



10 May 2022

Pejman Talebi  
Aquatic Achievers Operations Pty Ltd  
67 Fernberg Road  
Paddington QLD 4064

**Response to Request for Information – Contamination Issues**  
**Northern Beaches Business Park - Proposed Warehouse Unit #1 (DA2021/2608)**  
**4-10 Inman Road, Cromer, NSW**

**Project No: 26.01 Rev0**

Dear Pejman,

TRACE Environmental has been engaged by Aquatic Achievers Operations Pty Ltd (Aquatic Achievers) to provide environmental consulting services relating to the proposed fitout for Warehouse Unit 1 located at the proposed Northern Beaches Business Park (NBBP), 4-10 Inman Road, Cromer, NSW ('the site'). Refer to **Figure 1** for a site location map and **Figure 2** for a plan showing the general site layout.

This letter provides responses to questions from Northern Beaches Council (Council) and the NSW Environment Protection Authority (EPA) relating to the development of Warehouse Unit 1 for the construction of two swimming pools (per DA2021/2608) and associated potential contamination exposure scenarios. The questions were provided in emails between yourself and TRACE Environmental on 26 April 2022 and in a letter from Council dated 12 April 2022<sup>1</sup> requesting further information.

## **1. Project Background**

TRACE Environmental provides the following background of the proposed NBBP development and known contamination status to provide context for the responses (which are provided below).

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<sup>1</sup> Development Application No: DA2021/2608 for Use of Premises (Warehouse 1) as an Indoor Recreation Facility (swim school), internal fit-out, reconfiguration of car parking and signage at 4-10 Inman Road, Cromer, letter prepared by Steve Findlay (Northern Beaches Council) dated 12 April 2022.

The NBBP is a commercial/light industrial redevelopment comprising the former Roche pharmaceutical products manufacturing and distribution facility. The NBBP will comprise ground level parking and self-storage units, with additional warehouse and office facilities on level 1. Aquatic Achievers is proposing to lease Warehouse Unit 1 (as shown on the plans in **Attachment A**) for the construction of two swimming pools that will extend up to approximately 1.8m below the proposed floor level.

The site has been the subject of several environmental investigations and remedial works, notably at the following areas:

- The 'Regulated Area' (refer to **Figure 2**), located approximately 100m south of the proposed Warehouse Unit 1. The NSW EPA considered groundwater contamination at this area of the site was significant enough to warrant regulation under the Contaminated Land Management Act (1997) (CLM Act). Remediation of these impacts is ongoing. It is noted that groundwater flow across the site has been documented towards the south, towards South Creek Road (and away from the proposed Warehouse Unit 1 area of the development); and
- The 'Part B Unregulated Area' (refer to **Figure 2**), which adjoins the proposed Warehouse Unit 1 to the south. The primary contamination issue at the Part B Unregulated Area related to the removal and remediation of former petroleum underground storage tanks (USTs) located in a car parking area approximately 15m to the south/south-east of proposed Warehouse Unit 1. The works associated with the removal of the USTs and associated remediation of this portion of the site has been completed by Roche. Details of the remediation have been documented in a separate validation report<sup>2</sup>, noting as well that a separate Site Audit Statement (SAS)/Site Audit Report (SAR) was prepared for this area of the site by a NSW EPA accredited Site Auditor (Paul Steinwede of AECOM)<sup>3</sup>. The Auditor concluded that, *'...the environmental condition of the Part B Unregulated Area does not present a risk to human health or ecological receptors and the Part B Unregulated Area is suitable for ongoing commercial/industrial (slab on grade) land use. Should basement car parking and/or other excavations potentially requiring dewatering of the Part B Unregulated Area be considered then reconsideration of the land use suitability may be required.'*

The full site is also the subject of ongoing investigations and remediation works in relation to a Remedial Action Plan (RAP) prepared for the site by TRACE Environmental in 2021<sup>4</sup> and in relation to the development approval for the overall site redevelopment (DA2019/1346). The RAP outlines the requirements for additional Data Gap Investigations (DGIs) as necessary to determine if any remaining contamination issues remain at the site (in addition to the above noted issues at the Regulated Area and the Part B Unregulated Area), as well as remedial/management measures that are required to

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<sup>2</sup> *Part B Unregulated Area Validation Report, 4-10 Inman Road, Dee Why, NSW*, prepared by ERM, dated 14 July 2020 (ERM 2020).

<sup>3</sup> *Site Audit Report, Part B Unregulated Area, 4-10 Inman Road, Dee Why, NSW*, prepared by Paul Steinwede of AECOM, dated 28 March 2022 (AECOM 2022).

<sup>4</sup> *Remedial Action Plan, Proposed Commercial Building, 4-10 Inman Road, Cromer, NSW*, prepared by TRACE Environmental, dated 9 December 2021 (TRACE Environmental 2021).

ensure the proposed NBBP building is suitable for future land uses. The RAP (and associated DGI and remedial/management works) are being audited by a NSW EPA accredited Site Auditor, Mr James Davis of Enviroview. Mr Davis provided an Interim Audit Advice letter on 5 January 2022<sup>5</sup> in which he considered ‘...that the RAP is appropriate in relation to the contamination issues that need to be addressed to make the site suitable for the proposed land use.’

## 2. Responses to Requested Information

### a. Council Letter

The following information was requested in the Council letter from 12 April 2022 (refer to **Attachment B**):

- *Further details are required to demonstrate that soil beneath the site (Unit 1) which is required to be excavated has been remediated to be suitable for use as an ‘indoor recreational facility’.*

*A Voluntary Management Proposal (VMP) is referred to along with DA2019/1346, including statements/letters (DOC21/123029) from EPA dated 23 February 2021 stating “The works under the current VMP are due for completion by April 2022. It remains possible that further remediation works will be required for several years following the completion of these works.”*

*Council has thus sought clarification from the EPA regarding remediation progress and the likelihood of exposure of contaminated materials during earthworks.*

*Proposal cannot be supported without comprehensive information on this ‘Significantly Contaminated site.’*

#### TRACE Environmental Response:

The concerns outlined by Council are being considered as part of the overall investigation/validation process being undertaken for the development (and in accordance with the TRACE Environmental [2021] RAP). The investigation includes additional sampling and analysis across the site, including at locations in the general vicinity of the proposed Warehouse Unit 1. To date, no soil, groundwater or soil vapour impacts have been reported that would pose a risk to future site users at this area of the site. Based on the required cut requirements to achieve development levels (as required for the floor slab), the area of proposed Warehouse Unit 1 requires excavation into virgin excavated natural materials (VENM). As such, the slab (and proposed pools) will be excavated into natural materials.

The VMP relates to the Regulated Area of the southern portion of the development, located approximately 100m south of the proposed Warehouse Unit 1. The TRACE Environmental (2021) RAP outlines the proposed remedial/management strategy in the context of the potential vapour intrusion risks for the proposed NBBP development/building, and it is noted that management of these issues

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<sup>5</sup> Site Audit Interim Advice 08 – Appropriateness of the Remedial Action Plan (following review of final document – Rev-0) – Proposed Commercial Building, 4-10 Inman Road, Cromer, NSW, by Trace Environmental, letter prepared by James Davis of Enviroview, dated 5 January 2022 (Enviroview 2022a).

is only required at eastern portion of the Regulated Area (i.e., at the south-eastern portion of the proposed development). As such, the VMP, and associated contamination issues (such as vapour intrusion from contaminated media) is not applicable for the proposed Warehouse Unit 1 portion of the site.

