



Our reference: DOC12/33459  
Our contact: Benn Treharne, 9995 6807

Ms Heather Warton  
Director Metropolitan and Regional Projects North  
NSW Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

Attention: Ben Eveleigh

Dear Ms Warton

**EPA response to public exhibition of the Environmental Impact Statement for the Horsley Drive Business Park (SSD 5169)**

I refer to your letter dated 6 July 2012, inviting the NSW Environment Protection Authority (EPA) to make a submission regarding the Environmental Impact Statement (EIS) for the Horsley Drive Business Park.

The EPA has reviewed the EIS and considers that the environmental impacts associated with the construction of the Horsley Drive Business Park can be readily managed by the implementation of appropriate environmental management measures. Notwithstanding this, the EPA has provided comments and recommendations in Attachment A relating to noise and vibration, erosion and sediment control, contamination, air quality and waste.

Please note that in accordance with the *Protection of the Environment Operations Act 1997*, the EPA is the appropriate regulatory authority (ARA) for activities being undertaken by or on behalf of public authorities, including the Western Sydney Parklands Trust. Therefore, the EPA will be the ARA for the construction of the Horsley Drive Business Park.

If you have any questions regarding our comments related to site contamination please contact Melissa Prochazka on 9995 5612. For all other queries regarding this matter please contact Benn Treharne on 9995 6807.

Yours sincerely

**FRANK GAROFALOW**  
**Manager Metropolitan Infrastructure**  
**Environment Protection Authority**

Encl: Attachment A – EPA comments and recommendations on the EIS for the Horsley Drive Business Park



## Attachment A

### EPA comments and recommendations on the EIS for the Horsley Drive Business Park

#### 1. Noise and Vibration

The EPA notes that the EIS contains a *Construction Noise and Vibration Management Plan* which is to be implemented to manage noise and vibration emissions from the proposed development. The EPA notes that the plan states that:

*Construction hours should be carried out in accordance with recommended construction hours detailed in the standard hours for construction sites which details the following:*

- 7am to 5pm Monday to Friday; and
- 8am to 5pm Saturday.

However, these timeframes are inconsistent with the standard hours for construction work as outlined in the *Interim Construction Noise Guideline 2009* which are as follows:

- 7am to 6pm Monday to Friday;
- 8am to 1pm Saturday; and
- No works on Sundays or public holidays.

#### Recommendation

The EPA recommends that the conditions of any consent include the following:

Works must be undertaken in accordance with the *Interim Construction Noise Guideline 2009*.

Construction work must:

- (a) only be undertaken on Monday to Friday between the hours of 7am and 6pm;
- (b) only be undertaken on Saturday between the hours of 8am and 1pm; and
- (c) not be undertaken on any Sunday or Public Holiday,

except where clear justification is provided for out of hours works through the noise impact assessment process outlined in the *Interim Construction Noise Guideline 2009*.

#### 2. Erosion and Sediment Control

The EPA notes that this proposal has the potential to cause significant erosion and sedimentation issues due to the extensive excavation required to achieve level building platforms on the naturally undulating topography of the site. The EPA acknowledges that an *Erosion and Sediment Control Plan* (Costin Roe Consulting) has been prepared to address these issues, however it is noted that this plan is conceptual only and that a detailed plan will be prepared once consent is given.

#### Recommendation

The EPA recommends that the conditions of any consent include the following:

A suitably detailed and project specific Erosion and Sediment Control Plan must be developed and implemented as per *Managing Urban Stormwater: Soils and Construction - Volume 1*, Landcom, 4<sup>th</sup> ed. 2004 prior to commencement of any works involving vegetation removal or soil disturbance



### 3. Site Contamination

The EPA was notified in accordance with the *Contaminated Land Management Act 1997* of the contamination present at Lot 10 at DP 879209, Cowpasture Road, Horsley Drive on 22 July 2010. The EPA's initial assessment determined that the contamination present on the site was unlikely to require regulation under the *Contaminated Land Management Act 1999* as the groundwater contamination was approximately five metres below ground and the groundwater system was low yielding and highly saline. However, as the groundwater plume had not yet been delineated offsite, the EPA required further information to finalise our assessment.

Notwithstanding this, the EPA considers that the remediation of the contamination present at the site can, and should, be managed under the planning process.

