

Environment Protection Authority (EPA)

**NOTICE OF APPROVAL OF VOLUNTARY
MANAGEMENT PROPOSAL**

(Section 17 of the *Contaminated Land Management Act 1997*)

Approval No.: 20131708

Approval Date: 30 April 2013

Area No.: 3249

The approved proposal consists of this approval document and the attached proposal, which comprises three Parts: Part 1 – Preliminary Details; Part 2 – Undertakings; and Part 3 – Performance Schedule.

Proponent: Government Property NSW

Site: Declaration Area – Foreshore area adjacent to 7, 9 and 11 Nelson Parade, Hunters Hill (Lot 1 in DP641068 and Lot 1 in DP544937)

Proposal Date: 8 February 2013, signed on 19 March 2013

BACKGROUND

The EPA is satisfied that the terms of the proposal, as modified by the conditions of this approval, are appropriate.

For the purposes of section 17(4) of the *Contaminated Land Management Act 1997* (CLM Act), the EPA is not satisfied that the proponent has taken all reasonable steps to identify and find every owner and notional owner of the land and every person responsible for significant contamination of the land and given those parties identified an opportunity to participate in the formulation and carrying out of the proposal on reasonable terms. Therefore it is a condition of this approval that the parties to this proposal cannot recover contributions under Division 6 of the CLM Act.

The contents of Part 1, Part 2 and Part 3 of the attached proposal form part of the terms of the approved proposal.

For the purposes of section 9(1) of the CLM Act, the EPA has had regard to the principles of ecologically sustainable development in assessing and approving this voluntary management proposal and has also sought the implementation of those principles in the management of the site under this approved proposal.

APPROVAL AND CONDITIONS

The EPA approves the proposal subject to the following conditions. These conditions form part of the terms of the approved proposal.

1. Implementation of this voluntary management proposal is dependent upon the proponent receiving project approval from the appropriate consent authority.
2. Each feature and milestone of the proposal is to be completed by the date specified in the proposal. Failure to satisfactorily complete any component by the due date for that feature or milestone may be taken as a failure to carry out the terms of the proposal for the purposes of section 17(6) of the CLM Act.

3. The proponent cannot recover contributions under Part 3 Division 6 of the CLM Act.
4. Make available for inspection by any person, free of charge, and provide a copy to any person for a reasonable fee, any document required to be prepared and submitted to the EPA under this voluntary management proposal. It is not necessary to disclose:
 - (i) any information contained in those documents that relates to any manufacturing or other industrial or commercial secrets or working processes; or
 - (ii) any personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998* or *Privacy Act 1988* (Cth), contained in those documents.
5. Where this proposal requires the proponent or any other person to give a document to the EPA, that document may be given to the EPA:
 - a. By emailing the document to contlandmgnt@epa.nsw.gov.au; or
 - b. By delivering the document by hand to Level 14, 59 Goulburn Street, Sydney NSW 2000; or
 - c. By posting the document to Manager Contaminated Sites, Environment Protection Authority, PO Box A290, Sydney South NSW 1232.

ADDITIONAL INFORMATION

6. The EPA may still exercise any powers it has under the CLM Act, or any other legislation, in relation to the site.
7. The EPA may require the proponent to pay all or any costs incurred by the EPA in connection with any one or more of the following:
 - a. Assessing and settling the terms of the approved voluntary management proposal;
 - b. Monitoring action under the approved voluntary management proposal;
 - c. Seeking the compliance of the proponent with the approved voluntary management proposal;
 - d. Any other matter associated with, or incidental to, the matters set out in 7.a. to 7.c. above.

