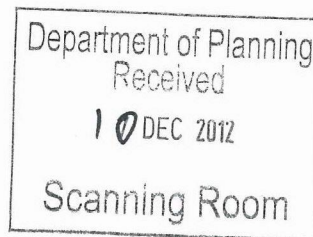


PCU012758

Our reference: DOC12/48632, FIL09/1
Contact: J Goodwin 9995 6838

Ms Heather Warton
Director
Metropolitan Regional Projects North
Department of Planning and Infrastructure
GPO BOX 39
SYDNEY 2001



Dear Ms Warton

Attention: Denise Robertson

STAGES 2B, 2C, 2D, AND 3B NORTH PENRITH MIXED USE – SSD 5346, 5347 AND 5349

I refer to your letter dated 19 November 2012 concerning exhibition of the development applications and Environmental Impact Statements (EISs) for the above project.

The EPA understands that the development is the subject of any approved Concept Plan. And that, it comprises the majority of the remaining stages of a mixed use subdivision and urban re-development located off Castlereagh Road North Penrith and bounded to the south by the main western rail line.

The EPA has considered the three EISs and has provided detailed comments in Attachment A. The EPA is mainly concerned about air quality (dust) impacts, erosion and sediment control, and noise impacts during construction as well as the need to ensure adequate in-built passive noise and vibration mitigation measures in respect of railway systems noise and vibration impacts.

The EPA emphasises that environment protection licences may be required in respect of –

- (a) any scheduled development work in the nature of sewerage reticulation, such as mains, sewage pump stations, sewage overflow structures, intended to be connected to the Sydney Water Corporation's Penrith sewage treatment system, and
- (b) extractive activities (i.e. the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials, either for sale or re-use, by means of excavation or other methods.

You should read these comments in conjunction with those provided by the EPA on 6 September 2012 in respect of the EIS for stage 2A (SSD 5243) of the project

You should be aware that for reasons of maintaining regulatory 'arms length', the EPA did not review or endorse the 'Construction Environmental Management Plan' included in the supporting documentation supplied to the EPA.

Should you require clarification of any of the above please contact John Goodwin me on 9995 6838.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'F. Garofalow', followed by the date '6/12/12' written in the same ink.

FRANK GAROFALOW
Manager, Metropolitan Infrastructure
NSW Environment Protection Authority

Attachment A

ATTACHMENT A

ENVIRONMENT PROTECTION AUTHORITY COMMENTS

NORTH PENRITH MIXED USE STAGES 2B, 2C, 2D AND 3B

1. CONSTRUCTION IMPACTS

The EPA raises a number of environmental concerns about environmental impacts during the construction phase of the development.

1.1 erosion and sediment control

The EPA understands that the project bulk earth works will be undertaken in accordance with erosion and sediment control plans prepared in accordance with Volumes 1 and 2A of Managing Urban Stormwater Soils and Construction, 4th Edition.

The EPA emphasises the importance of not commencing earthmoving or vegetation removal until appropriate erosion and sediment controls are in place. Similarly, the EPA considers that daily inspection of erosion and sediment controls is fundamental to ensuring timely maintenance and repair of those controls.

Recommendation

EPA recommends that the consent conditions require that prior to undertaking any construction work, including any earthmoving or vegetation removal works, the licensee must implement erosion and sediment control measures to prevent pollution of waters.

Recommendation

EPA recommends that the consent conditions require the proponent -

- (a) to check the operation of soil and water management works each day (and more often during wet weather), and
- (b) to initiate all necessary repair and maintenance as required to prevent pollution of waters.

1.2 noise and vibration

The EPA considers that the project is likely to generate significant noise and vibration during construction.

1.2.1 recommended standard hours

Interim Construction Noise Guideline section 2.2 (p.8) specifies the recommended standard hours for construction outside which long experience shows increasing levels of community concern about construction noise impacts.

At the same time, the EPA accepts that certain emergency work may need to be undertaken urgently (other than during the standard recommended hours) in order to avoid –

- loss of life,
- damage to property, or
- environmental harm.

