, Cooks Hill NSW, RCA Australia, dated July 2011
- Letter to ADW Johnson regarding Union Street Development Noise Concerns, Graph Building, dated 13 July 2011.

- Letter to Parkway Accommodation Pty Ltd C/- CKDS Architecture Pty Ltd regarding Council Concerns – Construction Activities Residential Development 121-123 Union Street, Cooks Hill, Reverb Acoustics, dated 13 July 2011.

Comments

Contamination

The initial Statement of Environmental Effects prepared by ADW Johnson Pty Ltd provided a letter from Coffey Geotechnics regarding preliminary geotechnical advice showing extensive fill across the site. Compliance Services subsequently requested further information and received a Phase 1 and limited Phase 2 Environmental Site Assessment prepared by RCA Australia dated June 2011.

The Phase 1 and limited Phase 2 Environmental Site Assessment prepared by RCA Australia dated June 2011 identifies uncontrolled fill material and building demolition waste as the potentially contaminating activities on the site. Eighteen soil samples were analysed for a range of contaminants of concern from ten sampling points across the site at depths between approximately 0.2m and 2.1m. When assessed against the contamination guidelines for residential land use with minimal soil access (HIL 'D'), one soil sample revealed elevated levels of polycyclic aromatic hydrocarbons (PAH) with a single sample at 'hotspot' concentrations, and one other soil sample also revealed elevated levels of lead. Flat and moulded sheet fibre cement fragments were seen on site during sampling and some soil samples taken tested positive for asbestos fibres. The Environmental Site Assessment proposed on-site management and capping of the contaminated soils, with off-site disposal possible for the removal of excess fill material, following site works. Due to the elevated level of contaminants (including the widespread identification of asbestos and suspected ACM) found during the limited sampling undertaken, Council recommended further sampling and required the preparation of a Remedial Action Plan and a long-term environmental management plan for the ongoing management of contamination on the site. As part of the RAP, an occupational health and safety plan and a construction environmental management plan were required to address exposure of workers and neighbouring school, and residents.

Council also raised some additional technical issues in relation to contamination which were subsequently responded to in a further letter from RCA Australia dated 5 July 2011.

Following further discussions with the applicant and RCA Australia, Council also received a Remedial Action Plan (RAP) dated July 2011. The RAP proposed on-site management and capping of the contaminated soils, with off-site disposal possible for the removal of excess fill material, following site works. As the proposed development covers approximately 75% of the site, this would constitute the major capping of the contaminated soils with hardstand structures or permanent paving. The remaining 25% landscaped areas are proposed to be capped with 0.5m of clean fill with a marker layer on top of the contaminated soils beneath the clean fill.

A Long-Term Environmental Management Plan (LEMP) dated July 2011 was also submitted by RCA Australia addressing the ongoing management of the capped contaminants during the operational phase of the development.

The LEMP also included a Construction Management Plan (Appendix B) and an Asbestos Management Plan (Appendix C). These plans describe the procedures for addressing the occupational health and safety of workers during construction site activities and future maintenance work which intrudes into the contaminated soils following completion of the development.

Following review of these plans, Compliance Services is satisfied that the proposed remediation is acceptable to make the land suitable for the proposed development. However some of the details of the proposed RAP and associated plans need further consideration and amendment prior to final adoption and implementation. In this regard, Compliance Services have discussed these details with RCA Australia. In addition, the LEMP should only be finalised upon completion of the remediation, to ensure the details of the plan reflect the as built, completed remediation details for ongoing reference by future occupants of the site.

In order to ensure the RAP and associated plans are appropriately amended and finalised in accordance with NSW guidelines, Compliance Services recommends the involvement of a NSW Environment Protection Authority accredited site auditor and an appropriately qualified occupational hygienist. In this regard, the proposed conditions of consent require the RAP and associated construction plans to be reviewed and approved by these experts prior to commencement of any construction work.

In addition, other conditions have been recommended to ensure that the site is appropriately validated on completion of the construction and remediation and prior to occupation of the site. The production of a site audit statement would then provide the final certification of the suitability of the site for the proposed use and include reference to the finalized LEMP for the ongoing management of contamination on the site.

The normal practice of Council would be for the site audit statement and the LEMP to be referenced in any s149 certificate issued for the site. In addition, Compliance Services has recommended the inclusion of a notation to be placed on the s88B instrument for the site.

Noise

The Acoustic Assessment prepared by Reverb Acoustics dated September 2010 addressed potential noise impacts on the proposed residential units from traffic noise on Union Street and other existing noise sources in the area including people on the street and nearby sporting events. The acoustic report has also considered the noise impacts on the surrounding land uses from the proposed developments mechanical plant and site vehicles noise.