Signed:



30 April 2013

Manager Contaminated Sites
Environment Protection Authority

(by delegation)

VOLUNTARY MANAGEMENT PROPOSAL UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Part 1

Preliminary Details

1. Proponent's Details

(a) Name and contact details

If a registered company, company name:

Trading as:

ACN:

If not a registered company, your full name(s):

Trading as: Government Property NSW

ABN: 91 840 597 406

Postal address: Level 5, 4-6 Bligh St Sydney NSW

Postcode: 2000

EPA licence number (if applicable):

(b) Who the EPA should contact with technical enquiries about the proposal

Employer/Company: Divestments, Acquisitions and Development,
Government Property NSW

Position title: Senior Project Manager

Type of business: NSW Government

Proponent: Government Property NSW

Site: Remediation of former Radium Hill Company site, Nelson Parade, Hunters Hill, NSW,

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2. Land to which proposal applies

The land to which the proposal applies ("the Declaration Area") is:

Street address	Folio identifier	Approximate area (m ²)	Owner
Foreshore Area adjacent to Numbers 7 and 9 Nelson Parade, Hunters Hill	Lot 1 DP 641068	349	NSW Government Property
Foreshore Area adjacent to Number 11 Nelson Parade, Hunters Hill	Lot 1 DP 544937	163	NSW Government Property

The proposed remediation works at the Declaration Area will comprise part of a larger project as detailed in this proposal, including soil remediation works at 7, 9 and 11 Nelson Parade, Hunters Hill. For the purposes of this proposal, the Declaration Area and 7, 9 and 11 Nelson Parade are referred to as "the Site". The Site is shown on the attached maps (Figure 1: Nos 7, 9 & 11 Nelson Parade, and Figure 2: Foreshore Declaration Area (NSW EPA)).

3. The contamination

Soil and/or groundwater and/or surface water at the Declaration Area are contaminated with substances and the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*. The substances of concern ("the contaminants") are:

- Coal tar pitch
- Polycyclic aromatic hydrocarbons (PAHs), including benzo[a]pyrene
- Total petroleum hydrocarbons (TPH)
- Lead (Pb), and
- Arsenic (As)

The investigations also recognise some radiological contamination at the Site which will be remediated concurrently with the contaminants identified above.

4. The management proposal

The management proposal ("the proposal") comprises:

- a) the information set out above;
- b) the actions, works and other components set out in the following documents:

Australian Nuclear Science and Technology Organisation (ANSTO) (Mar 2012), *Waste Classification of Fill Materials at Legacy Radium Extraction Plant, Nelson Parade, Hunters Hill* for State Property Authority

ANSTO (Nov 2011) *Radiological Assessment of Fill Materials at No 11 Nelson Parade, Hunters Hill*

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ANSTO (Feb 2010) *In Situ Classification of Fill Materials at Nos 5 to 11 Nelson Parade, Hunters Hill for the Purpose of Waste Classification* for State Property Authority

Environ (2012), *Review of Waste Classification of Radiological Soil – Nelson Parade, Hunters Hill*

Golder Associates, (2012) *Numbers 5, 7, 9, 11, 13 and 15 and adjoining foreshore areas Nelson Parade, Hunters Hill, NSW. Remediation Action Plan*. Report submitted to EnviroPacific Services Pty Ltd (ref:107623165_002_R_Rev7)

Parsons Brinckerhoff, (2012) *Remediation of former Radium Hill Company site, Nelson Parade, Hunters Hill, Environmental Assessment Final, Volume 1 Main Report, prepared for State Property Authority*

Parsons Brinckerhoff, (2012) *Remediation of former Radium Hill Company site, Nelson Parade, Hunters Hill, Environmental Assessment Final, Volume 2 Technical Papers (1 of 2), prepared for State Property Authority*

Parsons Brinckerhoff, (2012) *Remediation of former Radium Hill Company site, Nelson Parade, Hunters Hill, Environmental Assessment Final, Volume 2 Technical Papers (2 of 2), prepared for State Property Authority*

- c) the undertakings set out in Part 2 of this document; and
- d) the performance schedule set out in Part 3 of this document.

