



DOC20/116945-1  
SSD 9667

Mr William Hodgkinson  
Department of Planning Industry and Environment  
LOCKED BAG 5022  
PARRAMATTA NSW 2124

Dear Mr Hodgkinson

**SSD 9667 – LIGHT HORSE INTERCHANGE BUSINESS HUB – RESPONSE TO SUBMISSIONS (RtS) REPORT**

I am writing to you in reply to your invitation to the EPA to comment on the RtS report (the Report) concerning the above project.

The Report includes Appendix D, being a Remediation Action Plan (RAP) for the phased development of the site.

The EPA's Contaminated Land Consultant Certification Policy supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry.

Appendix D to the Report does not appear to provide evidence that the RAP was prepared or reviewed by a Certified Contaminated Land consultant. The EPA anticipates that the RAP would include the details of the author's certification in each report with an individualised seal, the certification number and the year of validity or a personalised annual electronic seal with accreditation details.

The EPA requires all reports submitted to the EPA to comply with the requirements of the Contaminated Land Management Act and to be prepared, or reviewed and approved, by a certified consultant.

Site auditor

Appendix D to the Report indicates that:

- (a) a site auditor accredited under the Contaminated Land Management Act has yet to be engaged for the purposes of the project; and
- (b) the site auditor would review the RAP and subsequent contamination management documents (e.g. Validation Report), with issue of a subsequent Site Audit Statement (SAS) and Site Audit Report (SAR) being made a condition of development consent.

The EPA anticipates that the site auditor would comply with requirements of section 3.6 to the *Guidelines for the NSW Site Auditor Scheme (2nd edition)*

### **Recommendation**

The proponent be required to engage a site auditor (accredited under the Contaminated Land Management Act) to:

- (a) review the adequacy of contamination assessment reports, the remediation action plan, unexpected finds procedures, and the required validation report, and
- (b) provide a Section A Site Audit Statement (SAS) and accompanying Site Audit Report (SAR) certifying the suitability of the development site for the proposed use.

If the site auditor is commissioned to undertake a single site audit involving a lengthy, multi-stage review, the auditor must issue a site audit statement only when the process is completed.

However, the site auditor may provide written interim advice on the work plans or reports in the lead-up to issuing the final site audit statement at the end of the entire audit. And, in any such interim advice the site auditor must:

- (a) specify that the interim advice does not constitute a site audit report or statement;
- (b) ensure the interim advice is consistent with EPA guidelines and policy;
- (c) not pre-empt the conclusion to be drawn at the end of the site audit process;
- (d) clarify that a site audit statement will be issued at the end of the audit process; and
- (e) document in the site audit report all interim advice that was given.

If the site auditor is expressly commissioned to provide a series of site audits for certain discrete, designated stages of a project, the auditor should issue a separate site audit statement for each of those audits.

### **Recommendation**

The proponent be required to consider the guidance material provided in *The National Environment Protection (assessment of contamination) Measures, 2013* as amended, as well as the following EPA documents when undertaking any further site assessment and validation -

- NSW EPA Sampling Design Guidelines,
- Guidelines for the NSW Site Auditor Scheme (3<sup>rd</sup> edition) 2017, and
- Guidelines for Consultants Reporting on Contaminated Sites, 2011.

### **Recommendation**

The proponent be required to ensure that the processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* are followed in assessing the suitability of the land and any remediation required in relation to the proposed use.

### **Recommendation**

The proponent be required to ensure that the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

### **Recommendation**

The proponent be required to notify the EPA should any contamination of the development site be identified which meets the triggers in the *Guidelines for the Duty to Report Contamination*.

### Unexploded ordnance

The RAP dismisses the risk of unexploded ordnance (UXO) at the development site on the basis that the site was used for accommodation and transmission operations and there was no known occurrence of potential unexploded ordnance in Defence records.

The EPA notes however that the Department of Defence Unexploded Ordnance (UXO) website includes the following Disclaimer -

*"The data supplied is based on Defence's assessment of information obtained from a variety of sources. It does not reflect any UXO remediation conducted on behalf of any person or organisation other than Defence. While Defence makes all reasonable efforts to ensure that the information provided is accurate, complete and up-to-date, there may be limitations to the sources available to Defence and the information may be subject to change. The information relating to a specific parcel of land should not be relied upon without additional checks and/or verification from the relevant state, territory or local government."*

Accordingly, the EPA anticipates that an unexpected finds protocol would be developed for the development site having regard to previous Department of Defence use of the site.

### **Recommendation**

The proponent be required to engage a qualified expert, with wide experience in the detection of unexploded ordnance, to undertake an appropriate level of investigation to determine whether the development site may be contaminated with unexploded ordnance.

### **Recommendation**

The proponent be required to ensure that prior to commencing any work on the development site, an appropriate procedure is prepared and implemented:

- (a) to identify and deal with unexpected finds of site contamination, including unexploded ordnance; and
- (b) to identify who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

Should you require clarification of any of the above please contact John Goodwin on 9995 - 6838.

Yours sincerely

 3-2-2020

**BENN TREHARNE**  
**Acting Unit Head, Metropolitan Infrastructure**  
**Environment Protection Authority**