
TO: William Toose

FROM: Robert Manev

DATE: 14 June 2018

SUBJECT: RSU COMMENTS FOR: DA 2018/ 00113 – DEMOLITION OF BINI DOME AND ERECTION OF MULTI PURPOSE HALL AT 115 LAMBTON ROAD BROADMEADOW

Recommendation

- The RSU has no objections to the proposed development provided the below conditions are applied.

Scope of Review

- Statement of Environmental Effects (SoEE), Andrew Martin Planning, February 2018
- Plans, EJE Architecture, February 2018
- Noise Impact Assessment, Reverb Acoustics, January 2018
- Preliminary Site Investigation, Valley Civilab, January 2018
- Biodiversity Assessment Report, Peak Land Management, February 2018
- Human Health Risk Assessment, Valley Civilab, 12 March 2018
- Site Specific Criteria, Ramboll, March 2018
- Interim Audit Advice #1, Cavvanba Consulting, 11 May 2018
- Interim Audit Advice #2, Cavvanba Consulting, 5 June 2018
- Preliminary Site Investigation, Valley Civilab, 12 June 2018
- Detailed Site Investigation, Valley Civilab, 12 June 2018
- Site Audit Statement no. 1508-1802, Ben Wackett - Cavvanba Consulting, 13 June 2018
- Site Audit Report 1508 - 1802, Ben Wackett - Cavvanba Consulting, 13 June 2018

Comments

Contamination

The RSU reviewed the Preliminary Site Investigation (PSI) prepared by Valley Civilab dated January 2018 where the consultant had identified that a berm located at the southern end of the site may potentially be contaminated. Unclassified fill material was thought to have been used during its construction and as a result, six soil samples were collected from the berm only. The limited analysis showed benzo(a)pyrene (B(a)P) was detected above the relevant Tier 1 (generic landuse) assessment criteria within the fill material of the berm.

Given that the consultant was proposing to remove, reshape and cap the berm on another part of the site, the consultant concluded that remediation may be required to address the exceedences, however further consideration of site specific conditions within the framework of a Tier 2 risk assessment may support the proposed development without remediation.

The consultant recommended a Tier 2 Human Health Risk Assessment (HHRA) be carried out which would consider site specific conditions and may support the development without the need for remediation. A HHRA was prepared by Valley Civilab dated 12 March 2018 to support the proposed development. The objective of the HHRA was to assess potential risks associated with elevated B(a)P in the berm at its new location within the site-specific context of the proposed redevelopment. The HHRA concluded that risks to human health are unlikely to exist and that the

site is suitable for the proposed development without further assessment or remediation (Section 5).

Notwithstanding the above, the RSU interpreted the removal, reshaping and capping of the existing berm to a new location on the site potentially meets the definition of remediation under *State Environmental Planning Policy (SEPP) 55 - Remediation of Land* and would require the preparation of a Remedial Action Plan (RAP) consistent with the SEPP and Council's DCP.

Council's Contaminated Land policy outlined in element 5.02.01 C - *Site Investigation Process* of the DCP states that following a contamination investigation, should concentrations of contaminants be detected above the landuse criteria the land will need to be remediated and as such a Remedial Action Plan (RAP) is to be prepared and submitted to Council for review.

In addition, due to the approach proposed and conclusions arrived at via the PSI and HHRA, Council also requested the involvement of a Site Auditor to verify the findings of these reports.

The applicant engaged and submitted to Council interim Audit Advice prepared by Ben Wackett (Accredited NSW Site Auditor - Cavanba Consulting) dated 11 May 2018 outlining that the conclusions of the PSI were based on a limited sampling regime and as such recommended that further contamination investigation was required. This would allow the identification of any potential wide spread fill material across the remainder of the site. The Auditor also stated that the further testing of the berm would confirm the nature of the contamination identified, such as distribution of contamination and heterogeneity.

In response to the Auditors comments a *Detailed Site Investigation (DSI)* was prepared by Valley Civilab dated 12 June 2018 and submitted to the Auditor for review and comment.

The scope of works of the DSI included the following additional investigation\sampling and analysis:

1. *Advancement of nine soil bores and seven shallow trenches across the site;*
2. *Analysis of 20 primary soil samples (minimum two from each location) from each soil bores for identified potential contaminants of concerns;*
3. *Analysis of seven soil samples collected from trenches for presence of asbestos containing material (ACM); and*

Following completion of this work, additional statistical analysis of all of the soil results was undertaken and the combined results were again compared to the screening criteria for the proposed landuse. This more detailed analysis and assessment concluded that the site is considered suitable for the proposed development. This was supported and accepted by the Auditor.

