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Level 25, Governor Phillip Tower  
1 Farrer Place  
SYDNEY NSW 2000

Attention: Chris Laity – Senior Project Manager

8/11/2018

Lindfield\_181108\_Interim advice#08

2018\_DET Lindfield

Dear Sir

**INTERIM ADVICE #08 FOR STATUTORY SITE AUDIT No. 279 BY DR IAN SWANE  
REVIEW OF STAGING OF RAP FOR LINDFIELD LEARNING VILLAGE PROJECT (4 pages)**

**1. Introduction**

This letter provides the Department of Education (DET) and Savills Australia ('Savills') with interim advice as part of Statutory Site Audit No. 279 being undertaken by Dr Ian Swane, a NSW EPA Site Auditor accredited under the Contaminated Land Management (CLM) Act. The advice forms part of a statutory site audit for the Lindfield Learning Village Project (the 'Project') at a property located on approximately 5ha of land at 100 Eton Road Lindfield legally defined as Lot 2 in DP1151638 (the 'Site'). The Site is located within the Ku-ring-gai Council Local Government Area (LGA) and is a State Significant Development (SSD).

The purpose of this interim advice is to review the appropriateness of allowing minor external work to be undertaken at the Site prior to the completion of a Remediation Action Plan (RAP) and the ability of this staging approach to achieve the outcomes required by the planning consent<sup>1</sup>.

This interim advice report follows report 04 dated 25/10/18, which reviewed the appropriateness of allowing minor external work to be undertaken prior to the completion of a detailed site investigation (DSI).

This interim advice is considered to be consistent with NSW EPA guidelines and policy and does not pre-empt conclusions to be drawn at the end of the site audit process. This interim advice does not represent a site audit statement (SAS) or a site audit report (SAR), which are intended to be prepared and issued towards the end of the project.

**2. Staging of Investigation and Remediation Work**

NSW EPA guidelines<sup>2</sup> advise that the usual approach to investigate and remediate a site is to undertake the work in a series of stages that would normally involve a preliminary site investigation (PSI), a DSI, preparation of a RAP, then remediation and validation. However, the staging approach may vary if considered appropriate by a Site Auditor<sup>3</sup>. SEPP 55<sup>4</sup> also advises that the appropriate level of investigation will depend on the circumstances of a project and may involve one or more of the stages described above.

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<sup>1</sup> Department of Planning (24 October 2018) '*Partial Development Consent, State Significant Development SSD 8114*'. 37 pages

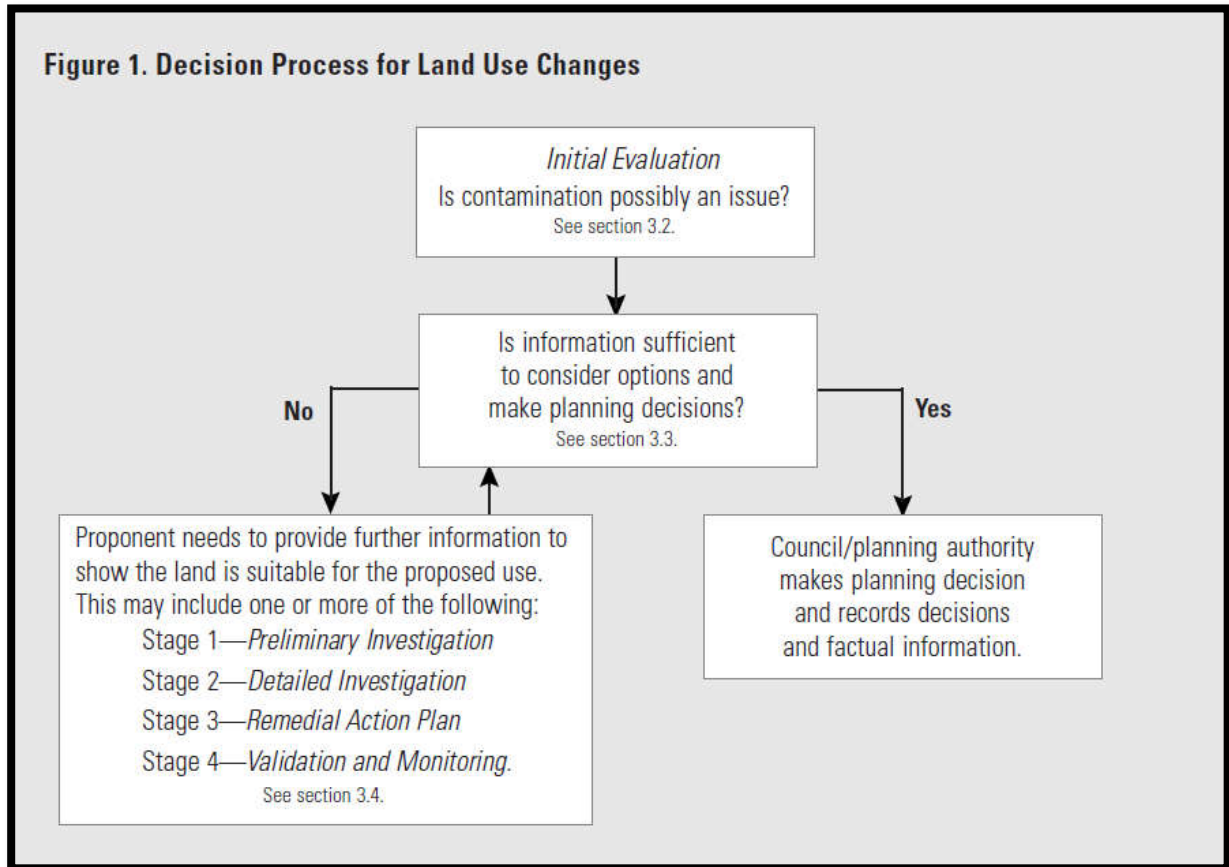
<sup>2</sup> Sections 1.5 & 3.2.1, NSW EPA (October 2017) '*Site Auditor Guidelines*'

