

Our Ref: 81019007:BC  
Contact: 49112152

9 July 2019

NSW Environment Protection Authority  
117 Bull Street  
**Newcastle West NSW 2302**

Attention: Mitchell Bennett

**Cardno (NSW/ACT) Pty Ltd**  
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[www.cardno.com](http://www.cardno.com)

Dear Mitchell,

## **NIHON UNIVERSITY - RESPONSE TO SUBMISSION CONTAMINATION**

Cardno (NSW/ACT) Pty Ltd (Cardno) was engaged by Azusa Sekkei c/- DWP Australia Pty Ltd (DWP) to prepare a conceptual Remediation Action Plan (cRAP) to guide and inform the investigation and remediation at 9 Church Street, Newcastle NSW 2300 (the Site). Cardno understand both the NSW EPA and Newcastle City Council have provided comments to which DWP have requested a response from Cardno. Comment from NSW EPA and Newcastle City Council are provided in shaded paragraphs with Cardo's response below

### **1.1 Queries from NSW EPA**

Site wide characterisation is required to assess the suitability of the site for the intended use, and it is agreed that the best timing for these works would be post demolition when good access to the site is possible.

Cardno concurs with this response and advised in Section 8.1.1 of the cRAP that the soil contamination status beneath the hardstand and within the building's footprint has been identified as a Data Gap requiring further investigation and characterisation.

A suitably qualified environmental consultant is to be engaged in order to undertake a site contamination assessment in the development process, during the demolition phase, when site soil becomes accessible. The number of sampling locations will be assessed prior to works commencement. A supplementary Sampling and Analysis Quality Plan (SAQP) will be prepared and will incorporate the previous sampling results undertaken during the Prensa Detailed Site Investigation (Prensa, 2016) coupled with the proximity of the sampling points and the size of the building footprint. The supplementary SAQP will also account for the sampling density which will be determined based on the NSW EPA *Sampling Design Guidelines 1995*. As a minimum, the guidelines stipulate ten (10) sampling points for a site of 0.32 ha. The sampling locations are to be distributed across the targeted investigation areas within the site.

Based on site history and the results from the Prensa 2016 investigation, the potential for significant contamination to exist and need for remediation is considered to be unlikely (given the proposal to cap most of the site with new buildings which in itself could be considered a remedial approach). However, there is the potential for impacts to be present from adjacent historical activities at the police station, and any future investigations should focus on eastern / southern boundaries to assess potential impacts from this possible source as well as site wide characterisation.

The Supplementary site contamination investigation will also focus on the eastern and southern portion of the site when conducting the data gap analysis and sampling prior to

finalisation of the RAP for the Site. In addition, Cardno recognise that fill material at the site may vary in quality and type. Further, Cardno will incorporate an unexpected finds protocol into the cRAP, should previously unidentified areas of soil impacts be discovered during future phases of work at the Site.

A preliminary / conceptual RAP is ok, but a site specific RAP would be required following completion of a site wide assessment, if results indicate further management / remediation is needed. In the event a RAP is not required for longer term site use, it is expected a construction management plan may be needed to identify management of contamination during the construction phase.

As stated in **Section 4** of the cRAP, the CSM was based on the information sourced from previous investigations not undertaken by Cardno, and therefore Cardno have no reliance on the information contained within them. However, after review of the previous reports, Cardno identified several data gaps, notably the status of soil beneath the eastern and western wings of the current building. Due to the need to conduct further investigation following building demolition, the CSM is considered provisional and is to be updated pending the results of the further testing.

The need to update the cRAP into a final RAP is outlined in **section 7.1**, which identifies the main objective of the remedial works as being *“to investigate potential contamination, and remediate or manage soil material at the Site identified with COPCs at concentrations above the NEPM Tier I screening guidelines for high density residential properties”*. Therefore, Cardno recommended that the remediation methodologies and goals be updated based on the results of the additional investigation to be undertaken. The nature of the final document i.e. RAP as opposed to a Site Management Plan, will be determined based on investigation results, the final land use and discussions with the assigned Site Auditor.

Given the site is going to a sensitive land use, we recommend that an NSW EPA Accredited Site Auditor be engaged to confirm site suitability following completion of additional investigations. Further information can be found in the following link

Cardno believe that a NSW EPA Accredited Site Auditor would add value to the project and provide certainty on the final site statement. Cardno CLM Team have worked closely with several local Auditors and are happy to provide recommendations.

