



DOC20/283033-1

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Dear Mr Hodgkinson

Thank you for the request to the NSW Environment Protection Authority (EPA) for review of the Environmental Impact Statement (EIS) for the proposed Orica Southlands Warehouse Estate (SSD-9691) at 28 McPherson Street, Banksmeadow (Lot 9 DP 1205673).

The EPA has reviewed the following documents:

- Environmental Impact Statement – State Significant Development Application (SSD 9691) – Warehouse and Distribution Development Lot 9 DP 1205673 – 28 McPherson Street, Banksmeadow Revision 4 – Keylan Consulting Pty Ltd – 23.03.2020
- Appendix A – Secretary's Environmental Assessment Requirements
- Appendix G – Remediation Action Plan
- Appendix G1 – Site Audit Statement
- Appendix G2 – Site Audit Report

The EPA understands the proposal is for:

- Construction of a warehouse and distribution facility on an elevated concrete platform above the flood storage area.
- The elevated concrete platform to support the buildings and hardstand areas will have a minimum clearance height of 2.5 m above the flood storage area below.
- The development will be constructed in two stages – 1. Construction of the elevated concrete deck and 2. Construction of the warehouse/industrial buildings and associated hardstand areas on the deck.

Based on the information provided, the proposal will not require an environment protection licence under the *Protection of the Environment Operations Act 1997*. However, this site lies within the area that has been declared as having contamination that is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*, (Orica Botany Groundwater Project, Declaration Ref. 21074). Further details are provided in the EPA's correspondence to the then Department of Planning and Environment, dated 21 November 2018 (EPA reference DOC18/856322-1) in response to a request for input to the SEARs.

Regarding contamination issues at Lot 9 DP 1205673, the EPA notes that the EIS has provided the information required by the Secretary's Environmental Assessment Requirements (dated 14 December 2018). The EPA has the following additional comments and recommendations:

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## **Matters to be addressed prior to determination**

### **Future site access / easements**

As noted above, the EPA is regulating a long-term remediation project currently being implemented by Orica to manage groundwater contamination that extends beneath the length of Lot 9. Existing infrastructure near the southern boundary of Lot 9 DP 1205673 is critical to the ongoing containment of the contaminated groundwater, and it is understood that Orica intends to retain ownership of this land (as per MP 06\_0191 MOD 5).

Should MP 06\_0191 MOD 5 be approved and the remainder of Lot 9 DP 1205673 subsequently divested by Orica, there will need to be a mechanism by which Orica can gain access to that land for potential future monitoring and/or remediation works (NB the northern section of Lot 9 DP 1205673 is identified as a source zone for the groundwater contamination and that source zone may be subject to future remediation).

The Environmental Impact Statement (e.g. Figure 10, pg. 34) indicates that easements for future remedial operations are proposed along the northern, eastern and western perimeters of Lot 9 DP 1205673. Furthermore, the Environmental Impact Statement (pg. 31) refers to 'a central easement placed over the site to ensure access arrangements are maintained'.

***Given the importance of maintaining site access, the EPA recommends that the proponent be requested to provide further detail on the proposed easements prior to any project approval being granted.***

## **Matters to be addressed with conditions**

### **Site remediation / validation and suitability for proposed use**

In accordance with the SEARs, a Section B Site Audit Statement has been issued by the EPA-accredited Site Auditor Chris Jewell (SA263/6 dated 16 May 2019). The Site Auditor certifies that the nature and extent of the contamination has been appropriately determined and the site (i.e. Lot 9 DP 1205673) can be made suitable for commercial / industrial use if it is remediated in accordance with the remediation action plan (JBS&G, 15 May 2019), subject to the following conditions:

- A Site Auditor-reviewed construction environmental management plan must be prepared to manage contamination risks during remediation and construction activities.
- A Site Auditor-reviewed validation report must be prepared verifying placement of the barrier and construction of the deck (suspended slab), void and associated foundations.
- A Site Auditor-reviewed, legally enforceable, long-term environmental management plan must be prepared.
- A Site Audit Statement certifying site suitability for commercial/industrial use must be issued prior to occupation of permanent buildings constructed at the site.

Should the proposal be approved, it is recommended that the following be required through conditions of consent:

- Implementation of the Site Auditor-approved remediation action plan, with any revisions of the plan to be reviewed by an EPA-accredited Site Auditor.
- Implementation of the conditions outlined in Site Audit Statement SA263/6 dated 16 May 2019.
- A two-stage development as indicated in the Environmental Impact Statement (i.e. the first stage involving implementation of remedial measures including placement of the slab, followed by a second stage of warehouse development).

If you have any questions about this submission, please contact Matthew Hart on (02) 9995 5620 or via email at [matthew.hart@epa.nsw.gov.au](mailto:matthew.hart@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Erin Barker". The signature is fluid and cursive, with the first name "Erin" and last name "Barker" clearly distinguishable.

**ERIN BARKER**  
**UNIT HEAD – REGULATORY OPERATIONS METRO**  
**Environment Protection Authority**  
13 May 2020