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Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Infrastructure
Major Projects Assessment
(Attention: Megan Fu)
GPO Box 39
SYDNEY NSW 2001

Dear Madam

NORTH PENRITH DEFENCE SITE SUBDIVISION OF STAGE 3A (SSD 5348)

I am writing in reply to your request for comments on the Environmental Impact Assessment (EIS) for the North Penrith Defence Site Sub-division Stage 3A received by the Environment Protection Authority (EPA) on 10 September 2013.

EPA has undertaken a review of the EIS and has attached comments for Department of Planning and Infrastructure's (DP&I) consideration (**Attachment A**). These relate to the following:

- Noise
- Water Quality
- Air Quality;
- Waste Management; and
- Contaminated Land.

In addition, the EPA also suggest that if the proposal is approved the proponent keep the local community regularly updated on the progress of the construction works and have a mechanism to raise any issues of concern.

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely

G. Howard 18/11/13

GISELLE HOWARD
Director Metro
Environment Protection Authority

Att:

ATTACHMENT A

1. Noise

1.1 Rail Noise and Vibration

The EPA has reviewed the North Penrith Stage 3A Rail and Noise and Vibration Assessment prepared by Renzo Tonin and Associates dated 1 May 2013. The EPA notes that the provisions of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) and *Development Near Rail Corridors and Busy Roads – Interim Guideline* (DP&I 2008) relating to internal noise amenity are applicable to the development. Further that a preliminary acoustic report has been prepared identifying general acoustic mitigation requirements that may be incorporated into the detailed design, when available, to satisfy these requirements.

The EPA supports the conclusions in the assessment that “*appropriate controls can be incorporated into the building design to achieve satisfactory internal noise levels consistent with the intended quality of the building and relevant standards*”. In addition the EPA also supports the recommendations in section 6 of the assessment relating to recommended mitigation measures to be incorporated into any future building design and layout to control air borne and ground-borne noise impacts and vibration impacts. However, in the absence of the building design and layout, the EPA is seeking surety that these measures will be implemented and the above guideline and regulatory provisions satisfied.

In this regard, the EPA recommends that a condition be included in any planning approval that requires detailed acoustic design input into the prepared construction certificate plans and specification. This will ensure that suitable noise mitigation measures are incorporated into the design and construction of the development to satisfy the ISEPP requirements and *Development Near Rail Corridors and Busy Roads – Interim Guideline*. EPA also recommends that DP&I require validation prior to the issue of an occupation certificate that the acoustic design measures have been satisfactorily incorporated into the development, as a further ‘check and balance’.

1.2 Road Traffic Noise

The supporting information has not included an assessment of any potential noise impacts associated with road traffic noise. With the proposal involving the creation of super lots for future dwellings and commercial uses including bus corridors and the development of a village square/station plaza, the proposal will be a major traffic generating development. In this regard, the impacts from traffic noise need to be assessed to determine whether noise mitigation measures are required in order to satisfy the *NSW Road Noise Policy* (DECCW 2011).

2. Water Quality

2.1 Stormwater Management

The Water Cycle Management Strategy consists of a stormwater treatment train comprising of on lot treatment, street level treatment and subdivision/development treatment measures in order to meet the OEH and Landcom water quality objectives for the North Penrith development. The EPA supports this approach, however the EPA recommends that a condition of approval be secured that requires the design and implementation of a monitoring program to ensure that the treatment train is performing as predicted to validate the water quality objectives are being met.

The success of the water cycle management strategy will be dependant upon ongoing maintenance. The EPA understands that the future management of the system will become a Council responsibility. In this regard, the EPA recommends that the proponent undertake a partnering arrangement with Council for a period of time post development to assist in transitional arrangements. This process will provide awareness training to Council staff in order to fully understand the systems performance and ongoing management responsibilities and maintenance needs.

2.2 Sewage Management

The proposal involves the installation of new sewage reticulation and its connection to the Nth Penrith Sewage Scheme to service the proposed development. However, there is no discussion in the supporting information on whether the existing sewage scheme can cater for any new additional load. The EPA recommends that DP&I seek information from the proponent regarding this proposed new sewage reticulation scheme to assist DP&I's assessment of the proposal. This should include information on whether the additional load will impact the systems environmental performance especially in relation to sewage overflows from any existing sewage pumping stations and discharges from the North Penrith STP. The EPA's policy is that for new systems there should be no pollution of waters as a result of overflows during dry weather and that overflows during wet weather should be minimised. Sewage overflows have been identified as one of the major contributors to diffuse source water pollution in urban environments.