## 1.2 Queries from Newcastle City Council (NCC)

It is noted that the comments provided by NCC were prepared prior to submission of the Cardno cRAP, following review of the Cardno RAP technical note (6 May 2019) which was limited to outlining the intended remediation process.

NCC noted that the site has not been subject to a detailed investigation in accordance with appropriate guidelines and this issue is compounded by the fact the former investigation reports which have been undertaken were not undertaken with respect to the proposed development and did not provide conclusions or recommendations in respect to the proposal. The sampling data that is available has indicated exceedances of nominated criteria, however the appropriate investigation criteria has not been specifically determined or justified in respect to the proposed development. Land use specific risk considerations may include the level of soil exposure for future site uses, specific ground floor land uses and considerations as to how removal of existing fill material may potentially reduce risks from historic fill material. It is noted bulk excavations, in the range of 0.8 to 1.2m below existing ground level are proposed to form the new building design levels following demolition.

NCC recommended that a more detailed assessment; including consideration of existing data, be undertaken in accordance with appropriate guidelines to more accurately determine data gaps, levels of risk and appropriate land use and a RAP which clearly complies with NSW EPA guidelines be developed if necessary. If further investigations are recommended to inform whether the site is suitable and/or remediation is necessary, then this may require consideration of a separate application for demolition only to allow for further investigations or potentially a staged approval process. Also, utilisation of an NSW accredited site auditor may be warranted to address uncertainties in the site investigation, remediation and validation process

Cardno notes that NCC have identified similar concerns to the NSW EPA and as stated above, the cRAP CSM was based on the information sourced from previous investigations not undertaken by Cardno, and therefore Cardno has no reliance on the information contained within them. However, after a detailed review of previous reports, Cardno identified several data gaps, notably the status of soil condition beneath the eastern and western wings of the current building. We therefore propose to update the provisional CSM and prepare a supplementary SAQP and further investigate the Site by collecting additional data following completion of the demolition work of the building. Cardno will provide a detailed Site remediation methodology in the final RAP.

The need to update the cRAP into a final RAP is outlined in **section 7.1**, which identifies the main objective of the remedial works as being "*to investigate potential contamination, and remediate or manage soil material at the Site identified with COPCs at concentrations above the NEPM Tier I screening guidelines for high density residential properties*". Therefore, Cardno recommends that the remediation methodologies and goals be updated based on the results of the supplementary investigation to be undertaken at the Site. The nature of the final RAP, as opposed to Management Plan, will be determined based on investigation results, the final land use and discussions with the Site Auditor when/if one is appointed.

Yours sincerely,

Bob Campbell  
Senior Environmental Scientist  
for Cardno  
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Enc: EPA Response  
Council Response



DOC19/420637-3; EF14/501

Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001  
Attention: Megan Fu

By email: [megan.fu@planning.nsw.gov.au](mailto:megan.fu@planning.nsw.gov.au)

19 June 2019

Dear Ms Fu

**Nihon University Newcastle Campus (SSD 9787)  
Review of Environmental Impact Statement**

I refer to your email to the Environment Protection Authority (EPA), dated 20 May 2019, seeking the EPA's review of the Environmental Impact Assessment (EIS) for the proposed Nihon University, 9 Church Street Newcastle, reference SSD 9787.

The EPA has reviewed the proposal and it does not appear that the development involves an activity that is listed under Schedule 1 of the *Protection of the Environment Operations Act 1997*. As such the EPA does not have any comments or issues to raise regarding the application.

This is based on the proposed development involving:

- Demolition of the existing Administration Building and Supreme Court Building;
- Site preparation works, including removal of 29 trees, earthworks, remediation works and installation of ancillary services and infrastructure;
- Adaptive re-use of the former Courthouse building for education purposes, including minor internal demolition works and alterations;
- Construction of two new part 3, part 4-storey buildings, including 108 bed student accommodation building; and
- Associated vehicle access arrangements, ground level car park, public domain works and site landscaping, including rooftop open space.

If you have any questions about this matter, please contact Michael Howat on (02) 4908 6819 or by email to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au).

Yours sincerely

**MITCHELL BENNETT**  
**Head – Strategic Operations Unit – Hunter**  
**Environment Protection Authority**

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**From:** [Sarah Dorward](#)  
**To:** [Megan Fu](#)  
**Cc:** [Michael Howat](#)  
**Subject:** FW: Nihon University (old court house) DPE contamination advice  
**Date:** Thursday, 20 June 2019 11:49:08 AM

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Hi Megan,

As discussed, I provide the following comments and recommendations in consideration of the potential for contamination to be present at the proposed Nihon University Building.

