



DOC18/210878-15

Department of Planning Industry and Environment
(Attention: Navdeep Singh Shergill)
GPO Box 39
SYDNEY NSW 2001

Dear Mr Shergill

**Environmental Impact Statement - Proposed New Amity College
85 Byron Road and 63 Ingleburn Road (Lots 1 & 2 DP 525996) Ingleburn (SSD 9227)**

I am writing in reply to Department of Planning, Industry and Environment's (DPIE) email dated 9 September 2019 inviting comments on the above.

On the basis of a review of the documentation provided, the EPA provides comments in Attachment A to assist DPIE in the assessment of this project. These comments relate to the following matters:

- General
- Contaminated Land Management
- Waste

If you have any questions please telephone the contact officer listed below.

Yours sincerely

A handwritten signature in black ink, appearing to be "P. Bloem", followed by the date "30/09/19" written in a similar style.

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Attachment A

Contact Officer: CHRIS KELLY
(02) 4224 4100

ATTACHMENT A

General

The proponent must ensure that all activities are undertaken in compliance with the Protection of the Environment Operations Act 1997 (POEO Act) and any associated regulations. This includes, but is not necessarily be limited to, the following:

- Prevent pollution of waters.
- Prevent land pollution.
- Ensure activities are not carried out in an environmentally unsatisfactory manner.
- Notification of pollution incidents that may cause or threaten material harm to the environment.

The proponent has indicated that the development will not require an Environment Protection Licence should development consent be granted. Accordingly, Camden Council will be the appropriate regulatory authority under the POEO Act for the development. Council can issue notices (including clean up and prevention notices) or take other regulatory action under the POEO Act if pollution concerns arise from this activity.

Contaminated Land Management

The Environmental Impact Statement (EIS) and supporting site assessments indicate that the following contamination may be present after removal of all existing structures:

- Heavy Metals, Organochlorine Pesticides (OCP), Total Recoverable Hydrocarbons (TRH), Benzene, Toluene, Ethyl Benzene and Xylene (BTEX) and Polycyclic Aromatic Hydrocarbons (PAH).
- Rubbish fill including asbestos (Asbestos Containing Material (ACM) and Asbestos (AF/FA))
- Uncontrolled fill soils.

The site is proposed to be remediated in accordance with the Remediation Action Plan (RAP) submitted as part of this development application. Site investigation reports and the RAP must be prepared by a suitably qualified and experienced person, in accordance with guidelines made or approved under Section 105 of the *Contaminated Land Management Act 1997* (CLM Act). Please note that the EPA's Contaminated Land Consultant Certification Policy (<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry.

A Construction Environmental Management Plan (CEMP) should be prepared to address practices to be employed during site remediation works and provide further details regarding contingency procedures, including incident management and unexpected finds protocol. The excavation and construction stages of the development have the potential to generate dust emissions from the premises. Air quality management and monitoring measures should be identified and documented as part of the CEMP. This should be used to help identify all reasonable and feasible measures to ensure that activities occurring in or on the premises are carried out in a manner that will minimise the generation or emission, of wind-blown or traffic generated dust.

The EPA recommends that the proponent should engage a site auditor accredited under the CLM Act. Accredited site auditors can be engaged to:

- independently review reports to ensure that the methods and interpretation of data are consistent with EPA guidance documents.
- prepare a Site Audit Statement that confirms the suitability of the site for the intended land use.

The contamination assessment report stated that the land is not in the NSW EPA public register as significantly contaminated land. The proponent should consider the *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* ((EPA, 2015), to determine if contamination at the site triggers the requirement to notify the site to the EPA under s60 of the CLM Act.

The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site, so as to result in significant contamination [note: that this would render the proponent the 'person responsible' for the contamination under Section 6(2) of CLM Act.

Waste

The EIS indicates that if there is a need to remove any contaminated material from the site, it will be disposed to a licensed waste facility suitable for the classification of this waste.

Any waste generated at the site should be assessed, classified and managed in accordance with the EPA Waste Classification Guidelines. See: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste>

Where waste is identified (for example, contaminated soil), the proposed methodology for handling, removing and disposing of any material generated should be detailed. The storage, disposal and transport of any wastes must be undertaken in accordance with the Protection of the Environment Operations (Waste) Regulation 2005.

The EPA has developed two guidance documents for the construction and demolition industry: Construction and demolition waste: a management toolkit; and Owner's guide to lawful disposal of construction and demolition waste. The Toolkit and Guide are part of the illegal landfilling program, an action tabled in the *NSW Illegal Dumping Strategy 2017-21*.

Further information can be found on the EPA website at: <https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste> This includes managing asbestos waste as well as rules and guidance/minimum standards for managing construction and demolition waste.

