

19 December 2022

Matthew Westren
Seymour Whyte
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KEMPS CREEK NSW 2178

Via email only: Matthew.Westren@seymourwhyte.com.au

Dear Mr Westren,

RE: Interim Site Audit Advice – Review of ADE the Revised Remediation Action Plan (v4f), M12 Motorway Central Portion, Cecil Hills to Luddenham, NSW dated 19 December 2022.

James Davis of Enviroview Pty Ltd has been engaged to provide the services of a NSW EPA Contaminated Land Accredited Site Auditor, to conduct a Site Audit in accordance with the *Contaminated Land Management Act 1997* and relevant guidelines made or approved under s.105 of that Act in relation to the site identified as the M12 Motorway Central Portion (the 'Site').

The objective of the Site Audit is to review a contaminated land assessment and remediation and following the remediation provide a Site Audit Report and Site Audit Statement to certify, in relation to contaminated land, the Site Auditor's opinion of whether the site is suitable for the proposed use.

A Site Audit Interim Advice is provided to assist in the management of contamination issues at a Site regarding requirements of the Site Audit at a particular stage of the Audit. An Interim Advice does not constitute a Site Audit Statement or a Site Audit Report and does not pre-empt the final Site Audit conclusions. A Site Audit Report and Site Audit Statement will be prepared at the conclusion of the Site Audit.

The purpose of this Interim Advice is to approve a Remedial Action Plan (RAP) that has been prepared for the M12 Motorway Central Portion (Cecil Hills to Luddenham) and provide an opinion by the Site Auditor of whether the site can be made suitable for the proposed use if it is remediated and/or managed in accordance with the RAP. This being a requirement of the Conditions of Approval (condition E87 of Critical State Significant Infrastructure CSSI 9364) for the construction of the m 12 Motorway.

The RAP that has been reviewed by the Site Auditor is as follows:

ADE Consulting Group. Remediation Action Plan, M12 Motorway Central Portion, Cecil Hills to Luddenham, NSW. Report Reference: 22.0468 RAP / RAP.4f, dated 19 December 2022 (the RAP)

In addition to reviewing the above-mentioned RAP a review of supporting information including the following reports has also been conducted:

GHD. *Remediation Action Plan, M12 Motorway, Sydney Central Package*. Report Reference: M12CDD-GHDA-ALL-CT-RPT-000013, Final August 2021 (the GHD RAP)

ADE Consulting Group. *Data Gap Investigation, M12 Motorway Central Portion, Cecil Hills to Luddenham, NSW*. Report Reference: A101022.0468/DGI.V1f Dated 04 November 2022

In addition, the above reports refer to several assessment reports that have been prepared across the project site, and these have been made available and referred to by the Site Auditor during the review as required.

Remediation Action Plan Requirements

According to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA, 2020) a RAP should:

- summarise the findings of the preliminary and detailed site investigations and risk assessment (where applicable), and present the refined conceptual site model
- document the identified contamination risks to human health and/or the environment
- set remediation objectives that ensure the remediated site will be suitable for its current and/or proposed use and which will result in no unacceptable risk to human health or to the environment and state remediation criteria
- define the extent of remediation required across the site
- assess options and remedial technologies to achieve the remediation objectives and select and justify a preferred approach, which must include the consideration of the principles of ecologically sustainable development
- document in detail all procedures and plans to reduce risks posed by contamination to acceptable levels for the proposed site use
- identify the need for and reporting requirements of remedial technology pilot trials (if applicable)
- establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, including consideration of the potential for off-site impacts (such as air quality, odour, and aesthetics)
- address contingencies and unexpected finds protocols
- identify the necessary approvals and licences required by regulatory authorities including any items contained in development consent conditions
- clearly outline waste classification, handling, and tracking requirements in accordance with the Guidelines for the NSW Site Auditor Scheme and Waste Classification Guidelines (EPA 2014)
- ensure remediation is consistent with relevant laws, policies (including planning instruments and policies) and guidelines and reference these in the RAP
- identify how successful implementation of the RAP will be demonstrated, for example the validation requirements by documentation of site works and sampling and analysis
- identify the need for, and nature of, any long-term management and/or monitoring following the completion of remediation and, if required, provide an outline of an environmental management plan, and include this in the RAP.