- Site wide characterisation is required to assess the suitability of the site for the intended use, and it is agreed that the best timing for these works would be post demolition when good access to the site is possible.
- Based on site history and the results from the Prensa 2016 investigation, the potential for significant contamination to exist and need for remediation is considered to be unlikely (given the proposal to cap most of the site with new buildings which in itself could be considered a remedial approach). However, there is the potential for impacts to be present from adjacent historical activities at the police station, and any future investigations should focus on eastern / southern boundaries to assess potential impacts from this possible source as well as site wide characterisation.
- A preliminary / conceptual RAP is ok, but a site specific RAP would be required following completion of a site wide assessment, if results indicate further management / remediation is needed. In the event a RAP is not required for longer term site use, it is expected a construction management plan may be needed to identify management of contamination during the construction phase.
- Given the site is going to a sensitive land use, we recommend that an NSW EPA Accredited Site Auditor be engaged to confirm site suitability following completion of additional investigations. Further information can be found in the following link  
<https://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme>

Please call if you have any questions on the above.

Thanks

Sarah

**Sarah Dorward**

**Operations Officer – Contaminated Land Management**

Hazardous Incidents and Environmental Health, NSW Environment Protection Authority

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**Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555**



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**From:** Michael Howat

**Sent:** Wednesday, 19 June 2019 4:20 PM

**To:** Sarah Dorward <Sarah.Dorward@epa.nsw.gov.au>

**Subject:** Nihon University (old court house) DPE contamination advice

Sarah – thanks for your time this afternoon re the Nihon University conceptual RAP proposal for their proposed demolish of old court house and building uni accommodation and teaching centres in a new building next to Newcastle Police Station.

The DPE officers is **Megan Fu, 9274 6531**. In summary DPE is proposing to ask further details of them in relation to the conceptual RAP approach and works involved but wanted to talk to somehow about (a) is this approach appropriate, and (b) what sort of information/details should be required moving forward

The application can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/project/10356> and the specific appendices are at Appendix 24 (Phase 1 Site Environmental Site Assessment) and Appendix 28 (RAP review technical note). Our response letter to planning did not identify any CLM issues, but if this has been missed in our assessment please let me know.

Cheers

**Michael Howat**

**Operations Officer - Hunter**

NSW Environment Protection Authority

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Formal electronic correspondence to the EPA should be sent to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au)

**Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555**





26 June 2019

David Gibson  
Team Leader  
Social Infrastructure Assessments  
Department of Planning and Environment  
GPO Box 39  
**SYDNEY NSW 2305**

Reply by email: [Megan.Fu@planning.nsw.gov.au](mailto:Megan.Fu@planning.nsw.gov.au)

Dear David

**NIHON UNIVERSITY NEWCASTLE CAMPUS 9 CHURCH STREET NEWCASTLE  
(SSD 9787)**

I refer to your letter of 20 May 2018 notifying that the above State significant development application submitted by Nihon Daigaku Australia Newcastle Pty Ltd was on public exhibition and inviting City of Newcastle (CN) to comment on the proposal.

The submitted application and Environmental Impact Statement (EIS) have been reviewed by CN officers and the following comments are offered for your consideration:

**1. Urban Design**

Prior to submitting the development application, the applicant sought the advice of CN's Urban design Consultative Group (UDCG) regarding the compliance of a preliminary design for the development with the design quality principles set out in State Environmental Planning Policy 65- Design Quality of Residential Apartment Development.

According to the minutes of the UDCG meeting of 17 October 2018, the summary recommendation of the Group was as follows:

*'The proposed use for the site and the design concept and massing are generally supported. The above comments relating to planning, amenity and aesthetics should be addressed and resolved before the proposal is submitted for approval.'*

While the UDCG generally supported the massing strategy proposed, and the modern façade expressions of the new buildings on either side of the former courthouse, concerns were raised regarding the aesthetic expression of the new buildings.

The following extracts from the minutes is relevant:

1. *'The proposed buildings have a strong horizontal massing which is not in keeping with the character of the courthouse, or the urban fabric of this part of the city (look at the proportions of the terraces on Church Street). A combination of horizontal and vertical massing is needed in the façade to be a better fit with the area.'*

2. *'The façade expression is relatively similar for both the dormitory and the teaching buildings. While the two should (as the architects propose) have a similar language of texture, colour and materiality, the UDCG suggests that the next stage the different functions of the two could be expressed. As such, a smaller scale, richer façade might be found in the dormitory building, while a slightly larger scale, more commercially expressed version of the façade might be developed for the teaching building.'*

The applicants were encouraged to continue developing the façade design (in materiality, detail, texture of colour) to present the impression of an important educational building in an urban setting.