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Part 2

Undertakings Included in Voluntary Management Proposal

THE PROPOSAL INCLUDES THE FOLLOWING UNDERTAKINGS:

General

1. All works or activities carried out in connection with the proposal, including sampling and preparation of associated reports ("the activities"), will be carried out in accordance with applicable provisions of *State Environmental Planning Policy 55 – Remediation of Land* and any requirements imposed under it in relation to the activities.
2. All matters listed as relevant to a remediation action plan by the EPA's Guidelines for Consultants Reporting on Contaminated Sites (1997) will be taken into account in the carrying out of the activities.
3. All the activities will be carried out consistently with guidelines made or approved under section 105 of the CLM Act.

(See <http://www.environment.nsw.gov.au/clm/guidelines.htm>)

4. All the activities will be carried out in compliance with applicable NSW environmental legislation, and in particular:
 - i) All the activities, including:
 - (1) the processing, handling, movement and storage of materials and substances used to carry out the activities; and
 - (2) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activitieswill be carried out in a competent manner;
 - ii) All plant and equipment installed at the Site or used in connection with the activities:
 - (1) will be maintained in a proper and efficient condition; and
 - (2) will be operated in a proper and efficient manner.
5. All the activities at the Site will be carried out in a manner that prevents or minimises the emission of dust, odour and noise from the Site.
6. Waste generated or stored at the Site will be assessed and classified in accordance with DECCW's Waste Classification Guidelines Part 1: Classifying Waste.
(See <http://www.environment.nsw.gov.au/waste/envguidlms/index.htm>)
7. All waste transported from the Site that is required by the Protection of the Environment (Waste) Regulation 2005 to be tracked must be tracked using the EPA's on-line tracking system or an alternative tracking system approved in writing by the EPA.
(See <http://www.environment.nsw.gov.au/owt/aboutowt.htm>)
8. The proponent will make this voluntary management proposal available to the public free of charge and consents to the EPA placing this proposal on its public website.

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9. The proponent will make all documents referred to in, and required to be prepared under, this voluntary management proposal available to the public free of charge, unless the proponent identifies commercial-in-confidence or private/personal information (including information relating to a third party) within those documents. In these cases, the proponent will remove such information from the documents to make the documents suitable for public release.
10. The proponent will:
 - i) prior to the implementation of the proposal provide for the EPA's approval a strategy for communicating about that implementation, particularly the actual management works, with members of the public who are likely to have a real interest in or be affected by that implementation; and
 - ii) implement the strategy as approved in writing by the EPA.

Monitoring, Record Keeping & Reporting

11. At least until the EPA has notified the proponent that the EPA no longer considers that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997, record and retain all monitoring data and information and provide this record to the EPA at any reasonable time if so requested by the EPA and as specifically provided under the proposal.

[Note: Specific details of monitoring and data reporting requirements, requirements for progress reports, etc. are to be set out in the performance schedule in Part 3 of this document.]

12. The EPA will be informed in writing within 7 days of the proponent becoming aware of information or data indicating a material change:
 - a) in conditions at the Site, or
 - b) in its surrounding environment,which could adversely affect the prospects of successful management of the Site or result in harm to the environment.
13. The EPA will be informed in writing within 7 days of the proponent becoming aware of any failure, either by the proponent or any other person, to comply with any term of the proposal.
14. The EPA will be informed in writing as soon as practicable of any notification by the proponent, its employees or its agents to an appropriate regulatory authority other than the EPA of any pollution incident at the site within the meaning of the Protection of the Environment Operations Act 1997.

(See <http://www.environment.nsw.gov.au/licensing/dutytonotify.htm>)

Performance Schedule

15. The performance schedule which is in Part 3 of this document will be adhered to.

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Part 3

Performance Schedule

1. Objectives of the proposal

Remediation Works are proposed to address contamination identified at the Site. The objective of the Remediation Works is to make the Site suitable for residential land-use by removing contaminants to concentrations below acceptance criteria.

