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Ania Dorocinska
Planning and Assessment Division
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124
Email: ania.dorocinska@planning.nsw.gov.au

Attention: Ania Dorocinska

EPA Advice on Environmental Impact Statement

Dear Ms. Dorocinska

Thank you for the request for advice from Public Authority Consultation (PAE-10321020), requesting the review by the NSW Environment Protection Authority (EPA) of the Environmental Impact Statement (EIS) for the proposed Woolworths Warehouse and Distribution Centre (SSD-10470) at 11 and 13 Percy Street, Auburn.

On 20 November 2020, the EPA provided comments on the EIS, including a requirement to undertake additional investigation works prior to determination. The EPA has since conferred with the applicant and determined that the additional investigation works may be addressed under appropriate planning conditions. This letter replaces the EPA's letter of 20 November 2020 and now includes a recommendation that the proposed conditions include the submission of an additional investigation report.

The EPA has reviewed the following documents:

- *Environmental Impact Statement*, Version No. 3 – Willow Tree Planning – October 2020
- *Detailed Site Investigation Report*, Version No.2 – Geo-Logix Pt Ltd – November 2019
- *Groundwater Monitoring Event* – Letter – Geo-Logix Pty Ltd – July 2020
- *Interim Audit Advice Letter No.1*– Ramboll Australia Pty Ltd – 11 May 2020
- *Interim Audit Advice Letter No.2 Data Gap Assessment* – Ramboll Australia Pty Ltd – 7 August 2020
- *Soil Vapour Investigation Report*, Version No.2 – Geo-Logix Pty Ltd – September 2020

The EPA understand the proposal is for:

- Demolition of existing buildings, structures and infrastructure;
- Site preparation works;
- Construction and operation of a warehouse and distribution centre, incorporating ancillary office space, amenities, hardstand parking and loading areas, landscaping and signage; and
- Hours of operation being on a 24 hours per day, 7 days per week, basis.

Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997* (POEO Act). Furthermore, the EPA understands that the proposal is not being undertaken by or on behalf of

Phone 131 555	TTY 133 677	Locked Bag 5022	4 Parramatta Square	info@epa.nsw.gov.au
Phone +61 2 9995 5555	ABN 43 692 285 758	Parramatta	12 Darcy St, Parramatta	www.epa.nsw.gov.au
(from outside NSW)		NSW 2124 Australia	NSW 2150 Australia	

a NSW Public Authority nor are the proposed activities other activities for which the EPA is the appropriate regulatory authority under the POEO Act.

In view of these factors, the EPA has no comments to provide on this project and no follow-up consultation is required in regard to POEO matters. Cumberland Council should therefore be consulted as the appropriate regulatory authority for the *Protection of the Environment Operations Act 1997* in relation to the proposal.

The EPA understands that the site was notified under section 60 of the *Contaminated Land Management Act 1997* (CLM Act) on 22 April 2020. The EPA is currently working with the notifier to obtain additional information in relation to the existing contamination as part of its assessment under the CLM Act:

- to confirm there is no Trichloroethylene (TCE) source located on the south eastern portion of the site;
- to ensure the risk profile associated with contaminated groundwater will not change overtime; and
- to confirm that Haslams Creek is not influencing or impacting groundwater flow.

The EPA has the following comments and recommendations in relation to contaminated land matters:

1. Matters to be addressed with conditions

a. *Submission of Reports*

The EPA recommends that the proposed conditions include the following:

- **Submission of an Additional Investigation Report** to determine the full nature and extent of the contamination and provide multiple lines of evidence to support conclusions made.

Investigations undertaken to date have not adequately addressed the existing contamination. Data gaps and uncertainties remain in relation to elevated concentrations of TCE and its degradant products in shallow groundwater and soil vapour. The investigations also identified asbestos containing materials (ACM) fragments in surface soils onsite which will require removal and/or management. Mitigating and monitoring measures for identified contamination at the site will need to be revisited, once additional investigation works have been completed. A remedial action plan (RAP) will be required to manage site contamination, as noted in the following dot-point.

The EPA recommends that additional investigation works are undertaken at the site to obtain multiple lines of evidence to support conclusions made regarding the identified contamination, specifically TCE and its degradant products.

- **Preparation and implementation of a Remedial Action Plan (RAP)** to remove and/or manage the contamination at the site, prior to commencement of redevelopment works. The RAP must consider the findings of any additional works requested by the EPA and must include an 'unexpected findings' procedure.
- **Submission of a Validation Report** for the site on completion of remediation works to confirm that the objectives stated in the RAP have been achieved, including whether the site is suitable for the proposed use. This should be submitted prior to the commencement of redevelopment works.
- **Preparation and implementation of an Environmental Management Plan (EMP)** for the site that documents mitigation measures and/or monitoring requirements,

where full clean-up is not feasible, or on-site containment of the contamination is proposed.

b. Reporting Requirements

The EPA recommends that the proposed conditions include the following:

- All reports must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the CLM Act.
- The reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

c. NSW EPA Accredited Site Auditor

The EPA recommends that the proposed conditions include the following:

- The applicant must engage an **NSW EPA Accredited Site Auditor** to provide a statutory audit to the Certifying Authority on the suitability of the site for the proposed land use. The applicant must obtain:
 - (i) Interim Audit Advice on the appropriateness of the RAP;
 - (ii) Interim Audit Advice on all subsequent reports submitted; and
 - (iii) Section A2 Site Audit Statement accompanied by an Environmental Management Plan. The Site Audit Report and Site Audit Statement must be submitted to the Certifying Authority (Planning Secretary and relevant Council) for information no later than one month before the commencement of operation.
- The development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

If you have any questions about this request, please contact Rajesh Mottey on 9995 6563 or via email at Rajesh.Mottey@epa.nsw.gov.au.

Yours sincerely



7 December 2020

ERIN BARKER
Unit Head Metropolitan West Operations
Regulatory Operations Metropolitan