Based on an examination of the submitted plans it would appear that the design of the development has been modified in response to some of the above comments. However, it would be helpful if the applicant could provide a written narrative which provides specific details of the design changes made in this regard.

## **2. Traffic Parking and Access**

### **2.1 The Proposal**

The EIS indicates the development will accommodate on site 100 students and approximately 8 staff, it is noted, however, that students from the University of Newcastle will have the opportunity to learn Japanese culture and language at the campus. In order to ascertain the traffic related impacts of this development further information is sought in relation to the total maximum number of students that will be studying on the campus including those from the University of Newcastle.

### **2.2 Traffic Generation**

The Traffic and Parking Assessment Report (TPAR) submitted in support of the application has argued that vehicle activity associated with the campus is confined to staff and service vehicles. On this basis a quite conservative approach has been used assuming that all vehicle activity will occur in the peak periods and modelled nearby intersections with an allowance for future traffic growth. This modelling has confirmed that the intersections continue to operate at acceptable levels of service post development with minimal delay for the motorist.

While the adoption of a conservative approach is supported in principle it is considered that the results should be reviewed and updated in light of the total maximum number of students and the percentage of University of Newcastle students utilising the campus.

### **2.3 Vehicular Access, Driveway Design and Crossing Location**

The development retains the existing driveways at the eastern and western ends of the site. The western driveway provides access to the basement car park and caters for opposing vehicle movements while the eastern driveway is intended to be used for service vehicle activity and only caters for single vehicle movement.

Concern is raised in relation the potential for on-street queueing associated with the operation of the eastern service vehicle driveway, considering the many and varied service activity that would typically be associated with the operation of a University campus. It is also noted that this driveway is adjacent to the police station driveway. To address this concern, it is recommended that the driveway be widened to accommodate opposing vehicle movements in accordance with AS 2890.2 – Off Street Commercial Vehicles Facilities, and turning facility provided within the site.

The driveways are to comply with AS 2890.1 – Parking Facilities having regard for the need to maintain driver sight lines to pedestrians for a vehicle exiting the site.



## 2.4 Servicing

The eastern driveway is intended to be used by service vehicles with the maximum size vehicle being small rigid truck, reversing into the site and exiting in a forward direction onto Church Street. It is stated in the TPAR that this access arrangement, in particular the reversing movement, is consistent with the practice utilised by the former courthouse. An inspection of the site would suggest otherwise, with vehicles entering and exiting the site in a forward direction. Under the Roads & Maritime Services publication 'Guide to Traffic Generating Development' and AS 2890.1 – 'Parking Facilities' vehicular movements associated with loading facilities should be forward entry and exit. Considering the increase in pedestrian activity in the area associated with this development it is recommended that all vehicles are required to enter and exit the site in a forward direction.

## 2.5 Parking Demand

While the transient nature of the international students and the teaching staff is recognised, further clarification is required on other aspects of the development in respect of parking generation.

The site currently has a total of 34 parking spaces on-site comprising 16 spaces in a basement carpark and 18 spaces outdoors at the rear of the site.

The TPAR argues that the parking rate for the Newcastle City Centre under the Newcastle Development Control Plan (DCP) 2012 should be applied to the site, being 1 space per 60m<sup>2</sup> GFA for all non-residential land uses. The argument is primarily on the basis that the Newcastle City Centre boundary is directly adjacent to the site and the land uses proposed are consistent with those of the city centre.

Having regard to the site being in a B4 Mixed Use zone under the Newcastle Local Environmental Plan 2012 applying the Newcastle City Centre parking is considered reasonable. Based on this rate, the TPAR calculates a parking demand for 111 spaces.

The development proposes a total of 20 car spaces inclusive of 2 disabled persons parking spaces, 1 motorcycle space and 22 bicycle spaces. Having regard to an historic parking deficiency for the site of 31 spaces and the 20 spaces proposed the TIA identifies a parking shortfall of 60 spaces. The methodology for these calculations is considered sound.

