

Yarralumla Residents Association Inc.

Yarralumla Residents Association Submission on Development Application (DA) 201425325

30 May 2014

The DA is for the removal of 9000m³ or 14,400 tonnes of contaminated soil from the Asbestos Dump at the Yarralumla Brickworks site Section 102 Block s7, 1 and 20 and Section 127 Block 1.

These Blocks are covered by the Commercial Zones Development Code and the Yarralumla Neighbourhood Plan.

The following key documents relevant to consideration of the DA:

Remediation Action Plan (includes Hazardous Materials) Draft Canberra Brickworks Remediation Project Block 1 Section 102 Yarralumla Canberra Central ACT March 2014 by Robson Environmental Pty Robson Remediation Plan)

Statement of Heritage Impacts Proposed Canberra Brickworks Remediation Project 29 March 2014 by Eric Martin and Associates for Capezio and Co on behalf of ACT Government (Heritage Impacts Report)

Cost Estimate Asbestos Dump Remediation Yarralumla Brickworks Yarralumla ACT, 20 March 2014 by Robson Environmental Pty (Robson Cost Estimate) (Attachment A)

Previous Environmental Assessments and Reports

Connell and Wagner 2001 - Appendix F-Brickworks Contamination Report

Robson Laboratories Pty Ltd (October 2006) 'Environmental Investigation –Audit Report Yarralumla Brickworks Block 1 Section 102 Yarralumla Canberra Central ACT. (Robson reference 3144_CL_EI Final_20061018).

Robson Laboratories Pty Ltd (2007) 'Remediation Action Plan – Asbestos Dump Yarralumla Brickworks Block 1 Section 102 Yarralumla Canberra Central ACT'. (Robson reference 3144_CL_RAP_20070612).

The DA should not be approved as it is based on inadequate analyses and assumptions that are flawed, inaccurate, and inconsistent with the regulatory framework applying to contaminated sites, in particular asbestos, in the ACT.

The Robson Cost Estimate is inadequate as it does not cover the scope of works outlined in the Robson Plan. The full cost is likely to exceed the Robson Cost estimate of \$2.347 million by an order of magnitude and will far exceed the ACT Government's Budget allocation of \$2.9 million (Attachment B) by up to 20 or 30 times. Moreover the Robson Cost Estimate does not provide for remediation of the site as a whole. If approved the remediation at the amount allocated by the ACT Government would not meet the regulatory requirements.

In addition the DA does not address a significant number of rules and criteria from the Commercial Zones Development Code stating that they are not applicable when clearly they are or that they are covered by the Robson Plan when they are not adequately addressed there.

Analysis, Assumptions and the Regularity Framework

The DA is applying to remediate the site for a specific future use. This future use is stated as high density residential land use (Robson Plan p 16). However such future use is not allowed under the existing zoning of the site. Moreover the remediation approach proposed ONLY provides for high density housing HIL level B under the ASC 2013 NEPM. This is where the ground surface is completely covered by buildings and hard surfaces so that people do not come in contact with the soil and includes dwellings with permanently paved yard space such as high rise and flats. In so doing this remediation approach precludes any other use such as lower density, provision of gardens and open space.

In addition the Robson Remediation Plan on which the DA is based does itself not comply with the regulatory framework in the ACT which this Plan also lists on page 12. In particular the:

National Environment Protection Council (NEPC1999) National Environment Protection (assessment of Site Contamination) Measure 1999). As revised 2013 – the ASC NEPM 2013.

Western Australia department of Health (DOH 2009) “Guidelines for the Assessment Remediation and Management of Asbestos Contaminated Sites in Western Australia (WA Guidelines)

The Robson Remediation Plan’s Chapter 3 Remedial Goals and Options is instead based on the NSW DEC (2009) Guidelines for the NSW Site Auditor Scheme which does not cover asbestos remediation. Asbestos remediation is covered by the ASC NEPM 2013 and the WA Guidelines both of which have been adopted by the ACT.

The ASC NEPM clearly states that

5.2 Site Remediation

If adequate asbestos-contamination investigations and risk assessments have taken place, it should be possible to narrow down the most likely remediation options and to select one or a combination of them.

In undertaking the selection process, it is important that all options are considered and the preferred one should be supported by strong argument when compared with the others.

