



DOC21/1056816-4

13 December 2021

Thomas Bertwistle
Department of Planning, Industry and Environment

Dear Mr Bertwistle

**James Hardie Research & Development Facility Rosehill (SSD 32555788)
Request for advice**

I am writing in response to your request for advice from the Environment Protection Authority (EPA) regarding the above State Significant Development (SSD) project.

The EPA understands the project involves site demolition and remediation works to enable construction of a research and development facility. The *Project Scoping Report* (Urbis, 26 November 2021) indicates that a development application is to be lodged with City of Parramatta Council for site remediation works associated with the proposed development.

Please note that the proposed development site is subject to Ongoing Maintenance Order No. 20202810 issued by the EPA under section 28 of the *Contaminated Land Management Act 1997*. The Order requires James Hardie Australia Pty Ltd as the current landowner and occupier of the land on which the proposed development is sited to implement a site-specific Long-Term Environmental Management Plan (LTEMP) for the ongoing management of underlying fill material that contains asbestos. James Hardie is also required to submit an annual compliance statement to the EPA detailing how it has complied with the LTEMP.

The *Project Scoping Report* indicates that the need for an environment protection licence under the *Protection of the Environmental Operations Act 1997* will be determined as part of the Environmental Impact Statement for the project.

The EPA further notes that planning consent authorities must follow the processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* to assess the suitability of the land and any remediation required in relation to the proposed use.

Should you wish to discuss any of the matters raised above, please contact me on 9995 5620 or email matthew.hart@epa.nsw.gov.au.

Yours sincerely

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

MATTHEW HART
Unit Head Regulatory Operations Metro

Thomas Bertwistle

From: Deepa Randhawa <DRandhawa@cityofparramatta.nsw.gov.au>
Sent: Friday, 17 December 2021 4:14 PM
To: Thomas Bertwistle
Subject: Re: James Hardie SEARs

Dear Thomas,

Please find the following response from Council's Development Engineer:-

- The site is affected by flooding in the PMF event and this covers a wide area in the neighbourhood also making evacuation difficult or impossible in such floods. In a lesser flood (1% AEP) this is not the case.
- A Flood Enquiry should be made to Council and a Flood Emergency Response Plan prepared by a suitably qualified consultant demonstrating how occupants will be kept safe in all floods and including horizontal evacuation and shelter in place strategies depending on the flood level.
- Full stormwater details are required, including OSD in accordance with the Upper Parramatta River Catchment Trust Handbook Ed 4 and WSUD in accordance with DCP 2011. The landscape should be the main means to manage stormwater quality.

In addition, the site contamination and remediation should be addressed in accordance with Environmental Health and EPA requirements.

Please do not hesitate to contact me should you have any further queries in relation to this matter.

Kind regards,

Deepa Randhawa | Senior Development Advisory Officer

City of Parramatta

PO Box 32, Parramatta NSW 2124

☎ (02) 9806 5600

✉ drandhawa@cityofparramatta.nsw.gov.au

Links | www.cityofparramatta.nsw.gov.au



Deepa Randhawa | Senior Development Advisory Officer

City of Parramatta

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Thomas Bertwistle

From: Deepa Randhawa <DRandhawa@cityofparramatta.nsw.gov.au>
Sent: Friday, 17 December 2021 4:30 PM
To: Thomas Bertwistle
Cc: Sasi Kumar
Subject: RE: James Hardie SEARs

Hi Thomas,

Council's Environmental Health Officer looking after this SEARs is on leave until this Monday. I can provide you his comments for a Pre-lodgement meeting held earlier for this site:

- *Contamination - as indicated a Detailed Site Investigate and Remediation Action Plan will need to be provided with the DA, this will need to be signed off by a NSW EPA accredited Site Auditor indicating that the documents have been reviewed and are considered suitable to ensure compliance with SEPP55 and the CLM Act.*
- *Noise - a detailed Acoustic Assessment will need to be provided with the DA covering all acoustic aspects of the demolition and remediation phase to ensure any noise nuisance to neighbouring businesses is effectively managed.*
- *Air/Dust/Water pollution - a detailed environmental management plan for the demolition and remediation phase of the development will need to be submitted with the DA that indicates the measures to be taken to effectively manage any potential air and water pollution impacts.*

Should you require, please contact the applicant for a copy of the pre-lodgement minutes.

This sums up Council's response in relation to this matter.

Regards,

Deepa Randhawa | Senior Development Advisory Officer

City of Parramatta

PO Box 32, Parramatta NSW 2124

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From: Thomas Bertwistle <Thomas.Bertwistle@planning.nsw.gov.au>

Sent: Friday, 17 December 2021 4:17 PM



Our ref: DOC21/1059856
Senders ref: SSD-32555788

Thomas Bertwistle
Environmental Assessment Officer
Planning and Assessment Group
Department of Planning, Industry and Environment
PARRAMATTA NSW 2124

Dear Mr Bertwistle

Subject: Request for SEARs for James Hardie Research and Development Facility (SSD-32555788)

Thank you for your e-mail received on 29 November 2021, requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) on the Request for Secretary's Environmental Assessment Requirements (SEARs) for the James Hardie Research and Development Facility, 10 Colquhoun Street, Rosehill. EES has reviewed the scoping report prepared by Urbis dated 26 November 2021 and provides the following comments and recommendations at **Attachment A**.

