



DOC23/836406-8

Michael Young
Principal Planning Officer
Department of Planning & Environment

Via: Concurrence and Referral Portal

16/10/2023

Dear Mr Young,

EPA advice for modification to existing drainage infrastructure (CNR-60120)

Thank you for consulting with the Environment Protection Authority (EPA) about the proposed application to modify the existing drainage infrastructure at 9 Bumborah Point Road, Matraville (Lot 21 DP 1068292).

The EPA understands the proposal involves:

- removal of five (5) existing stormwater pits
- reconstruction of five (5) culvert riser pits
- construction of six (6) additional stormwater pits

The EPA has reviewed the information submitted for the proposal including:

- *Site Management Plan for the Bunnerong Power Station Site, Lots 11, 20, 21, 23 and 23 Bumborah Point Road, Port Botany* (URS, March 2010) (SMP)
- *Risk Mitigation Measures / Unexpected Finds Protocol* (Statewide Civil / ACFS Port Logistics – undated) (risk mitigation / UFP)
- *Statement of Environmental Effects – Proposed Modification to Existing Drainage Infrastructure - 9 Bumborah Point Road, Matraville 2036* (Willowtree Planning Pty Ltd, August 2023)

The proposal was referred to the EPA for comment under the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act (1997).

The EPA has included recommendations below in Attachment A.

If you have any questions about this matter, please contact Jenny Gustafson on 9585 6471 or environmentprotection.planning@epa.nsw.gov.au.

Sincerely

A handwritten signature in blue ink that reads 'DAMIEN ROSE'.

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ATTACHMENT A - Site Specific Requirements

If the proposal is approved, the approval should be conditioned to include consideration of the following:

Site Management Plan (SMP)

- The SMP was prepared in 2010, some references to regulations and guidance documents are out of date.
- The SMP does not mention if groundwater contamination was considered as part of the previous investigations and remediation activities.

Risk Mitigation Measures / Unexpected Finds Protocol

- The risk mitigation / UFP is very limited in detail. For any construction activity on a known contaminated site it is recommended that human health and the environment are protected during the works.

What does the EPA recommend?

- 1. That a site-specific construction environmental management plan (CEMP) be developed for contamination at the site.**

The CEMP must:

- a. consider the existing *Site Management Plan for the Bunnerong Power Station Site, Lots 11, 20, 21, 23 and 23 Bumborah Point Road, Port Botany* (URS, March 2010)
- b. consider all known contamination present in soils at the site and consider the potential for groundwater to also be contaminated.
- c. outline clear measures to mitigate impacts to human health and the environment from the contamination, and identify the parties responsible for implementing these measures
- d. include information on what actions must be undertaken if unexpected contamination is found as part of the development works; and
- e. 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

2. General Recommendations

- That 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 Applicant the 'person responsible' for the contamination under section 6(2) of *Contaminated Land Management Act* (CLM Act)].
- The processes outlined in *State Environmental Planning Policy (Resilience and Hazards) 2021* must be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.

General Recommendations (Cont.)

The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the EPA's [Guidelines for the Duty to Report Contamination](#).

- The EPA recommends use of “certified consultants”. Please note that the EPA's [Contaminated Land Consultant Certification Policy](#) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

This concludes the EPA's recommendations