NSW EPA

PCU061454

Your reference SSD 6324
Our reference: EF15/2643, DOC15/267637-02
Contact: J Goodwin 9995 6838

Kate MacDonald
Department of Planning and Infrastructure
GPO BOX 39
SYDNEY 2001

Dear Ms MacDonald

SSD 6324 – BRINGELLY ROAD BUSINESS HUB – Response to Submissions (RTS) Report

I am writing to you in reply to your invitation to the EPA to comment on the RTS for Bringelly Road Business Hub construction and operation phases of the project.

The EPA understands the proponent seeks approval for Concept Plan and Stage 1. The EPA does not consider that its EIS comments have been fully addressed albeit that RtS Report Table 1 suggests that each of the EPA's recommendations should be considered for inclusion in a determination. Thus, the EPA requests that the Department take into consideration previous comments in the EPA's email dated 2 February 2015 and letter dated 27 February 2015, together with its ongoing concerns in respect of:

(a) potential site contamination;

(b) construction and construction-related noise and vibration impacts (including recommended standard construction hours and intra-day respite periods for highly intrusive noise generating work);

(c) construction phase dust control and management;

(d) construction phase runoff and sediment control;

(e) construction phase air quality impacts, especially dust; and

(f) operational noise and vibration impacts.

The EPA expands on its concerns in Attachment A to this letter.

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

Yours sincerely

3-9-15

FRANK GAROFALOW
Manager, Metropolitan Infrastructure
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encl. Attachment A

ATTACHMENT A

- ENVIRONMENT PROTECTION AUTHORITY COMMENTS –

BRINGELLY ROAD BUSINESS HUB

1. General

The EPA considers that the project comprises distinct phases of construction and operation and has set out its comments on that basis.

The EPA notes the proximity of surrounding residences on the north western side of Stuart Road and eastern side of Cowpasture Road (and especially those 2 residences on lot 9 immediately to the east of and adjoining the site) which may be affected by noise impacts during the construction and operation phases of the project

Similarly, the EPA notes the proximity of the Bedwell Park wetland and associated riparian zone.

The EPA emphasises that it does not review or endorse environmental management plans or the like for reasons of maintaining regulatory 'arms length'. And, has not reviewed the environmental management plans forming part of or referred to in the EIS.

2. Construction phase

The EPA anticipates that construction and construction-related activities will be undertaken in an environmentally responsible manner with particular emphasis on –

- Site investigation and remediation,
- compliance with recommended standard construction hours,
- intra-day respite periods from high noise generating construction activities (including jack hammering, rock breaking, pile boring or driving, saw cutting),
- feasible and reasonable noise and vibration minimisation and mitigation,
- effective dust control and management,
- runoff, erosion and sediment, and
- waste handling and management, particularly concrete waste and rinse water, and

2.1 <u>Site investigation and remediation</u>

The EPA understands from the EIS that a Phase 1 contamination assessment was undertaken by Coffey Environments Australia Pty Ltd as outlined in EIS Appendix I.

The EPA understands that the proponent intends to demolish existing lightweight structures, including residential buildings, on the site. And, anticipates the potential presence inter alia of –

- asbestos cement sheeting,
- soil contamination associated with termiticide chemicals in and around the footprint of any residential buildings,

- soil contamination associated with any previous storage, handling and application of agrichemicals (herbicides and pesticides).

EPA guidance material concerning the handling, transport and disposal of asbestos wastes is available via the following link to its web-site

http://www.environment.nsw.gov.au/waste/asbestos/index.htm.

The EPA further understands that the Phase 1 investigation did not reveal evidence of hydrocarbon contamination associated with the fuel storage and handling on the land comprising the development site.

The EPA notes that EIS section 3.9 (p.31) concludes that the site can be made suitable for development for the proposed uses subject to various recommendations including additional investigations of ground water and soils before commencement of site works.

Recommendation

The proponent be required to –

(a) undertake additional detailed investigation of potential soil and groundwater contamination,

(b) prepare and implement an appropriate procedure for identifying and dealing with unexpected finds of site contamination during demolition and earthworks, and

(c) develop and implement site clean up and remediation as necessary.

Recommendation

The proponent be required to satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'.

Recommendation

The proponent should be required to consult with Workcover NSW concerning the handling of any asbestos waste.

2.2 noise and vibration

The EPA understands that the proposal includes the demolition of existing lightweight structures associated with previous rural residential use, bulk earthworks, road construction, stormwater infrastructure and services installation.

EIS Appendix M Construction Noise and Vibration Management includes "…the assessment of the noise and vibration associated with the works required to complete the required infrastructure on site." The EPA provides guidance material available on its web site including downloadable copies of –

- the Interim Construction Noise Guideline (2009), and
- Assessing Vibration: a technical guideline (2006).

