



**Environment,
Climate Change
& Water**

DA609/10

SCANNED
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DOC NO: 66764753

Our reference: DOC10/56739
Contact: Stephanie Yu, 9995-5616

The Director
Metropolitan Projects
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Environmental Assessment – Major Project Application MP10_0105 and DA609/2010 – Residential Development at 40 Walker Street, Rhodes

We refer to correspondence from the City of Canada Bay to the Department of Environment, Climate Change and Water (DECCW) dated 14 December 2010 inviting comment on the Major Project Application from Bilbergia Developments Pty Ltd. The DECCW has considered this proposal and provides the following comments.

As you are aware this area (the former Union Carbide) is currently being remediated. DECCW has a regulatory role under the *Contaminated Land Management (CLM) Act 1997* and the *Protection of the Environment Protection (POEO) Act* for these remediation activities.

Remediation at the former Union Carbide site re-used some untreated contaminated material, re-placed at depth on site in accordance with a remediation plan, which was approved by the DECCW and an accredited Contaminated Site Auditor. The final remediation works are the subject of review by the Site Auditor who will prepare a Site Audit Statement confirming the suitability of the site for the proposed use, being: open space, residential development or road construction.

DECCW involvement on this site, as a result of the remediation method, will require ongoing future regulation under Division 3 of the CLM Act, 'Ongoing maintenance of management action', through a s28 (Ongoing Maintenance Order) during the construction phase and a public positive covenant under s88E of the *Conveyancing Act 1919* prior to occupancy. In both cases the details of the owners obligations are contained within a site specific Environmental Management Plan, which is appended to the regulatory instrument.

Since a Site Audit Report for the site has not been completed as the remediation is still underway, we note that final remediation levels are unavailable for inclusion in the proposal. Whilst our preference would be that the development not disturb the final remediation levels as designed it is important that should reconfiguration be required the developers would need to gain an additional Site Audit Report, from a contaminated land Site Auditor accredited by DECCW, to ensure that the remediated Lots remain suitable for their new proposed use and configuration. Additionally, we note that the Site Management Plan included as Appendix T is a generic plan without mentioned Appendices.

Appendix AA provides Geotechnical and Groundwater Advice from Douglas Partners, whilst this information states that the shale is 'suitable for supporting the proposed buildings using appropriately

designed piles', the advice did not describe the types of piles anticipated. DECCW would like to insist that driven piles (piles which result in little or no material extracted during their placement) be required across this and any other proposal for the former Union Carbide site.

Prior to approval, if material reconfiguration or materials extracted from beneath the Maintenance Layer is anticipated by the proponent, a detailed Waste Management Plan would be required to determine if any excavated material could safely and legally disposed of in NSW.

Should you have any questions with regard to this response, please contact our staff member Stephanie Yu on 9995-5616.

Yours sincerely



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Manager Contaminated Sites Section

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