The report noted the existing noise environment is dominated by traffic noise and urban noise sources, and these noise levels are predicted to exceed the recommended criteria for internal areas set out in Australian Standard, *AS/NZS 2107 2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*. The report has provided a series of recommended acoustic treatments of windows and walls to ensure internal noise levels within the proposed development are satisfactory.

In addition, because peak noise levels from on-site vehicles was predicted to be above the sleep arousal criterion for the adjacent residential premises, an acoustic fence along the north site boundary adjacent of the car park ramp is recommended. The recommended acoustic treatments require incorporation into the design of the proposed residential development and a sign-off from a suitably qualified acoustical consultant is required. The implementation of the acoustic measures for the proposed residential buildings may be addressed by an appropriate consent condition.

The proposed carpark exhaust or ventilation system has the potential to generate adverse noise impacts for neighbouring residential properties. The letter prepared by Reverb Acoustics dated 5 June 2011 has recommended a noise limit for the proposed carpark exhaust to ensure the plant complies with the night time noise criteria. To ensure the plant complies, a sign-off from the acoustic consultant is required. Certification of the carpark exhaust plant compliance has been addressed by an appropriate consent condition.

Council also raised concerns regarding the potential impacts of construction noise and vibrations. At Council's request Reverb Acoustic prepared a construction noise and vibration

management plan. Following a review of this plan, Council also requested further information on methods to eliminate or further reduce the noise from pile driving. Reverb Acoustics providing further detail on measures to reduce the impacts of pile driving. These measures have been incorporated into the proposed consent conditions, however significant noise impacts are still expected during the pile driving stage of the construction. Early excavation and piling is only expected to last approximately 10 weeks. The total project duration is projected to be approximately 70 weeks.

Additional Conditions

- H20 The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Note: Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

Reason: To ensure that appropriate noise control measures are implemented if required.

- H21 There being no interference with the amenity of the neighbourhood by reason of the emission of any vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

Reason: To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.

- H22 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

- H23 Adequate facilities being provided in an appropriately screened location within the premises for the separate storage of recyclable and non-recyclable material, and arrangements being made for regular removal and disposal of same.

Reason: To prevent environmental pollution and reduce the amount of waste being disposed to landfill.

- H24 Building demolition being planned and carried out in accordance with Australian Standard AS 2601 - 2001 The Demolition of Structures.

Reason: To minimise the risk of injury or damage to property as a result of the proposed demolition.

- H25 Any building waste containers used in association with the proposed demolition being located on the site where possible.

Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

Reason: To ensure that such containers are so positioned as to not endanger pedestrian or vehicular traffic movement.

H26 The owner/demolisher ensuring that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Reason: To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

H27 Any demolition/waste building materials being disposed of at Council's Summerhill Waste Management Facility or other approved site.

Reason: To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

H28 Appropriate dust control measures being implemented prior to the commencement of works and being maintained during the period of construction to control dust generated from construction activities, soil stockpiles and exposed areas. A record outlining procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions, will be maintained on-site and made available to Council officers upon request

Reason: To ensure appropriate dust control measures are implemented in order to protect the existing amenity of the area.

H29 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

H30 Any fill material imported into the site being Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2005.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

H31 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

H32 A revised construction management plan being prepared by an appropriately qualified consultant and the health aspects of the plan reviewed and agreed by an Occupational Hygienist. The plan is to address the management of contamination during the construction and remediation works on site, and is to include the health and safety procedures and any air monitoring requirements to ensure environmental health standards are met. The plan is to be submitted to the NSW EPA accredited site auditor for

approval and the approved plan is to be submitted to Council and the PCA prior to the commencement of any work construction work on the site. All construction works are to be carried out in accordance with the approved plan.

Reason: To ensure management controls are implemented and enforced in order to maintain compliance with appropriate environmental and public health standards.

- H33 The remedial action plan prepared by RCA Australia dated July 2011 and any associated plans on which it relies being reviewed and approved by a NSW Environment Protection Authority accredited site auditor prior to commencement of any construction work.

Reason: To ensure the details of the remediation complying with the appropriate environmental and public health standards.

- H34 All remediation works on the site being carried out in accordance with the Remedial Action Plan approved by the site auditor, and the conditions of this consent.

Reason: To ensure the site is suitable for the intended use and to comply with public health standards.

- H35 A revised long term management plan being prepared for the ongoing management of contamination remaining on site following remediation. The plan being submitted to the NSW EPA accredited site auditor for review and approval and reference in the site audit statement. A copy of the plan being submitted to Council and the PCA prior to issue of any occupation certificate for the site.

Reason: To ensure ongoing management controls are implemented and enforced in order to maintain compliance with appropriate environmental and public health standards.

