



Ref: 6930-ER-1-5

13 February 2019

Elizabeth D'Olier  
Pepper Property Solutions  
Level 28, Chiffley Tower  
2 Chiffley Square  
SYDNEY NSW 2000

By email: [edolier@pepper.com.au](mailto:edolier@pepper.com.au)

**Re: SSD 8865 – St Anthony of Padua Catholic School (Concept DA and Stage 1)**

Alliance Geotechnical Pty Ltd (AG) have reviewed the comments provided by Liverpool City Council (Council) in relation to the AG supplied reports namely,

- *Supplementary Asbestos Contamination Assessment Lot 1 and 2 in DP 1232692, Lot 810, Portion of Lot 811, Lot 840, Lot 841 and Lot 842 (Reports No. 6930-ER-1-1) prepared by Alliance Geotechnical Pty Ltd dated 18 July 2018; (Report 3) and*
- *Remedial Action Plan (RAP) for Lot 1 and 2 in DP 1232692, Lot 810, Portion of Lot 811, Lot 839, Lot 840, Lot 841 and Lot 842 in DP 2475 (Reports No. 6930-ER-1-3) prepared by Alliance Geotechnical Pty Ltd dated 18 July 2018 (Report 4)*

in their correspondence dated 19 December (Ref No: 347479.2018) for SSD 8865 – St Anthony of Padua Catholic School (Concept DA and Stage 1) and can provide the following comments in response to Council's queries.

**1. Stage 1 – Preliminary Investigation**

It is AG's understanding that the requirements as specified in the *Guidelines for Consultants Reporting on Contaminated Sites* have been met in this instance and that a further Stage 2 – Detailed Site Investigation for this development is not warranted. It is our opinion that the soil sampling plan that was contained in the report entitled "*Stage 1 Environmental Site Assessment (The Assessment) for the Proposed School – Due Diligence at 135, 135A, 145, 155, 165 Tenth and 140, 160, 170 Eleventh Avenue, Austral NSW (Ref: E27556KrptRev3) prepared by Environmental Investigation Services dated 21 April 2016*" (**Report 1**) contained a robust sampling density of 55% of the minimum sampling density that is recommended for a Stage 2 Detailed Site Investigation. In some circumstances, a Stage 1 – Preliminary Site Investigation can be limited to a desktop investigation only, so the inclusion of a soil sampling plan that equates to 55% of the minimum sampling density is considered enough to give an adequate representation of source and pathway conditions at the property.

The analytical results contained within Report 1, from a chemical characterisation perspective, were all below the National Environment Protection Measure (NEPM) 2013 criteria for the proposed Land-Use, or in the case of Zinc and Copper, risk assessed below the assessment criteria. Based on the results of the intrusive sampling and the robust assessment within Report 1, no further collection or analysis for chemical contaminants (i.e. Heavy metals, TRH / BTEX, PAHs, OCPs, OPPs) were deemed warranted. Asbestos cement fragments in soil, which were the contaminant of potential concern (COPC), were recommended to be managed by excavation and off-site disposal or to "*undertake a detailed soil investigation (DSI) for asbestos in accordance with the*

---

*Western Australian Asbestos Guidelines 2009 (endorsed in NEPM 2013) to assess if asbestos hot spot areas can be estimated for remediation purposes.” AG would like to draw Council’s attention to the report entitled “Report to Sydney Catholic Schools on Detailed Site Investigation – Asbestos for Proposed St Anthony of Pauda Catholic School Development at 140 Eleventh Avenue, Austral, NSW (Ref: E27556KDrpt2) prepared by Environmental Investigation Services dated 31 October 2016” (**Report 2**) which is enclosed with this response but is noted **not** to have been considered as part of Councils consideration of this proposal. Report 2 outlines the detailed site investigation for asbestos already undertaken on part of the property at 140 Eleventh Avenue and is believed to have been evaluated by Liverpool City Council and accepted as part of the original Development Approval (DA2016/465).*

Within Report 2, it was recognised that the NEPM 2013 and the Western Australian Department of Health (WA DOH) Guidelines 2009 recommends a sampling density twice the density specified in the *NSW EPA Sampling Design Guidelines 1995*. This was accounted for in this investigation and the sampling density was doubled, so that it equated to 98% of the minimum sampling density that is recommended for a Stage 2 – Detailed Site Investigation. The consultant who prepared this report considered it adequate due to the irregular shape of the site and access limitations encountered during the fieldworks. A consistent methodology was again implemented when AG undertook the site investigation which led to Report 3, the report reviewed by Council for this development.

AG do not consider it prudent to go to the extent of re-investigating areas already examined by previous consultants, nor for liability purposes, could AG include areas that weren’t physically examined our investigative report hence the Stage 1 area was not included in AG investigations. Also, for clarity purposes, AG entitled the report as “*Supplementary Asbestos Contamination Assessment Lot 1 and 2 in DP 1232692, Lot 810, Portion of Lot 811, Lot 840, Lot 841 and Lot 842*” as to not confuse the supplementary report, which was consistent with the original Stage 2 – Detailed Site Investigation (Report 2), but accounted for the remainder of the site of which is subject to this development application.

It is important to note that the investigations that were undertaken as part of Report 2 were limited to the proposed development area for Stage 1 only at 140 Eleventh Ave, Austral and not the entire site, hence why AG undertook a supplementary asbestos contamination assessment (Report 3) to the Detailed Site Investigation (Report 2) to account for the full proposed development area. The methodology imposed in Report 3 were as per the *NSW Guidelines for Consultants Reporting on Contaminated Sites*, the *NSW Sampling Design Guidelines 1995* and the WA DOH Guidelines and targeted asbestos as asbestos was the only contaminant of potential concern (CoPC) identified within Report 1 so all subsequent contamination assessments, including the associated remedial measures in Report 4, were prepared using equivalent rationality.

