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Responses to Submissions – Marrickville Timberyards

1. Introduction

EDP Consultants Pty Ltd (EDP) has been engaged by RTL Investments 2 Pty Ltd (RTL Co.) to provide responses to submissions for the Marrickville Timberyards Project (the Project). EDP has engaged RP Geo to provide groundwater interface and access approvals support for the Project and is supporting RTL Co with responses, which are included in this memo.

2. Responses

Table I below presents the comments made by Stakeholders with corresponding RPE Geo and EDP responses underlying.

Table I EDP / RP Geo Responses to Comments

Comment ID	Comment	Response
DCCEE-W-1	<i>Confirm ability to acquire water entitlement – Unless exemption applies, review plans to demonstrate ability to acquire sufficient water entitlement in the relevant water source</i>	Refer to response by RP Geo included in Attachment A.
DPHI-14	<i>Confirm data gap investigation approach – determine timing and approach to the additional data gap investigation of the site – update respective appendices</i>	<p>Before the data gap investigation can be undertaken, the investigation strategy and quality assurance framework need to be outlined in a sampling and analysis quality plan (SAQP), in accordance with NSW EPA <i>Consultants reporting on contaminated land – Contaminated Land Guidelines</i> (NSW EPA, 2020). The SAQP has been prepared by EDP Consultants Pty Ltd and reviewed by a NSW EPA Accredited Auditor, Rowena Salmon of Ramboll Pty Ltd (accreditation no. 1002). The SAQP details the investigation program with the objective to address key data gaps raised in the previous detailed site investigation prepared by JKEnvironments (Ref E36478PTRpt3) around contaminated groundwater and vapour risks, as well as provide more a comprehensive assessment of soil and groundwater across the site.</p> <p>Investigation works to implement the SAQP commenced in May 2025 and are expected to be complete in June 2025.</p>

IWC-10	<p><i>Missing environmental management plan – The Remediation Action Plan (RAP) advises that a detailed soil vapour/sub-slab vapour investigation be carried out along with a groundwater monitoring program, to address residual data gaps and inform acceptable soil vapour criteria for the site. This will need to be captured in an Environmental Management Plan (EMP) for the site.</i></p> <p><i>It also appears some materials may need to be dealt with on site via containment cells, which would also need to be covered by an EMP. Any EMP that is put in place would need to be legally enforceable and publicly notified via either a notation on the planning certificate and/or registration on the land title.</i></p>	<p>An environmental management plan (EMP) or long term EMP (LTEMP) is prepared to ensure a site remains low risk from a human health or environmental perspective from any potential or known contamination. The site assessment process for the Project will first involve a data gap assessment, followed by review and update of the current remediation action plan (RAP), if required, to address the identified contamination with respect to the proposed development. Upon completion of the remediation and validation works in accordance with the RAP, if residual contamination remained which could pose an ongoing risk to human health or environment, then at this time an EMP/LTEMP may be required. In this respect, preparation of a management plan is not considered to be required at this stage.</p>
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Yours sincerely,



Hamish Donovan

Principal Environment Consultant

EDP Consultants Pty Ltd

STATEMENT OF LIMITATIONS

This document has been prepared in response to specific instructions from the client to whom the report has been addressed. The work has been done via desktop review of the information provided by the client. The work has been undertaken with the usual care and thoroughness of the consulting profession. The work is based on generally accepted standards, practices of the time the work was undertaken. No other warranty, expressed or implied, is made as to the professional advice included in this report.

The report has been prepared for the use by the client and the use of this report by other parties may lead to misinterpretation of the issues contained in this report. To avoid misuse of this report, EDP advise that the report should only be relied upon by the client and those parties expressly referred to in the introduction of the report. The report should not be separated or reproduced in part and EDP should be retained to assist other professionals who may be affected by the issues addressed in this report to ensure the report is not misused in any way.

EDP is not a professional quantity surveyor (QS) organisation. Any areas, volumes, tonnages or any other quantities noted in this report are indicative estimates only. The services of a professional QS organisation should be engaged if quantities are to be relied upon.

This TAN should not be relied upon for conclusions on human health or ecological risk, and waste classification. The purpose of this TAN is to provide an interpretation of currently available data against relevant guidelines to support JHG EOI submission, and any interpretation is indicative only. EDP makes no endorsement of the data quality or investigation regimes undertaken by others and considers the data set to be incomplete for conclusive statements on human health or ecological risk, and waste classification to be made.

Sampling Risks

EDP acknowledges that any scientifically designed sampling program cannot guarantee all subsurface contamination will be detected. Sampling programs are designed based on known or suspected site conditions and the extent and nature of the sampling and analytical programs will be designed to achieve a level of confidence in the detection of known or suspected subsurface contamination. The sampling and analytical programs adopted will be those that maximises the probability of identifying contaminants. The client must therefore accept a level of risk associated with the possible failure to detect certain subsurface contamination where the sampling and analytical program misses such contamination. EDP will detail the nature and extent of the sampling and analytical program used in the investigation in the investigation report provided.

Environmental site assessments identify actual subsurface conditions only at those points where samples are taken and when they are taken. Soil contamination can be expected to be non-homogeneous across the stratified soils where present on site, and the concentrations of contaminants may vary significantly within areas where contamination has occurred. In addition, the migration of contaminants through groundwater and soils may follow preferential pathways, such as areas of higher permeability, which may not be intersected by sampling events. Subsurface conditions including contaminant concentrations can also change over time. For this reason, the results should be regarded as representative only.

