ENVIRONMENT
& HEALTH

19 June 2026

ESR Developments (Australia) Pty Ltd
Level 13, 39 Martin Place
Sydney NSW 2000
Attention: Gannon Cuneo

By email: Gannon.Cuneo@esr.com

Dear Gannon,

RE: Interim Audit Advice Letter No.2 - Response to SSDA Comments, 49-61 Stephen Road, Banksmeadow NSW

Ramboll Australia
Level 3, 100 Pacific Highway
PO Box 560
North Sydney NSW 2060

T +61 2 9954 8100
www.ramboll.com

Ref 318002013
Audit No. RS-187

1. INTRODUCTION & OBJECTIVE

As a NSW EPA accredited Contaminated Sites Auditor, I have been engaged by ESR Developments (Australia) Pty Ltd (ESR) to provide site auditor support under the NSW *Contaminated Land Management Act 1997* (CLM Act) in the context of the proposed development at 49-61 Stephen Road, Banksmeadow NSW 2019 (the site) (Audit no. RS-187). The property is identified as Lot A in Deposited Plan 190526; Lot 1 in Deposited Plan 311767; and Lot 1 in Deposited Plan 1095110 and covers an area of approximately 4.8 ha.

The site is owned by ESR following a purchase and lease back agreement with Allnex Resins Australia Pty Ltd (Allnex) and has been used for chemical manufacturing and storage since approximately 1943.

Application for State Significant Development (SSD) 65924461 has been made for Remediation of site and construction and operation of a multi-level warehouse.

As requested by ESR, this Interim Audit Advice No. 2 (IAA2) has been prepared to provide a response to comments made by Department of Planning, Housing and Infrastructure (DPHI) on SSD-65924461.

2. BACKGROUND

Previous environmental investigations have identified soil and groundwater impacts (including petroleum hydrocarbons including dissolved toluene, ethylbenzene and xylene (TEX) and light non-aqueous phase liquid (LNAPL)) in the central portion of the site. The known groundwater impact is undergoing remediation including enhanced in-situ bioremediation in the source area and air sparging/soil vapour extraction at the downgradient boundary (southern) of the site. The groundwater remediation works are being regulated by NSW EPA in accordance with a Voluntary Management Proposal (VMP, Approval No. 20201720) and the expected timeframe for remediation completion and VMP closure is currently 2027.

In 2022, JBS&G Australia Pty Ltd (JBS&G), on behalf of Allnex, completed a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI). The

Ramboll Australia Pty Ltd
ACN 095 437 442
ABN 49 095 437 442

DSI included completion of 69 boreholes using a drill rig or hand auger, installation of 11 groundwater monitoring wells and groundwater sampling, and installation of 45 sub-slab soil vapour pins and soil vapour sampling. The DSI identified asbestos, lead, organochlorine pesticides (OCPs) and petroleum hydrocarbons impacted site soils requiring management / remediation. The DSI concluded that *"the site is suitable for on-going commercial/industrial use in its current configuration subject to implementation of an Environmental Management Plan to manage lead, OCP and asbestos impacts identified in soil"* and *"Remediation and/or management of identified impacts would be required for potential redevelopment of the site for commercial/industrial use"*.

Planning Secretary's Environmental Assessment Requirements (SEARs) were issued 30 January 2024 and ESR engaged Douglas Partners Pty Ltd (DP) as the environmental consultant to prepare the required documentation. DP have undertaken data gap investigations and have prepared a Remediation Action Plan (RAP). Remediation works are proposed to make the site suitable for the intended future land use. At this stage, remediation of five areas is anticipated, with a range of remediation strategies likely to be employed, including onsite cap and containment and onsite ex-situ remediation and ongoing management of the site will be required under a long-term environmental management plan (EMP).

Based on the current agreement, Allnex are, and will remain, responsible for the groundwater remediation tasks regulated by the VMP. ESR will be responsible for site demolition and soil remediation tasks. Therefore, the RAP addresses remediation of soil contamination only.

Following the VMP closure and depending on the outcomes of the VMP remediation works, it is understood that a revision to the RAP or Remedial Works Plan (RWP) may be prepared to consider residual soil contamination at the site.

The VMP remediation works are also being audited by me (Audit no. RS-088).

SSD-65924461 was originally submitted in December 2024, and a revised submission was made in April 2026 to modify the number of storeys in the development. DPHI has provided comments relating to remediation of contaminated land in their Request for Additional Information associated with the revised submission. A response to comments has been prepared by DP which is reviewed in this IAA2.

3. SCOPE OF INTERIM AUDIT ADVICE

To date during the course of the Audit I have:

- Prepared 'Letter No. 1 - Site Audit Process, 49-61 Stephen Road, Banksmeadow NSW' dated 26 November 2024 which outlines the anticipated stages of my Audit.
- Reviewed the following reports and provision of comments by email on 26 November 2024:
  - 'Supplementary Site (Contamination) Investigation 49-61 Stephen Road, Banksmeadow' Revision 0 dated 27 September 2024, DP *(the SSCI)*.
  - 'Remediation Action Plan, Proposed Industrial Development 49-61 Stephen Road, Banksmeadow' Revision 0 dated 11 October 2024, DP.

