

Nick Bouziotis
Assistant Development Director
UrbanGrowth NSW Development Corporation
Level 12, 19 Martin Place
Sydney NSW 2000

12 February 2018

Dear Nick

RE: Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)

1. INTRODUCTION

CONSARA Pty Ltd (CONSARA) has been engaged by UrbanGrowth NSW Development Corporation (the Proponent) to provide a response to the NSW Environment Protection Authority (EPA) submission to the NSW Department of Planning and Environment (DPE), dated 11 December 2017 (the NSW EPA Submission), in respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (the Project site) (MP11_0001 MOD 3) (the Project).

In preparing this response CONSARA has considered and referred to the information documented in the following:

- *'Assessment of Environmental Condition, Bank Street Commercial Wharf 5-11 Bank Street, Pyrmont NSW'* prepared by CONSARA and dated 31 May 2017 (the AEC Report);
- *'Construction Environmental Management Plan, Bank Street Commercial Wharf 5-11 Bank Street Pyrmont NSW'* prepared by CONSARA and dated 31 May 2017 (the CEMP);
- *'Management Strategy for Impacted Land (MSIL) within the Bays Precinct Urban Transformation Program'* prepared by UrbanGrowth NSW and dated January 2015 (MSIL);
- *'Long-term Environmental Management Plan 5 Banks Street Pyrmont NSW'* prepared by CDM Smith Australia Pty Ltd (CDM Smith) and dated 30 October 2012 (the LTEMP 5 Bank Street Report)
- The relevant requirements of the guidelines made and endorsed by the NSW Environment Protection Authority (EPA) under the *Contaminated Land Management Act 1997*, which include the *National Environment Protection Measure (NEPM) 2013* (NEPC, 2013).

2. RESPONSE

The NSW EPA Submission sets out that the NSW EPA have determined to maintain a recommendation that they previously put forward in relation to the Project, for the requirement for the obtaining of a Site Audit Statement (Section A) prepared by a Site Auditor accredited by the NSW EPA under the Contaminated Land Management Act 1997 (the CLM

Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)

12 February 2018

Act) and that this Site Audit Statement be submitted to the NSW EPA for review prior to the commencement of earthworks at the Site.

CONSARA considers that the NSW EPA should be requested to re-consider the specifics of this recommendation by having regard to the following:

- As set out in the AEC Report and the MSIL the following is noted:
 - The Project site has a low likelihood of gross or significant contamination or point source contamination being present, rather any contamination is likely to be present as diffuse contamination and its nature and distribution is likely to be variable;
 - The identified contamination and potential contamination on the Project site is considered to be of a nature that does not pose a risk of harm to human health under the current land uses or for the proposed development as the current surface coverings, which are subject to improvements or change under the proposed development are considered to provide an effective physical barrier that prevents exposure of the future users to the underlying potentially contaminated materials, subject to the implementation of a Long-term Environmental Management Plan (LT EMP);
 - Given that the construction works will require some minor disturbance of contaminated or potentially contaminated materials there is a potential of risk to the surrounding environment, associated with the potential exposure of the potentially contaminated materials, the potential for the migration of any contamination that may be present off-site or within the Project site, as well as to construction personnel. During construction of the proposed development these potential risks will be managed via the implementation of the CEMP. It is noted that with respect to 5 Bank Street this approach is consistent with and meets the requirements of the LTEMP 5 Bank Street Report and the MSIL;
 - Management of limited contamination issues during construction through the implementation of an appropriately prepared CEMP has been successfully applied on other NSW Government properties where redevelopment from commercial/industrial land use to more sensitive use has been proposed;
 - The existing and currently applicable LT EMP for 5 Bank Street (the LTEMP 5 Bank Street Report) will remain in place until the development works have been completed. Given that the proposed development will change the current Project site conditions, particularly in relation to surface coverings and use, a revised and updated LTEMP will be prepared once the development works have been completed. This revised and updated LTEMP will replace the current LTEMP 5 Bank Street Report. The revised and updated LT EMP will set out the procedures that are required to be implemented to manage identified risks to users of 5 Bank Street to ensure that users are not exposed to potentially contaminated materials located beneath the surface coverings and that works that require disturbance of the any surface coverings are undertaken in a manner that protects the health of the workers and users of the Site;
 - Given the above, the suitability of the Project site for its proposed uses will be contingent on the implementation on the revised and updated LT EMP and not on the existing LTEMP 5 Bank Street Report;
- The requirement for a Section A Site Audit Statement (SAS) to be issued for the Project site prior to earthworks/construction is not considered to be reasonable for the following reasons:
 - As set out in the AEC Report the approach for the contamination present and potentially present on the Project site is to essentially “cap, contain and manage”. This approach has been adopted given the scope of the Project, the nature and extent of the contamination and having regard to the principals of environmentally sustainable development and the NSW EPA’s Site Remediation Policy. Inherent in this approach is that it is implemented during the construction phase of works. As such a Section A SAS would not be able to be issued prior to construction. In addition, based on precedent on other

Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)

12 February 2018

development sites within NSW, it is considered likely that a Site Auditor, if engaged, would accept the approach set out in the AEC Report as appropriate and as such would not be able to issue a Section A SAS until after the construction works are completed. Such a scenario is usual practice in the development of sites within NSW that have low levels of contamination;

- o The conditions on the Project site will be subject to change under the proposed development and the approach to ensuring the ongoing suitability of the Project site includes the maintenance, improvement or installation of suitable surface cover that will be installed as part of the construction and development works. As such the assessment of the suitability of the Project site for the proposed use should be undertaken at the completion of the construction works and should refer to the implementation of the revised and updated LTEMP. Should a Section A SAS be issued prior to commencement of earthworks/construction works, it would need to refer to the existing LTEMP 5 Bank Street Report which will be replaced after completion of construction works., which would render redundant the Section A SAS within a relatively short timeframe. Similarly, CONSARA considers that a Section A SAS issued prior to earthworks/construction would be rendered redundant as soon as these works commenced as the conditions on the Site would be significantly different to those present at the time of issue of such a Section A SAS. This approach is not considered to be consistent with the requirements for Site Auditor's issuing Site Audit Statements as set out in the NSW EPA (2017) *Guidelines for NSW EPA Site Auditor Scheme* (3rd Edition).