The main remediation options include: management in situ, treatment on-site, and removal of the contaminated soil from the site. Consideration should also be given to changing the final intended use, in order to manage the risk better

5.2.1 Management In situ

Predisposing conditions

Distribution of asbestos is difficult to determine;

Asbestos contamination covers a large area, for example > 2000 m²;

Contamination includes significant FA or AF;

There have been only preliminary investigations of the site with a small number of samples taken from one easily accessible area. Moreover the Remediation Plan only covers one small area of asbestos contamination at the Brickworks site. The Robson Plan states that the Asbestos Dump continues onto the public land adjoining the brickworks and Lane Poole Close and the Golf Club but assessment of this nor remediation is included in the assessment. Moreover the Robson Plan and the previous two assessments of site contamination, Connell and Wagner 2001 and Robson

Laboratories 2006 and 2007, clearly identify several other large areas of contamination, and also that fill has been previously moved around the site spreading the contaminated area. None of these other areas are assessed for remediation.

It is noteworthy that the Robson 2006 Environmental assessment recommended HIL level A but this has been reduced to level B in the 2014 Robson Plan without explanation.

The assessment of asbestos is not adequate – see Code of practice 3550 and there is no consideration of the possible presence of Blue Asbestos.

According to the Robson Plan the purpose of the remediation is to clear only the area required for the basements a high rise high density housing development and such a development is NOT part of this DA and no details are provided.

In addition the impacts on the public and the surrounding environment have not been assessed or addressed. In particular impacts of contaminated run off on the adjacent public land and Golf Course, protection of residents living nearby in particular Lane Pool Close and Denman Street from health impacts and noise and heavy remediation traffic.

Also the proposed schedule for the works as advised to a few local residents by letterbox drop (Attachment B) of work being undertaken from Monday to Saturday from 7am to 6pm and continue until July 2015 is in itself a breach of the ACT Government's own regulations for such work. In particular the regulations preclude Saturdays

Robson Cost Estimate and provision for all aspects of remediation

The cost estimates of \$2.347 million is inadequate as it does not cover the scope of works outlined in the Robson Plan. Many items are vast under estimates AND a significant number of identified requirements in the Robson Remediation Plan are NOT provided for in the cost estimate. It is likely to be out by 20 to 30 fold. Remediation on the current allocation by ACT Government for the Robson plan would result in totally inadequate remediation.

One example of under estimation is as follows.

The cost estimate is based on 200 hours for a Semi Tipper to cart 14,400 tonnes of asbestos contaminated soil from point of origin to disposal. The math means that it is possible to load and cart 72 tonnes of contaminated waste on one truck from Yarralumla to the West Belconnen Landfill unload and return to Yarralumla a trip of around 36 km in just one hour. The appropriate sized and equipped haulage trucks with dogs can only carry around 20 tonnes all up. At best one could achieve loading one truck out and returning back empty in 2 hours. So this alone is an 8 to 10 fold under estimate with these costs being more like \$300,000 not \$29,000.

The tonnage provided for does not allow for bulking which could be 150 to 200% more that is 13,000m³ to 18,000m³.

There is absolutely no contingency estimate for any change in scale and scope as indicated by the further essential sampling. Any normal project would include at a minimum 20% or \$470,000. However based on the information in all three site assessment reports to date the contamination is likely to be far greater that the initial sampling indicates.

There is no provision for labour and equipment for cartage, labour or equipment for backfilling the site with 14,400 tonnes of clean fill which again could be in the order of \$300,000.

Identified requirements in the Robson Remediation Plan are NOT provided for in the cost estimate as follows:

Full time Site Archaeologists as provided for in the Heritage Impacts Report.

EPA Accredited Auditor

Equipment for washing the haulage trucks and managing the waste water from this decontamination of trucks

Site works and facilities

Establishing the access road

Equipment to load the haulage trucks – a bobcat is provided for but is far too small to be able to reach the height necessary to load a truck

Removal of the additional 300mm of solid to the estimated 2m depth

Removal of Asbestos must be carried out in a fully enclosed environment

Haulage trucks to carry asbestos need to be fully sealed

Protection from contaminated dust for residents living near excavation must be provided.