The client recognises that sampling of subsurface conditions may result in some cross contamination. All care will be taken and the industry standards used to minimise the risk of such cross contamination occurring, however, the client recognises this risk and waives any claims against EDP and agrees to defend, indemnify and hold EDP harmless from any claims or liability for injury or loss which may arise as a result of alleged cross contamination caused by sampling.

The client recognises that information collected during the detailed site investigation are only true for the time of assessment. EDP cannot guarantee that it will be consistent throughout the proposed modification works period.

Reliance on Information Provided by Others

EDP notes that where information has been provided by other parties in order for the works to be undertaken, EDP cannot guarantee the accuracy or completeness of this information the client therefore waives any claim against the company and agrees to indemnify EDP for any loss, claim or liability arising from inaccuracies or omissions in information provided to EDP by third parties. No indications were found during our investigations that information contained in this report, as provided to EDP, is false.

Recommendations for Further Study

The industry recognised methods used in undertaking the works may dictate a staged approach to specific investigations. The findings therefore of this report may represent preliminary findings in accordance with these industry recognised methodologies. In accordance with these methodologies, recommendations contained in this report may include a need for further investigation or analytical analysis. The decision to accept these recommendations and incur additional costs in doing so will be at the sole discretion of the client and EDP recognises that that the client will consider their specific needs and the business risks involved. EDP does not accept any liability for losses incurred as a result of the client not accepting the recommendations made within this report.

Attachment A – RP Geo Response

To: Hamish Donovan and James Hiley

From: Katarina David

CC:

Date: 22nd May 2025

Re: **Advice regarding Water take and Licensing- The Timberyards by RTL Co. SSD-76927247 (reference DCCEEW-Attachment A W-I**

Dear Hamish and James,

The Timberyards by RTL Co. SSD-76927247 seeks approval for a rental housing precinct development comprising Build to Rent housing (BTR), co-living housing, affordable housing retail and public and private recreation area (the Project). This memo presents a response to submission letter from Department of Planning, Housing and Infrastructure (DCCEEW) on 26th March 2025 (Ref OUT25/3468) related to Item 1 of Attachment A DCCEEW-W-I.

The DCCEEW requests the proponent (Timberyards by RTL Co.) to demonstrate the ability to acquire sufficient water entitlement in the relevant water source unless an exemption applies.

At the time when the DCCEEW advice was provided, the groundwater assessment (Appendix V of the EIS submission) predicted dewatering requirement of 39 ML/year for worst case and 7.2 ML/year for an average scenario. Based on the DCCEEW requirement (Item 2 of the same letter) the proponent had engaged Tetra Tech Coffey Pty Ltd to prepare the dewatering management plan (DMP) and address the impacts in accordance with the Aquifer Interference Policy (AIP). A DMP has been prepared and project assessed in accordance with the AIP (Tetra Tech Coffey, 2025). This report indicated that dewatering requirement is predicted at 9.2 ML/year as potential upper range and 3.6 ML/year for typical sustained flow during construction.

On this basis and in accordance with the SSD requirements and the AIP, the upper range of 9.2 ML/year is the volume that will need to be sourced by the proponent to account for the water take.

The Site is located on the boundary between Sydney Basin Central and Botany Sands Groundwater Source. The exemption in Botany Sands Groundwater Source (Sydney Metropolitan Groundwater sharing plan) applies for groundwater taken through dewatering for excavation and infrastructure. This exemption ends 30 June 2025 or when a controlled allocation of access licenses occurs, whichever happens first.

Therefore, a water access license (WAL) will be required for the project (given that > 3ML/year will be intercepted). Section 3.2.3 of the AIP requires that proponent holds water entitlements equivalent to the predicted maximum annual water take at the commencement of the project (9.2 ML/year). The proposed pathway to licensing for this project is

to temporary trade (purchase 18 shares in the Sydney Basin Central groundwater source), and confirmation there are sufficient available shares that can be bought on the market within the Greater Metropolitan Region Water Sharing Plan has been obtained (Sydney Basin Central groundwater source). Please see the figure below for share availability in this groundwater source.

Temporary Buy Orders					Temporary Sell Orders				
ML	Split	\$/ML	Region	View	ML	Split	\$/ML	Region	View
					100	20	500	SYDNEY BASIN CENTRAL GROUNDWATER SOURCE	View Market
Permanent Buy Orders					Permanent Sell Orders				
ML	Split	\$/ML	Region	View	ML	Split	\$/ML	Region	View
					77	8	2500	SYDNEY BASIN CENTRAL GROUNDWATER SOURCE	View Market

Figure 1 Share availability in the Sydney Basin Central Groundwater Source (as of 10th May 2025)

This groundwater source has some trading rules which relate to minimizing the interference between bores, contamination and GDEs, acid sulphate soils which are addressed in the DMP. Trading is permitted within this water source.

A zero-share WAL has been applied for by the applicant and the required 10 ML/year shares (a total of 18 ML to cover unforeseen inflows) in the Sydney Basin Central groundwater source will be pre-purchased for 2025/2026 water year.

Timberyards by RTL Co. have applied for zero water access licence (WAL) on 20th May (case number CS0751536) to link the traded volumes to it once approved.