As outlined in the TRACE Environmental (2021) RAP (and as required for DA2019/1346), the additional soil and groundwater investigation results as collected during the DGI works will be provided in a separate DGI report (and/or Validation Report, as/if necessary) that will be reviewed by the appointed Site Auditor.

#### **b. EPA Correspondence**

The following information was requested by the NSW EPA (refer to **Attachment C**):

- *The site is within part of previously approved DA2019/1346 (as modified by MOD2020/0611). A draft dewatering plan was provided to Council as part of DA2019/1346. The appointed Auditor has reviewed a number of revisions of this document and currently, the applicant for DA2019/1346 has advised that dewatering will not be required. However, we note that excavating for swimming pools was not part of the plans for DA2019/1346 or MOD2020/0611 and we would like clarification regarding the dewatering plan and whether there is potential for dewatering to be required. Even if it is not deemed necessary, a contingency may be necessary regarding how groundwater or water seepage will be managed in the event that during site works, dewatering is required.*

#### TRACE Environmental Response:

As per response above. If the concern relates to encountering and/or handling potentially contaminated groundwater, there is considered to be a low risk of impact at the proposed Warehouse Unit 1 portion of the site based on current available information. In addition, if impacted groundwater is encountered during the works, there are sufficient contingencies in place to investigate this potential. This is based on the following considerations:

- Proposed Warehouse Unit 1 is located upgradient from known groundwater impacts (noting groundwater flow is to the south and away from Warehouse Unit 1 as referenced above in **Section 1**) and is located at least 100m from the main contamination plume at the Regulated Area of the site, and is also located upgradient of the former UST area at the Part B Unregulated Area of the site; and
- Any groundwater management (as/if required) would be conducted per the procedures as outlined in the Construction Dewatering Management Plan (CDMP) prepared for the site by Costin Roe Consulting (as finalised 7 March 2022)<sup>6</sup>. The CDMP outlines contingencies that may be required in the event that contaminated groundwater has the potential to seep into excavations and require management. The appointed Site Auditor reviewed the CDMP and (per audit letter

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<sup>6</sup> Construction Dewatering Management Plan, 4-10 Inman Road, Cromer, NSW, Rev D, prepared by Costin Roe Consulting, 7 March 2022 (Costin Roe 2022).

dated 21 March 2022)<sup>7</sup> and concluded that, *'The Site Auditor considers that the Costin-Roe Construction Dewatering Management Plan (Rev-D dated 7 March 2022) is appropriate to manage potential contamination issues during construction dewatering activities.'*

As such, it is concluded that the risk for potentially encountering contaminated groundwater at this portion of the site is considered to be low, and if contaminated groundwater is impacted, there are sufficient management procedures in place (as documented in the CDMP) to investigate and manage these impacts.

- *The EPA seeks clarification on the depth to be excavated to construct the swimming pools. It is not clear on the provided figures what the final excavation depth will be. I.e. not the final pool depth, but the actual depth required to be excavated. It is noted that groundwater at the site is relatively shallow, and is expected to be shallower than previously reported, due to the higher than average rainfall recently. No groundwater monitoring results have been provided in this area for some time, and given the recent heavy rainfall, groundwater depth will be relatively shallow.*

TRACE Environmental Response:

The design plans (**Attachment A**) indicate a maximum pool depth of approximately 1.4m, with an additional 300-400mm of excavation to accommodate the pool floor. However (and as documented in the above responses), regardless of the required excavation depths (and potential high groundwater levels from excess rainfall), the risk for potentially encountering contaminated groundwater at this portion of the site is considered to be low, and if contaminated groundwater is impacted, there are sufficient management procedures in place (as documented in the CDMP) to investigate and manage these impacts.

- *The applicant has not provided information as to how they will manage potential contamination issues following construction. Will there be any groundwater monitoring, indoor air ventilation management measures to prevent potential vapour intrusion etc.?*

TRACE Environmental Response:

As per answer above in **Section 2a**. The proposed Warehouse Unit 1 portion of the site is not in the Regulated Area, and based on available information there are no known soil, groundwater and/or soil vapour impacts in the vicinity of proposed Warehouse Unit 1 that will require ongoing groundwater monitoring, indoor air ventilation, etc. Investigations are also ongoing (as required by the TRACE Environmental [2021] RAP), and any impacts that may be encountered during the works can be addressed per the procedures outlined in the RAP. The results of the additional investigations and/or any remedial/validation works will be documented in the DGI/Validation Report which is subject to Auditor review as required by DA2019/1346.

- *In the Statement of Environmental Effects, the applicant has stated that site remediation works form part of the previous development consent of DA2019/1346 and as such, no further*

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<sup>7</sup> Site Audit Interim Advice 09 – Approval of Construction Dewatering Management Plan by Costin Roe Consulting (March 2022, Rev-D), letter prepared by James Davis of Enviroview, dated 21 March 2022 (Enviroview 2022b).

*consideration of SEPP 55 is required under this DA. This is not considered correct, given the land use is different to what was previously approved by Council and that the applicant plans to excavate soils as part of this application, and potentially may require dewatering and managing contaminated soils and/or groundwater.*

TRACE Environmental Response:

Per above responses. Excavation to achieve design levels is required into VENM and known groundwater impacts at the site are downgradient (and not in the vicinity) of the proposed Warehouse Unit 1.

**3. Conclusions**

Based on the responses outlined above, it is considered that sufficient measures are in place to identify potential risks to the proposed development, including at the proposed Warehouse Unit 1 portion of the development. To date there are no known soil, groundwater or soil vapour impacts at the proposed Warehouse Unit 1 portion of the development that are considered to pose a risk to future site users. In addition, there are sufficient measures in place (as outlined in the TRACE Environmental [2021] RAP and the Costin Roe [2022] CDMP) to manage and/or remediate any impacts that may be encountered during the development works.

If you have any questions or require additional information, please contact the undersigned.

Yours sincerely,



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Ken Henderson  
Principal Environmental Scientist  
B.Sc. (Hons Geology)  
EIANZ CEnvP (SC) #SC40922



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Andrew Kita  
Principal Engineer/Director  
B.Eng (Geol, Hons)



