

Our Reference: DOC17/254699

Ms. Genevieve Hastwell
Student Planner – Industry Assessments
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Via email: Genevieve.Hastwell@planning.nsw.gov.au

Dear Ms. Hastwell,

**Request for Secretary's Environmental Assessment Requirements
Marrickville Metro
Modification, MP09_0191 Mod 6**

I refer to your email to the NSW Environment Protection Authority (“**EPA**”) received 16 August 2017, requesting the EPA’s input to the Secretary’s Environmental Assessment Requirements (“**SEARs**”) in relation to modifications to the concept approval for 34 Victoria Road, 13-55 Edinburgh Road and a portion of Smidmore Road Marrickville, identified as the Marrickville Metro Retail Centre (“**the site**”).

The EPA understands that the development proposal includes:

- revisions to the retail layout for the Edinburgh Road site;
- minor increase in height and changes to the façade materials;
- extension of operating hours for ground floor tenancies; and,
- amendments to access and car parking.

The EPA has reviewed the associated documentation including: *Request for Environmental Assessment Requirements, Urbis ref. SA1905*, dated 8 August 2017.

On the basis of the information provided, the EPA does not consider that the proposal will require an Environment Protection Licence (“**EPL**”) under the *Protection of the Environment Operations Act 1997* (“**POEO Act**”). Accordingly, the EPA has no comment regarding the proposed development and no further interest in commenting on this specific proposal.

The EPA has however, determined that a portion of the site identified as ‘Shop 96 and adjacent loading dock’ is significant enough to warrant regulation under the *Contaminated Land Management Act 1997* (“**the determination**”). This determination relates to risks to human health in relation to the existing or approved use of the land owing to:

- tetrachloroethylene (PCE) reported in groundwater at two locations at concentrations exceeding ANZECC criterion;
- PCE and trichloroethylene (TCE) are reported in soil vapour at concentrations exceeding the NEPM commercial/industrial criteria;

- the extent of, and exposure pathways to, the groundwater contamination require further assessment; and,
- while an Environmental Management Plan has been prepared for persons working in confined spaces on the site and immediately surrounding land, there may be risks to workers if a former dry cleaning premises is reoccupied.

In response to the determination, the trustees of the site, AMP Capital Investors Ltd and Council were notified. Both the trustee and Council were invited to comment on the determination. In the interim, the site has been updated on the notifications register to show that 'regulation is being finalised' see <http://www.epa.nsw.gov.au/clm/publiclist.htm> for further information.

The issues related to the determination have been outlined in Attachment A for the Department of Planning and Environment to consider in the assessment of this development proposal.

If you require any further information regarding this matter please contact Tenille Lawrence on (02) 9995 6207.

Yours sincerely



30 August 2017

JAMES GOODWIN
Director Sydney Industry
Environment Protection Authority

ATTACHMENT A

NSW ENVIRONMENT PROTECTION AUTHORITY – ENVIRONMENTAL ASSESSMENT REQUIREMENTS MARRICKVILLE METRO – MODIFICATION MP09_0191

GENERAL COMMENTS

The risks in relation to the contamination around shop 96, the loading dock and the surrounding tenancies could alter and potentially increase if the soil is disturbed.

It is recommended that the following additional investigative works are conducted to address and/or assess:

- preferential pathways (such as underground pipes, drains and utilities) which may act as a pathway for contaminant migration to indoor air;
- further indoor air testing is required and assessment of the risks in relation to the proposed development;
- where vapour intrusion appears to be occurring, consideration of further mitigation and/or remedial works through the preparation of a remedial action plan will be required.

The following guidance should be considered in accordance with the proposal:

- i. State Environmental Planning Policy 55
- ii. Technical Note: Investigation of Service Station Sites;
- iii. NSW EPA Sampling Design Guidelines:
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
- iv. Guidelines for the NSW Site Auditor Scheme (2nd edition) 2006
<http://www.epa.nsw.gov.au/resources/clm/auditorglines06121.pdf>
- v. Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
- vi. The National Environment Protection (assessment of contamination) Measures 2013 as amended.

Consideration should be given to the requirement for an auditor accredited under the *Contaminated Land Management Act 1997* to confirm the adequacy of investigation and remedial works performed, potential risks from any identified contamination, as well as the suitability of the land for the proposed use.