Biodiversity

EES recommends the proponent addresses the attached standard EES biodiversity requirements. Please note in relation to point (4) of the standard EES biodiversity environmental assessment requirements in **Attachment A** the minimum information and spatial data requirements are in Tables 24 and 25 of the Biodiversity Assessment Method (BAM), and as required more broadly by the revised BAM 2020. Other requirements, such as those relating to the BAM Calculator and Biodiversity Offsets and Agreements Management System (BOAMS), are detailed in various guidelines, practice notes, updates and other advices issued by EES to BAM accredited assessors – see <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources..>

Flooding

EES recommends the proponent addresses the attached standard EES flooding requirements.

Water and Soils

EES recommends the proponent addresses the attached standard EES Water and Soils requirements.

Should you have any queries regarding this matter, please contact David Way, Senior Conservation Officer on (02) 8275 1324 or david.way@planning.nsw.gov.au.

Yours sincerely

07/12/21

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity and Conservation Division

Attachment A – EES Environmental Assessment Requirements – James Hardie Research and Development Facility (SSD-32555788)

Biodiversity

1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).
2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows:
 - The total number and classes of biodiversity credits required to be retired for the development/project;
 - The number and classes of like-for-like biodiversity credits proposed to be retired;
 - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
 - Any proposal to fund a biodiversity conservation action;
 - Any proposal to conduct ecological rehabilitation (if a mining project);
 - Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the Biodiversity Conservation Act 2016.

Water and soils
6. The EIS must map the following features relevant to water and soils including: a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map). b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method) c. Wetlands as described in s4.2 of the Biodiversity Assessment Method d. Groundwater e. Groundwater dependent ecosystems f. Proposed intake and discharge locations.
7. The EIS must describe background conditions for any water resource likely to be affected by the development, including: a. Existing surface and groundwater b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning.

8. The EIS must assess the impact of the development on hydrology, including: a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options. g. Identification of proposed monitoring of hydrological attributes.
Flooding and coastal hazards
9. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including: a. Flood prone land. b. Flood planning area, the area below the flood planning level. c. Hydraulic categorisation (floodways and flood storage areas) d. Flood Hazard. 10. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event. 11. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

12. Modelling in the EIS must consider and document:

- a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
- b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.
- c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories
- d. Relevant provisions of the NSW Floodplain Development Manual 2005.

13. The EIS must assess the impacts on the proposed development on flood behaviour, including:

- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
- b. Consistency with Council floodplain risk management plans.
- c. Consistency with any Rural Floodplain Management Plans.
- d. Compatibility with the flood hazard of the land.
- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES.
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

(END OF SUBMISSION)

16 December 2021

TfNSW Reference: SYD21/01508/01

DPIE Reference: SSD-32555788

Team Leader
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: **Ferdinando Macri**

**REQUEST FOR SEARS - JAMES HARDIE RESEARCH AND DEVELOPMENT
FACILITY - 10 COLQUHOUN STREET, ROSEHILL**

Dear Sir/Madam,

Reference is made to the Department of Planning, Industry and Environment (DPIE) email dated 29 November 2021 requesting Transport for NSW (TfNSW) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Secretary's Environmental Assessment Requirements (SEARs).

This letter is offered as a collective response from agencies of the TfNSW cluster.

TfNSW would like the following issues to be included in the transport and traffic impact assessment of the proposed development:

1. An analysis of the existing traffic network, including the road hierarchy, current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing performance levels of nearby intersections
2. Details of light and heavy vehicle movements (including vehicle type and likely arrival and departure times).
3. Forecast of additional daily and peak hour vehicle movements as a result of the development (using SIDRA modelling or similar at 5 year intervals) and identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cycle conflict).
4. Details of the proposed site access and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc).
5. Detailing vehicle circulation, proposed number of car parking spaces and compliance with the appropriate parking codes.