**Attachments:**

Limitations

Figures

Attachment A – Proposed Development Plans

Attachment B – Council Correspondence

Attachment C – EPA Correspondence

## **Limitations**

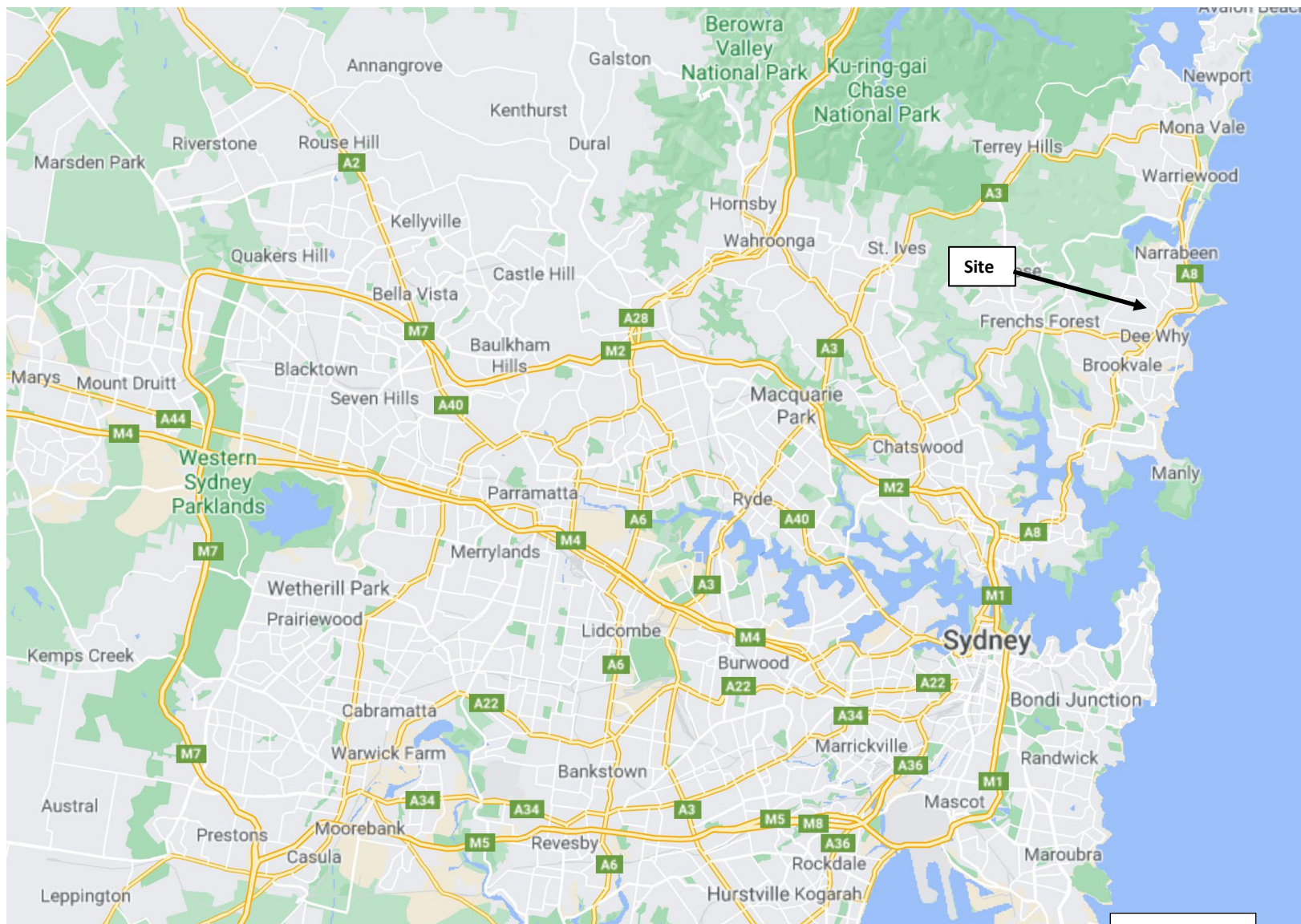
This report has been prepared for Aquatic Achievers Operations Pty Ltd and for the specific purpose to which it refers. No responsibility is accepted to any third party and neither the whole of the report or any part or reference thereto may be published in any document, statement or circular nor in any communication with third parties without our prior written approval of the form and context in which it will appear.

TRACE Environmental has used a degree of skill and care ordinarily exercised by reputable members of our profession practicing in the same or similar locality. The conclusions presented in this report are relevant to the conditions of the site and the state of legislation currently enacted as at the date of this report. We do not make any representation or warranty that the conclusions in this report were applicable in the future as there may be changes in the condition of the site, applicable legislation or other factors that would affect the conclusions contained in this report.

This report and the information contained in it is the intellectual property of TRACE Environmental. Aquatic Achievers Operations Pty Ltd is granted an exclusive licence for the use of the report for the purpose described in the report.



## Figures

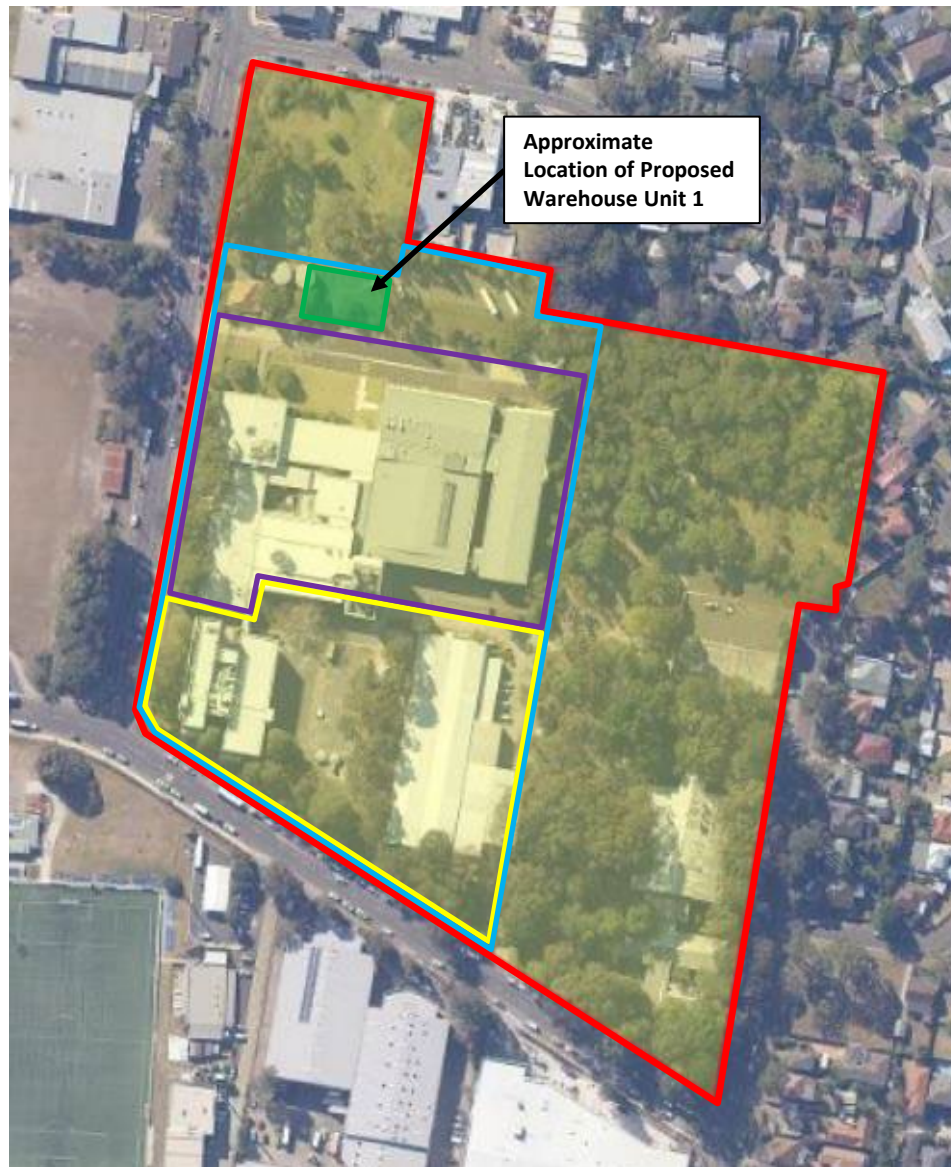


Source: Google

Project:	<b>26.01</b>	Title:	<b>Locality Plan</b>
Figure:	<b>1</b>	Address:	<b>4-10 Inman Road, Cromer, NSW</b>



