

6 September 2013

Mark Burns
Environment Manager
Barangaroo South | Lend lease
30 The Bond, 30 Hickson Road, Millers Point, NSW

Dear Mark

SSD 5897 - 2013: Proposed Block 5 Stormwater Diversion Works - SEPP55 Compliance

This letter has been prepared by AECOM Australia Pty Limited (AECOM) for Lend Lease (Millers Point) Pty Ltd (Lend Lease) to support the Remediation and Landforming Works Development Application (DA SSD 5897-2013) prepared by Lend Lease. SSD 5897-2013 seeks consent for remediation of Block 4 of Barangaroo South and some associated stormwater diversion works.

The scope of work for which consent is being sought under SSD 5897-2013 includes minor stormwater diversion works in the south east corner of Block 5 (outside the boundary of the proposed Stage 1B basement). These works (here-in referred to as the Block 5 Stormwater Diversion Works) are highlighted on Figure 1 attached to this letter.

Lend Lease has requested AECOM's advice regarding whether, in the opinion of AECOM, the proposed Block 5 Stormwater Diversion Works:

- Will change the current use of the land in the area of the proposed stormwater diversion works; and
- Enable the relevant consent authority to comply with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

1.0 Change of Current Land use

It is AECOM's opinion that the proposed Block 5 Stormwater Diversion Works will not require a change of land use of Block 5 (that is the land will remain an equipment laydown area for adjacent construction works). This is because:

- Block 5 already contains below ground service infrastructure including stormwater drains and a nearby sewer pumping station;
- The proposed Block 5 Stormwater Diversion Works are minor in nature and consistent with the existing use of the site; and
- No change to land use is proposed in the area of the Block 5 Stormwater Diversion Works as part of SSD 5897-2013.

2.0 Compliance with Clause 7(1) of SEPP 55

In May 2009, the NSW Environment Protection Authority (EPA) determined that a portion of land at Millers Point (part of the Barangaroo site and an adjacent portion of Hickson Road) was contaminated in such a way as to present a significant risk of harm to human health and the environment. As a consequence, the EPA declared the area to be a remediation site (Declaration Number 21122; Area Number 3221) under the Contaminated Land Management Act 1997. The proposed Block 5 Stormwater Diversion Works will be completed within the EPA Declaration Area.

The Barangaroo Delivery Authority (BDA) has entered into a Voluntary Management Proposal (VMP) with the EPA associated with EPA Declaration Area (Approval No. 20101719). Phase 1 of this VMP involves investigative works and undertaking remedial design to determine and obtain agreement on a proposed remediation methodology. Phase 2 of the VMP (to be finalised following Phase 1) will involve the implementation of the agreed remediation works.

The EPA Declaration Area has been the subject of a series of contaminated site investigations, including:

- *Environmental and Geotechnical Site Assessment, East Darling Harbour, Sydney, NSW Final Report – Revision 1.* June 2007. ERM Australia Pty Ltd.
- *Additional Investigation Works at Barangaroo, Hickson Road, Millers Point, NSW – Draft, Revision 1.* June 2008. ERM Australia Pty Ltd.
- *Data Gap Investigation, EPA Declaration Area (Parts of Barangaroo Site and Hickson Road), Millers Point, NSW.* 23 September, 2010. AECOM.
- *Groundwater Discharge Study, Stage 1 Barangaroo Development.* 3 November 2010. AECOM.
- *Supplementary Data Gap Investigation, VMP Area, Hickson Road, Millers Point, NSW.* 9 March 2013. AECOM.

The presence of contamination and the requirement for remediation of the EPA Declaration Area has been further assessed by the *Remedial Action Plan NSW EPA Declared Remediation Site 21122 and Block 4 (Stage 1b) Development Works, Barangaroo, Millers Point, NSW* (AECOM, July 2013). This document concludes that remediation is required within the EPA Declaration Area, including in the vicinity of the Block 5 Stormwater Diversion Works.

Notwithstanding that the area of the proposed Block 5 Stormwater Diversion Works has been found to be contaminated and requires future remediation to address the EPA Declaration, it is AECOM's opinion that the land is suitable for the purpose of the proposed Block 5 Stormwater Diversion Works and does not require remediation for SSD 5897-2013 based on the following considerations.