The Remediation Works would include:

- Property numbers 7 and 9 Nelson Parade – All trees and vegetation, retaining walls and soil/fill materials would be removed and the entire area excavated to bedrock.
- Number 11 – All trees and vegetation, retaining walls and soil/fill materials would be removed and the entire area excavated to bedrock across the property, with the exception of the building footprint. This includes part of the driveway, part of the courtyard and all of the pool area. The dwelling would remain on No. 11 Nelson Parade.
- Foreshore area adjacent to property numbers 7, 9, and 11 Nelson Parade – All vegetation and soil/fill would be excavated to bedrock across all five foreshore areas (some remediation works will also be carried out at the foreshore areas adjacent to 5 and 13 Nelson Parade. The foreshore land is collectively referred to as “the Foreshore Area” in this proposal).
- Adjacent properties - Targeted removal of surficial material above background radiological readings and reinstatement of those areas with virgin excavated natural materials (VENM), topsoil and turf.

A detailed methodology of the Remediation Works is presented in the Remedial Action Plan (Golders, 2012).

The Remediation Works would involve the removal of all contaminated soils and materials from the Site for disposal at an appropriately licensed facility. The Site would then be subject to validation testing to ensure that it has been suitably remediated. Following this, the Site Auditor would provide a site audit statement that the Site is suitable for residential use.

2. Principal features of the proposal

The principal features of the Remediation Works include, but are not limited to:

a. Capital works

P1. No capital works are proposed for the remediation

b. Remediation Works

P2. Site Establishment

- (i) removal of vegetation on-site

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- (ii) removal of front brick wall fence from property No. 11 Nelson Parade
 - (iii) establishment of site security fencing and clean site access area including a new hardstand area at numbers 7 and 9 Nelson Parade
 - (iv) establishment of stormwater, sediment, erosion and dust control measures
 - (v) construction of concrete hard stand at property numbers 7 and 9 Nelson Parade
 - (vi) establishment of the foundations for the crane
 - (vii) set-up of clean storage area for skip bins
 - (viii) set-up and operation of a water treatment plant (WTP) with discharge of treated water to existing stormwater
- P3. demolition and removal of remnants of the inlet of a boat ramp in front of No 9 Nelson Parade including removal of the stone wall inlet and construction of new wall section to align with the existing sea wall using stone blocks removed from the inlet
- P4. sealing and refurbishment of the seawall to prevent migration of contaminated material from the site to the harbour. Following completion of the Remediation Works behind the seawall, core drilling would be undertaken to allow for natural drainage across the wall
- P5. relocation, removal and/or construction of utilities and services on the Site
- P6. cleaning of the sandstone blocks from the Site
- P7. progressive excavation of the Restricted Solid Waste, taking the Site back to underlying bedrock
- P8. placement of the Restricted Solid Waste into sealed skip bins ready for transfer off-site
- P9. transfer of the Restricted Solid Waste off-site to an appropriately licensed facility
- P10. validation of the Site to ensure it is remediated to appropriate levels
- P11. importation of suitable material to fill the Foreshore Area, followed by topsoiling and turfing
- P12. demolition and removal of the boat ramp slab (on eastern section of site in front of No. 5 Nelson Parade), followed by construction of a new boat ramp via a barge facility
- P13. demolition of the indoor pool and outdoor patio area at No. 11 Nelson Parade followed by removal of the waste materials from these areas

c. Monitoring

- P14. Carry out environmental monitoring in accordance with the Construction Environmental Management Plan (CEMP)

c. Validation/Site Audit Statement

- P15. No 7, 9, & 11 Nelson Parade validation sampling for chemical contaminants on a 5 m grid in the floor of the excavation

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- P16. In Foreshore Area, excavation will occur in 3 m slots, validation sampling for chemical contaminants in floor of excavation on 3 m grid
- P17. Radiological mapping of area with continuous "walk-over" survey
- P18. Radiological measurement of sandstone on 20 m grid
- P19. Review of site validation works and issuing of site audit statement and summary report by NSW EPA Accredited Site Auditor.