The scope of IAA2 included:

- Review of the following reports:
  - 'Remediation Action Plan, Proposed Industrial Development 49-61 Stephen Road, Banksmeadow' Revision 1 dated 12 December 2024, DP *(the RAP)*.
  - 'Response to Remediation SSDA Comments, Proposed Warehouse Development, 49-61 Stephen Road, Banksmeadow) dated 15 June 2026, DP *(the DP Response)*.

- Reference to letter 'Subject: Request for Additional Information - Stephen Road Multi-level Warehouse, Banksmeadow (SSD-65924461)' dated 28 May 2026, from DPHI *(the DPHI Comments)*.

Only minor changes were made to the RAP between the Revision 0 (dated 11 October 2024) and Revision 1 (dated 2 December 2024) versions, and the RAP has not been updated in response to Auditor comments provided on 26 November 2024. It is understood that update of the RAP in response to Auditor comments is proposed at a future point when additional updates in response to the development design and development consent conditions are made.

I have reviewed the key documents against the requirements of guidelines made or approved under Section 105 of the CLM Act, including the following:

- National Environment Protection Council (NEPC) *'National Environment Protection (Assessment of Site Contamination) Measure 1999',* as Amended 2013 (NEPM 2013)
- NSW EPA (2015) *'Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997'*
- NSW EPA (2017) *'Guidelines for the NSW Site Auditor Scheme (3rd Edition)'*
- NSW EPA (2020) *'Contaminated Land Guidelines, Consultants Reporting on Contaminated Land'*
- Chapter 4 Remediation of Land in the Resilience and Hazards State Environment Planning Policy (SEPP) (2021) (SEPP R&H, formerly known as SEPP 55) and NSW Department of Urban Affairs and Planning and NSW EPA (1998) *'Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land'*
- NSW EPA (2022) *'Contaminated Land Guidelines, Sampling design part 1 – application'* and *'Contaminated Land Guidelines, Sampling design part 2 – interpretation'*

4. DISCUSSION

The DP Response provides a discussion in response to each of the DPHI comments, largely with reference to information presented in the RAP, but also including some additional clarifying information. **Table 1**, following, presents details of the DPHI Comments, a summary of the DP Response, and the Auditor's opinion on the response to each comment. The Auditor's comments are intended to address DPHI's request for written interim advice from the Site Auditor confirming acceptance of this approach, as requested for Comments 1 and 2.

As discussed in **Section 3**, whilst I have reviewed the SSCI and RAP, and have made detailed comments, these documents have not been updated in consideration of Auditor comments made to date. Review and endorsement of future / final documents will be required. In summary the key updates required based on my comments are to include a clearer description of the proposed development and foundation system; how piling, pavement removal, demolition, inground infrastructure and material movements will interact with remediation staging; and how related risks such as asbestos, acid sulfate soils, VOC vapour intrusion, preferential pathways and onsite reuse or disposal of spoil will be managed.

Auditor comments are provided in the table below based on the current version of the RAP and anticipated future revision in response to Auditor comments.

Table 4.1: Summary of DPHI Comments, DP Response and Auditor Comments

DPHI Comment Topic	DPHI Comment	Summary of DP Response	Auditor Comment
Containment Cell (Point No. 1)	*The Remedial Action Plan (RAP) proposes placing soils containing organochlorine pesticide concentrations exceeding the remediation criteria within a containment cell. Additional information is required to clearly define the location and design of the proposed containment cell, its relationship to the overall development, and to provide written interim advice from the Site Auditor confirming acceptance of this approach.*	Containment cell design, including dimensions and location, will be finalised with the development design, in particular in consideration of design of piling and inground services. The Rev 1 RAP (Section 10.2, Section 11.2 and Drawing 12) outlines parameters and requirements to be met to achieve the required remediation outcomes. An outline of the RAP requirements in relation to the containment cell is provided in the DP response. In summary, the containment cell will hold about 3,000 m³ of contaminated soils with contingency, be constructed below a capping and marker layer, include groundwater separation, use a low permeability liner, and likely be located in the north-eastern site area. The DP Response also includes a more detailed discussion of potential volumes and potential containment cell dimensions.	The proposed containment cell approach is considered acceptable. The level of detail included in the RAP for the containment cell design is considered appropriate for the current planning stage. The RAP notes that additional documentation is required to be prepared including final development design, structural piling design, containment cell design. Relevant additional documentation will be reviewed during the course of the Audit and will be subject to Auditor approval prior to implementation.
Remediation Approach (Point No. 2)	*The RAP identifies both 'required' and 'recommended' remediation works. Please clarify which remediation measures are proposed to be implemented as part of the development to make the site suitable for the proposed industrial warehouse use, and provide written interim advice from the Site Auditor confirming their acceptance of these proposed works.*	'Required' works are required to make the site suitable from a contamination perspective, while 'recommended' works provide additional risk reduction by assisting with site management and / or management of contamination risk in the long-term. DP note that the decision to implement a recommended remediation task is not required prior to commencing works, and the decision to implement may be informed by the degree of success of other remediation works. Required remediation includes containment of highly contaminated soils, validation of tank areas, ex situ treatment of contaminated soils from above the groundwater table, capping, soil management during works, and assessment, remediation and validation of inground infrastructure encountered during works. Recommended remediation includes additional containment, slab sealing and in situ treatment of contaminated soils from above the groundwater table.	The separation of proposed remediation into 'required' and 'recommended' works is understood and is supported by the Auditor given the complexity of the site history, and the regulation of groundwater remediation, which includes an element of uncertainty regarding the likely contamination status at the completion of VMP remediation works. Based on the reviews conducted to date, the proposed remediation works are considered generally appropriate. Detailed Auditor comments have been provided on the remediation works described in the RAP, and an updated version of the RAP will require review and approval by the Auditor prior to implementation.