The TPAR argues that 'strict application' of the Newcastle City Centre parking rate is not appropriate for the following reasons:

- The Nihon students will not have Australian or International Drivers licences.
- The existing NeW Space building and the proposed Honeysuckle Campus of the University of Newcastle 'provide a parking ratio of around 1 space per 500 m<sup>2</sup> or no parking at all.' The justification for such rates being the application of Travel Demand Management and Green Travel Plan principles encourage alternative modes of travel, such as public transport, cycling and walking.
- The range of parking ratios of between zero and 1 space for more than 750 m<sup>2</sup> GFA for other university campuses across Australia.

Consequently, the TPAR argues that the provision of parking should be limited to staff and not the general student cohort, with the wider transport needs of the student population accommodated by alternative means of travel and Green Travel Plan.

It is noted that the TPAR sourced its comparative data on other universities campus from the EIS of the NeW Space development. As explained in the CN's submission of 6 September 2018 to the Department concerning the Newcastle Honeysuckle City Campus Concept Proposal (SSD 9262) caution needs to be given to applying the New Space parking transport strategy to other university campus in the Newcastle City Centre until such time as hard evidence is available that the key points and assumptions that underpin



the strategy have been proven. To date, the University have not submitted a Response to Submissions report which addresses the issues raised in the CN submission.

Concern is raised in relation to the general adequacy of the provision of parking considering that the EIS identifies a maximum of 12 teaching staff, 8 administration staff and 4 hospitality staff will be on-site and possibly residing at the campus. However, there appears to be a need to also cater for other associated uses such as visitor vehicles, service and maintenance vehicles, or other university related vehicles (e.g. shuttle buses).

## 2.6 Green Travel Plan

As discussed above, the TPAR promotes the use of alternate means of transport to motor vehicle and has recommended that a Green Travel Plan (GTP) be prepared and implemented with the university as a means to address the on-site parking deficient.

In accordance with Clause 7.03.03 of DCP 2012 a GTP is required to be submitted in support of any major development application identifying the measures to be utilised and the facilities provided to promote and facilitate the use of alternate transport. The GTP should identify and analyse the suitability of existing alternate transport options available to students and any proposed upgrades to existing infrastructure in addition to measures and facilities proposed within the university campus.

Given the reliance on a GTP to justify the parking deficient this should be prepared and considered prior to the determination of the subject application.

## 2.7 Public Domain

The following public domain works are required in connection with the development, and will be subject to separate approval under Section 138 of *Roads Act 1993*.

Works	Reason
Reconstruct new pedestrian foot path across site frontage.	To enhance pedestrian amenity and safety due to increased pedestrian demand from development.
Reconstruct kerb and gutter	To improve street drainage, streetscape and facilitate compliant footway grades.
Road shoulder	Complement kerb works.
Kerb blisters and raised pedestrian crossings at the intersection of Bolton and Church Streets	To enhance pedestrian amenity and safety due to increased pedestrian demand from development.

## 3. Stormwater management

As acknowledged in the EIS, an existing easement for drainage 3m wide affects the subject land under DP1199904. The easement contains a 900mm stormwater pipe that forms part of the broader public street drainage system.

It is noted that the existing easement is limited in height to RL21m Australian Height Datum. However, it is considered that this limitation was to account for an existing situation where an existing building was already located over the pipe at the time DP1199904 was registered. This current situation is considered problematic in that there is limited provision for future maintenance of the asset within the easement.

As part of the development the existing building over the pipe is proposed to be demolished. Therefore, any new improvements on the site need to address the requirements of Section 7.06 Stormwater of the DCP 2012, which states:

### *'(h) Existing drainage systems*



*Where a drainage system serving other lands is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement. Where necessary, upstream lots are to be given a legal right to drain through a development site.*

*New buildings are not to be constructed over or compromise the integrity of drainage lines or easements including those originating from outside the site.*

*Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created. Where an existing drainage system across the site is retained, access to the existing system is not to be affected by the proposed development. The development is to be designed so as not to degrade the structural integrity of the system.'*

The associated 'Stormwater and Water Efficiency for Development' Technical Manual (April 2019), supports the DCP and provides further details in relation to existing infrastructure.

The application has not addressed the above requirements of the DCP and consideration should be given to amending the design of the development such that the proposed buildings are located clear of the existing easement or alternatively the existing pipe asset and easement is relocated clear of the building footprint. A minimum 3m wide easement will ultimately need to be maintained across the site providing access for future maintenance of the pipe asset and provision of an overland flow path.

