


NEW SUMMARY OF SUBMISSIONS
PA20/400 - CONTAMINATED SITE - King Road, Oldbury 766 (L102) 168708 - Temporary Works for Site Remediation

| Submitter | No | Submitter Comments | Officer Comment |
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| <p>Main Roads</p> | | <p>Please be advised that Main Roads has no comments in relation to the above proposal.</p> <p>If you have any queries do not hesitate to contact, quoting our reference number provided.</p>  | <p>No action required resulting from this submission.</p> |
| <p>Water Corporation</p> | | <p>Thank you for your letter dated 14 October 2020. We offer the following comments regarding this proposal.</p> <p><u>Water and Wastewater</u></p> <p>Reticulated water and sewerage are currently not available to the subject land.</p> | |

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| | | <p><u>Drainage</u></p> <p>The subject area falls within the Oaklands Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Oaklands Main Drain and Birrega Main Drain runs along the boundary of the subject site within Water Corporation Reserves. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent properties within three days of a storm event, where contours and internal drainage make this physically possible.</p> <p>Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. No adverse discharge or runoff from the subject land would be allowed into our drainage system. The developer may be required to provide calculations from a consulting engineer to demonstrate, to the satisfaction of Water Corporation, that the runoff from the development has been restricted as above.</p> <p>This area could be prone to future flooding so the developer of this land should be advised to liaise with the Department of Water and Environmental Regulations to determine the flood levels.</p> <p><u>General Comments</u></p> <p>The developer may be required to fund new works or the upgrading of existing works and protection of all works.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> | <p>A condition recommending an updated Stormwater Management Plan be submitted and approved by the Shire of Serpentine Jarrahdale has been proposed which will address the matters raised by the Water Corporation.</p> <p>Approval to commence works is also required by the Department of Water Environment. This approval is required before works commences.</p> |
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| | | <p>Please provide the above comments to the landowner, developer and/or their representative.</p> <p>Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.</p> | | | | | | | |
| <p>DWER – Contaminated sites</p> | | <p>Thank you for providing the abovementioned development application for Lots 102 & 766 King Road, Oldbury for the Department of Water and Environmental Regulation (the Department) to consider.</p> <p>The Department has identified that the application has the potential to impact on water resource values and/or management. While the Department does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed:</p> <p>Issue: Industry Regulation – Prescribed Premises</p> <p>Recommendation</p> <p>Based on the information provided, the proposed operations are likely to cause the premises to become a prescribed premises as per Schedule 1 of the <i>Environmental Protection Regulations 1987</i> for the following categories:</p> <table border="1" data-bbox="535 1123 1480 1391"> <tbody> <tr> <td data-bbox="535 1123 600 1259">13</td> <td data-bbox="600 1123 1279 1259">Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.</td> <td data-bbox="1279 1123 1480 1259">1,000 tonnes or more per year</td> </tr> <tr> <td data-bbox="535 1259 600 1391">62</td> <td data-bbox="600 1259 1279 1391">Solid Waste Depot: premises on which waste is stored, or sorted, pending final disposal or re-use.</td> <td data-bbox="1279 1259 1480 1391">1,000 tonnes or more per year</td> </tr> </tbody> </table> | 13 | Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned. | 1,000 tonnes or more per year | 62 | Solid Waste Depot: premises on which waste is stored, or sorted, pending final disposal or re-use. | 1,000 tonnes or more per year | <p>Noted – No further action to be undertaken at this point. The applicant has been advised that approval to undertake the works needs to be also granted by DWER prior to commencement of the works.</p> |
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| | | <p>The Department has not received an application for a works approval or licence for this premises to date. As such, the Department recommends that the applicant lodge an application for a works approval (or licence) with the Department.</p> <p>The applicant is advised to refer to the <i>Industry Regulation - Guide to Licensing</i>, and other information available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals. The Department can also be contacted at info@dwer.wa.gov.au or 6364 7000 for information regarding the process for applying for a works approval or licence.</p> <p>The application will need to demonstrate compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>, <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>, irrespective of whether the premises is prescribed or not.</p> <p>Please note that this advice is provided based on information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact the Department at the above contact details to clarify requirements, should there be changes to information.</p> <p>Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> | |
| DWER –Land Use | | <p>I refer to your letter dated 4 June 2020 to the Department of Water and Environmental Regulation (the department) regarding an application to the Shire of Serpentine Jarrahdale (the Shire) for temporary works on the above-mentioned lot.</p> <p>As per the requirements under section 58(6)(b) of the Contaminated Sites Act 2003 (CS Act), advice is required as to the suitability of the land for the</p> | Noted - The applicant has submitted a comprehensive Remediation Management Plan which includes a Conceptual Site Model identifying the possible risks associated with the temporary works. |

