

---

## Internal Memo

**TO:** David Paine

**FROM:** Robert Manev

**DATE:** 23 August 2016

**SUBJECT:** RSU COMMENTS FOR: DA 2016/ 00346 – DEMOLITION OF BUILDINGS, ERECTION OF 20 STOREY MIXED USE DEVELOPMENT INCLUDING 197 RESIDENTIAL APARTMENTS, 3 GROUND LEVEL RETAIL UNITS, 2 FIRST FLOOR COMMERCIAL UNITS, 4 FLOORS OF PARKING, (257 SPACES) ASSOCIATED SITE WORKS AND 202 LOT STRATA SUBDIVISION AT 470 KING STREET NEWCASTLE WEST

---

### Recommendation

The RSU deems the following proposal acceptable provided the recommended conditions are applied.

### Scope of Review

- Statement of Environmental Effects (SoEE), ADW Johnson Pty Limited, April 2016
- Plans, CKDS Architecture, March 2016
- Preliminary Contamination Assessment (PCA), Coffey Environments Australia, 16 March 2016
- Remediation Action Plan (RAP), Coffey Environments Australia, 16 March 2016
- Asbestos Removal Plan, Coffey Environments Australia, 16 March 2016
- Acoustic Assessment, Renzo Tonin & Associates, 17 March 2016
- Remediation Action Plan, Coffey Environments Australia, 12 August 2016

### Comments

#### Contamination

The PCA prepared by Coffey Environments Australia dated 16 March 2016 identified several areas of contamination at the proposed site. The contaminated areas relate to the former service station infrastructure, former workshops, fill material and contaminated groundwater from the former gas works located to the southeast of the site. The contamination included Carcinogenic PAHs, TRH C6-C10 minus BTEX along with asbestos fragments detected in the soil. The PCA also identified that the infrastructure associated with the former workshop/ service station (i.e. underground fuel tanks and pipework) is currently still in situ and will be required to be removed.

The PCA confirmed that one 10,000L fuel tank is still onsite and potentially a further four tanks ranging from 2,000 to 10,000L may also be on site. The PCA also identified that PAH (slag) contaminated soil was identified on site above the landuse criteria; however it states that this area will not be excavated and therefore proposes to leave the material on site. The PCA concludes by stating that further contamination assessment is required to fully characterise along with the preparation of a RAP to address the identified contamination on site.

Section 6.7 of the RAP prepared by Coffey Environments Australia dated 16 March 2016 details the remedial strategy to address PAH contamination on site, whereby it states "*The PAH contaminated soil, in the area of BH5, is proposed to be left in situ. As the PAH contamination will be covered by a concrete slab, it does not pose a risk to site users from the direct dermal contact,*

*ingestion, or inhalation of contaminated soil as dust"*. The RSU interprets this as a cap and contain strategy.

A Cap and Contain strategy is not in accordance with Council's Contaminated Land policy outlined in Element 5.02 of the Newcastle Development Control Plan (DCP) 2012. Given that the proposed development is for a change of use to residential and the applicant wishes to proceed with a Cap and Contain strategy, an independent and authoritative review of the submitted contamination information will be required for Council to make an informed planning decision. In accordance with the provisions of Council's Contaminated Land Policy, the RSU requires a NSW accredited Site Auditor undertakes a review of all relevant contamination documentation associated with the assessment of the premises and provides a Site Audit Statement in accordance with the NSW Site Auditor Scheme (site audit form) in relation to:

- A. To determine land use suitability (*please specify intended use[s]*)

The applicant submitted to Council a Remediation Action Plan (RAP) prepared by Coffey Environments dated 12 August 2016. The RAP in Section 5 recommends that additional investigation will be required, as access to all sampling points was restricted due to the presence of the existing buildings. The RAP states that further assessment will be required to fully characterise the site following demolition. The additional investigation is to include:

- *Provide characterisation of the site in accordance with NSW EPA (1995) guidelines;*
- *Further assess the extent of soil and groundwater contamination (if present) in the western and southern portions of the site, in the area of former service station and workshops;*
- *Further assess the fill material in the area of the bulk excavation for the semi-basement car park to allow for waste classification prior to excavation.*

This will be addressed by an appropriate condition of consent.

