

7 February 2022

The Trust Company Australia (Limited) ATF WH Regent Trust
Level 18, 123 Pitt Street
Sydney NSW 2000

Ref: E048

Attention: Aliza Teo
Sent via Email: alizateo@weehur.com.sg

Dear Aliza,

RE: Interim Audit Advice – 90-102 Regent Street, Redfern NSW

Introduction

I have been engaged by The Trust Company Australia (Limited) ATF WH Regent Trust to conduct a statutory site audit of the above site in accordance with the NSW Contaminated Land Management Act 1997.

The site is currently occupied by a continuous row of shop-top housing which range in height from two to four storeys, with a split basement under the southern portion of the site. The site is to be redeveloped to include an 18-storey student housing building with an extension of the existing split-level basement (RL 22.8mAHD). The basement will be utilised to house utilities such as stormwater detention tanks, fire relay pump, storage room and bike store along with lifts. The ground level is to be used for building reception, retail and general common areas.

The development is state significant (SSD 10382) and a detailed site investigation (DSI) was undertaken by Douglas Partners to address the Secretary's Environmental Assessment Requirements. The DSI identified some fill material across the site that has been impacted by PAHs, TRH, OCPs and metals (primarily lead). Some asbestos containing material (ACM) has also been identified. A remediation action plan (RAP) and complementary remediation works plan (RWP) have been prepared, identifying the preferred remediation approach as a combination of disposal to landfill (in areas requiring bulk excavation for a proposed basement extension) and a cap and contain approach within the remaining areas of concern.

Subsequently a development consent (SSD 10382) was issued by NSW DPIE for demolition of existing structures and construction of an 18-storey student accommodation building subject to conditions of which the following require a site audit:

C15. Prior to the commencement of works, other than above ground demolition and site clearing works, the Applicant must engage an EPA-accredited auditor to prepare a Section B Site Audit Statement or Interim Site Audit Advice that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.

E38. Prior to occupation, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, Council, Planning Secretary and Certifier.

The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the EPA to issue Site Audit Statements.

The site auditor must also verify that any excavated material disposed off site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan(s).

E39. Prior to occupation, the Long-Term Environmental Management Plan as required by the remediation action plan shall be approved a EPA-accredited auditor as part of a Part A Site Audit Statement (Part A2).

Scope

This interim audit advice (IAA) has been prepared to satisfy condition C15 of the development consent (SSD 10382).

The following reports have been revised by the auditor:

- Report on Detailed Site (Contamination) Investigation Student Housing Development 90-102 Regent Street, Redfern. Dated 12 October 2020. Douglas Partners.
- Memo: Proposed Student Housing Development, Groundwater Monitoring. Dated 21 October 2020. Douglas Partners.
- Remediation Action Plan, Student Housing Development, 90-102 Regent Street, Redfern. Dated October 2020. Douglas Partners.
- Response to City of Sydney Comments on the Proposed Student Housing Development at 90-102 Regent Street, Redfern. Dated 1 February 2020. Douglas Partners.
- Supplementary Contamination Investigation, 90-102 Regent Street, Redfern. Dated 2 June 2021. Douglas Partners.
- Remediation Works Plan, Student Housing Development, 90-102 Regent Street, Redfern. Dated 21 January 2022. Douglas Partners.

Site Description

Site location (Attachment 1) and identification details are as follows:

Table 1: Site Details	
Street Address	90-102 Regent Street, Redfern NSW 2016
Identifier	Lot 1, Section 2, Deposited Plan 3954 (90 Regent Street); Lot 2, Section 2, Deposited Plan 3954 (92 Regent Street); Lot 3, Section 2, Deposited Plan 3954 (94 Regent Street); Lot 1, Deposited Plan 184335 (96/96A Regent Street); and SP57425 (98-102 Regent Street).
Local Government Area	City of Sydney
Owner	TBC
Site Area	1,287 m ²
Zoning	E - Business Zone Commercial Core

The site has dimensions of about 32 m x 42 m and slopes gently down towards the south-west. The site has previously been used for mixed residential and commercial (retail) use. There were no indicators of significant industrial uses on-site, although some former retail uses may have the potential to contaminate the site, such as motor parts dealer, laundry, and print shop. Other uncertainties include the filling history and poor demolition practices.

