Our Ref: DOC17/273186
Your Ref: SSD 7944

Mr Cameron Sargent  
Team Leader, Key Sites Assessments  
Department of Planning and Environment  
via email: alexandra.ororke@planning.nsw.gov.au

Attention: Alexandra O'Rorke

Dear Mr Sargent

Barangaroo - Public Domain Works (SSD 7944) Notice of Exhibition

I refer to your letter dated 15 May 2017 requesting the NSW Environment Protection Authority’s (EPA) comments on the development application for public domain works within Barangaroo Central, Barangaroo South and Darling Harbour (the proposal).

Under the Protection of the Environment Operations Act 1997 (POEO Act) the EPA is the appropriate regulatory authority for works undertaken by or on behalf of a NSW Public Authority. The EPA understands that the proposal is being undertaken by Lend Lease (Millers Point) Pty Ltd on behalf of the Barangaroo Delivery Authority (BDA). BDA is a NSW public authority for the purposes of the POEO Act. The EPA is therefore the appropriate regulatory authority for the environmental performance of the proposal.

Based on the information provided the proposal does not constitute a Scheduled Activity under Schedule 1 of the POEO Act, and will not require an Environment Protection Licence under the POEO Act.

Remediation works currently being undertaken at Barangaroo are regulated by the EPA under Management Orders issued under the Contaminated Land Management Act 1997 and Environment Protection Licence 13336 (the licence), issued under the POEO Act. Depending on staging, some parts of the proposal are adjacent to or may intersect areas currently regulated by the EPA under the licence or relevant Management Orders. Any works undertaken in relation to the proposal within the boundaries defined by the licence or Management Orders must comply with the requirements of the licence and the Management Orders.

The EPA notes that the proposal is subject to a range of Remedial Action Plans (RAPs) approved by an accredited site auditor. The RAPs include contingency measures should unexpected contamination be encountered during the works, and details of how this would then be managed in consultation with the site auditor.

Appropriate staging of the works is necessary to ensure that any risks relating to exposure of contaminated soil, sediment or groundwater are minimised. In some instances, remediation works
are required to facilitate Public Domain development, and construction works in some areas cannot commence until the relevant remediation works have been completed. This is noted in the Environmental Impact Statement (EIS) for the proposal, and in AECOM's letter dated 4 May 2017 (Appendix I of the EIS). However, the EPA recommends that the Department of Planning and Environment formalises the commitments made in AECOM's letter relating to staging and further investigations/remediation, by drafting them into conditions of consent for the proposal.

Please contact Mark Hanemann on (02) 9995 6845 if you have any questions in relation to this letter.

Yours sincerely

JAMES GOODWIN
Director Sydney Industry
NSW Environment Protection Authority