- Overall Property Boundary (4-10 Inman Road, Cromer)
- Site Boundary (NBBP Development)
- Boundary of Regulated Area
- Boundary of Part B Unregulated Area



Approximate  
Location of Proposed  
Warehouse Unit 1

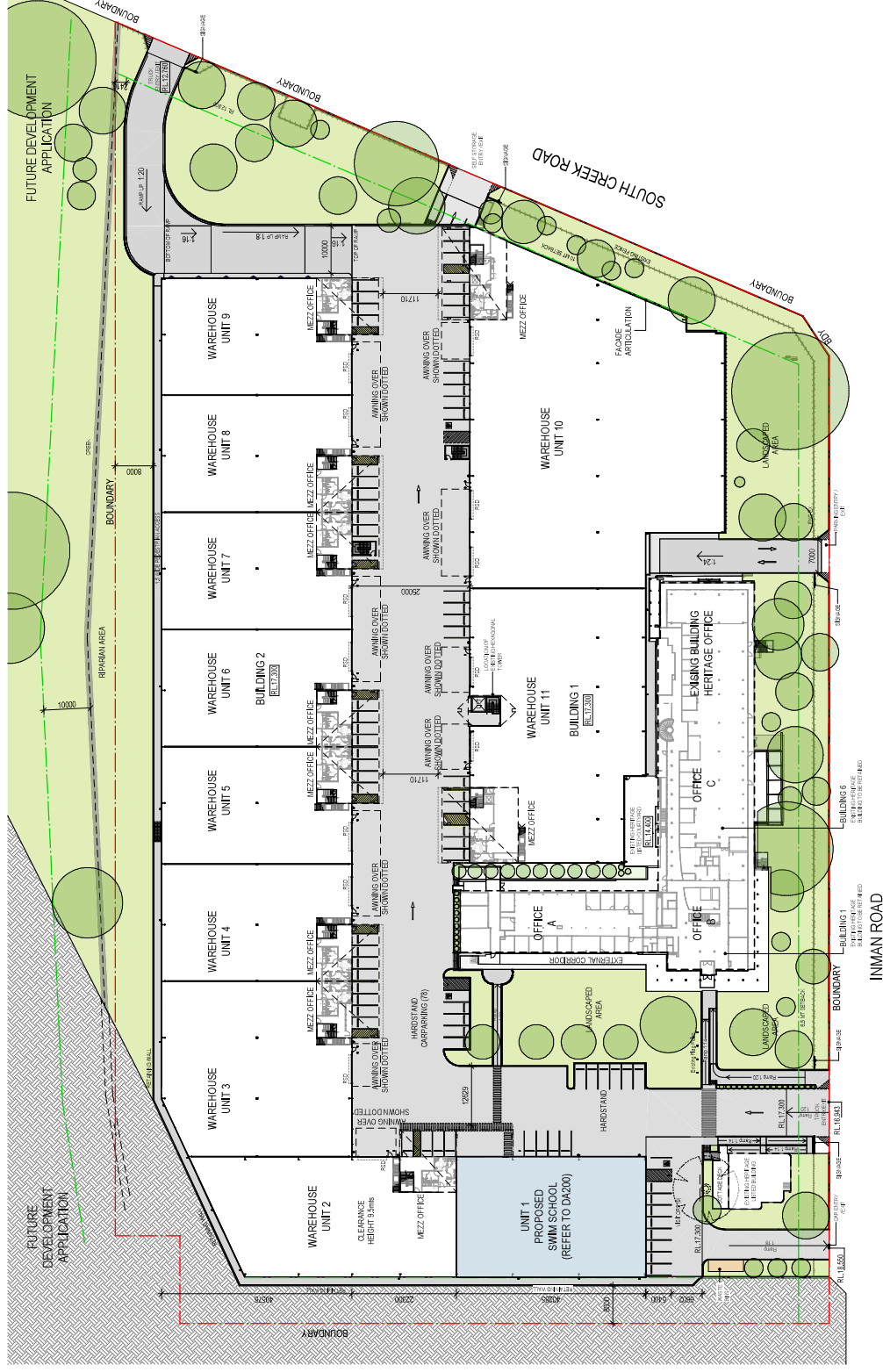
Source: NSW Six Maps

Project:	26.01	Title:	Site Plan
Figure:	2	Address:	4-10 Inman Road, Cromer, NSW

## **Attachment A**

### **Proposed Development Plans**



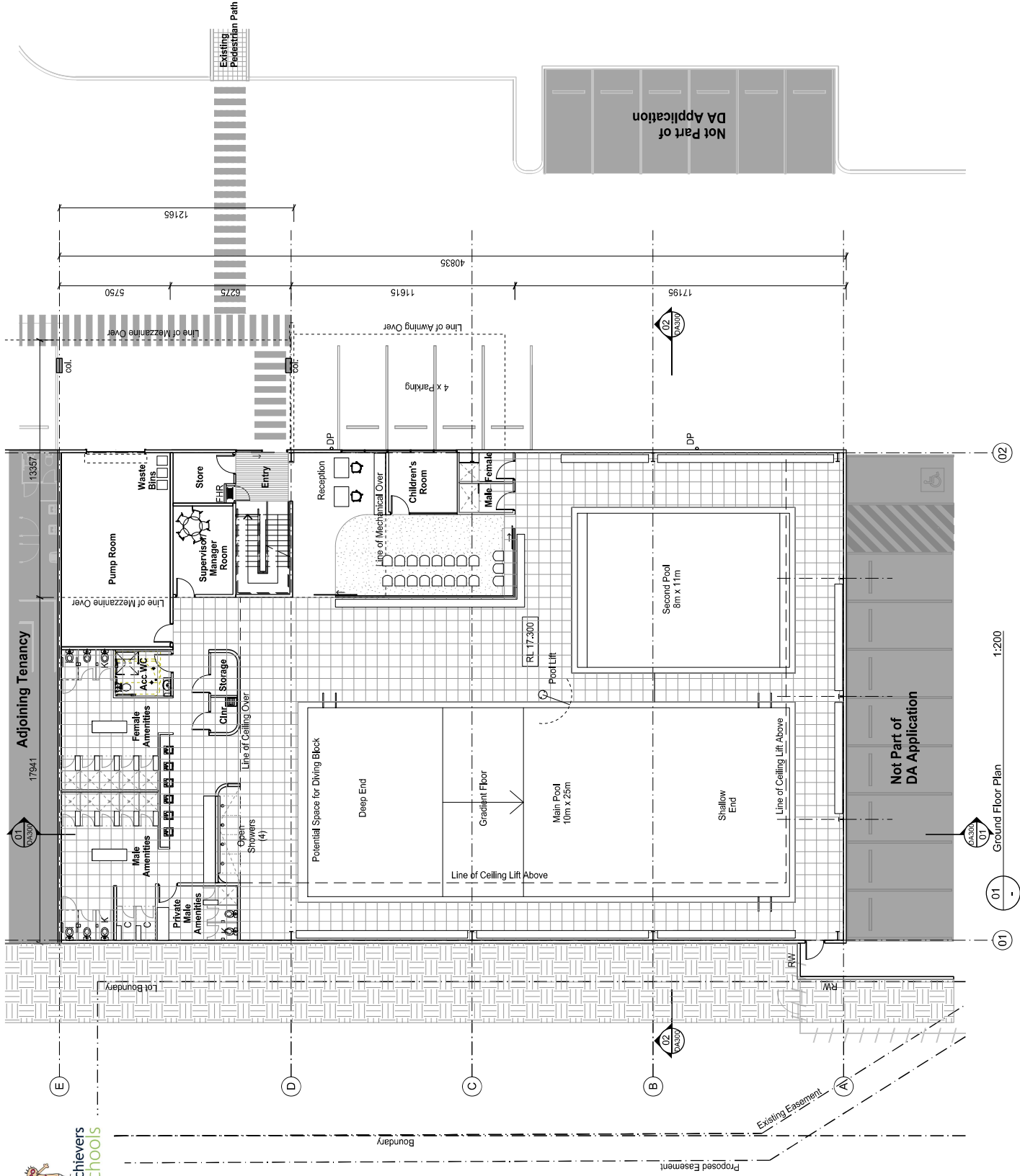


1 GROUND LEVEL 1:500





Area Schedule	
Ground Floor (GFA)	947m <sup>2</sup>
Mezzanine Floor (GFA)	142m <sup>2</sup>
Total Gross Floor Area	1089m <sup>2</sup>
Parking	4
Basement Parking	31
Total Parking	35