- H36 A Validation and Monitoring report and a Site Audit Statement certifying the land is suitable for the intended use being submitted to Council and the PCA upon completion of remediation and validation works and prior to issue of any occupation certificate for the premises.

Reason: To ensure the site remediation is completed and the site is suitable for the intended use.

- H37 An appropriate covenant being registered on the title of the land subject to this development under Section 88B of the Conveyancing Act 1919 which refers to the requirement to implement the provisions of the long term environmental management plan for the management of remaining contamination on the property and such being lodged with Council for certification by the General Manager and being registered with the Land Titles Office prior to occupation of the premises, it being noted that the instrument is unable to be released, varied or modified without the concurrence of the Council of the City of Newcastle.

Reason: To ensure the site is suitable for the intended use and the development complies with appropriate environmental and public health standards.

- H38 All air, noise and vibration monitoring results obtained from monitoring conducted during the remediation and construction on the site is to be made available to Council officers upon request.

Reason: To minimise the potential for environmental pollution and protect the amenity of the neighbourhood.

- H39 A dilapidation survey being conducted by a suitably qualified consultant at all buildings considered to be at risk of damage from site works as determined by the said consultant, the required consultant's report to be submitted to Council prior to the commencement of site works.

Reason: To confirm the terms of consent and allow assessment of vibration impacts on neighbouring properties if required.

- H40 Continuous monitoring of vibration levels in accordance with the Department of Environment and Climate Change NSW guidelines being conducted on any commercial buildings, school buildings, and residential buildings identified as being likely to be unreasonably impacted by vibration due to site works as determined by a suitably qualified consultant. The vibration monitoring system being designed and operated to allow immediate notification to the site supervisor of vibration levels which are likely to result in the guideline levels being exceeded at any of the affected buildings.

Reason: To confirm the terms of consent, allow assessment of vibration impacts on neighbouring properties and ensure compliance with the relevant assessment criteria.

- H41 Prior to the commencement of any works, the principal site contractor is to provide written notification to the all surrounding and adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person for any enquires. In addition, the principal site contractor is to operate a telephone complaints line during the remediation and construction phases for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by vehicle or mobile plant associated with site works. The principal site contractor is also to erect prominent signage at access points to the site indicating the name of the principal site contractor and a 24-hour telephone contact number. A log of complaints received on the telephone complaints line and any action taken in response is to be made available to Council officers upon request.

Reason: To facilitate contact between affected parties and the principal site contractor during the construction period and ensure that environmental impacts or incidents arising from site operations are monitored and addressed promptly.

- H42 The propose development being carried out in accordance with the recommended acoustic treatment outlined in the following reports:
- o Noise Impact Assessment prepared by Reverb Acoustics, dated September 2010,
 - o Reverb Acoustics letter to Parkway Accommodation Pty Ltd C/- CKDS Architecture Pty Pld regarding additional information request related to car park exhaust fans noise, dated 5 June 2011,
 - o Construction Noise & Vibration Management Plan Residential Development 121-123 Union Street Cooks Hill NSW prepared by Reverb Acoustics dated June 2011,
 - o Letter to Parkway Accommodation Pty Ltd C/- CKDS Architecture Pty Ltd regarding Council Concerns – Construction Activities Residential Development 121-123 Union Street, Cooks Hill prepared by Reverb Acoustics dated 13 July 2011
 - o Written certification from the said consultant confirming that the recommended acoustic treatment has been impletmented in accordance with the requirements is to be submitted to the Prinicipal Certifying Authority prior to the commencement of any noise generating activity within the premises

Reason: to ensure that appropriate noise control measures are implemented

- H43 Prior to selection and location of plant and equipment, including any carpark exhaust plant, noise emission data for all mechanical plant are to be reviewed by an appropriately qualified acoustic consultant as per the recommendations of the Reverb Acoustics report dated 5 June 2011. Certification of the appropriateness of the equipment and installation location being prepared by an appropriately qualified acoustic consultant and provided to the PCA prior to the issue of the occupation certificate for the premises.

Reason: To ensure that appropriate noise control measures are implemented in order to protect the existing amenity of the neighbourhood.

- H44 An acoustic fence being constructed above ground level along the northern boundary of LOT: 2 DP: 1050041 adjacent to the Corlette Street car park ramp. The fence must extend from the NE corner of LOT: 2 DP: 1050041 and continue west for 20 metres or a greater distance if required by the certifying acoustic consultant. The fence is to be a lapped and capped timber fence or materials with similar or greater acoustic properties, to a height of 1800mm, and maintained such that no significant gaps exist in the fence.

Reason: To ensure appropriate noise control measures are implemented and amenity of the area is protected.