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| | | <p>proposed temporary works. Lot 102 is currently zoned “rural” under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).</p> <p>It is understood from the Development Application that the Shire has previously approved the land uses “Industry – Light” and “Transport Depot” on the subject land, and that the site is currently used for a transport depot and tree grinding, wood chipping and associated soil blending.</p> <p>The department has reviewed the information submitted in regard to the proposed temporary works. This includes the removal and/or recycling of stockpiled building rubble waste on a portion of the land and the establishment of an additional hardstand area from recycled stockpiled materials, for use in accordance with the site’s earlier land use approvals.</p> <p>The application also includes temporary works on a portion of the site to sort and process stockpiled building material. The proposed screening and sorting of waste for the volume of material present on the site will trigger the criteria for a Category 62 prescribed premise as per Schedule 1 of the Environmental Protection Regulations. This would trigger regulation of the premise under the Environmental Protection Act 1986 (and EP Regulations) and the site would require a licence that sets out the regulatory controls to manage potential risks associated with the proposed activities.</p> <p>Land at Lot 102 on Diagram 82617, as shown on certificate of title 1931/434, was classified under section 13 of the CS Act as possibly contaminated – investigation required on 29 January 2019 and a memorial (reference number O146108ML) was placed on the certificate of title.</p> <p>The classification was based on the presence of construction and demolition waste that was unlawfully disposed of in a portion of the site and observations of fibre-cement fragments during a site investigation in November 2018. Subsequent laboratory analysis confirmed the presence of asbestos.</p> <p>Investigations have not been carried out to determine the nature and extent of potential soil impacts at the site associated with the waste material or</p> | <p>Officers are satisfied that the development, subject to the approval of the relevant management plans prior to works occurring will ensure the temporary works are undertaken to ensure the risks associated with environmental and public health are satisfactorily managed.</p> <p>As mentioned previously a separate approval will also be required from DWER prior to works occurring which will require a suite of information as part of their legislation. This provides an additional layer of assessment in addressing public and environmental health.</p> |

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| | | <p>other land uses. A risk assessment has not been carried out to determine the potential risk posed by the substances of concern at the site to human health, the environment or environmental values.</p> <p>Based on available information, the site is considered to be suitable for the proposed ongoing “rural”, “industry light” or “transport depot” land use. Furthermore, potential risks associated with the temporary works involving the screening and sorting of waste material will be managed as a prescribed premise requiring compliance with the licence requirements under the Environmental Protection Act.</p> <p>Therefore, the department has no objection to the proposed temporary works and proposed hardstand area on Lot 102 on Diagram 82617 for “rural”, “industry light” or “transport depot” land use, and recommends that the approval should not include a contamination condition.</p> <p>However, given the risks associated with the historical use of the site, and consistent with previous advice from the department to the Shire, the department recommends that the approval include the following advice note with respect to the Contaminated Sites Act:</p> <p>Advice</p> <p>A preliminary site investigation and detailed site investigation should be undertaken to address data gaps relating to the historical land use, characterise the stockpiled waste, develop a conceptual site model and conduct a risk assessment.</p> <p>An ‘abbreviated’ Remediation Management Plan has been prepared for the site. However, a Remediation Action Plan that meets the requirements of the Contaminated Sites Guidelines (2014) should also be prepared to ensure that potential risks to on-site and offsite receptors from all former land uses and from the relocation and/ or reuse of stockpiled waste materials have been identified and addressed.</p> | |
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| | | <p>A site management plan may be required to manage potential ongoing risks to human health and the environment, depending on the conceptual model, level of remediation and future site activities.</p> <p>Investigations and reports should be undertaken in accordance with the Contaminated Sites Guidelines (2014)¹ and the Department of Health's asbestos guidelines (2009)².</p> | |
| A168706 McKee | | <p>We have no argument for works taking place at Lot 102 King Road as long as the correct procedures are in place.</p> <p>We would like it to be taken into consideration that, we are open serving lunches weekdays and there will be no dust etc. blowing over our property.</p> | <p>Noted - Management plans are required to be submitted prior to works occurring onsite which will address potential impacts to nearby sensitive receptors. Additionally, a license is required to be obtained by DWER prior to works occurring which provides for an additional layer of assessment.</p> |
| Department of Health | | <p>Thank you for your request for INTERIM advice regarding the Remediation Management Plan (360 Environmental, May 2020) report submitted to you in support of Temporary Works Approval. DOH would wish to provide more detailed advice and comment once the proposal has been finalised.</p> <p>I have forwarded this INTERIM response to colleagues at DWER who have had prior involvement with this site, under both waste enforcement and contaminated sites regulations.</p> <p>In November 2020 DoH and DWER attended a meeting with Shire officers to discuss the site. At that time DOH recommended, as a preference, that any future disturbance or excavation of the existing illegal waste deposit, known to contain asbestos fragments and friable asbestos, should be minimised. At that time DOH suggested that the Shire consider proposals to retain the waste on site under a suitable thickness of clean cover material and to seek an appropriate classification and memorial to be</p> | <p>Noted - The applicant has submitted a comprehensive Remediation Management Plan which includes a Conceptual Site Model identifying the possible risks associated with the temporary works.</p> <p>Officers are satisfied that the development, subject to the approval of the relevant management plans prior to works occurring will ensure the temporary works are undertaken to ensure the risks associated with environmental and public health are satisfactorily managed. More</p> |