Remedial Action Plan Summary

The key points included in the RAP are as follows:

- The RAP discusses the applicable remediation options and presents the rationale for the selection of the preferred option, which is primarily excavation and placement of contaminated soil in containment cells to be constructed as an integral component of the motorway as well as some excavation and off-site disposal.
- The remediation goal for the site to be made suitable for the proposed land use has been made with reference to criteria made or approved by the NSW EPA. The criteria referenced is for commercial/industrial use which is commensurate with what is understood to be the proposed use as a motorway, but in addition criteria have been proposed for more sensitive uses if this is required for specific areas of the project site. In addition to these criteria, soils containing asbestos containing materials require that any soil excavated for the project be assessed against a criterion of no observable or visual asbestos.
- The process of validation, including details of the proposed construction quality assurance, sampling and analysis programme and validation reporting is outlined, with the requirement for further details to be provided on an Area of Concern specific basis.
- The RAP discusses environmental management and occupational health and safety (work health safety) controls that will need to be considered in the implementation of the remediation.
- The requirements for permits and licenced contractors is identified. While no specific licences are identified under the *Protection of the Environment Operations Act 1997*, based on the estimated volumes expected for containment. The remediation is required to be undertaken ancillary to the Critical State Significant Infrastructure Development Approval and is therefore approved as part of that approval.

Site Auditor Opinion and Approval of the Remedial Action Plan

The assessment reports that inform the remediation are sufficiently comprehensive to identify contamination of land and the findings of the past investigations are consistent with the past land use. The requirement for further investigation to assist the remediation of identified Areas of Environmental Concern has been identified.

It is understood that following the further investigation of the Areas of Environmental Concern, site specific Remediation Work Plans will be developed in accordance with the RAP for those areas of Environmental Concern. This approach is considered appropriate for this project due to the number of individual properties involved along the proposed motorway route and total area of the project footprint and is being undertaken to refine the implementation of the RAP.

The key contamination (but not the only contamination) requiring remediation is asbestos in soils. This is primarily as discrete asbestos containing materials in the form of fragments of fibre cement building products generally in near-surface soils and fill.

The exposure pathway for asbestos in soils is via breakdown of the fibre cement, disturbance and then inhalation of asbestos fibres. It is the exposure to asbestos fibres that poses a potential risk to human health via inhalation of the asbestos fibres.

The proposed remediation for the asbestos contamination comprises excavation of impacted soil or fill and re-location into an engineered containment cell within the motorway alignment. For other contaminants in soil, including where they coexist with asbestos, these will be remediated by excavation of the soil or fill followed by disposal off-site to a facility licenced to accept the waste under the relevant classification. This approach is appropriate for the site regarding the

nature of the contamination identified and the proposed use of the land. The Site Auditor is satisfied that there is a reasonable basis for the lawful placement of the contaminated soil or fill into the proposed containment cells with the expected volume estimated at this time. If the volume was to exceed that related to the Scheduled activity of Contaminated Soil Treatment, which includes storage under the *Protection of the Environment Operations Act 1997* an Environmental Protection Licence for this activity will be required.

The area where containment cells will be located will require the implementation of a long-term Environmental Management Plan to ensure that the installed containment system is not compromised and is maintained as designed. The Site Audit Statement that is intended to be issued at the completion of remediation will be subject to that Environmental Management Plan being implemented.

It is considered that the owner of the site is well placed to implement such a long-term Environmental Management Plan, which will be defined as a passive plan (prohibiting activities rather than requiring operation of a mechanical system), and there are appropriate mechanisms for enforcement and public notification of such a plan, including enforcement by conditions of the planning approval and legal obligations under the Work Health Safety legislation relating to Asbestos.

Based on the review of the recent site investigation works, the consolidation of previous investigation reports and the review and revision of earlier versions of the plan, the above referenced RAP is approved by the Site Auditor, and it is the opinion of the Site Auditor that if implemented the site can be made suitable for the proposed land use.

Closing

Thank you for your time regarding this matter. If you require additional information or clarification, please do not hesitate to contact me.

Yours sincerely



James Davis
NSW EPA Contaminated Land Site Auditor
Enviroview Pty Ltd