Recommendation

EPA recommends that the consent conditions:

- (a) specify the hours recommended in Table 1 Chapter 2 of the Interim Construction Noise Guideline, July 2009 as the hours of operation during the construction phase of the project; and
- (b) provide for an exemption from recommended standard hours for emergency work required to be undertaken urgently to avoid –
 - loss of life,
 - damage to property, or
 - environmental harm.
- (c) require the proponent to justify any emergency works undertaken outside recommended standard hours by means of a detailed report about-
 - the circumstances leading to the emergency,
 - the nature and scope of any construction work undertaken to alleviate the emergency, and
 - the practicable measures adopted to prevent a similar incident.

1.2.2 Respite from high noise impact activities

Interim Construction Noise Guideline section 4.5 (p.16) identifies certain construction activities that have proven to be particularly annoying to surrounding residents and other noise sensitive receivers (example: schools).

Recommendation

EPA recommends that the consent conditions require the proponent to implement respite periods as follows -

Any construction activity referred to in ICNG section 4.5 as being particularly annoying to nearby residents or otherwise likely to generate noise with impulsive, intermittent, low-frequency or tonal characteristics, is only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours.

‘continuous’ means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the work referred to in this condition

1.2.3. Reversing and movement alarms

The EPA has identified the noise from ‘beeper’ type plant movement alarms to be particularly intrusive and is aware of feasible and reasonable alternatives. Transport for NSW (nee Transport Construction Authority), Barangaroo Delivery Authority/Lend Lease and Leighton Contractors (M2 Upgrade project) have undertaken safety risk assessments of alternatives to the traditional ‘beeper’ alarms. Each determined that adoption of ‘quacker’ type movement/reversing alarms instead of traditional beepers on all plant and vehicles would not only maintain a safe workplace but also deliver improved outcomes of reduced noise impacts on surrounding residents.

Interim Construction Noise Guideline Appendix C provides additional background material on this issue.

Recommendation

EPA recommends that the consent conditions require the proponent to undertake a safety risk assessment of construction activities to determine whether it is practicable to use audible movement alarms of a type that would minimise the noise impact on surrounding noise sensitive receivers, without compromising safety.

1.3 dust management and control

Bulk earthworks inevitably generate dust as a result of –

- (a) the excavation, processing and handling of excavation spoil, and
- (b) wind action on spoil stock piles.

Recommendation

EPA recommends that the consent conditions require the proponent to implement dust management and control measures to –

- (a) minimise dust emissions on the site, and
- (b) prevent dust emissions from the site.

2. OPERATIONAL IMPACTS

The development includes –

- (a) installation of sewage reticulation for later connection to Sydney Water Corporation's Penrith sewage treatment system, and
- (b) subdivision of the land for later development of residences near a rail corridor.

2.1 Connection to Penrith Sewage Treatment System

Sydney Water Corporation holds an environment protection licence in respect of its Penrith sewage treatment system, which not only includes its sewage treatment plant but also the associated sewerage reticulation system.

The development sewerage reticulation system (including any mains, sewage pump stations and overflow structures) must be completed to the standard necessary to ensure that it would not compromise Sydney Water Corporation's capacity to satisfy the conditions of its Penrith sewage treatment system environment protection licence.

2.2 Mitigating noise and vibration impacts

The EPA anticipates that, in the absence of built-in passive noise and vibration mitigation measures, there would be significant rail noise impacts on noise sensitive development such as future residences.

The EPA acknowledges that Clause 87 of the Infrastructure SEPP requires consent authorities to be satisfied that buildings for residential purposes will achieve prescribed residential amenity noise levels.

The EPA understands that in 2008 the Department of Planning and Infrastructure published "Development Near Rail Corridors and Busy Roads – Interim Guideline", which provides guidance material concerning whether an acoustic assessment is required and whether noise and vibration mitigation measures are needed for noise sensitive development near a rail corridor.