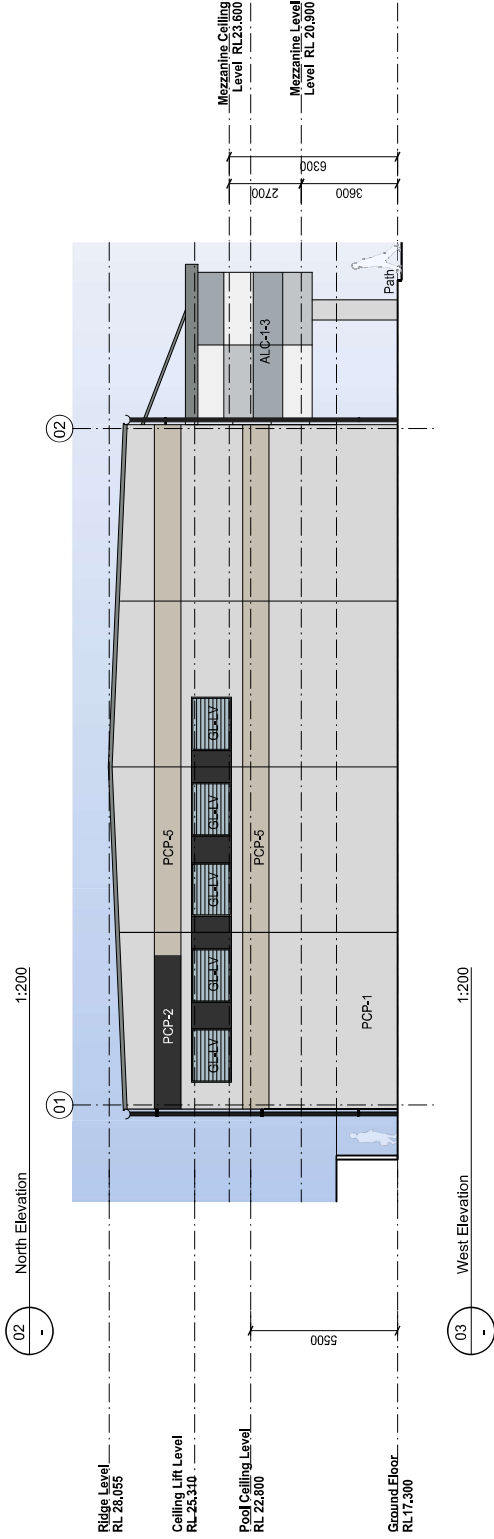
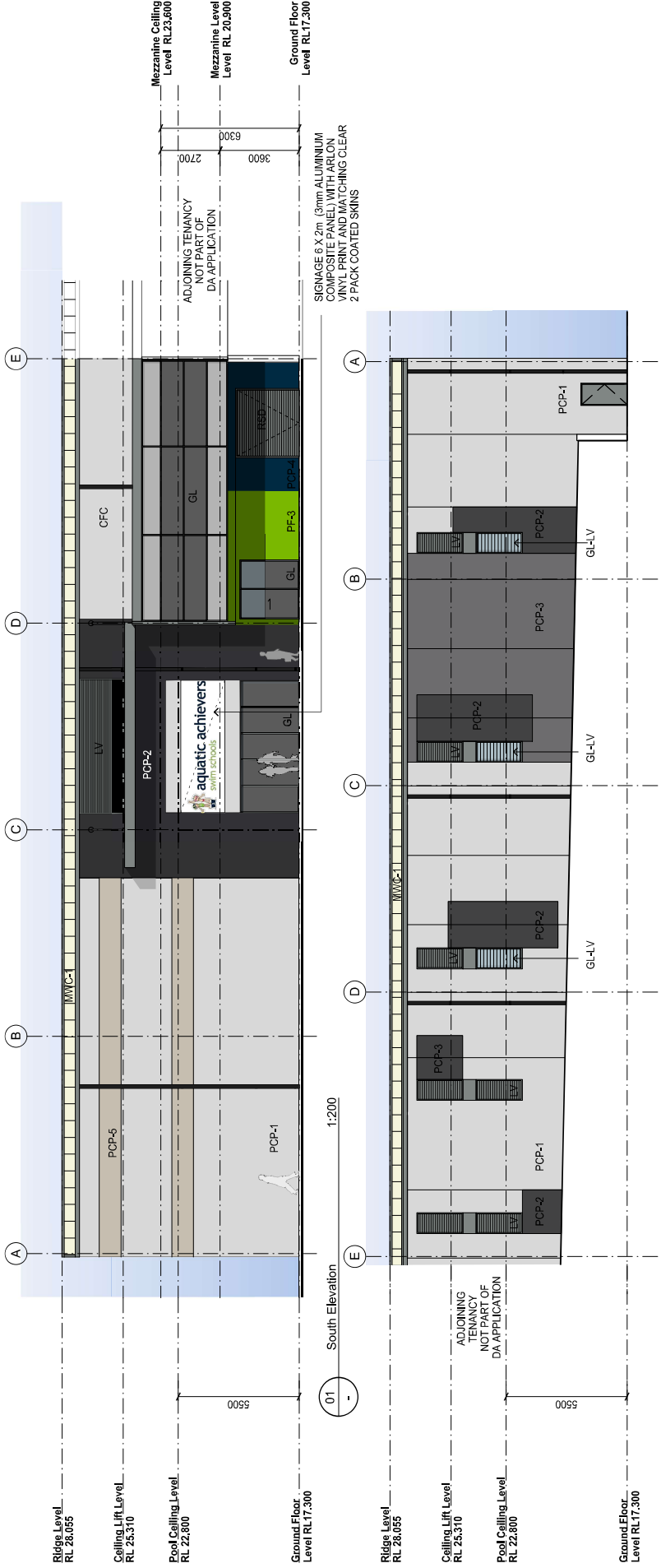


DEVELOPMENT APPLICATION



### Indicative External Finishes Legend

- PCP-1 Precast Concrete Panel - Natural Finish
- POP-2 Precast Concrete Panel - Paint Finish Monument
- POP-3 Precast Concrete Panel - Paint Finish - Dark Grey
- PCP-4 Precast Concrete Panel - Paint Finish "Aquatic Achievers Blue"
- POP-5 Precast Concrete Panel - Paint Finish
- CFC Compressed Fiber Cement - Concrete texture
- MWC-1 Metal Profile Cladding - Colorbond Surfmist
- ALC-1 Aluminium Cladding - Silver Metallic
- ALC-2 Aluminium Cladding - Silver Grey Metallic
- ALC-3 Aluminium Cladding - Champagne
- RSD Roller Shutter Door
- LV Powdercoat Louver - Windspray
- GL Glazing
- GL-LV Glazed Louver
- PF-3 Paint Finish "Aquatic Achievers Green"



