



DOC17/632714-03

Ms Michele Nettlefold
Team Leader, Key Sites & Industry Assessment
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Nettlefold

I refer to the letters from Brendon Roberts dated 14 and 21 December 2016 requesting the NSW Environment Protection Authority's (EPA's) comments on the proposed redevelopment of Cockle Bay Wharf (SSD 7684) (the proposal).

Section 5.19 of the *Environmental Impact Statement - State Significant Development Application: 241-249 Wheat Road, Cockle Bay (SSD 7684) - Cockle Bay Wharf Redevelopment* (JBA Urban Planning Consultants Pty Ltd, 02/12/2016) (the EIS) states that the Preliminary Site Investigation (Coffey, 21/10/2006) (the PSI) found that "the Site may have areas of environmental concern and associated chemicals of potential concern including PAH, TRH, BTEX, PCB, OCP, heavy materials and asbestos." However, the PSI concluded that "the site is likely to be considered as suitable for the proposed commercial development, with respect to land contamination [based on the submitted design]."

The PSI recommended that the proponent implement an "Unexpected Finds Protocol (UFP) to manage unexpected contamination encountered during construction." The EPA considers that all demolition and construction activities should be undertaken in such a way as to minimise any potential impacts to the community or the environment from chemicals of potential concern, and that implementation of a UFP will help address any risks posed by areas of environmental concern at the site. The EPA recommends that further contamination assessment should be undertaken if the final project design is likely to differ significantly from that assessed in the PSI, as detailed in section 6 of the PSI.

Section 1.7 of the EIS states "additional approvals will be required in order to permit the proposed development to occur. These approvals may include...*Protection of the Environment Operations Act 1997* [POEO Act] (including environmental protection licences) for undertaking potentially polluting 'scheduled' activities". Based on the information provided it is not clear whether the proposal is likely to trigger any scheduled activity threshold under schedule 1 of the POEO Act. The proponent should clarify whether the proposal will trigger the need for an Environment Protection Licence under schedule 1 of the POEO Act.

The EPA understands that the proposal is not being undertaken by or on behalf of a public authority. If no Environment Protection Licence is required, the EPA is not the appropriate regulatory authority for the proposal, and has no further comments on the proposal.

If you have any questions in relation to this letter please contact Mark Hanemann on 9995 6845 or mark.hanemann@epa.nsw.gov.au.

Yours sincerely



8 February 2017

JAMES GOODWIN
Unit Head Sydney Industry
Environment Protection Authority