As the level of reporting already undertaken within the previous investigations on this site has been in compliance with the *Guidelines for Consultants Reporting on Contaminated Sites*, it is considered that the extent and degree of contamination has already been sufficiently identified for this development and that the remedial measures contained within Report 4, sufficiently account for the management and remediation of all known contaminants on this site – asbestos.

AG do not agree with the recommendation from Council, and from the previous consultant, for an Asbestos Management Plan in this instance as is stated in Report 1. Section 1.3 of the WA DOH Guidelines 2009 state that a “*Site Management Plan (SMP) or in some cases an Asbestos Management Plan (AMP) will need to be developed and then implemented*” the Guidelines go further to state that the “*DOH uses the above document titles for convenience of reference and because they are reasonably explicit. Other titles could also be used and possibly combined*”. It is AG’s opinion that if the management measures as outlined in the Remedial Action Plan (Report 4) are implemented satisfactorily, as recommended in the conclusions of Report 3, the requirement for an AMP would be negated due to the fact that all asbestos containing materials would have been managed and remediated and thus asbestos would no longer exist on the property. In this instance, Report 4 could be considered to be the “SMP” or “AMP” because it explicitly highlights the management measures for asbestos containing materials at the property.

---

## 2. Remedial Action Plan (RAP)

### Section 6.4

Report 4 outlines multiple strategies to remediate the site. This is in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* and due process whereby all remediation strategies should be given adequate evaluation and consideration. AG would agree with Council's determination that excavation and removal off-site to be recommended hence why it has been included in the report as the preferred remediation option for the management of the site.

### Section 6.5.5

Section 5.2.2 of the DOH Guidelines 2009 refer to Treatment On-site namely being "Hand-picking, Tilling, Screening and Excavation and On-Site Burial". In this instance, onsite treatment explicitly refers to the hand-picking and raking of asbestos containing materials that are classed as bonded and are not friable which is in accordance with the DOH Guidelines 2009.

### Section 6.5.4

As per Chapter 8, Part 8.7 Clause 473 of the *Work Health and Safety Regulations 2011*, it is a requirement that a clearance inspection is carried out by:

- a) An independent licensed asbestos assessor, if the asbestos removal work is carried out under a Class A asbestos removal licence; or
- b) An independent competent person in any other case.

Within Report 4, AG suggested that the clearance inspection be undertaken by suitably experienced occupational hygienist, post removal of asbestos containing materials and prior to the demolition works of the structures commencing as is the legislative requirement. In this instance, and given that there is friable asbestos located onsite there is a mandatory requirement for an independent licensed asbestos assessor to undertake asbestos fibre monitoring during all Class A removal work and to undertake a clearance inspection and present a clearance certificate once all friable asbestos has been appropriately removed. The EHO Consulting Pty Ltd report that Council has referred to in their correspondence was prepared to satisfy the legislative requirement of a person with management or control of a workplace to provide a demolition person or business with a copy of the asbestos register prior to demolition taking place and was limited to the built structures where bonded materials were encountered, and not within the soil matrix where the AG Stage 2 investigation was undertaken.

The requirement for an Asbestos Removal Control Plan (ARCP) is legislated for in Chapter 8, Part 8.7 Clause 464 of the *Work Health and Safety Regulations 2011* and is a mandatory requirement for any licensed asbestos removalist in all licensed asbestos removal work. AG do not consider it prudent on Council to request that compliance with Workplace Health and Safety Legislation be demonstrated within the RAP at this time because the procurement and commercial engagement of any licensed removal contractor would not be considered until after such time as the development is approved by Council.

In all of the above instances, AG can amend Report 4 to provide more clarity to Council on the requirement for a Licenced Asbestos Assessor for the works, the remediation strategies and the requirements to comply with the *Code of Practice How to Safely Remove Asbestos*.

### Discrepancies between EIS and RAP

AG agree that there exists a discrepancy between statements contained with the EIS prepared by Urbis and the RAP prepared by AG and AG agree that the appointment of a Site Auditor would provide independent certainty on the successful completion of the site assessments and ultimate remediation of the site. AG contend that there are no data gaps present, albeit for confusion in report terminology, and are of the opinion that the investigations undertaken and reports prepared have been undertaken to best ability of the contaminated land consultant that was engaged to complete the task. Furthermore, the RAP was prepared in July 2018 with the EIS prepared in November 2018 and AG were not consulted with during the preparation of the EIS, in particular, the statement eluding to the appointment of a Site Auditor. AG would have probably

---

advised against the inclusion of this statement as given the CoPC as being limited to asbestos, and the relatively easy remediation strategy, would not have constituted the appointment of a NSW EPA Site Auditor as warranted. AG believes that the reports prepared by AG were not fully comprehended by Urbis as within all AG reports asbestos is stated as the only CoPC, where hydrocarbons, pesticides and metals were not considered as they were not identified as CoPCs in any investigative reports prepared for on this property.

Considering the above, AG believe that a Stage 2 – Detailed Site Investigation has already been prepared for this site (as Report 3) and that site audit statement and site audit report is not required for this property as the appointment of an NSW EPA Site Auditor should not be necessary in order for Council to be satisfied with the management and remediation of the property. It is however recognised that the appointment of an NSW EPA Site Auditor is at the discretion of Council.

If you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely,



---

Aidan Rooney BSc (Hons) MEIANZ  
Principal Environmental Scientist.

Enclosed

- *Attachment 1 – Report to Sydney Catholic Schools on Detailed Site Investigation – Asbestos for Proposed St Anthony of Padua Catholic School Development at 140 Eleventh Avenue, Austral, NSW (Ref: E27556KDrpt2) prepared by Environmental Investigation Services, 31 October 2016*