The RAP proposes to address the petroleum infrastructure, hydrocarbon contaminated soil on the western side and asbestos contaminated soils on site by excavating the contaminated area and disposing the material to a licenced facility that can lawfully accept this waste. Following remediation works being carried out, the site will be validated and the report submitted to Council and the Principal Certifying Authority. The RSU supports this method and will address this by an appropriate condition of consent.

The applicant has proposed to deal with the PAH contamination by capping and containing the material on site. Given the risk of exposure to the PAH contamination is unlikely due to the absence of any potential pathway to the soils along with the physical barrier (concrete slab); the RSU will look to address this with an appropriate condition of consent. The applicant will be required to submit a Site Audit Statement in accordance with appropriate NSW EPA Guidelines along with a site management plan and a validation certificate prior to an Occupation Certificate being issued.

### Noise

A theoretical acoustic assessment was carried out by Renzo Tonin & Associated dated 17 March 2016 to support the proposed development. The noise assessment demonstrates that provided the glazing recommendations as set out in Section 5 are applied, compliance with internal noise level requirements will be achieved. This will be addressed by an appropriate condition of consent.

The Acoustic Assessment identifies in Section 6 that the mechanical plant associated with the development has not been selected and thus no external noise emissions have been assessed as part of this assessment. The acoustic consultant however has recommended that a detailed assessment be carried out once the plant has been selected so that any potential acoustic treatments can be incorporated into the design of the building to ensure compliance with the relevant noise criteria. This will be addressed by an appropriate condition of consent.

## Conditions

- B002 (demolition Standard)
- B003 (hazardous Substances Plan required)
- B004 (demolition Requirements)
- B062 (construction Noise)
- B064 (prevent Pollution Sign)
- B065 (removing excavated material)
- B066 (fill quality)
- B067 (fill – recourse recovery exemption)
- B069 (sediment control)
- B070 (all weather access)
- B072 (dust control)
- C014 (acoustics) > Renzo Tonin & Associates < 17 March 2016 <
- D008 (restriction Noise)
- D009 (restriction Air Impurity)
- E020 (POEO Act Offence)
- E021 (EP & A Act Offence)
- Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
  - A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
  - A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
  - A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to be encountered and measures and techniques to be followed in the event that ASS are encountered.
- The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal

Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.

- The recommendations of the acoustic consultant are to be implemented in the construction of the development. Written certification from the acoustic consultant confirming that the recommended acoustic treatments have been implemented is to be submitted to the Principal Certifying Authority prior to the occupation of the premises.
- The site is to be investigated in accordance with Section 5 of Coffey Environments Remediation Action Plan dated 12 August 2016.
- Under no circumstances is onsite remediation treatment to be carried out.
- Remediation being carried out in accordance with Section 6.5 as set out in the submitted Remedial Action Plan (RAP) prepared by Coffey Environments dated 12 August 2016, and any requirements of the appointed NSW accredited Site Auditor and the conditions of this consent.
- Following completion of the remediation works, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate.
- Any soils identified as exceeding the validation criteria during the remediation works (as specified by the RAP prepared by Coffey Environments dated 12 August 2016) are to be removed offsite.
- Prior to the issuing of an Occupation Certificate the following documentation is to be submitted to Principle Certifying Authority and Council;
  - Site Audit Statement in accordance with the NSW Site Auditor Scheme (site audit form) in relation to:
    - A. To determine land use suitability (please specify intended use[s])
- A long term Site Management Plan is to be prepared and approved by the Site Auditor to address remaining site contamination risks and to be provided to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate

If you require and further information, please contact Robert Manev on ext. 42538



**Robert Manev**  
**ENVIRONMENT PROTECTION OFFICER**