### DEVELOPMENT APPLICATION

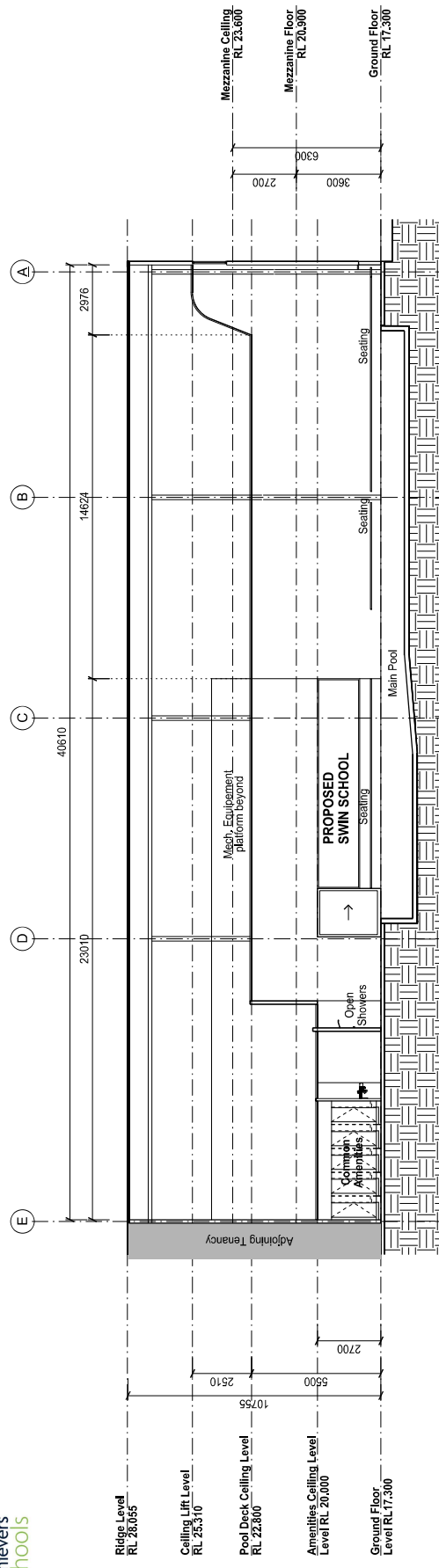


### Northern Beaches Business Park

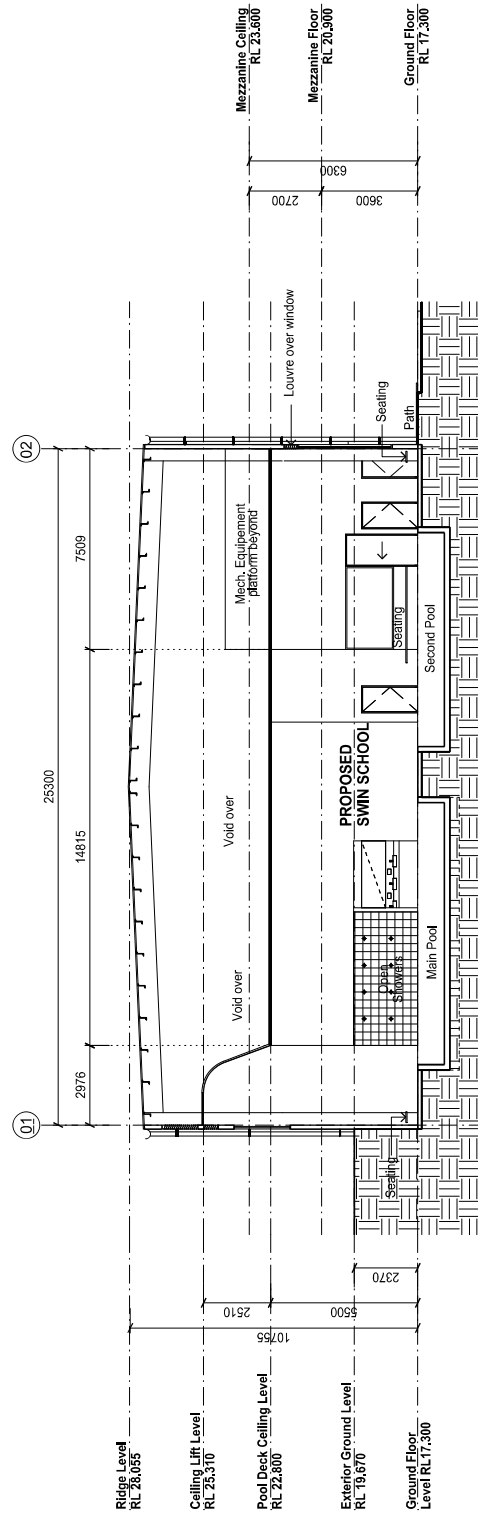
Unit 1 4-10 Inman Rd Cromer, NSW

### Swim Centre - Elevations

1:100 @ A1  
1:200 @ A3  
14th JAN 2022  
Job No 21202



Section 1

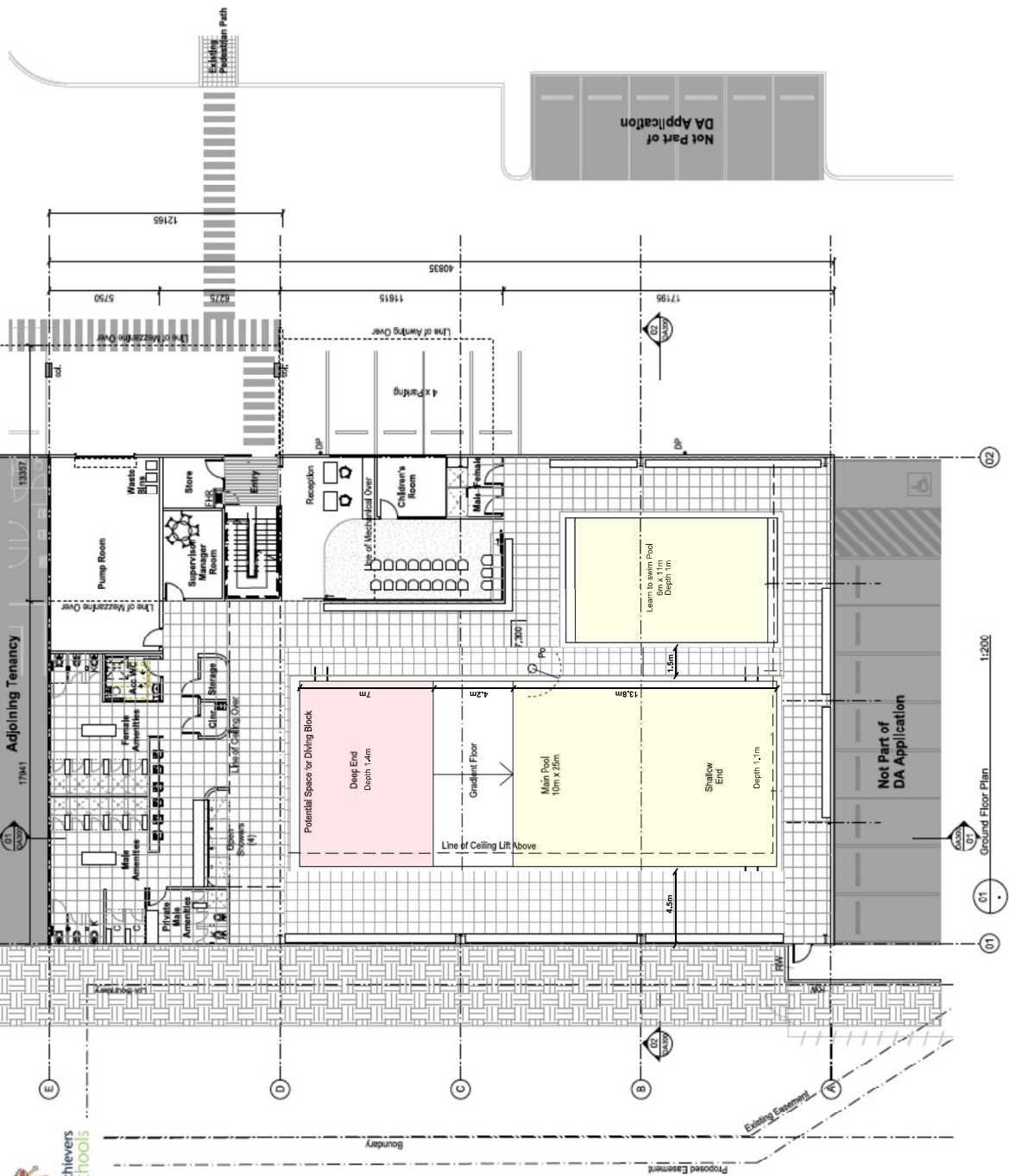


Section 2

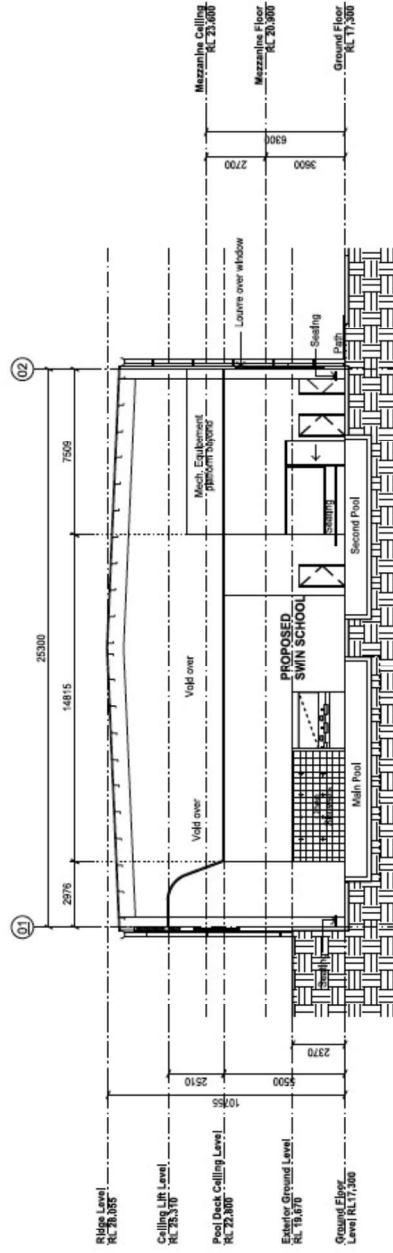
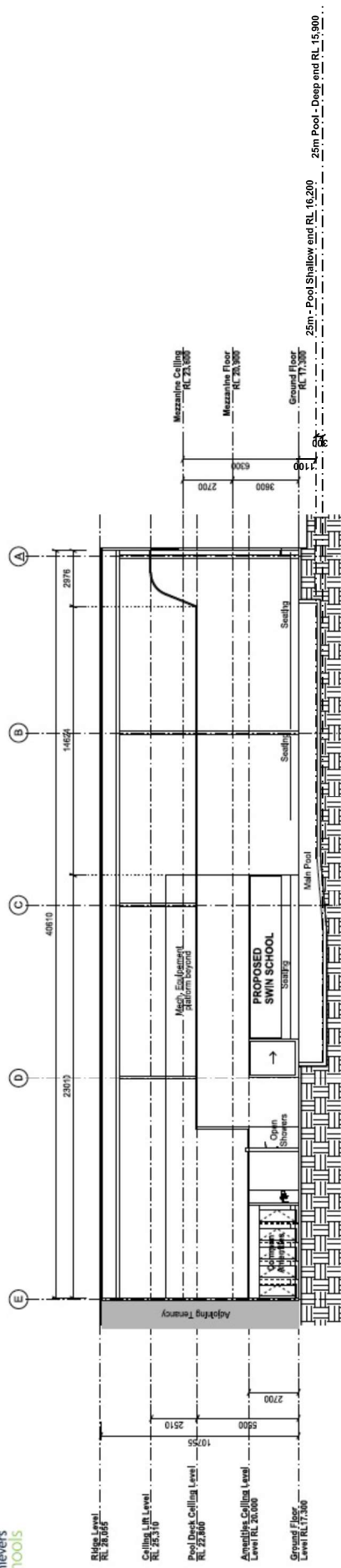
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1:200





Area Schedule	
Ground Floor (GFA)	947m <sup>2</sup>
Mezzanine Floor (GFA)	142m <sup>2</sup>
Total Gross Floor Area	1089m <sup>2</sup>
Parking	4
Basement Parking	31
Total Parking	35



**Attachment B**

**Council Correspondence**



northern  
beaches  
council

12 April 2022

Aquatic Achievers Operations Pty Ltd  
C/- Peter Braga  
Level 10 Suite 1 56 Berry Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam,

**Development Application No: DA2021/2608 for Use of Premises (Warehouse 1) as an Indoor Recreation Facility (swim school), internal fit-out, reconfiguration of car parking and signage at 4-10 Inman Road, Cromer**

I refer to your Application which is under assessment by Council.

The assessment of your application has identified a number of issues that prevent Council from supporting the proposal in its current form.

The following is a list of the issues identified:

**Aboriginal Heritage**

Council's Aboriginal Heritage Officer has provided the following comments:

*"Reference is made to the proposed development at the above area and Aboriginal heritage.*

*There are two registered Aboriginal sites adjacent and adjoining to the property. AHIMS site #45-6-1760 and AHIMS site #45-6-1850.*

*An Aboriginal Archaeological and Cultural Heritage Impact Assessment (AACHIA) was prepared for the property in 2012 by Dominic Steele Consulting Archaeology. The report is attached.*

*In the AACHIA, refers to AHIMS Site #45-6-1760 as Site A and AHIMS Site #45-6-1850 as Site B. Area C is defined as the northwest corner of the property and is identified as being an area comparable in nature and configuration to the formation of Site A and as such is considered as part of Site A until demonstrated otherwise.*

*The primary recommendations for the property are outlined below:*

- The sandstone elements that comprise **Site A** occur outside of the Property boundary, and on land belonging to **Council**, will not be directly affected by the proposed subdivision. However, the sandstone elements and their engravings are located on a public footpath that is subject to continuous pedestrian traffic, which may increase or be affected by construction works from any future development of the Property. As the engravings are a registered Aboriginal heritage site, and are*



therefore subject to the protective provisions of the National Parks & Wildlife Act 1974, **Council**, have as a consequence, a statutory responsibility and function to manage and maintain the long-term protection and conservation of the site.