It is noted that there may be opportunity to still construct over such an easement provided that sufficient clearance can be maintained overhead to enable reasonable and viable future maintenance, including machinery. Therefore, such an arrangement could possibly be accommodated between the Courthouse building to remain and the new eastern building adjacent (subject to amended design). It is recommended that further consultation be undertaken with CN Development Engineers and CN's Asset Section should this option be pursued, but as a guide overhead clearance in the order of 4.5m will likely be required.

#### **4. Noise**

The acoustic and vibration assessment has focused on potential noise impacts on surrounding receivers emitted during construction and from activities, vehicles and plant and equipment on site, but has not addressed noise from existing noise sources which may impact upon the proposed development. In this respect, it is noted the Grand Hotel is located opposite proposed student accommodation rooms. The acoustic assessment should address potential noise impacts on the proposal to confirm whether any acoustic attenuation is required to help ensure internal noise levels will meet appropriate guidelines such as: Internal Noise Levels. AS/NZ 2107:2000 Acoustics - *Recommended design sound levels and reverberation times for building interiors.*

#### **5 Contamination**

The subject land has been subject to two contamination investigation reports; a preliminary investigation (Coffey 2012) and detailed investigation report (Presna 2016) which included limited sampling of the small areas of site not occupied by buildings. These reports were not undertaken in relation to confirming whether the subject site is specifically suitable for the proposed development. The documents identified potential contamination sources arising from fill and hazardous building materials as well as potential use of pesticides/insecticides. The limited sampling of available areas identified Total Recoverable Hydrocarbon, benzo(a)pyrene and lead contamination in excess of nominated health and environmental criteria for High Density Residential Land Use and Industrial/commercial land use.



The detailed investigation report prepared by Prensa concluded that:

*'existing concentrations of TRH, benzo(a)pyrene and lead do not preclude ongoing commercial use of the site; should the site be redeveloped for a more sensitive land, further assessment, management and/or remediation of fill material across the site is recommended in open areas and beneath slabs following any proposed demolition.'*

To address contamination specifically in relation to the proposed development, two documents from Cardno (NSW/ACT) Pty Ltd were submitted with this application:

- Phase 1 Environmental Site Assessment – A Technical Note (29 April 2019).
- Remediation Action Plan – A Technical Note (6 May 2019).

The Phase 1 Environmental Assessment technical note recommends:

*1) The additional detailed investigations as recommended by both Coffey (2012) and Prensa (2016) be undertaken following demolition of the two (2) buildings to the east and west of the former 1892 Newcastle Court house building. This approach is advised as approximately 90% of the site is currently covered by either buildings or hardstand limiting access to soils. Any conclusions drawn from the results of sampling such a small portion of the site would not be representative of the site as a whole and therefore conclusions as to the Site's suitability would be unable to draw. In particular, as the exact location and status of the former engine workshop and fuel/oil storage facilities reportedly located at 1 Church Street (Police Station) is unknown; investigations along the eastern boundary are currently hindered by the existing infrastructure.*

*2) If necessary, a Remediation Action Plan be prepared by a suitably qualified land contamination consultant and implemented following the post demolition DSI and prior to the proposed development.'*

The Remediation Action Plan technical note states:

*'The objective of this Technical Note is to provide the NSW Department of Planning and Environment, clear guidance in relation to the site-specific Remediation Action Plan (RAP), which is to be prepared and implemented to allow the site to be made suitable for the proposed land use.'*

It goes on to summarise the findings of the two investigation reports and then advises that prior to demolition a conceptual Remediation Action Plan (cRAP) describing the works required to make the site suitable for the proposed use will be prepared.

*'The cRAP will include the following:*

- > Definition of the Site, including features, history and areas of environmental concern;*
- > Identify the need for further investigations to address data gaps;*
- > An updated Conceptual Site Model providing an evaluation of the potential risks to human health and the environment from identified contamination, if present;*
- > revision and finalisation of the cRAP following data gap investigations;*
- > A detailed plan outlining the implementation of the remediation strategy, including data gap investigations and unexpected finds protocol to manage unanticipated events during the demolition works;*
- > Detail environmental, site, occupational health and safety (OHS) control measures and community consultation requirements associated with implementation of the preferred remedial strategy; and*
- > Outline legislative, planning, and permitting requirements.*

*Following implementation of the RAP, a validation report will be required detailing the results of the data gap investigation and remediation works and confirming that the site is suitable for the proposed use.'*



It is considered the information submitted does not clearly allow the consent authority to conclude whether the site is suitable for the proposed use (or can be made suitable following remediation) in accordance with the assessment requirements of State Environmental Planning Policy No 55 - Remediation of Land. This is largely due to insufficient information and considered expert advice and recommendations.