Ensuring power and water facilities to residents are protected (R67 in Commercial Zones Development Code)

Prevention of contaminated run off to public land and the Golf course

Plastic wrapping of certain types of asbestos contamination as required by regulation

Management of stockpiles including plastic coverage, plastic barriers under the stockpiles

Bunds around stockpiles and management of run off bunds and straw bales

Geotextile membrane

The full cost is likely to exceed the Robson Cost estimate by 20 to 30 times and will far exceed the ACT Government's Budget allocation of \$2.9 million (Attachment A). Moreover the Robson Cost Estimate does not provide for remediation of the site as a whole. Nor is there any analysis of alternative options and the costs, risks and benefits and disadvantages of a range of remediation options.

Commercial Zones Development Code Rules and Criteria and the Yarralumla Neighbourhood Plan

The Blocks that are the subject of this DA are covered by the Commercial Zones Development Code and the Yarralumla Neighbourhood Plan. The DA does not address a significant number of rules and criteria stating that they are not applicable when clearly they are or that they are covered by the Robson Plan when they are not adequately addressed there.

R65

A statement of compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or stormwater networks complies with utility standards and requirements.

C65

If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.

The DA comment is "See the RAP. All contaminated waste materials (dust or runoff) to be confined to the site area until removed from site in sealed vehicles." However the RAP does not cover this nor is it covered in the Robson Cost estimate.

Element 23: Environmental management

23.1 Erosion and sediment control

R70

This rule applies to sites greater than 3000m². Development complies with a sediment and erosion control concept plan endorsed by the Environment Protection Authority.

Supporting document: A sediment and erosion control concept plan is prepared in accordance with the ACT EPA Environmental Protection Guidelines for Construction and Land Development in the ACT 2011.

Note: A condition of development approval may be imposed to ensure compliance with this rule. This is a mandatory requirement. There is no applicable criterion.

The DA comment is "See Sediment and erosion control plan and notes" but these do not address how this will be dealt with.

23.2 Contamination

R71

This rule applies where an assessment by the proponent in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Policy identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to them development area.

Development complies with an environmental site assessment report endorsed by Environment Protection Authority.

Supporting document: Environmental site assessment report endorsed by Environment Protection Authority

Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report. This is a mandatory requirement. There is no applicable criterion

The DA comment is "See accompanying RAP report from Robson Environmental" However this does not adequately address this issue and in particular the aspect of "or adjacent to the development area".

Yarralumla Neighbourhood Plan

The comment in the DA states that "The site remediation is not inconsistent with these key strategies and will allow future unimpeded use of the land and improve environmental conditions within the block."

The Yarralumla Neighbourhood Plan strategy is to "Promote high quality residential development that is sympathetic to the existing garden suburb neighbourhood character in terms of scale and landscape setting. Clearly partial remediation of the site so that high density high-rise and flats can be built that have permanently paved areas with no access to the soil to protect people from asbestos contamination ASC NEPM HIL level B is not in keeping with the garden suburb and scale. Also as the remainder of the site will not be remediated there can be no use by residents or the public.

Summary and Conclusion

The DA should not be approved as adequate asbestos contamination investigations and risk assessments have NOT been undertaken and there is no strong argument for the approach proposed which only addresses a small component of the site

The DA should not be approved as it does not comply with current zoning requirements.

The DA should not be approved as the Robson Cost Estimate is both inaccurate and misleading and underestimates the cost of the remediation subject to the DA.

The DA should not be approved as it inadequately addresses a number of important zoning criteria and conflicts with the Neighbourhood Plan.

Marea Fatseas

President

info@yarralumlaresidents.org.au

Yarralumla Residents Association Inc.

PO Box 7123

Yarralumla ACT 2600

Attachment A

Environmental Excellence through Experience, Endeavour and Evaluation



Robson Environmental Pty Ltd
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76 77 78 79 80 81 82 83 84 85 86 87 88 89 90
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Mr Peter Ozols
Project Manager
Property Projects and Services
ACT Property Group
Fyshwick ACT 2609

By email: peter.ozols@act.gov.au

Wednesday, 20 March 2013

Dear Peter,

Re: 750423 – Cost Assessment - Asbestos Dump Remediation - Yarralumla Brickworks - Yarralumla ACT

Dear Peter,

Please refer to the attached spreadsheet which provides an indication of cost for the remediation of the ~~Asbestos Dump~~ located on the western boundary of the Yarralumla Brickworks, Yarralumla ACT (Block 1 Section 102). The dump also encroaches onto adjacent Public Land (Block 20 Section 102) and possibly Block 1 Section 127.