<sup>3</sup> Sections 3.1(c) & 4.2.5, NSW EPA (October 2017) '*Site Auditor Guidelines*'

<sup>4</sup> Section 3.4, Department of Planning (1998) '*SEPP 55 Planning Guidelines*'

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This flexibility in the investigation and remediation process should not affect the decision process for land use assessment, as shown by **Figure 1** from the SEPP55 guidelines.



Both the NSW EPA and SEPP55 guidelines envisage situations when a different staging approach may be required.

The Site Auditor understands that the Lindfield Project involves mainly building refurbishment work to the former Lindfield TAFE campus, with only minor external work needing to be undertaken involving:

- Tree clearing for bushfire protection purposes;
- Installation of new underground services; and
- Minor footpath and road realignment work.

The staging approach that has been adopted for the Project involves allowing this minor external work to be undertaken while the DSI is being completed followed by the preparation of a RAP, if required. This staging approach is required because of the short period of time available for the completion of the Project.

The Site Auditor considers this staging approach is acceptable for this Project because:

1. The Site has a long history of use as an educational facility, which was preceded by open space, undeveloped land use. These land uses are consistent with a low-contamination risk
2. Health risks to construction workers at the Site from UXO / EO / EOW associated with historic off-site small arms rifle range should be low and comparable to typical rural land use

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3. The Site Auditor met with the DET project manager (Savills), the project environmental consultant (EIS) and the project UXO clearance specialist (G-tek) on 9/10/18 and conducted a site inspection with the Principal Contractor Taylors. No obvious physical signs of contamination were observed by the party. Subsequent site inspections conducted by the Site Auditor have also failed to identify any physical signs of contamination.
4. The proposed external work should not affect the ability of the Site Auditor to certify the suitability of the Site for its proposed educational land use because:
  - a) The proposed external work is of a minor nature that should not cause any significant disturbance to present ground conditions;
  - b) The proposed external work is to be regularly inspected by the environmental consultant EIS so that any suspect material that may be uncovered can be identified and appropriately managed on-site;
  - c) The most likely mode of contamination in shallow soils at the Site is localised hotspots caused by spillage from past development work at the Site. The proposed external work will therefore provide valuable subsurface data in addition to that being obtained by the DSI;
  - d) The Principal Contractor Taylors proposes to temporarily stockpile excavated materials on-site, which will allow this material to be assessed in detail prior to off-site disposal or beneficial reuse on-site;
  - e) Potential contamination, if present, from the adjacent infilled quarry and former Screen Australia property to its north should be deep and pose a low risk to school activities at the Site. Groundsurface screening for landfill gases along the northern boundary of the Site was undertaken by EIS in the presence of the Site Auditor on 2/11/18 and measured non-detectable methane levels.
5. The DSI work completed to-date has not identified the presence of any significant contamination at the Site
6. The Site Auditor is regularly inspecting the Site to check on the appropriateness of work being conducted. Inspections completed to-dated were undertaken on 9/10/18, 18/10/18 and 2/11/18. The next site inspection is scheduled for 12/11/18
7. The RAP to be prepared for the Project should still be able to address contamination risks at the Site, if present, because:
  - a) Any suspect material uncovered by the trenching work is to be temporarily stockpiled on-site and be available for remediation from these stockpiles, if required;
  - b) The RAP will be able to address the remediation of hot-spots identified by the DSI or the external works program; and
  - c) The RAP will be able to address any deeper contamination identified by the DSI since the proposed external work is shallow and should not interfere with such contamination, if present.
8. The Site Audit Statement certifying the suitability of the Site for its proposed educational land use will not be issued until all investigation, remediation and validation work has been completed in accordance with NSW EPA requirements. Consequently, the proposed staging of the RAP will not affect compliance with Conditions D33 – D35 of the Development Consent
9. This interim advice report addresses the NSW EPA<sup>5</sup> requirement for an auditor to accept a staging approach different from that normally used at a site in NSW after they have exercised

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<sup>5</sup> Sections 3.1(c) & 4.2.5, NSW EPA (October 2017) '*Site Auditor Guidelines*'

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independent professional judgement and provide adequate and explicit justification for taking this course.

Yours sincerely



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