The site has not been subject to a detailed investigation in accordance with appropriate guidelines and this issue is compounded by the fact the former investigation reports which have been undertaken were not undertaken with respect to the proposed development and did not provide conclusions or recommendations in respect to the proposal. The sampling data that is available has indicated exceedances of nominated criteria, however the appropriate investigation criteria has not been specifically determined or justified in respect to the proposed development. Land use specific risk considerations may include the level of soil exposure for future site uses, specific ground floor land uses and considerations as to how removal of existing fill material may potentially reduce risks from historic fill material. It is noted bulk excavations, in the range of 0.8 to 1.2m below existing ground level are proposed to form the new building design levels following demolition.

Cardno's RAP technical note (6 May 2019) appears to outline the following intended process to address contamination:

- An assumption has been made that some form of remediation is likely pending further detailed investigations to be undertaken after demolition.
- A cRAP will be drafted prior to demolition detailing further investigations required. (It is not clear what a 'conceptual' RAP is in accordance with NSW EPA contaminated land guidelines and whether this essentially is proposed to be a draft document).
- It appears the cRAP is intended to be submitted/approved by the department however this is not clear and does not appear to have occurred at this stage.
- Following demolition further investigations will be undertaken (it is not clear what investigation levels would be used)
- A decision will be made whether remediation is necessary, and if so, a specific RAP will be developed based on further detailed information (it is not known whether this would be category 1 or 2 remediation or whether long term management of contamination will be required)
- The RAP will be implemented (this could involve any remedial technique from excavation off site to long term onsite capping and management and be subject to a Long-Term Environmental Management Plan).
- Following remediation (if required) a validation report would be prepared.

Concern is raised that the above process involves a significant amount of uncertainty for both the proponent and consent authority.

It is recommended a more detailed expert assessment and consideration of existing data in accordance with appropriate guidelines be carried out in respect to the proposed development to more accurately determine data gaps, levels of risk and appropriate land use criteria to (if possible) confirm whether there is sufficient information to determine whether the site is suitable for the proposed land use prior to determination.

If the land use suitability can be determined and remediation is required, then a RAP which clearly complies with NSW EPA guidelines should be developed and submitted for assessment. If further investigations are recommended to inform whether the site is suitable and/or remediation is necessary, then this may require consideration of a separate application for demolition only to allow for further investigations or potentially a staged approval process. Also, utilisation of an NSW accredited site auditor may be warranted to address uncertainties in the site investigation, remediation and validation process.



## 6. Section 94A Development Contributions Plan 2009

According to Section 4.4.12 of the EIS, the estimated Section 94A (now known as Section 7.12) development contribution for the proposed development is provided in the *Section 94A Estimate* at Appendix 7. It is stated the estimate was prepared having regard to the Clause 7.12 (now Clause 25J) of the Regulation. It is noted, however, that in the certification section of the *Estimate*, the reference to the estimate being calculated in accordance Clause 25J has been deleted. Clarification should be sought from the applicant regarding this matter.

## 7. State Environmental Planning Policy (SEPP) No 64 – Advertising and Signage

According to Section 7.3.2 of the EIS, SEPP 64 does not apply to the development because the proposed signage is exempt development pursuant to Division 4 and Schedule 1 of SEPP (Educational Establishments and Child Care Facilities) 2017. An examination of these policy suggests otherwise. The exempt development provisions of the above schedule apply to development *'carried out by or on behalf of a public authority in connection with an existing educational establishment'*. These circumstances do not apply in this case.

## 8. Waste Management

The following comments are provided regarding the 'Waste Management Report – Building Operation' (WMP) prepared by dwp Australia Pty Ltd:

- The 2019 revision of the Environmental Protection Authority's publication 'Better Practice Guide for Resource Recovery in Residential Developments' suggests that, allowing for variances and increases in waste generation, as a general guide, the allowance for waste and recycling storage for accommodation non-hotel / motel is:
  - General waste: 10 lts per room, per day (70 lts per week)
  - Comingled recycling: 5 lts per room, per day (35 lts per week)

Based on 109 'rooms', the following weekly allowances should be made for the residential component:

- General waste: 7,630 lts / week
- Comingled recycling: 3,815 lts / week

These allowances exceed those stated in the WMP.