2.2.1 general construction hours

EIS Section 3.2 indicates that all construction and construction-related activities will be undertaken during standard construction hours as recommended in Table 1 Chapter 2 of the Interim Construction Noise Guideline, July 2009

2.2.2 intra-day respite periods

ICNG section 4.5 specifies construction activities proven to be particularly annoying and intrusive to nearby residents. The EPA anticipates that those activities generating noise with particularly annoying or intrusive characteristics would be subject to a regime of intra-day respite periods where –

(a) they are only undertaken after 8.00 am,

(b) they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours, and.

(c) '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 ICNG section 4.5

Recommendation

The proponent be required to schedule intra-day 'respite periods' for construction activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers, including surrounding residents and tourism destinations.

2.2.3 queuing and idling construction vehicles and vessels

The EPA is aware from previous major infrastructure projects that community concerns are likely to arise from noise impacts associated with the early arrival and idling of construction vehicles (including concrete agitator trucks) at the development site and in the residential precincts surrounding that site.

Recommendation

The proponent be required to ensure construction vehicles (including concrete agitator trucks) and vessels involved in construction and construction-related activities do not arrive at the project site or in surrounding residential precincts outside approved construction hours.

2.3 Dust control and management

The EPA understands that the proposal involves bulk earthworks requiring the movement of more than 310,000 cubic metres of material (including the import of more than 150,000 cubic metres) with the likelihood of large stockpiles on the project site and more than 10,000 truck movements.

The EPA is concerned that EIS section 5.12 *Air Quality and Odour* effectively dismisses the prospect of significant air quality impacts whilst simultaneously acknowledging the likelihood of dust emissions during site clearing and bulk earthworks. And, instead suggests preventative measures are to be detailed at some future time.

The EPA considers dust control and management to be an important air quality issue during demolition, site clearance and preparation, and subsequent construction. Bulk earthworks inevitably generate dust as a result of –

(a) the excavation, processing and handling of excavation spoil,

(b) wind action on spoil stock piles, and

(c) wind action on and plant movement across areas bare of vegetation or other cover.

However, RtS report section 1.0 (page 3) under the heading *Air quality* states "There are no expected adverse air quality or odour impacts associated with the proposed Staged Development and Stage 1 ..."

Recommendation

The proponent be required to :

(a) minimise dust emissions on the site, and

(b) prevent dust emissions from the site.

2.4 Erosion and sediment control

The EPA notes the adjacent wetlands (and associated riparian zone) and is concerned that effective erosion and sediment control be implemented consistent with the level of risk and site constraints.

Managing Urban Stormwater Soils and Construction, 4th Edition published by Landcom (the so-called 'Blue Book') provides guidance material for achieving effective erosion and sediment control on construction sites. However, the proponent should implement all such feasible and reasonable measures as may be necessary to prevent water pollution in the course of developing the site.

The EPA emphasises the importance of –

(a) not commencing earthmoving or vegetation removal until appropriate erosion and sediment controls are in place, and

(b) daily inspection of erosion and sediment controls which is fundamental to ensuring timely maintenance and repair of those controls.

2.5 Waste control and management (general)

The proponent should manage waste in accordance with the waste management hierarchy. The waste hierarchy, established under the Waste Avoidance and Resource Recovery Act 2001, is one that ensures that resource management options are considered against the following priorities:

Avoidance including action to reduce the amount of waste generated by households, industry and all levels of government

Resource recovery including reuse, recycling, reprocessing and energy recovery, consistent with the most efficient use of the recovered resources

Disposal including management of all disposal options in the most environmentally responsible manner.

All wastes generated during the project must be properly assessed, classified and managed in accordance with the EPA's guidelines to ensure proper treatment, transport and disposal at a landfill legally able to accept those wastes.

The EPA further anticipates that, without proper site controls and management, mud and waste may be tracked off the site during the course of the project.

Recommendation

The proponent be required to ensure that :

(1) all waste generated during the project is assessed, classified and managed in accordance with the "*Waste Classification Guidelines Part 1: Classifying Waste*" (Department of Environment Climate Change and Water, December 2009);

(2) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to prevent any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and

(3) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the premises.

2.5 Waste control and management (concrete and concrete rinse water)

The EPA anticipates that during the course of the project concrete deliveries and pumping are likely to generate significant volumes of concrete waste and rinse water. The proponent should ensure that concrete waste and rinse water is not disposed of on the project site and instead that –

(a) waste concrete is either returned in the agitator trucks to the supplier or directed to a dedicated watertight skip protected from the entry of precipitation, and

(b) concrete rinse water is directed to a dedicated watertight skip protected from the entry of precipitation or a suitable water treatment plant.

Recommendation

The proponent be required to ensure that concrete waste and rinse water are not disposed of on the development site.;

3. Operational phase

The EPA considers that environmental impacts that arise once the business hub is developed can largely be averted by responsible environmental management practices, particularly with regard to:

(a) feasible and reasonable noise mitigation measures, and

(b) water quality management.