Summary of Site Investigations

The subsurface conditions generally included variable depths of fill, underlain by a relatively thin layer of sandy clay (alluvium), residual clay and extremely weathered bedrock at about RL 19 m to RL 21 m.

Investigation locations were placed in accessible areas of the site. The coverage was sufficient to support remediation planning. Sampling locations are shown on Attachment 1.

Fill, typified by observations of ash, charcoal and elevated B(a)P concentrations was present across the northern section of the site. This was confirmed through use of the PAH source analyst calculator¹ which correlated the PAH profile to ash from black coal.

Some shallow and localised hydrocarbon impact has been identified in the northwestern corner of the site. The impact is relatively minor and does not pose a risk to the proposed development and remediation is not warranted.

Lead (likely to be associated with lead paint) has also been identified in shallow soil adjacent to the building at 92 Regent Street and the extent has been delineated by the investigations.

There is the potential for asbestos (as ACM) to be present within the fill material and this has not been adequately addressed through the investigations. A remediation works plan (RWP) has been prepared to manage this during the demolition and excavation phase.

The property within the southern section of the site was redeveloped in 1998 to include a basement which is to be retained as part of the new development. Borelogs indicate minimal fill under the basement area (likely to have been removed during the basement construction) and no exceedances of the screening criteria.

Groundwater has not been impacted and no remediation of groundwater is required.

Remediation

Based on the results of the results of the investigations, DP prepared a remediation action plan that identified the preferred remediation approach as a combination of excavation of impacted soil and disposal to landfill (in areas requiring bulk excavation for a proposed basement extension) and a cap and contain approach with an appropriately designed barrier for the remaining areas of concern.

The Auditor has assessed the RAP and RWP by comparison with the checklist included in NSW EPA (2020) *Consultants Reporting on Contaminated Land*. The RAP and RWP were found to address the required information, as detailed in Table 2 below, and present a reasonable and practical strategy to render the site suitable for the proposed use.

Table 2: Evaluation of Remedial Action Plan	
Remedial Action Plan	Auditor Comments
Remedial Goal is to render site suitable for the proposed use as student housing.	Appropriate.
Discussion of the extent of remediation required: The extent of remediation was confirmed by the supplementary investigation as: <ol style="list-style-type: none">Excavation and off-site disposal of fill within the basement excavation (defined by development footprint).Outside basement excavation: Excavation and removal of PAH impacted fill in the vicinity of BH3 & BH3-4. The lateral and vertical extent has been delineated. Residual fill material within unexcavated areas of the site to be managed by cap and contain.	Appropriate.
Remedial Options and Rationale for Selection of Preferred Approach: The remediation options were limited due to the proposed development excavations, small areas of	The on-site (or off-site) treatment of the impacted soil is not a viable option given the small size of the site and generally low levels of contamination encountered. Therefore, on-site containment or