The cost estimate is based on current item costs obtained from local ACT contractors. The dump has been estimated to cover an area of 0.45 hectares and is known to be 4m deep in some locations. However, it is thought that the depth of impacted soil material is shallower toward the outer boundary of the dump. Therefore, the estimated volume of asbestos impacted soil has been based on a presumed depth of 2m across the area of impact (0.45 ha) which equates to a total volume of **9,000m³ or 14,400 tonnes**. Therefore, following site set up and vegetation removal this volume could be removed in approximately 4 weeks to the West Belconnen Landfill provided all relevant approvals were in place.

Robson Environmental recommends that this estimate be used as a guide only and should be revised when more information becomes available.

Yours sincerely,

A handwritten signature in black ink that reads "Ben Kendon".

Ben Kendon
Senior Consultant – HAZMAT
Class A Asbestos Assessor (ACTPLA)
License No: 2006638

Attachment A. Draft Cost Spreadsheet
Attachment B. Asbestos Dump Location Plan

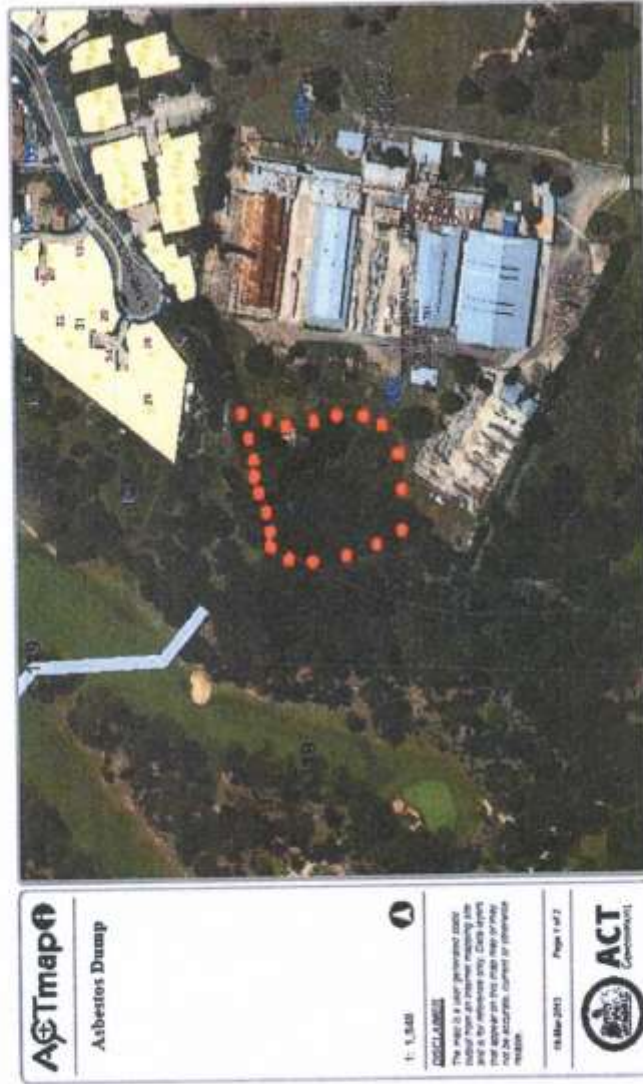


Cost Estimate
Asbestos Dump Remediation
Yarralumla Brickworks

Attachment A. Cost Estimate

Project Number: 750423 - Cost Estimate - Asbestos Dump Remediation - Yarralumla Brickworks			
Activity or Item	Number of Units	Unit Cost (\$)	Projected Cost (\$)
Stage 1 - Site Establishment	Stage 1 - Site Establishment (Lump Sum)	5,100.00	5,100.00
Stage 2 - Remove Vegetation - Blackberry and other small plants	Stage 2 (Lump Sum)	5,100.00	5,100.00
Stage 3 - Removal of Asbestos and Separation of Recycled Waste (Bricks, Concrete, Metal) - 20 Days (10 hours per day)			
Labor Hire (per Hour) - 3 personnel	400	85.00	34,000.00
Plantage (per Fleet)	2	650.00	1,300.00
Excavator 30-35t (per Hour)	200	200.00	40,000.00
Bank Tipper (per hour)	200	145.00	29,000.00
Bobcat (per hour)	200	90.00	18,000.00
Water Truck (per Hour)	200	130.00	26,000.00
Asbestos Labor (per Hour) - 4 Personnel	800	110.00	88,000.00
Brick/Concrete Disposal (per Tonne)	0	30.00	-
Asbestos Impacted Soil (per Tonne) - Asbestos	14,400	120.00	1,728,000.00
Siever Plant (per Day)	Unknown	Option to be assessed	Option to be assessed
Air monitoring	20	750.00	15,000.00
Class A Asbestos Assessor/ Environmental Scientist	200	165.00	33,000.00
Project Management (per Hour)	40	165.00	7,400.00
Stage 4 - Site Validation (Estimate only - to be costed based on sampling plan)			
Sample Analysis and Reporting (does not include the cost of an EPA Accredited Auditor)	1	15,000.00	15,000.00
Stage 5 - Site Reinstatement (cost of soil replacement only)			
Virgin soil import (per Tonne rate only - does not include cartage)	14,400	11.00	158,400.00
Total Projected Cost			2,347,300.00
<p>Table Notes: The projected cost is based on a 20 Day operational phase for Stage 3. Assume 14,400 tonnes of asbestos and asbestos impacted soil waste. Disposal costs include cartage to West Belconnen Landfill. This figure is based on the assumption that 2 metres of impacted soil across an area of 0.45 hectares.</p>			

Attachment B. Dump Location Plan



Attachment B



ACT
Government
