



DOC20/767051

17 September 2020

Mr Nathan Heath
Planning Officer
Social and Infrastructure Assessments
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Heath

**Moorebank Intermodal Precinct West Stage 3 (SSD 10431)
EPA Advice on Response to Submissions**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to provide advice on the Response to Submissions (RtS) for the Moorebank Intermodal Precinct West (MPW) Stage 3 which includes the establishment of a works compound in the southern portion of the MPW site and the importation of clean fill material.

The intermodal is not a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), however an Environment Protection Licence (EPL 21054) exists for the 'crushing, grinding or separating' activity, and the impacts that may arise from that activity, at the Moorebank Intermodal Terminal. It is noted that the proposal indicates that oversized boulders may be contained in the imported fill for Stage 3. However, no additional activities are required to be added to the licence.

The EPA reviewed the *Response to Submission Report – SSD 10431*, dated 21 August 2020, prepared by Aspect Environmental and other relevant documents identified within **Appendix A**. Advice regarding noise, contamination air quality and soil and water are provided in the appendix.

Should you have any queries regarding the comments herewith, please contact Anna Timbrell on 9274 6345 or email anna.timbrell@epa.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Claire Miles'.

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ATTACHMENT A

1. Noise

The EPA has reviewed the RtS main report in terms of noise, and the updated *Noise and Vibration Impact Assessment*, prepared by Renzo Tonin & Associates ref, dated 27 July 2020 (NVIA) and is satisfied with the responses to EPA comments on noise and vibration issues in the EIS. The NVIA has included updated information regarding the cumulative construction noise impacts from Moorebank Precinct West and Moorebank Precinct East (MPE) and a timeline of works. The EPA notes that the Stage 3 works are proposed to be managed with the implementation of a Construction Noise and Vibration Management plan and the existing consent requires an out of hours works protocol if any essential outside standard hours works are proposed.

It is noted that the NVIA focuses on the construction noise impacts from Moorebank Intermodal Precinct, not the operational noise impacts, given the nature of the proposed Stage 3 works (mainly construction works). The EPA previously advised (on the exhibited EIS) that whilst the operational noise impacts should have been included in the NVIA, these could be addressed through the existing conditions of approval. As advised in our comment on the recent MPW Stage 2 modification proposal (SSD 7709 Mod 1) the current noise limits are unachievable for MPW and MPE. EPA recommended this issue be addressed before determination of the subject MPW Stage 3 project.

2. Contamination

In response to issues raised by the EPA regarding contamination, the applicant states that the MPW Stage 3 proposal will be managed in accordance with the Contamination Management Plan (CMP) and Long-Term Environment Management Plan (LTEMP), but is yet to provide evidence of these documents or their suitability (as determined by a Site Auditor) to the EPA. The EPA understand that these documents were required under conditions B164 and B172 of MPW Stage 2 consent (SSD 7709). Formal correspondence was sent by the EPA to the QUBE on 8 July 2020 seeking copies of these documents, as well as other contamination documents required under conditions B162, B166, B167/B168 and B169 of SSD 7709. No response was provided.

Concerningly, evidence of site remediation and validation has not been provided to the EPA to date. The EPA suggests that the applicant be required to supply any outstanding contamination plans and documents, as required under the consent for MPW Stage 2, and demonstrate they are suitable (as determined by a Site Auditor), before construction works for Stage 3 commence. If deemed suitable, the CMP and LTEMP should be implemented as a condition of consent for the proposal. Any future revision of these plans as part of the proposal should be subject to an adequacy review by a NSW EPA-accredited Site Auditor.

3. Air Quality

No further comment.

4. Soil and Water

The EPA has reviewed the response letter *MPW3 Soil and Water Management Plan*, prepared by Costin Roe Consulting, dated 22 July 2020 and response in the RtS main report, and considers that the applicant has responded adequately to the concerns raised. However, the EPA provides the following comments and recommendations:

- The proponent should meet the same requirements as specified in conditions B40 to B44 of the MPW Stage 2 consent (SSD 7709) for land disturbance and landfilling activities under the proposal.

- It is recommended that the proponent be required to prepare and implement a management plan for the proposed construction works in accordance with *Managing Urban Stormwater: Soils and Construction* (2004). The plan should detail how dust, sediment and erosion will be controlled to prevent air pollution and water pollution from the development. The applicant has indicated that they intend to amend the approved MPW Stage 2 SSD 7709 CSWMP to capture the proposed development and this recommended requirement.
- Condition B171 of the consent for MPW Stage 2 (SSD 7709) requires the proponent to carry out a secondary audit assessment once imported filling has been completed. Since Stage 3 of the proposal involves additional importation of 280,000 m³ of unconsolidated clean fill and 540,000 m³ of structural fill, the EPA recommends that condition B171 of MPW Stage 2 be replicated in any MPW Stage 3 consent.
- The EPA recommends including a condition of consent that restricts import of materials to virgin excavated natural material (VENM), which has been appropriately classified in accordance with the *Waste Classification Guidelines* (EPA 2014), and/or or material that meets all of the requirements of a Resource Recovery Exemption and Order issued by the EPA.
- The EPA recommends including a condition that restricts importation of fill under the proposal to no more than 22,000 m³ on any given day (replicate condition A9 of the MPW Stage 2 consent).