

8 October 2021

Wallalong Land Developments Pty Ltd
C/O Monteath and Powys Pty Ltd
125 Bull Street.
Newcastle NSW 2302

Attention: Kosta Flamiatos

Dear Kosta

**RE: PROPOSED RESIDENTIAL SUBDIVISION –1A FLOWERS DRIVE, CATHERINE HILL BAY, NSW
RESPONSE TO REGIONAL PLANNING PANEL REPORT - SEPP NO.55 - REMEDIATION OF LAND**

1 INTRODUCTION

Qualtest Laboratory NSW Pty Ltd (Qualtest) recently prepared a Remedial Action Plan for the proposed Residential Subdivision, located at the southern portion of Lot 1 DP1180181 and Lot 2 DP1180181, 1A Flowers Drive, Catherine Hill Bay NSW (the site).

We understand that the RAP has now been reviewed by Lake Macquarie City Council (LMCC). Qualtest were provided with a copy of an excerpt from Lake Macquarie City Council's (Council) response to the Regional Planning Panel (RPP) report for the proposed Residential Subdivision.

The excerpt provided to Qualtest was Council's response to Clause 7 of the State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. *"Clause 7 of the SEPP requires the consent authority to consider whether the land is contaminated, and if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out."*

Councils' response stated:

"A Remedial Action Plan (RAP) has been submitted with the application, which identified the land is contaminated with metals, hydrocarbons and asbestos. The RAP identifies mitigation strategies but also identifies further assessment is required to conclusively determine the site is suitable for the proposed residential use."

Council's Environmental Officer is not satisfied the site can be made suitable for the use of the site based on the information provided. The officer recommends the further assessments are undertaken and submitted for further consideration, or the RAP is reviewed by a NSW EPA Accredited Site Auditor to assess whether the site is suitable for residential use and can meet the provisions of the SEPP."

Council recommends the determination of the application be deferred pending the satisfactory resolution of either of the above options. Should the Panel not support this, the application must be refused."

2 QUALTEST RESPONSE

The RAP outlines the remedial strategies considered feasible to render the site suitable from a contaminated land perspective based on the existing data and the concept design of the proposed development. Additional assessments included in the RAP are considered necessary to assess data gaps and enhance the remediation strategies.

The assessments completed to date are adequate to inform the development of the remedial strategies and to adopt a broad remediation approach. Regardless of the results of the additional data and provided the concept design remains relatively unchanged, the adopted remediation approach is unlikely to significantly change.

The remediation approach in the RAP uses conventional/widely used remediation techniques which are robust and based on industry standards for similar sites. Additional contamination, should it be uncovered, would be accommodated under similar remedial strategies to that included in the RAP.

Qualtest consider that the additional assessments could be completed following DA approval, noting that a number of locations will require vegetation clearing (which requires DA approval) to obtain access to complete the works. It would seem logical to carry out the additional assessments during the detailed design/subdivision approvals process and prior to earthworks commencing on the site.

Provided the additional assessments and remediation strategies outlined in the RAP are completed prior to earthworks/construction, it is considered the site can be rendered suitable, from a contamination perspective in accordance with Clause 7 of *State Environmental Planning Policy No 55—Remediation of Land*, for the proposed residential development.

For and on behalf of Qualtest Laboratory (NSW) Pty Ltd.

A handwritten signature in black ink, appearing to read 'Libby Betz', is written over a light blue horizontal line.

Libby Betz
Senior Environmental Scientist