3.1 Noise and vibration impacts

The EPA anticipates the proposed end-uses outlined in EIS section 3.2.2, including big format retail, bulky goods premises, warehouse, storage and distribution premises, are likely to involve 'round the clock' operations with significant noise impact on surrounding residences.

The EPA further anticipates those proposed end-use operations would include noise from amongst other things -

- mechanical ventilation plant,

- truck movements (incl. reversing beepers), and

- loading and unloading operations (incl. reversing beepers, impact noises)

Whilst the EPA appreciates that the proposal is essentially to subdivide the land for future 'big box' commercial/industrial land uses, we are concerned that the EIS (despite section 7 of the DGRs) does not appear to address the land use conflict with surrounding residential development, particularly in relation to operational noise. The EPA would have anticipated an assessment of potential noise impacts and the need to consider passive noise mitigation measures (example: perimeter noise mounds). At the same time, the EPA recognises that site specific development applications would address issues such as –

- premises layout to minimise reversing movements (i.e. beeper activation), and

- premises layout to restrict outdoors goods handling, and

- site restrictions on high noise impact reversing alarms on dedicated on-site plant/equipment such as forklifts.

Recommendation

The proponent be required to undertake an operational noise and vibration impact assessment to identify passive measures to be installed to minimise operational noise impacts on surrounding residences.

3.1.1. Background noise levels

The EPA notes that Figure 1 to Appendix A *Noise Impact Assessment* to the Response to Submissions Report only identifies one of the 2 residences on lot 9 as a residential receiver.

The EPA further notes that the proposal is to permit future development including warehouse and distribution facilities operating 24 hours per day every day. And, that section 4.1 (p.9) to the Nosie impact Assessment suggests that because the south west rail link has begun operation the background noise levels identified in Table 1 – *Measured Background Noise Levels* represent "... a conservative background noise level." However, the EPA notes that services on the South West Rail link do not operate between the hours of 12.14 am and 5.06 am thus the aforementioned suggestion about background noise levels appears to be unsubstantiated for night time (i.e. sleep disturbance).

Recommendation

The proponent be required to establish the background noise level at the most affected residential receivers on lot 9 –

(a) in accordance with the guidance material provided in the NSW Industrial Noise Policy; and

(b) as a basis for undertaking a re-assessment of predicted noise impacts and identifying appropriate noise mitigation and management measures, including but not limited to noise barriers, architectural treatment of affected noise sensitive receivers (i.e. residences)

3.1.2 Loading and unloading indoors

RtS Report Appendix A section 6.2 indicates that all loading and unloading operations will be conducted "... within the warehouse area. And, that the predicted noise levels in Table 9 are contingent on that assumption.

Recommendation

That having regard to the assumptions made in section 6.2 of Appendix A to the Response to Submissions report all loading and unloading operations must be undertaken indoors.

3.1.3 Reversing alarms

A significant source of intrusive noise arises from the activation of reversing alarms.

RtS Report Appendix A Table 10 indicates that sleep arousal as been assessed in the circumstances of activation of air brakes and reversing alarms. However, Appendix A section 6.2 does not expressly state whether or not appropriate adjustment factors up to 10 dBA have been incorporated in the predicted noise levels presented in Table 10. And if not, why not.

3.1.4 Mechanical ventilation and refrigeration plant

RtS Report Appendix A section 6.5 does not provide a detailed assessment of predicted noise impacts associated with the operation of fixed plant and equipment such as mechanical ventilation and refrigeration plant.

Recommendation

That the individual and cumulative noise impact of mechanical plant and equipment does not generate noise in excess of the relevant criteria in the NSW Industrial Noise Policy as measured in accordance with and reported against the guidance material provided in that Policy.

3.1.5 Public address system

The EPA is aware that public address systems may have significant intrusive impacts on surrounding residential premises.

Recommendation

That the proponent be required to ensure any public address system installed within a building is designed, installed and operated such that sound from that system is not audible at any surrounding residence.

Recommendation

That the proponent be required ensure no public address system (and associated speaker horns and the like) or part of a public address system is installed outside.

3.2 Water quality impacts

The EPA emphasises that it is an offence to pollute waters and that pollute waters includes cause or permit the pollution of waters.

The EPA considers that a number of feasible and reasonable controls and management measures can be adopted to avoid water quality impacts arising from operation of the business hub, including installing appropriate controls in the subdivision stormwater drainage system to prevent spills and leaks from the business hub entering the adjoining riparian zone and wetland.

3.3 Water Conservation

The EPA emphasises that water conservation is an essential component of ecologically sustainable development particularly pursuant to the principle of inter-generational equity.
The EPA considers the design stage of the project to be the optimum time to integrate measures to achieve water conservation through stormwater collection, treatment and re-use for non-potable purposes.