3. CLOSURE

Should there be any further questions relating to the information presented above please do not hesitate to contact me.

Kind Regards



Rebecca Organo

Principal Environmental Scientist, CP SAM

Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)
12 February 2018

REFERENCES

ASTM Standard Practice D2488-90 *Description and Identification of Soils (Visual-Manual Procedure)*. American Society for Testing and Materials.

AS1726-1993. *Geotechnical site investigations Australian Standard*.

AS4964-2004. *Australian Standard Method for the Qualitative Identification of asbestos in bulk samples*.

Australian and New Zealand Environment Conservation Council and Agriculture Resource Management Council of Australia and New Zealand (ANZECC/ARMCANZ) 2000. *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, October 2000.

CDM Smith Australia Pty Ltd (CDM Smith) 2012. *Long-term Environmental Management Plan 5 Banks Street Pyrmont NSW* 30 October 2012

CONSARA Pty Ltd (CONSARA) *Assessment of Environmental Condition, Bank Street Commercial Wharf 5-11 Bank Street, Pyrmont NSW* 31 May 2017

CONSARA Pty Ltd (CONSARA) *Construction Environmental Management Plan, Bank Street Commercial Wharf 5-11 Bank Street Pyrmont NSW* 31 May 2017

E3 Consulting Australia Pty Ltd (E3) 2012a. *Stage 1 Preliminary Site Investigation 1 Bank Street, Pyrmont NSW* 27 June 2012

E3 2012b *Limited Phase 2 Environmental Site Assessment 5 Bank Street, Pyrmont NSW* 16 July 2012

JBS&G Australia Pty Ltd (JBS&G) 2014 *Preliminary Site Investigation DRAFT Bays Precinct* October 2014

Land and Property Information NSW (LPI) 2001. *Sydney 1:100 000 Topographic Sheet 9130*.

National Health and Medical Research Council & Natural Resource Management Ministerial Council (NHMRC & NRMCC) (2011 and as updated 2013). *Australian Drinking Water Guidelines*

National Health and Medical Research Council. (NHMRC) 2008. *Guidelines for managing risk in recreational water*.

NEPC, 2013. *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) – Schedule B*. National Environment Protection Council .

NSW DEC, 2007. *Guidelines for the Assessment and Management of Groundwater Contamination*. NSW Department of Environment and Conservation.

Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)
12 February 2018

NSW Department of Land and Water Conservation (DLWC) 1997. *Prospect/Parramatta River Acid Sulfate Soil Risk Map 1:25 000*, 2nd ed..

NSW Department of Mineral Resources (DMR), 1983. *Sydney Geological Series Sheet 9130 1:100 000*.

NSW Department of Mineral Resources (DMR). 1980. *A Guide to the Sydney Basin*. Ed Chris Herbert and Robin Helby.

NSW Department of Mineral Resources (DMR). 1991. *Sydney 1:100,000 Geological Series Sheet 9130*. DMR, Geological Survey of NSW.

NSW EPA, 1994. *Contaminated Sites: Guidelines for Assessing Service Station Sites*. NSW Environment Protection Authority.

NSW EPA, 1995. *Contaminated Sites: Sampling Design Guidelines*. NSW Environment Protection Authority.

NSW EPA 2015. *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act*. NSW Environment Protection Authority

NSW EPA, 2017. *Guidelines for the NSW Site Auditor Scheme (3rd edition)*. NSW Environment Protection Authority

NSW OEH, 2011. *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*. NSW Office of Environment and Heritage.

Parsons Brinkerhoff Australia Pty Ltd (PB) 2009a *Environmental Site Investigation Blackwattle Bay Maritime Precinct Blackwattle Bay Maritime Precinct*, NSW March 2009

PB 2009b. *Environmental Site Investigation of the waterway west of the Hanson Site Concrete Batching Plan, Western End of Blackwattle Bay*, NSW July 2009

Patterson Britton & Partners Pty Ltd (PBP) 2000. *Blackwattle Bay Sydney Waterfront Infrastructure Development Design and Construction for the Upgrading of Wharves – Assessment of Soil and Sediment Conditions* May 2000

Soil Conservation Service of NSW (SCS), 2009. *Sydney Soil Landscape Series Sheet 9130 1:100 00*.

SLR Consulting Australia Pty Ltd (SLR) 2011. *Preliminary Contaminated Land Assessment Sydney Heritage Fleet, Pyrmont NSW 2009* 16 December 2011

UrbanGrowth NSW 2015. *Management Strategy for Impacted Land (MSIL) within the Bays Precinct Urban Transformation Program*. January 2015

USBR 5005-86. *Procedure for Determining Unified Soil Classification (Visual Method)*, United States Department of the Interior, Bureau of Reclamation

Response to NSW Environment Protection Authority Submission to NSW Department of Planning and Environment in Respect of the Modification Section 75W Request for the Maritime Facility, 5-11 Bank Street Pyrmont NSW (MP11_0001 MOD 3)
12 February 2018

USEPA, 2000. *Guidance for the Data Quality Objectives Process, EPAC QA/G-4 DEC/600/r-96/055*, United States Environmental Protection Agency Office of Environmental Information, Washington DC

Western Australian Department of Health (WA DoH), 2009. *Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia*.