¹ www.pahsourceanalyst.com.au

Table 2: Evaluation of Remedial Action Plan	
Remedial Action Plan	Auditor Comments
<p>fill material to be retained and generally low levels of contamination encountered.</p> <p>To reduce volumes of material transported to landfill, a combination off-site disposal (within basement excavation footprint) and on-site containment was selected as the preferred remediation option.</p>	<p>off-site disposal are acceptable remediation options with respect to NSW EPA policy.</p>
<p>Capping Specification:</p> <p>The proposed development includes building envelope, entrance and pavement extending to the boundaries of the site. No soft landscaped areas are included.</p> <p>The cap is to consist of building slabs (concrete) or pavements/hardstanding. A high visibility geotextile marker layer or builders' plastic (under building slabs) is to be installed, prior to construction of a minimum 100mm thick concrete.</p> <p>Services are to be installed in 'clean' corridors.</p>	<p>Appropriate</p>
<p>Proposed Validation Criteria: Remediation involves excavation of fill material from the basement footprint.</p> <p>Validation samples collected within residual soil and imported fill (except VENM) will be assessed against land use criteria listed in NEPM (1999) relevant to high density residential use.</p> <p>VENM metals consistent with background, no asbestos and organic compounds <PQL.</p> <p>Imported fill must also meet the requirements of the waste management framework.</p>	<p>Acceptable</p>
<p>Proposed Validation Testing</p> <p><i>Capping:</i> pre- and post-capping levels will be surveyed prior to and following placement of construction materials.</p> <p><i>Validation of excavations:</i> Visual inspection to ensure excavation to natural material. Collection of validation samples from base of natural material (grid based). Density to be determined on area of excavation. Analytes specific to source area (TRH, PAH, lead, OCPs).</p> <p><i>Imported Material:</i> Imported material must either be VENM, or be classified under a Resource Recovery Exemption. Validation will include review of documentation, inspection, and sampling (if documentation not acceptable).</p>	<p>Appropriate.</p> <p>For imported material analytical testing results (with supporting QA/QC) must be provided for each imported material source to allow assessment of suitability for use (from a contamination perspective).</p> <p>The density of testing would need to be commensurate with the documentation provided and the consistency of the results.</p>
<p>Interim Site Management Plan (before remediation)</p> <p>Not documented.</p>	<p>The site currently covered by existing buildings and hard-standing and interim management is not required.</p>
<p>Unexpected Finds</p>	<p>Appropriate</p>

Table 2: Evaluation of Remedial Action Plan	
Remedial Action Plan	Auditor Comments
An unexpected finds procedure is documented in the RAP.	
<p>Site Management Plan (operation phase) including stormwater, soil, noise, dust, odour and OH&S</p> <p>DP provided minimum requirements for a construction environmental management plan (CEMP) that must be prepared by the remediation/construction contractor.</p>	Appropriate. The CEMP must be reviewed by the environmental consultant (prior to implementation) to confirm that procedures relating to contamination management meet the requirements of the RAP.
<p>Waste Classification and Tracking:</p> <p>DP provided a preliminary waste classification based on in-situ sample results from boreholes.</p> <p>During excavation or stockpiling but prior to loading out, the waste material is to be periodically inspected (and sampled) by the Environmental Consultant to confirm the waste classification of the material.</p> <p>Inspection of the waste for the presence of ash, clinker (coal) or slag should be noted to assess the suitability of applying the NSW EPA Immobilisation of Wastes (1999/05 or 2009/07).</p> <p>No soil to level the site without a formal waste classification</p> <p>Transport of spoil shall be via a clearly delineated, pre-defined haul route. Copies of all consignment notes for the transport, receipt and disposal of all materials are to be maintained as part of the site log and made available to the Environmental Consultant for inspection and reporting purposes upon request.</p>	The extent of asbestos within the fill material is uncertain due to the use of boreholes during the investigation phase. This is to be addressed by implementation of additional test pit sampling following demolition and is described in the RWP.
<p>Contingency Plan if Selected Remedial Strategy Fails</p> <p>Contingency procedures are provided for unexpected finds such as underground storage tanks (USTs), odorous or stained soils and friable asbestos. This involves stopping work and isolating the hazard and assessment by the validation consultant. An addendum to the RAP may be required.</p>	<p>The excavation of material has a low risk of failure, as validation failure would lead to further excavation.</p> <p>The remedial strategy (with respect to cap and contain of the impacted fill) is not sensitive to the extent of contamination encountered and has a low risk of failure.</p> <p>Contingencies for unexpected finds are appropriate.</p>
<p>Contingency Plans to Respond to site Incidents</p> <p>To be managed through implementation of the CEMP.</p>	Appropriate
<p>Remediation Schedule and Hours of Operation</p> <p>Not provided</p>	The remediation will be completed as part of the proposed development program and hours of operation will require compliance with the DA conditions.
Licence and Approvals	Appropriate.