Territory and Municipal Services

Dear resident

16 May 2014

Canberra Brickworks remediation project

I am writing to inform you of planned remediation work for the Canberra Brickworks site in Yarralumla which is scheduled to commence in July 2014. This is one of a number of remediation projects across Canberra. The ACT Government has allocated \$2.9 million towards removing contaminated soil at this site as part of its commitment to enhancing and protecting Canberra's environmental quality.

The Canberra Brickworks site was used during the 1970s and 1980s as an unofficial suburban dump site primarily for building materials. ACT Property Group has engaged a contractor to undertake remediation work including the removal of contaminated material potentially containing asbestos from an area on the western edge of the Canberra Brickworks site (adjacent to the Royal Canberra Golf Club boundary). Following remediation, the site will be reinstated with clean fill.

Before remediation work begins, perimeter fencing will be erected to formalise the work site and signage installed to alert people to the project. An initial environment site assessment has been completed and further assessment will occur during the project to clarify the nature and extent of the contamination.

A range of control measures will be in place during the remediation work to minimise the impact of activities on the surrounding environment and to ensure the health and safety of the workers and the general public. There will be regular monitoring of air quality on site as well as suitable containment of any contaminated materials moved from the site. Removal of any contaminated soil will be undertaken in a sensitive manner to ensure there are no adverse impacts on nearby residents, the surrounding environment or the heritage significance of the site.

A temporary traffic management plan has been prepared to coordinate vehicle access in and out of the work site. Remediation work will be undertaken between 7 am and 6 pm, Monday to Saturday (excluding public holidays).

The project is expected to be completed by June 2015 however, this is dependent on the nature and extent of contaminated material which is yet to be determined. Two weeks prior to the start of work, residents immediately adjacent to the area will be notified by mail.

Public comment and further information

A development application for the work has been lodged and can be viewed online at www.actpla.act.gov.au. Public comments on the development application close on Monday 2 June 2014. For further information about Canberra Brickworks, including proposals for its future use, visit www.lda.act.gov.au/canberra

If you have any questions about this project please contact me on 6213 0700.
A map is provided over page highlighting the remediation area for your information.

Tania Shaw
Senior Manager
ACT Property Group

Canberra
Brickworks
Remediation
2014



No parking by workers or access to the site from Lane Poole Place

Temporary overflow parking for workers if required

Legend

- Overflow parking
- Site
- Block boundary



ACT
Government Services and Municipal Services