- If the proposed development was likely to impact upon **Site B** and **Area C**, one option would be to conduct a pre-emptive exploratory investigation to expose the sandstone which is likely to be present below the existing grass layer in these areas.
- It is recommended that any future investigation for this purpose should be carried out according to the terms and conditions of an Aboriginal Heritage Impact Permit (**AHIP**) issued by the **DPIE**.

The AACHIA Management Recommendations are outlined below:

#### Basis for Recommendations

- Development that may follow the proposed subdivision of the Property has the potential to result in an impact upon one previously recorded Aboriginal heritage site on the Property (OEH AHIMS Site #45-6-1851, being **Site B**), and possibly a second site (AHIMS Site #45-6-1760, being **Site A**) that adjoins the Property.
- Recognition of the legal requirements and automatic statutory protection provided to Aboriginal 'objects' and 'places' under the terms of the National Parks and Wildlife Act of 1974 (as amended), where it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent of the Director-General of the **OEH**.
- Recognition of the views and advice that has been provided by the **MLALC** that have been consulted with for the project.

#### Recommendations:

##### Site A

- Any proponent proposing to carry out future development works on the Property should initiate dialogue with the **MLALC** and **Council** about the prudence of developing appropriate management measures for **Site A** (AHIMS Site #45-6-1760) that occurs on the footpath on Inman Road that continues to deteriorate, and may face further pressures as a result of the proposed development.

##### Area C

- Any proponent proposing to carry out future development works on the Property should consider undertaking an investigation to determine whether **Area C** has any Aboriginal heritage values given its potential connection with **Site A**.

##### Site B

- The AHO considers that either the 2012 report recommendations are followed in full or a revised and updated report is prepared for all parties to consider."

#### **Environmental Health Officer**

Council's Environmental Health officer provided the following comments:



*"Further details are required to demonstrate that soil beneath the site (Unit 1) which is required to be excavated has been remediated to be suitable for use as an 'indoor recreational facility'.*

*A Voluntary Management Proposal (VMP) is referred to along with DA2019/1346, including statements/letters (DOC21/123029) from EPA dated 23 February 2021 stating "The works under the current VMP are due for completion by April 2022. It remains possible that further remediation works will be required for several years following the completion of these works."*

*Council has thus sought clarification from the EPA regarding remediation progress and the likelihood of exposure of contaminated materials during earthworks.*

*Proposal cannot be supported without comprehensive information on this "Significantly Contaminated site."*

### **Options Available to the Applicant**

Council is providing you with three (3) options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by **26 April 2022**. If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by **26 April 2022** at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact the assessment officer Thomas Prosser on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Steve Findlay  
**Manager Development Assessment**

## **Attachment C**

### **EPA Correspondence**

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**From:** Pejman Talebi <[pejman.talebi@aquaticachievers.com.au](mailto:pejman.talebi@aquaticachievers.com.au)>  
**Sent:** Tuesday, 26 April 2022, 5:03 pm  
**To:** Andrew Kita <[andrew@traceenviro.com](mailto:andrew@traceenviro.com)>  
**Cc:** Grant Flannigan <[gflannigan@eg.com.au](mailto:gflannigan@eg.com.au)>; Eleisha Burton <[eburton@willowtp.com.au](mailto:eburton@willowtp.com.au)>; Peter Braga <[pbraga@willowtp.com.au](mailto:pbraga@willowtp.com.au)>; Gavin Stringer <[StringerG@richardcrookes.com.au](mailto:StringerG@richardcrookes.com.au)>; George Chaaya <[gchaaya@eg.com.au](mailto:gchaaya@eg.com.au)>  
**Subject:** Re: Conatct details for EG and RC.

Hi Andrew, in addition to the below, our town planner has received the below, will appreciate if you could advise required action:

## Questions from EPA



Peter Braga <[pbraga@willowtp.com.au](mailto:pbraga@willowtp.com.au)>  
Tue 4/26/2022 10:54 AM

To:



Pejman Talebi

Cc:

- Eleisha Burton <[eburton@willowtp.com.au](mailto:eburton@willowtp.com.au)>;
- Andrew Cowan <[acowan@willowtp.com.au](mailto:acowan@willowtp.com.au)>

Hi Pej,

Council have sent through some further queries that require clarification regarding potential contamination on site and earthworks.

As per Grant's email last week, I shall reach out to Trace Environmental and request a fee for the preparation of their response.

Kind regards,



**Peter Braga** | Town Planner  
[pbraga@willowtp.com.au](mailto:pbraga@willowtp.com.au) | 0407 227 431



**Willowtree Planning**  
02 9929 6974  
Suite 1, Level 10, 56 Berry Street, North Sydney NSW 2060  
[www.willowtreepanning.com.au](http://www.willowtreepanning.com.au)







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Reply  
Reply all  
Forward

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**From:** Thomas Prosser <[Thomas.Prosser@northernbeaches.nsw.gov.au](mailto:Thomas.Prosser@northernbeaches.nsw.gov.au)>  
**Sent:** Tuesday, 26 April 2022 10:03 AM  
**To:** Peter Braga <[pbraga@willowtp.com.au](mailto:pbraga@willowtp.com.au)>  
**Cc:** Timothy O'Keeffe <[Timothy.OKeeffe@northernbeaches.nsw.gov.au](mailto:Timothy.OKeeffe@northernbeaches.nsw.gov.au)>; Brenda Ioffrida <[Brenda.Ioffrida@epa.nsw.gov.au](mailto:Brenda.Ioffrida@epa.nsw.gov.au)>  
**Subject:** Questions from EPA

Hi Peter,

Please see the below questions provided by the EPA:

- *The site is within part of previously approved DA2019/1346 (as modified by MOD2020/0611). A draft dewatering plan was provided to Council as part of DA2019/1346. The appointed Auditor has reviewed a number of revisions of this document and currently, the applicant for DA2019/1346 has advised that dewatering will not be required. However, we note that excavating for swimming pools was not part of the plans for DA2019/1346 or MOD2020/0611 and we would like clarification regarding the dewatering plan and whether there is potential for dewatering to be required. Even if it is not deemed necessary, a contingency may be necessary regarding how groundwater or water seepage will be managed in the event that during site works, dewatering is required.*
- *The EPA seeks clarification on the depth to be excavated to construct the swimming pools. It is not clear on the provided figures what the final excavation depth will be. I.e. not the final pool depth, but the actual depth required to be excavated. It is noted that groundwater at the site is relatively shallow, and is expected to be shallower than previously reported, due to the higher than average rainfall recently. No groundwater monitoring results have been provided in this area for some time, and given the recent heavy rainfall, groundwater depth will be relatively shallow.*
- *The applicant has not provided information as to how they will manage potential contamination issues following construction. Will there be any groundwater monitoring, indoor air ventilation management measures to prevent potential vapour intrusion etc?*
- *In the Statement of Environmental Effects, the applicant has stated that site remediation works form part of the previous development consent of DA2019/1346 and as such, no further consideration of SEPP 55 is required under this DA. This is not considered correct, given the land use is different to what was previously approved by Council and that the applicant plans to excavate soils as part of this application, and potentially may require dewatering and managing contaminated soils and/or groundwater.*

Are you able to provide a response to these?

Kind regards,

**Tom Prosser**  
Planner

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Thank you.

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