- Café / Kitchen allowance under the revised guidelines is as follows:
  - General waste: 400 lts per 100m<sup>2</sup>, per day
  - Comingled recycling: 280 lts per 100m<sup>2</sup>, per day

Based on 384m<sup>2</sup> of floor space (224m<sup>2</sup> of cafeteria plus 160m<sup>2</sup> of kitchen), the following daily allowances should be made for the café / kitchen component:

- General waste: 1,536 lts day / 7,680 lts / week (based on 5 days)
- Comingled recycling: 1,075 lts day / 5,376 lts / week (based on 5 days)

This allowance is based on five days per week, as per the submitted WMP, although it not clear where the residents will eat and prepare meals on the other two days per week considering they reside in the premises 7 days per week.

- Public building (Offices) allowance under the revised guidelines is as follows:
  - General waste: 10 lts per 100m<sup>2</sup>
  - Comingled recycling: 15 lts per 100m<sup>2</sup>

Based on 1,210m<sup>2</sup> of floor space (as proposed), the following daily allowances should be made for the public building component:

- General waste: 121 lts day / 605 lts / week (based on 5 days)

- Comingled recycling: 182 lts / 908 lts / week (based on 5 days)

This allowance is based on five days per week, as per the submitted WMP, although it is not clear whether these areas shall also be used on the other two days per week. An additional allowance may need to be made.

- Education building (Offices) allowance under the revised guidelines is as follows:
  - General waste: 10 lts per 100m<sup>2</sup>
  - Comingled recycling: 15 lts per 100m<sup>2</sup>

Based on 1,754m<sup>2</sup> of Education Building floor space, the following daily allowances should be made for the education building component:

- General waste: 175 lts day / 877 lts / week (based on 5 days)
- Comingled recycling: 263 lts day / 1,316 lts / week (based on 5 days)

This allowance is based on five days per week, as per the submitted WMP, although it is not clear whether these areas shall also be used on the other 2 days per week. An additional allowance may need to be made.

- Total Estimated Volumes Per week:
  - General waste: 16,792 lts / week
  - Comingled recycling: 11,415 lts / week
- Potential Collection Methodology:
  - General waste: 16 x 1,100 lt bins / week (provision for waste room/s to hold at least 6 x 1,100 lt bins, with the potential for 5 bins serviced 3 x per week)
  - Comingled recycling: 11 x 1,100 lt bins / week (provision for waste room/s to hold at least 4 x 1,100 lt bins, with the potential for 3 bins serviced most days)

The design of the two waste bin storage rooms is:

- To be large enough to accommodate the entire fleet of bins plus 0.2m between bins to allow adequate maneuverability space.
- To provide a 1.8m unobstructed clearance zone between the stored bins and the entrance to permit access and maneuverability.
- To provide suitable dual door access for the service of bins with a minimum width of 1.8m and accessed by a 1.8m unobstructed access corridor.
- To be located within proximity to the on-site loading bay.
- To be fully enclosed, walled and not permit through access to other on-site waste infrastructure. Separate unobstructed access is required.

It is noted no provision has been made for bulky goods storage. There should be suitably sized room/s made available for residents to store their unwanted bulky goods, prior to dispatch by the nominated contractor. Such room/s should be located adjacent to the loading bay/s.

The size of the bulky household goods area for developments of 20 or more dwellings is based upon the following calculation:

- Bulky Goods Area (m<sup>2</sup>) = [number of units x 4] / 26

Note: All calculations are rounded up to next whole number. Based on the above, bulky goods storage of at least 17m<sup>2</sup> should be allowed for.

The design of the bulky goods storage room/s are:

- To provide a minimum unobstructed width of 1.8m.
- To provide suitable dual door access for the service of bulky goods with a minimum width of 1.8m and accessed by a 1.8m unobstructed access corridor.
- To be near the on-site loading bay.



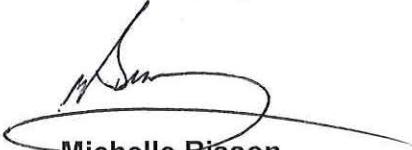
- To be fully enclosed, walled and not permit through access to other on-site waste infrastructure. Separate unobstructed access is required.

There is no provision in the WMP for green waste management. The Plan needs to outline how green waste generated at the site will be managed.

A satisfactory engagement agreement / statement of intent from a commercial waste collection provider regarding the waste management services as detailed in the approved WMP should be confirmed prior to approval of the development.

If you have any questions in relation to the various matters raised in the letter, please contact Geof Mansfield, Principal Planner (Development) on 4974 2767 or by return email.

Yours faithfully



**Michelle Bisson**  
**MANAGER REGULATORY PLANNING AND ASSESSMENT**