Table 2: Evaluation of Remedial Action Plan	
Remedial Action Plan	Auditor Comments
<p>DP identified the following licences and approvals:</p> <ul style="list-style-type: none"> Waste must be disposed to an appropriately licensed waste management facility. Prior to demolition, a hazardous building material (HAZMAT) survey of existing building on site to be completed by a licensed occupational hygienist; Following building demolition, a clearance for asbestos of the demolition footprint and surrounding work areas is to be undertaken by a licenced occupational hygienist to ensure that there is no visible asbestos present on the surface (including top 100 mm where fill is exposed). The Asbestos Contractor must hold an appropriate licence for the removal of asbestos (issued by SafeWork NSW) in accordance with the WHS Regulations. 	
<p>Contacts/Community Relations</p> <p>Contacts are provided.</p> <p>Notification to adjoining neighbours will be undertaken as part of the DA process.</p>	Appropriate
<p>Staged Progress Reporting: Not required</p>	Appropriate
<p>Long term site management plan</p> <p>A long-term post construction environmental management plan (LTEMP) is to be prepared to outline the management practices to be implemented to prevent damage or degradation of the capping layer and provide procedures to be implemented where excavation below the cap is required.</p> <p>The LTEMP is to be prepared by a suitably qualified environmental consultant, agreed with the site auditor and subject to appropriate notification (e.g., on the site's Section 10.7 Planning Certificate).</p> <p>It is not stated who will be responsible for ensuring implementation of the LTEMP.</p>	<p>A legal enforceability mechanism to ensure implementation of the LTEMP must be identified. The LTEMP could be legally enforced through inclusion in the Operational Plan of Management (Condition E4) for the site.</p> <p>Prior to issuing a site audit subject to implementation of an EMP, the auditor must² obtain written approval from the council that the final EMP is accepted and will be enforced into the future (during assessment of future DAs for the site).</p>

Conclusions

On this basis the remedial strategy is feasible, and the site can be made suitable for the proposed development by successful implementation of the RAP and RWP subject to the following conditions:

- At the completion of remediation work, issue of a site audit statement and site audit report certifying that the site is suitable for the proposed use subject to implementation of a long term environmental management plan (LTEMP).

² NSW EPA (2017) Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

A legal enforceability mechanism to ensure implementation of the LTEMP must be identified. The LTEMP could be legally enforced through inclusion in the Operational Plan of Management (Condition E4) for the site. Prior to issuing a site audit subject to implementation of an LTEMP, written approval from the council that the final EMP is accepted and will be enforced into the future (during assessment of future DAs for the site) will be required.

* * *

Consistent with the NSW EPA requirement for staged 'signoff' of sites that are the subject of progressive assessment, remediation and validation, I advise that:

- This advice letter does not constitute a Site Audit Report or Site Audit Statement.
- At the completion of the audit, I will provide a Site Audit Statement and supporting documentation.
- This interim audit advice will be documented in the Site Audit Report.