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| | | <p>imposed under the Contaminated Sites Act 2003. In addition, DOH met the owner of the adjacent property (200m south) who was concerned about proposed remediation works and likely dust/fibre emissions from the site.</p> <p>The current proposal is for the sorting, mechanical screening of 50,000m3 of illegally deposited uncontrolled waste, with the crushing and reuse of >65mm fraction (and offsite disposal of <65mm fraction and contaminated soils/mulch). The site will be cleared and validated to demonstrate its suitability for future industrial/commercial land uses, and the crushed >65mm waste fraction reinstalled on site to create a development platform for future development. This is proposed under a Temporary Works Approval, and a further approval will be required to authorise any future land use/activity.</p> <p>DoH recommend that the proponent discuss whether the proposal to process waste on site requires formal DWER Works Approval under Part IV of the Environmental Protection Act 1986, and whether a sufficient 'Separation Distance' has been achieved between the site and nearby sensitive land-uses, as per EPA GP3 "Separation Distances between Industrial and Sensitive Land Uses" (June 2005). In addition,</p> <p>DoH request confirmation and reassurance as to the temporary nature of the proposed land-uses, and for the inclusion of a specific time-limit on the approved works (e.g. 20 weeks)</p> <p>DOH recommend that,</p> <ul style="list-style-type: none"> no additional waste materials are allowed onto the site, no existing or future stockpile height is allowed to exceed the height of the surrounding earthen bund, the mechanical screening and crushing plant should be located on site, to minimise noise and dust emissions, the site is supervised by a suitably qualified and experienced Occupational Hygienist, and that works are undertaken by WorkSafe licensed personal, | <p>specifically, an updated site specific Dust Management Plan is required to be submitted prior to works occurring which will ensure the proposed dust mitigation (including managing asbestos fibres) are appropriate for the temporary works.</p> <p>The applicant is also required to submit a detailed Asbestos and Hazardous Materials Management Plan to demonstrate with sound methodology to the satisfaction of the Shire, how asbestos identified onsite will be managed/controlled to prevent fibre release. This will be required to be submitted prior to works occurring onsite.</p> <p>Additionally, as mentioned previously a separate approval will also be required from DWER prior to works occurring which will require a suite of information as part of their legislation. This provides an additional layer of assessment in addressing public and environmental health.</p> |
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| | | <p>the proposed works should not be conducted during periods of dry or windy weather, the site operator consult and liaise with nearby land users to agreed mutually acceptable operating times and vehicle routes, a designated vehicle decontamination/washdown facility is operated at the site access,</p> <p>The Remediation Management Plan (360 Environmental, May 2020) does not provide sufficient information for DOH to assess the public health risks associated with the project. In particular DOH would wish to receive details of, A comprehensive characterisation of the waste material, Details of site personnel roles, training and experience, Detailed method statements in respect of each stage of the remediation process (Table 2 Bullet 4), An assessment of the public health risks associated with likely air and waste emissions from the site, Detailed proposals for measures to mitigate those risks, Details of ongoing monitoring and management to demonstrate the effectiveness of those measures, Compliance standards and corrective actions, Unexpected Hazardous Materials (including asbestos) Finds protocol and procedures, Incident and complaint recording, actions and reporting,</p> <p>In particular, DoH would wish the proponent to provide further details of the 'air dust/fibre monitoring program' and 'soil and groundwater validation sampling and analysis plan' with reference to current and relevant guidelines.</p> <p>The site is currently regulated under the Contaminated Sites Act 2003. Once works are completed, in order for DWER/DOH to consider any reclassification of the site and consider it suitable for future uses, all</p> | |
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| | | <p>sampling/analysis and risk assessments must be conducted by a suitably qualified and experienced person in accordance with Contaminated Sites Management Series guidelines (incl. NEP(ASC)M and DOH, 2009 guidelines). A 'Closure and Validation Report' should be prepared for this purpose.</p> <p><i>Water Supply and Wastewater Disposal</i> For non-scheme water connected areas, the temporary works are to have access to a sufficient supply of potable water that is of the quality specified under the <i>Australian Drinking Water Quality Guidelines 2011</i>.</p> <p>Suitable provision for an adequate onsite effluent disposal area is to be accommodated in any approval. For on-site wastewater disposal systems to be approved, the site capacity is to be demonstrated via a winter 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547).</p> <p>For more details please refer to the <i>Guidance on Site-and-soil evaluation for Onsite Sewage Management</i>. The factsheet also provides information on the stages in the planning process and scale of development and determines the timing and the level of detail of investigation and reporting.</p> <p style="text-align: right;">189 Royal Street East Perth Western Australia 6004 Telephone (08) 9222 2000 TTY 133 677 PO Box 8172 Perth Business Centre Western Australia 6849 ABN 28 684 750 332 www.health.wa.gov.au</p> <hr/> <p style="text-align: center;">2</p> <p>Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or ehinfo@health.wa.gov.au</p> | <p>Noted</p> |
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