



DOC25/196869-6

7 April 2025

Thomas Bertwistle
Senior Environmental Assessment Officer
Planning and Assessment Division
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

By: Major Projects Portal

EPA Submission on Planning Advice Request for Stephen Road Multi-Level Warehouse

Dear Thomas Bertwistle

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to provide comment on the Environmental Impact Statement (EIS) for the proposed Multi-Level Warehouse (SSD-65924461) at 49-61 Stephen Road, Banksmeadow (the Site).

The EPA has reviewed the following documents:

- *Environmental Impact Statement Stephen Road, Multi-Level Warehouse*, prepared by Urbis Ltd, February 2025.
- *Remediation Action Plan - Proposed Industrial Development, Volume 1 of 3 Report Appendix A*, prepared by Douglas Partners, December 2024.
- *Remediation Action Plan - Proposed Industrial Development, Volume 2 of 3 Report Appendix C & D*, prepared by Douglas Partners, December 2024.
- *Remediation Action Plan - Proposed Industrial Development, Volume 3 of 3 Report Appendix E, F, G & H*, prepared by Douglas Partners, December 2024.
- *Letter No.1 - Site Audit Process, 49-61 Stephen Road, Banksmeadow*, prepared by Rowena Salmon, November 2024.
- *Report on Supplementary Site (Contamination) Investigation Proposed Industrial Development*, prepared by Douglas Partners, December 2024.
- *Waste Management Plan*, prepared by SLR Consulting Australia, November 2024.
- *Air Quality Assessment*, prepared by SLR Consulting Australia Pty, November 2024.
- *Final Social Impact Assessment*, prepared by Urbis Ltd, December 2024.

The EPA understands the proposal is for:

- Site preparation works, bulk earthworks, infrastructure/service provisions and/or augmentation.
- Extensive remediation of the Site to allow for ongoing industrial and commercial use.
- Construction and operation of a three-storey warehouse and distribution centre.
- A three-storey building comprising northern and southern warehousing tenancy spaces.

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

Phone:
131 555

Email:
info@epa.nsw.gov.au

Website:
epa.nsw.gov.au

Visit:
6 Parramatta Square
10 Darcy Street
Parramatta NSW 2150

Mail:
Locked Bag 5022
Parramatta NSW 2124



Based on the information provided, the Site is regulated by the NSW EPA under the *Contaminated Land Management Act 1997* (Notice # 20201720) and the premises also holds Environment Protection Licence (EPL) No.993 under the *Protection of the Environment Operations Act 1997*.

The EPA would like to make note to the Department of Planning, Housing and Infrastructure (DPHI) that the applicant is yet to engage with the EPA to surrender its EPL or discuss its future intentions with respect to licensing.

Please find the EPA's comments and recommendations attached as **Appendix A**.

If you have any questions about this request, please contact Jenny Gustafson via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gabriel Sutherland', with a long horizontal stroke extending to the right.

Gabriel Sutherland
A/Unit Head – Environment Protection Planning
Environment Protection Authority



Appendix A – NSW Environment Protection Authority (EPA) Submission on Environmental Impact Statement (EIS) for proposed Stephen Road Multi-Level Warehouse (SSD-65924461), 49-61 Stephen Road, Banksmeadow.

The EPA has the following comments and recommendations:

Site Contamination and Remediation

The Site is impacted by soil and groundwater contamination. In its current use there is no risk to the soil and groundwater contamination, including off-site migration of contaminants.

The Remediation Action Plan (RAP) for the proposed remediation works have satisfactorily addressed the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013) (ASC NEPM).

The current groundwater remediation works will be managed under the Voluntary Management Proposal (Notice # 20201720) and will be completed in 2027.

The EPA acknowledges that the Applicant has engaged a suitably qualified and accredited site auditor. The Site Auditor will be required to provide the following reports to the EPA:

- a) an independent review of the proposed works
- b) a site audit statement
- c) a site audit report for the suitability of the Sites proposed use

Contaminated Land

There is existing infrastructure and buildings currently on the Site, and as a result, the actual or potential extent of soil contamination may be underrepresented. The EPA recommends that additional data-gap investigations following the demolition and removal of infrastructure may be required to characterise contamination in potential source areas that have otherwise been inaccessible.

Environment Protection Licence

There is little information provided to determine if the Proposal will require an EPL under the *Protection of the Environment Operations Act 1997* Schedule 1, Clause 15 Contaminated Soil Treatment.

The Proposal may require an EPL under Schedule 1, Clause 15 Contaminated Soil Treatment if the following applies:

- (1) This clause applies to **contaminated soil treatment**, meaning the on site or off site treatment of contaminated soil (including, in either case, incineration or storage of contaminated soil but excluding excavation for treatment at another site).
- (2) The activity to which this clause applies is declared to be a scheduled activity if—
 - (a) in any case, it has the capacity to treat more than 1,000 cubic metres per year of contaminated soil received from off site, or
 - (b) where it treats contaminated soil originating exclusively on site, it has a capacity—
 - (i) to incinerate more than 1,000 cubic metres per year of contaminated soil, or

(ii) to treat (otherwise than by incineration) and store more than 30,000 cubic metres of contaminated soil, or

(iii) to disturb more than an aggregate area of 3 hectares of contaminated soil.

The EPA recommends that DPHI advise the Applicant to provide further information and justification if an EPL under the *Protection of the Environment Operations Act 1997* will be required under Clause 15 of Schedule 1 Contaminated Soil Treatment for the Proposal.

Air quality and odour

The Air Quality Assessment (the Assessment) does not adequately address potential contaminants of concern that are likely to be encountered during the remediation of contaminated land. There is little information regarding the mitigation measures and triggers the potential contaminants may have on sensitive receivers.

Further, the Assessment does not adequately meet the Secretary's Environmental Assessment Requirements (SEAR's) as the potential sources of odour have not been addressed during the preparation and construction phase of the project. *Table 2. Additional Government Authority Advice Requirements* of the Assessment states that 'odour is not considered to be a significant source of emissions during the construction or operation and therefore is not considered further'.

The Engagement Outcomes Report recommends that the impacted contaminated soils be covered with fabric or plastic, using dust and odour suppressants and implementing a monitoring program to check the effectiveness of the mitigation measures.

The Remediation Action Plan Volume 1 states that the Occupational Hygienist will be responsible *inter alia* for developing an asbestos management plan and air quality and odour management/monitoring plan for the project.

The EPA recommends that DPHI advises the Applicant to:

- a) Meet with DPHI and the NSW EPA to discuss future licensing and environmental matters in relation to the Environment Protection Licence no. 993 and the Voluntary Management Plan (VMP) prior to any demolition works commencing.
- b) Obtain interim advice from the appointed NSW EPA Accredited Contaminated Sites Auditor regarding any potential evidentiary gaps in source areas that were previously inaccessible following demolition activities to grade and prior to disturbance of sub-surface materials.
- c) Develop and implement asbestos management plan and air quality and odour management/monitoring plan for the project.
- d) Prepare and implement a Construction Noise and Vibration Management Plan prior to any demolition activities commencing. The plan should detail all mitigation management measures and monitoring activities that will be implemented to minimise noise impacts on surrounding sensitive receivers throughout the duration of the project.

EPA also advised DPHI that the future use of the premises be subject to a Section A2 Site Audit Statement and accompanying Site Audit Report issued by the appointed NSW EPA Accredited Contaminated Sites Auditor.