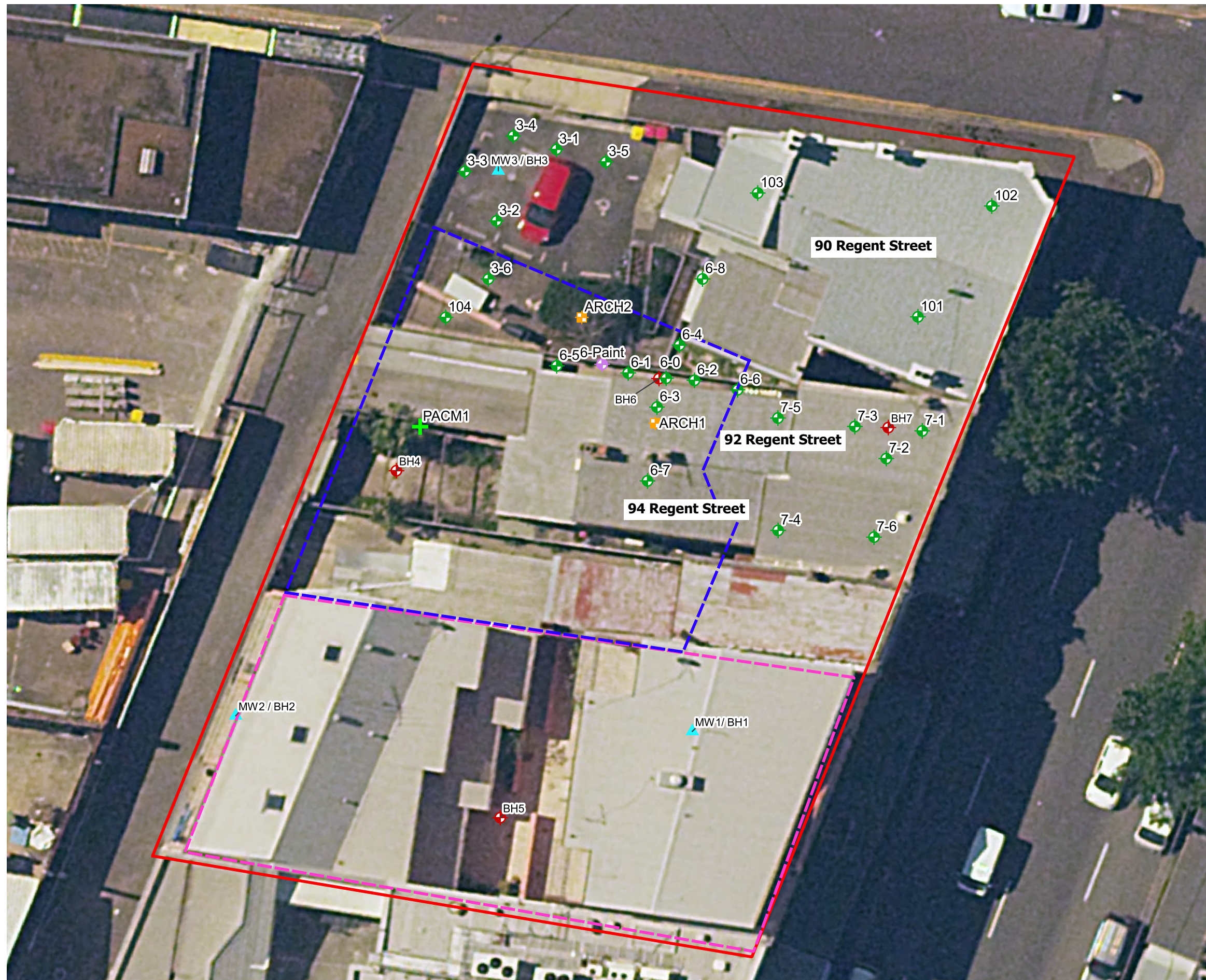
Yours faithfully,
Envirocene Pty Ltd



Julie Evans
NSW EPA Accredited Site Auditor 1003

Attachments:

Attachment 1: Site Locality & Investigation Locations



LOCALITY MAP

- Notes:
- 1. Basemap from metromap.com (dated 09/11/2019)
 - 2. Test locations shown are approximate only
 - 3. Approximate site location shown in blue on locality map
 - 4. Excavations may occur outside the area of the proposed basement footprint shown to allow for activities such as battering

- Legend
- Approximate Site Boundary
 - Existing Basement
 - Proposed Basement Extension
 - Archaeological Pit Location
 - Test Locations (DP, 2021)
 - Borehole Location
 - Lead Paint Sample Location
 - Previous Test Locations (DP, 2020a)
 - Borehole Location
 - Monitoring Well Location
 - Possible ACM Surface Sample