Once the Auditor was satisfied and signed off on the assessment the DSI was submitted to Council to support this application.

The Auditor has issued a Site Audit Statement (SAS) (No. 1508-1802) along with a Site Audit Report (SAR) (Report No. 1508-1802).

In relation to Council's previous concerns regarding the PSI and the HHRA, the SAR states:

"Following the preliminary site investigation (PSI), a human health risk assessment (HHRA) was prepared by Valley Civilab, which included the preparation of site specific benzo(a)pyrene criteria by Ramboll. The auditor considers that this assessment report was prepared prematurely in the contaminated land assessment process, as it was based on:

- minimal analytical data; and*
- data gaps remain following the preliminary site investigation.*

Upon review of the PSI, the site auditor requested further work, consisting of collection of additional soil analytical data to address PSI data gaps, which were reported in the final version of the PSI and in the subsequent detailed site investigation report.

The risk assessment documentation therefore did not provide additional data or additional information relevant to the environmental condition of the site, but rather included an evaluation of the data based on existing information presented in the PSI. The risk assessment and site-specific benzo(a)pyrene criteria have therefore not been relied upon by the site auditor, as they represent an assessment of information which has been superseded, and which has no bearing in the outcome of this site audit."

This SAS certifies that the site is suitable for the proposed landuse.

The Auditor has relied upon the DSI in concluding that no further management is required for the contamination identified at the subject site. The Auditor states in Section 13.3 Site Audit Discussion:

"The impacts detected in the fill material were small-scale and most likely associated with poor filling practices historically. Overall, the nature of the fill material, whilst undesirable to be present at the surface, does not pose a risk to human health or the environment, and does not require clean-up or remediation. The proposed building and landscaping provides an adequate cover to further address any minor aesthetic concerns. An ongoing management plan is therefore not considered necessary."

As a result the Auditor has issued a Site Audit Statement (No.1508-1802) certifying that the site (in accordance with Figure 2 - Site Features Plan VC Ref: P1331-R003-V1) is suitable for use as a Day care centre, preschool and primary school.

It is noted that the current use of the site include both primary and high school classes on the same premises, and that the site audit does not certify the site as suitable for a secondary school on the SAS. However as a primary school is more sensitive than a secondary school, it can be inferred that the site is also suitable for the high school classes use as well.

Based on the contaminated land information now submitted, the RSU has no objections to the proposed development. The standard conditions of consent addressing waste classification, importation of fill material and resource recovery exemptions are recommended for inclusion as conditions of any consent granted.

Acoustics

A theoretical noise assessment was carried out by Reverb Acoustics dated January 2018 to support the proposed development. The noise assessment was carried out to ensure compliance with the requirements of the NSW Environment Protection Authority (EPA), Department of Planning & Environment (DPE) and Newcastle City Council (NCC). The Noise Assessment demonstrated that provided the recommendations as set out in section 8 (*Noise Control Recommendations*) are applied compliance with the relevant criteria would be achieved. This has been addressed within the recommended conditions of consent.

Biodiversity Assessment

A Biodiversity Assessment Report (BAR) was prepared by Peak Management dated February 2018 to support the proposed development. The BAR has been carried out in accordance with the Biodiversity Conservation Act 2016; the BAR also includes all ecological assessments required under the provisions of the Environmental Planning and Assessment Act 1979.

The BAR concluded that the ecological investigations and assessment of impact on threatened species has found there is no significant impact under the Biodiversity Conservation Act 2016 on any Threatened Species, Endangered Ecological Community, Critical Habitat or Endangered Populations by the proposed works. As such, the RSU has no objections to the proposed development based on biodiversity.

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 – resource recovery exemption)
 - B069 (sediment control)
 - B070 (all weather access)
 - B072 (dust control)
 - C014 (acoustic report) >Reverb Acoustics< >January 2018<
 - 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.
 - An unexpected finds protocol is to be implemented during earthworks (particularly within the footprint of the berm). Should ACM be identified during earthworks, a suitably qualified environmental professional shall be contacted. Landscaping requirements for the reshaped berm post development outlined in Section 7.5.2 of Valley Civilab's Detailed Site Investigation dated 12 June 2018 and as presented on Figure 6C, shall be adhered to mitigate potential unacceptable risks to ecological receptors.

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



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