6. Details of a vehicular servicing and management plan providing details of proposed vehicular access for off-street, loading, deliveries and servicing arrangements, and any proposed infrastructure improvements or measures to reduce potential conflicts with pedestrians and cyclists.
7. Proposals to improve walking and cycling, such as connections into existing walking and cycling networks, high quality end-of-trip facilities and adequate bicycle parking for visitors, employees and residents (provided in accordance with the relevant rates, specifications and standards).
8. To ensure that the above requirements are fully addressed, the transport and traffic study must properly ascertain the cumulative study area traffic impacts associated with the development (and any other known proposed developments in the area). This process provides an opportunity to identify a package of traffic and transport infrastructure measures required to support future development. Regional and local intersection and road improvements, vehicular access options for adjoining sites, public transport needs, the timing and cost of infrastructure works and the identification of funding responsibilities associated with the development should be identified.
9. Draft Construction Traffic Management Plan providing details of predicted construction traffic movements, routes and access arrangements, and outline how construction traffic impacts on existing traffic, public transport, pedestrian and cycle networks would be appropriately managed and mitigated and how cumulative construction traffic impacts with other surrounding development would be managed and mitigated.
10. Measures to promote sustainable travel choices for employees, residents or visitors, such as minimising car parking provision, encouraging car share and public transport, cycling and walking, implementing a Green Travel Plan (GTP) and providing end of trip facilities. The GTP should:
 - a) Be prepared by a suitably qualified traffic consultant in consultation with TfNSW; this includes a Traffic Impact Assessment (TIA) and Green Travel Plan;
 - b) Include objectives and modes share targets to reduce car use and increase public and active transport (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - c) Include specific tools and actions to help achieve the objectives and mode share targets;
 - d) Include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
 - e) Include consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets;

- f) Include a detailed **Implementation Plan** comprising specific tasks needed to complete the proposed actions, the person/s responsible for completion of the task, completion date and anticipated costs; and
- g) Include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

The applicant can refer to our Transport for NSW website for Travel Demand Management (TDM) <https://www.mysydney.nsw.gov.au/travelchoices/tdm> with really useful resources and templates for GTPs. This also includes both [hard activities](#) and [soft activities](#) for GTP green travel plan initiatives.

11. Construction Pedestrian and Traffic Management: It should be noted that this development is located immediately adjacent to the Parramatta Light Rail stabling and maintenance facility and located near the Light Rail Corridor. The cumulative increase in construction traffic movements from these projects could have the potential to impact on general traffic and public transport operations, as well as the safety of pedestrians and cyclists particularly during commuter peak periods. The applicant should also note that if at any time they require access to the light rail corridor this will only be possible with approval from the Light Rail Operator and TfNSW. There will be controls in place to manage access and access will most likely only be possible on set Light Rail shut down days.

It is requested that the applicant be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with Customer Journey Planning within TfNSW and the SLR operator and submit a copy of the final CPTMP plan to the Executive Director Customer Journey Planning for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier. The below may be a recommended Condition of Consent upon review of the DA:

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

- A description of the development;
- Location of any proposed work zone(s);
- Details of crane arrangements including location of any crane(s) and crane movement plan;
- Haulage routes;
- Proposed construction hours;

- Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
- Construction vehicle access arrangements;
- Construction program and construction methodology, including any construction staging;
- A detailed plan of any proposed hoarding and/or scaffolding;
- Measures to avoid construction worker vehicle movements within the Parramatta Precinct;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Parramatta Light Rail Builder;
- Identify any potential impacts to general traffic, cyclists, pedestrians, bus services and any light rail within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
- Identify the cumulative construction activities of the development and other projects within or around the development site, including the Parramatta Light Rail Project and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

Submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au; and

Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW via development.CTMP.CJP@transport.nsw.gov.au to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

12. Traffic Management Plan: It is noted that Section 3.2, Table 4 of the Scoping Report states that there will be truck movements associated with the future development. It is advised that the development is located adjacent to the Parramatta Light Rail (PLR) stabling and maintenance facility on Grand Avenue and that freight vehicles associated with the development could impact the operation of the PLR. The use of Grand Avenue by freight vehicles as an access and egress route will increase demand on the signalised intersection that is used to provide access for light rail vehicles into the stabling and maintenance facility. The applicant should also note that if at any time they require access to the light rail corridor this will only be possible with approval from the Light Rail Operator and TfNSW. There will be controls in place to manage access and access will most likely only be possible on set Light Rail shut down days.

It is requested the applicant be conditioned to prepare a Traffic Management Plan (TMP) in consultation with TfNSW and submit a copy of the final TMP to TfNSW for endorsement. A recommended Condition of Consent may be included in our response to DA:

Prior to the issue of any construction certificate, the applicant shall prepare a detailed Traffic Management Plan in consultation with TfNSW. The applicant shall submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au. The Plan needs to specify, but not be limited to, the following:

- Details of the development's vehicle profile, including the forecast traffic volumes by vehicle size, frequency, time of day and duration of stay for all land uses of the development;
- Vehicle ingress and egress routes;
- Measures to ensure there is no queuing of vehicles on roads leading to the site;
- Vehicle routes and swept paths.

If you have any further questions please direct attention to Development Assessment Officer, Ms Shoba Sivasubramaniam, on 0431446623 or email development.sydney@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Malgy Coman
Senior Land Use Planner

HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

**Project Name: Major Projects - New Request for Advice - James Hardie
Research & Development Facility (SSD-32555788) (City of Parramatta)**

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.