



Our reference: EF14/6056:DOC14/218864-02:PW
Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Environment
Metropolitan Projects
(Attention: Mark Brown)
PO Box 39
SYDNEY NSW 2001

Dear Sir

RESPONSE TO SUBMISSIONS STATION NORTH AND STATION SOUTH SITES (SSD 6256)

I am writing in reply to your request for comment regarding the Submissions Report received by the Environment Protection Authority (EPA) electronically on 29 September 2014 regarding the State Significant Development Application for the Station North and Station South site within the North Ryde Urban Activation Precinct.

It's noted that the EPA submission on the Department of Planning and Environment's (DPE) public register for this development relates to the M2 Site within the North Ryde Urban Activation Precinct. The EPA requests that this submission be replaced with the EPA response on 28 May 2014.

The EPA has undertaken a review of the Submissions Report against EPA comment provided on 28 May 2014 and has provided comment (**Attachment A**) for DPE's consideration. These relate to the following key issues:

- EPA Licensing and Regulation
- Water Quality; and
- Contaminated Land Management.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'PB', followed by the date '22/10/14' written in a similar style.

PETER BLOEM
Manager Illawarra
Environment Protection Authority

Att

ATTACHMENT

EPA Licensing and Regulation

The EPA recommends the proponent undertake a review of all activities associated with the development and determine whether any licensing under the *Protection of the Environment Operations* (POEO) Act 1997 is required if consent is granted. The Appropriate Regulatory Authority for these activities under the POEO Act (if approved) should also be identified.

Section 47 of the 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 (EPL).

If the sewage reticulation installed as part of the proposed development will be connected to the 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 EPL in place prior to the commencement of construction. The proponent should investigate the requirement for construction of the proposed sewage reticulation to determine if licensing is required under the POEO Act.

Further information on EPA licensing requirements can be found in the EPA Guide to Licensing. A copy of this guideline is available at: www.environment.nsw.gov.au/licensing/licenceguide.htm.

If EPA licensing is not required under the POEO Act, the proponent still has a responsibility to ensure all activities undertaken at the site comply with the requirements of the POEO Act and its associated regulations. This must include but not necessarily be limited to the following:

- Prevent pollution of waters
- Prevent land pollution
- Ensure activities are not carried out in an environmentally unsatisfactory manner. "Environmentally unsatisfactory manner" is defined in Section 95 of POEO Act; and
- Ensure the EPA is notified of any pollution incidents that may cause or threaten material harm to the environment. Any notification must be reported to Environment Line on 131 555.

Water Quality

Validation Program

The Submission Report states that the proposed development will be public roads which will be managed by Ryde Council in accordance with Council's maintenance standards. The proponent has also indicated it does not support any monitoring program to validate that water quality targets will be met.

The proposed development is located in the Porters Creek catchment which flows into the Lane Cove River. The Draft Lane Cove River Coastal Management Plan (Final Draft 2013) states that currently the health of the Lane Cove River is poor and has not changed significantly for almost the past decade. The Management Plan also states that ongoing urbanisation of the catchment in the future will increase catchment runoff and pollutant loads if development controls and diverse water quality improvement measures are not put in place and maintained.

The EPA considers it is important that a validation program, that includes monitoring, should be implemented to demonstrate that the water quality targets and reductions in pollutant levels proposed in the submitted Stormwater Management Plan are met. As recommended in the EPA submission, this should be secured as a condition of consent.

Maintenance of Stormwater Controls

The submitted Water Management Plan (WMP) states that the proposed water quality treatment devices require regular and ongoing maintenance. A detailed Maintenance Plan (MP) is to be developed following

final selection of the treatment devices to be installed. However, the performance of the treatment devices is dependent on a cleaning and maintenance regime every 3–6 months and after heavy rain. The filtration media in these devices is required to be replaced every 5-7 years. The success of these devices in delivering the required pollutant reductions over time and in-perpetuity is dependent on ongoing and regular maintenance which needs to be appropriately managed and funded.

The EPA recommends a MP be developed to compliment the Water Management Plan and to assist Council in understanding and documenting any future responsibilities. The requirement for this plan should be secured as a consent condition and should be prepared prior to construction. The plan should include but not necessarily be limited to:

- a maintenance manual for the preferred treatment devices
- a recommended maintenance schedule
- monitoring program to assess ongoing performance; and
- a training program for Council staff.

The proponent may wish to engage a contractor to oversee management including maintenance and monitoring for a period of time. This could also assist in identifying possible expected costs to assist Council in understanding any future financial obligations. To assist Council, it is recommended that DPE discuss with the proponent on whether there are any development contribution mechanisms available that could address these ongoing costs for maintenance of this infrastructure.

Contaminated Land Management

The submissions report includes a Site Audit Statement (SAS) for the whole of Lot 4 in DP 1131774 although no SAS has been obtained for Lot 160 in DP 1136651. While the development is for land subdivision and for associated civil works including road construction it is important that DPE ensure that the requirements of SEPP 55 are satisfied and consider whether a site auditor is required.