DPHI Comment Topic	DPHI Comment	Summary of DP Response	Auditor Comment
Off-Site Biopiling (Point No. 3)	*The development proposes off-site biopiling, however, it is unclear whether approval for this activity is being sought under the current application or whether it is intended to be addressed through a separate application or an existing consent. Please clarify the approval pathway for the proposed off-site biopiling.*	Off-site biopiling is not proposed, so no approval is being sought under this or any other application.	It is understood this comment is not relevant since off-site biopiling is not proposed.
VMP Works in South-Eastern Area (Point No.4)	*Section 6.3 of Volume 1 of the Report on Supplementary Site (Contamination) Investigation refers to 'Additional VMP Works – South-Eastern Area', noting that this remediation system has yet to be designed, finalised, and approved. Please clarify whether these works will be carried out by Allnex under the Voluntary Management Plan, or if they form part of the Remedial Action Plan for the current application.*	Allnex has advised that investigations have been undertaken in the south-eastern area and, following liaison with the NSW EPA and Site Auditor, no further actions are currently proposed. Notwithstanding, DP notes that all works under the VMP, including any works regarding the referenced south-eastern area of the site notified under the VMP, will be carried out by Allnex and do not form part of the RAP for the current application.	Remediation of the southeast area is not currently proposed under the VMP. Any remediation required in relation to the VMP in the southeast area of the site would be completed under the VMP and therefore is not appropriate to be addressed in the RAP and would not form part of the current application.

5. CONCLUSIONS AND RECOMMENDATIONS

The DP Response is considered to adequately address the DPHI Comments in relation to Remediation of contamination land. Table 1 provides my opinion on the specific responses and can be considered as written interim advice from the Site Auditor confirming acceptance, as requested for Comments 1 and 2. The Auditor responses to Comments 1 and 2 note the requirement for future remediation planning documentation to be reviewed and approved by the Auditor prior to implementation.

Ongoing and future stages of the Audit include:

- Review of revisions to the SSCI and RAP in response to Auditor comments and updated development design, once confirmed.
- Preparation of a Section B Site Audit Statement (SAS) and supporting Site Audit Report (SAR) reviewing the adequacy of the RAP with respect to current regulatory requirements and in consideration of the proposed development.
- Review of additional remediation planning documents to be prepared, for example Remedial Works Plan (RWP) and Construction Quality Assurance Plan (CQAP).
- Consideration of suitability of the site for the proposed development following completion of remediation and suitability of the proposed ongoing management framework including the long-term EMP, to be documented in a Section A2 SAS and supporting SAR.

6. LIMITATIONS

This interim audit advice was conducted on behalf of ESR for the purpose of responding to the DPHI comment. This summary report may not be suitable for other uses.

The Auditor has relied on the documents referenced in in this interim audit advice in preparing the Auditor’s opinion. The consultants included limitations in their reports. This interim audit advice must also be subject to those limitations. The Auditor has prepared this document in good faith but is unable to provide certification outside of areas over which the Auditor had some control or is reasonably able to check. If the Auditor is unable to rely on any of those documents, the conclusions of this interim audit advice could change.

It is not possible to present all data which could be of interest to all readers of this interim audit advice. Readers are referred to the referenced reports for further data. Users of this document should satisfy themselves concerning its application to, and where necessary seek expert advice in respect to, their situation.

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Please contact the undersigned if you wish to discuss.

Yours sincerely,
Ramboll Australia Pty Ltd

Rowena Salmon
NSW EPA Accredited Auditor 1002

D +61 2 9954 8100
M +61 412 834 360
rsalmon@ramboll.com