- It is understood that the area of the proposed Block 5 Stormwater Diversion Works is currently covered by hardstand and will be resurfaced with hardstand upon completion of the Block 5 Stormwater Diversion Works. It is AECOM's opinion that, with the exception of workers involved in construction of the Block 5 Stormwater Diversion Works, the existing hardstand will mitigate potential pathways for contaminant migration from contaminated soil and groundwater to human receptors.
- The EPA Declaration states that the risk to human health¹ associated with contamination within the EPA Declaration Area is associated with contaminated groundwater. Groundwater is present within the EPA Declaration Area at a depth of approximately 2 metres below ground level (m bgl). It is AECOM's opinion that, with the exception of workers involved in construction of the Block 5 Stormwater Diversion Works, there is no complete pathway for exposure of human receptors to contaminated groundwater;
- Construction of the proposed Block 5 Stormwater Diversion Works will be completed in accordance with a site hazard assessment (for example a safe work method statement) that will include consideration of risks associated with contact of construction workers with contaminated soil and groundwater (if encountered) and will incorporate controls (for example personal protective equipment) to mitigate these risks.
- The EPA Declaration Area, including the area of the Block 5 Stormwater Diversion Works will be remediated in accordance with the VMP agreed between the BDA and EPA. It is noted that remediation of the EPA Declaration Area outside Block 4 (that is within Block 5 and Hickson Road) will be the subject of separate Development Applications.

¹ The EPA Declaration also identifies risks to the environment associated with the migration of contaminated groundwater to off-site to aquatic receptors including Darling Harbour. Risks to the environment are not considered further by this letter because they will not be affected by the proposed Block 5 Stormwater Diversion Works.

3.0 Conclusions

In conclusion, it is AECOM's opinion that the proposed Block 5 Stormwater Diversion Works as contemplated by SDD 5897-2013 will:

- not change the current use of the land in the area of the proposed Block 5 Stormwater Diversion Works; and
- enable the relevant consent authority to comply with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

Yours faithfully



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encl: Figure 1 - Proposed Block 5 Stormwater Diversion Works

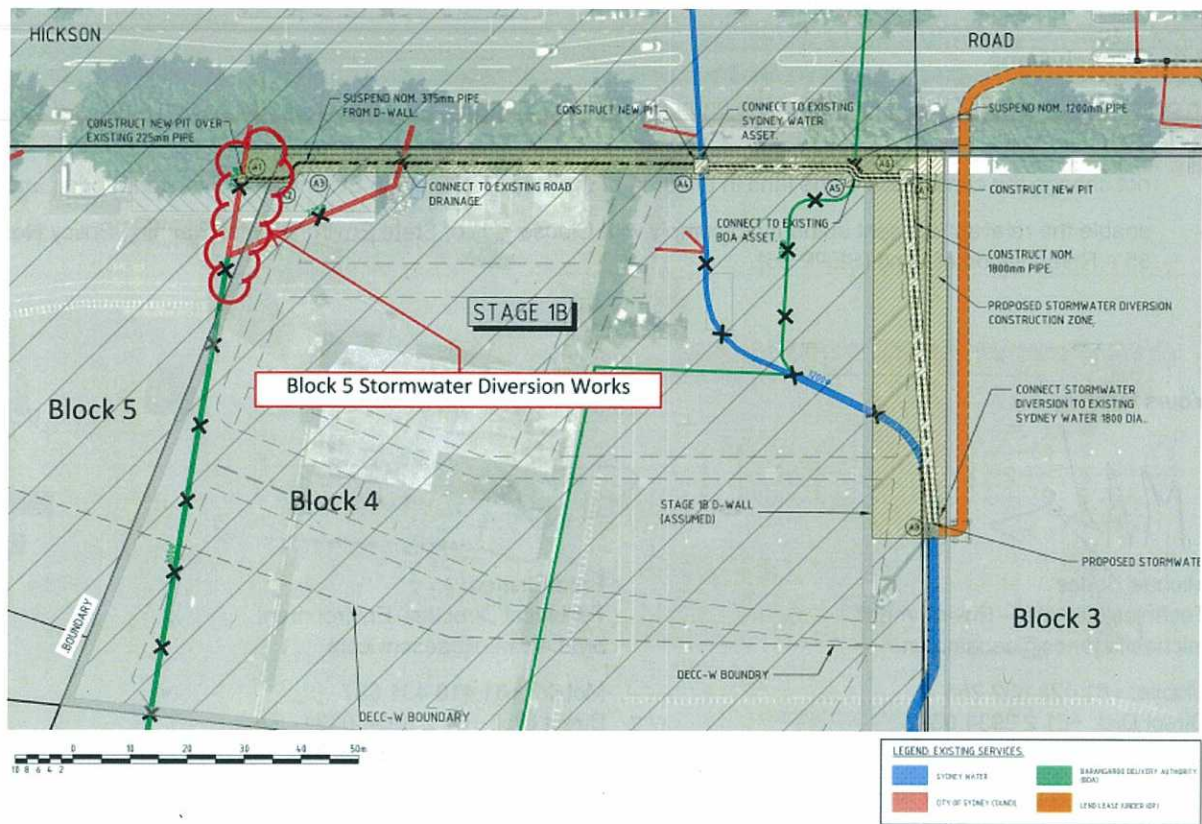


Figure 1 Block 5 Stormwater Diversion Works – based on the Cardno Drawing NA50613044 – SK011, *Proposed Stormwater Diversion* (dated July 2013).