Section 47 of the *Protection of the Environment Operations Act 1997* (POEO Act) defines scheduled development work as 'work at any premises at which scheduled activities are not carried on that is designed to enable scheduled activities to be carried on at the premises'. Under Section 47 of the POEO Act it is an offence for scheduled development work to be undertaken without an environment protection licence. If the sewage reticulation installed as part of the proposed development will be connected to the Nth Penrith Sewage Scheme (or any other existing sewage system licensed under the POEO Act) when completed, then the proposed reticulation will form part of that licensed system and will be considered to be a scheduled activity. Construction of the proposed reticulation would therefore constitute scheduled development work under the POEO Act and must not be undertaken without an environment protection licence in place prior to the commencement of construction. The proponent should investigate the requirement for construction of the proposed sewage reticulation to be licensed under the POEO Act.

3. Air Quality

The submitted Construction Air Quality Plan states that that excavation works will cease during high wind conditions and/or implement additional dust suppression. While the EPA supports the intent of this approach, we recommend that further information be sought from the proponent on how this approach will operate at the site and agreed triggers and responses. For example, *what wind speeds would constitute high wind conditions when activities would cease? When would work restart? And; What actions would be undertaken to allow work to recommence?*

The Construction Air Quality Plan also does not discuss what measures will be implemented at the site to mitigate any potential wind blown dust emissions when the site is unattended. Further information should be sought from the proponent on this issue as existing commercial and residential areas adjoin the construction site.

4. Waste Management

The EIS contains no discussion on the management of waste. This is particularly important as the proposal involves a development that provides a range of land uses including a plaza, commercial and residential activities.

NSW State Plan 2021 Goal 23 requires an increase in recycling to meet the 2014 NSW waste recycling targets. Increased recycling limits the amount of space required for landfill and turns waste into a valuable resource. In addition, Goal 23 also requires that by 2016, NSW will have the lowest litter count per capita in Australia. The cost to the community of littering goes beyond visual pollution. Greater respect for neighbourhoods by disposing of rubbish properly leads to improved safety, limits health impacts and protects the natural environment. These goals also need to be the corner stones of waste management strategies as part of the development.

The EPA recommends that the proponent consult the NSW EPA's *Better Practice Guidelines for Waste Management and Recycling in Commercial Facilities* (Dec 2012) in order to implement best practice waste management initiatives. This guidance will assist in providing approaches to improve recycling rates for office and commercial facilities. It will also ensure typical waste and recycling vehicle access and turning

provisions are provided in any sub-division layout and building design. This document can be accessed at: <http://www.epa.nsw.gov.au/warr/ProdStewardshipEPR.htm>.

In addition *the Better Practice for Public Place Recycling* (DEC 2005) should also be consulted as it provides information on standard recycling systems for public places, such as parks, shopping centres, footpaths, bus-stops, etc.

The report also states that crushed asphalt will be assessed for potential onsite reuse in accordance with the 2010 recovered aggregate exemption under the *Protection of the Environment Operations (Waste) Regulation 2005*. The EPA supports this approach.

5. Contaminated Land

The EPA has undertaken a review of the Contamination Report prepared by Geotechnique Pty Ltd. The report refers to previous investigation reports and Site Audit Reports/Statements relating to the broader North Penrith Defence Site (including Stage 3A). The submitted report does not however include any details of investigations. It does however note the possible presence of Unexploded Ordnance to be very low.

The Site Audit Report and Site Audit Statement concluded that the site is suitable for the activities that are being proposed for the sites redevelopment however, this is conditional on further groundwater assessment to verify that it is suitable for any proposed future beneficial use. The EIS indicates that groundwater use is not proposed at the site and that groundwater is not expected to be encountered during excavation works (groundwater is reported to be approximately 6-7 metres below ground level in the area). The EPA recommends that clarification should be sought from the proponent regarding the potential for groundwater contamination.

While the EPA cannot comment on the adequacy of the investigations because the investigation reports have not been submitted with contamination report, the proponent has involved an accredited site auditor. In this regard, the EPA recommends that the proposed recommendations in the contamination report should be secured as conditions of approval. These relate to:

- Ongoing Site Auditor involvement
- Preparation of an Unexploded Ordnance Protocol/Management Plan and an Unexpected Finds Protocol as part of the Construction Environmental Management Plan
- Assessment and remediation (as required) following removal of existing hardstand; and
- Assessment of coal/ash material that may be encountered.