3. Key milestones for investigation, remediation and other actions

All works set out in the proposal must be completed by the deadlines specified below:

Works	Deadline
T1. Planning Approval	May 2013
T2. Site Establishment and Preliminaries	June 2013
T3. Remediation works	July – Dec 2013
T4. Validation Works	January 2014
T5. Final Site Audit Statement & Summary Report Issued	March 2014

4. Reporting requirements and timeframe for submission of reports

The EPA must be provided with the following reports by the deadlines specified below:

Report	Deadline
R1. Site validation report following remediation P15 – 18 above	January 2014
R2. Final Site Auditor Statement and Summary Report P19 above	March 2014

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Figure 1: Nos 7, 9, 11 Nelson Parade, Hunters Hill (source, <http://imagery.maps.nsw.gov.au/>)

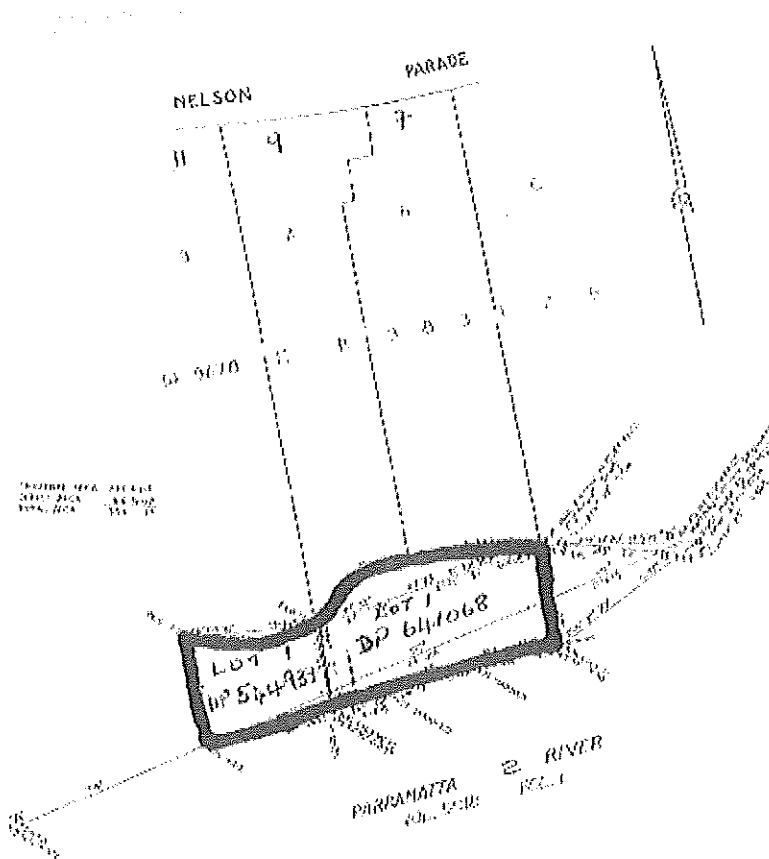


Figure 2: Foreshore Declaration Area (NSW EPA Declaration No 21083)

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Signature of proponent

This application for approval of this voluntary management proposal may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

If the proponent is:	The application must be signed and certified by one of the following:
an individual	<input type="checkbox"/> the individual.
a company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or <input type="checkbox"/> two directors, or <input type="checkbox"/> a director and a company secretary, or <input type="checkbox"/> if a proprietary company that has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	<input type="checkbox"/> the chief executive officer of the public authority, or <input type="checkbox"/> by a person delegated to sign on the public authority's behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application).
a local council	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> ('LG Act'), or <input type="checkbox"/> the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the proponent):

- ***apply for approval of the voluntary management proposal set out in this proposal and in any documents referred to in Part 1.4 of this proposal***
- ***declare that the information in this proposal form (including any attachment or document referred to in Part 1.4 of this proposal) is not false or misleading.***

Signed by the proponent on 19 March 2013

Seal (if signing under seal):

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