



Our reference: DOC16/75388-04:PW
Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Environment
(Attention: Thomas Piovesan)
GPO Box 39
SYDNEY NSW 2001

Dear Sir

WAREHOUSING AND LOGISTICS HUB - 5 AND 9 CULVERSTON ROAD, MINTO (SSD 7500)

I am writing in response to your request dated the 3 November 2016 seeking comment from the Environment Protection Authority (EPA) on the above proposed development.

On the basis of the information provided, the proposal does not appear to require an Environment Protection Licence (EPL) under the Protection of the Environment Operations Act 1997 (POEO Act).

The Department of Planning and Environment (DPE) should ensure the requirements of SEPP 55 are satisfied. If the proposal allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable. If remediation is necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that this occurs. Further information on the application of SEPP 55 in relation to planning proposals can be found in the SEPP 55 Planning Guidelines: http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf.

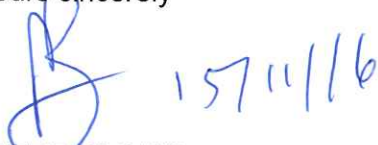
In relation to the submitted assessment (*Detailed Environmental Site Assessment, Central Precinct – Minto Warehouse and Logistics Hub, 5 and 9 Culverston Road, Minto, NSW, September 2016*) the EPA provides the following comments for DPEs consideration.

- The assessment states that there are exceedances of the NEPM 2013 GILs (fresh water) criteria reported for naphthalene at monitoring wells MW3 and MW4. Both of these wells are in close proximity to fuel infrastructure. It also states that these exceedances could present a potential risk of harm to the nearest ecological receptor being Bow Bowing Creek. It's proposed that a Remediation Action Plan (RAP) will be prepared for soil remediation works surrounding the fuel infrastructure. However, contaminated groundwater and its management will be addressed in a separate Construction Environmental Management Plan (CEMP). The EPA recommends that the RAP should include detailed information on the remediation and management of contaminated groundwater. This can then inform the development of a CEMP which includes information on the management of contaminated groundwater during construction. In addition, due to the potential risk of harm to Bow Bowing Creek, DPE may wish to seek a Site Auditor Statement Part B for the RAP to ensure that it is able to make the site suitable for its intended use.
- It is noted that current contamination levels on the site may trigger the duty to formally notify the EPA of contamination under Section 60 of the *Contaminated Land Management Act 1997* (CLM Act). The EPA Guidelines on the Duty to Report Contamination under the CLM Act provides information on key

aspects of the duty to report contamination, and information on how to proceed where there is uncertainty. The EPA recommends that DPE should advise the proponent of this regulatory notification requirement.

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'P. Bloem', followed by the date '15/11/16' written in the same ink.

PETER BLOEM
Manager Illawarra
Environment Protection Authority