Based on a review of the EIS, it is our understanding that the proposed development of the Horsley Drive Business Park will include the following remediation works to address the contamination present at Lot 10 at DP 879209 and adjoining Lots within the site:

- An offsite investigation to delineate the extent of the groundwater plume;
- Excavation and removal of TPH (C10-C36) impacted surface soils across the site including the shallow soils of the former storage area and former tank pit;
- Land farming of TPH impacted soil within a designated area on the site to reduce concentrations to criteria suitable for commercial/industrial land use; and
- Natural attenuation with risk assessment and ongoing monitoring.

However, the EPA notes that DP&I has not requested a site audit statement from an EPA accredited site auditor to determine that the site is suitable for the proposed land use following remediation.

The EPA provides the following technical comments in regards to the Remedial Action Plan (RAP) (WSP Environmental):

- Investigations to date indicate that the TPH contamination source was leaking aboveground and underground storage tanks which contained diesel. While we understand land farming has been used in the past to reduce TPH (C10-C36) concentrations of the impacted soil, the EPA notes that this was when the site was not undergoing redevelopment. The EPA questions whether land farming is the most time effective remediation approach for the proposed commercial/industrial development.
- Due to the fact that the source of the groundwater contamination has been removed; the groundwater is highly saline and low yielding; and the groundwater contamination is located at 6-15 metres below ground level within fractured shale, the EPA considers monitored natural attenuation to be a suitable long-term management approach to the groundwater contamination. Further investigation of the groundwater plume will need to assess and confirm the effectiveness of monitored natural attenuation as a long-term management approach for the contamination present at the site.
- Little information is given about the proposed land farming approach and the mechanisms that will be used to promote bioremediation of the impacted soil. In addition, no estimated quantities of TPH impacted soil have been provided or detail regarding the designated land farming area.
- During the proposed land farming process, there will need to be appropriate measures in place to control odours, dust and stormwater runoff. It is noted that the environmental management plan section of the RAP details the general approach that will be undertaken during the proposed remediation works.



### **Recommendation**

The EPA recommends that DP&I considers whether the conditions of any consent should include a requirement for a site audit statement to be prepared by an EPA accredited site auditor to determine that the site is suitable for the proposed land use following remediation.

The EPA also recommends that DP&I take into consideration our technical comments as part of its review of the RAP, particularly in regards to the proposed land farming approach. The EPA recommends that a condition of consent is included which requires additional information to be provided regarding the specific details of the proposed land farming approach prior to the commencement of the remediation works.

## **4. Air Quality**

The EPA notes that the EIS contains a *Dust Control Plan* (DCP) in the appended *Preliminary Construction Management Plan* (Hansen Yuncken) that will be implemented for the proposal. However, the DCP is very generalised and basic and therefore does not reflect the significant dust generation risk posed by this proposal due to the extensive amounts of vegetation clearance, excavation, stockpiling and vehicle movements which will occur during the works.

Further, the EIS does not address the impact on air quality of exhaust emissions from vehicles and other plant equipment being operated on-site during the works.

### **Recommendation**

The EPA recommends that the conditions of any consent include the following:

A suitably detailed and project specific Air Quality Management Plan must be developed which describes proposed specific mitigation measures and safeguards to control dust and exhaust emissions. This plan must be implemented at all stages of the project to minimise impact on nearby sensitive receivers.

## **5. Waste Management**

The EPA notes that the EIS contains a *Waste Management Control Plan* (WMCP) in the appended *Preliminary Construction Management Plan* (Hansen Yuncken) that will be implemented during the proposed works. However, this WMCP is very generalised and basic considering the amount and type of wastes likely to be generated during the works.

It is noted that two dwellings will be demolished as part of the proposal and that prior to demolition works an assessment will be undertaken to investigate the existence of asbestos and other hazardous materials which may have been used as building materials.

It is also noted that the RAP (WSP Environmental) describes the management of wastes generated during site remediation works (including contaminated soil and groundwater).

The EPA considers that a detailed and project specific Waste Management Plan (WMP) is required for the project. The WMP should, among other things, consolidate into one document: the waste management measures outlined in: the WMCP; the RAP; and the Hazardous Materials Assessment to be undertaken for the demolition works.

The WMP should include a commitment to classify and dispose of any waste material in accordance with the EPA *Waste Classification Guidelines*.

The WMP should consider waste water treatment measures that are appropriate to the type and volume of waste water likely to be generated on the site, and which are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.

**Recommendation**

The EPA recommends that the conditions of any consent include the following:

A suitably detailed and project specific Waste Management Plan must be developed and implemented for the project.