NSW EPA

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Ms Paula Bizimis
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Dear Ms Bizimis

Tallawong Station Precinct South (SSD 9063) – (formerly known as Cudgegong Road Station South) – Notice of Exhibition

I am writing in reply to your request for comments from the Environment Protection Authority (EPA) on the above SSD concept for a SSD Application.

The EPA has attached comments (Attachment) for the Department of Planning and Environment's (DPE) consideration in their assessment of the proposal. These comments relate to:

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

The EPA is available to meet with DPE at a mutually convenient time to discuss any of the attached comments if necessary. If you have any questions regarding this matter, please contact Mr Paul Wearne on (02) 4224 4100.

Yours sincerely

19/09/18

PETER BLOEM
Manager Regional Operations Illawarra
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Attachment

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ATTACHMENT A

Air Quality

The SEARs require consideration of the *Development Near Rail Corridors and Busy Roads interim guideline (DoP 2008)*. The supporting Air Quality Assessment outlines the air provisions of the guideline, however, its only comment on applying the guideline is that the development location is such that there will be no emission impacts from Windsor Road.

The EIS traffic study indicates Schofields Road will carry traffic flows of over 2,300 vehicles per hour in 2035, approaching the guideline threshold of 2,500 vehicles per hour for which residential building setbacks of at least 20 metres are recommended. While the traffic flows are only predictions, it would be reasonable to consider potential impacts from Schofields Road, which is directly adjacent to development site.

For example, the supporting design quality guidelines consider and address a range of environmental considerations but do not explicitly consider air emissions exposure from Schofields Road. While some of the design proposals may reduce exposure incidentally (for example, varied building textures, space between buildings), it is proposed there will be under 15 metres separation between Schofields Road and residential buildings, with living areas proposed to front the road. Design approaches for housing next to busy roads from the Parramatta Road Corridor Urban Transformation Strategy should be considered. These include:

- Using architectural and design approaches that provide separation from major roads and ensuring habitable rooms of future developments are oriented away from busy roads.
- Where development includes mechanical ventilation (such as air conditioning), ensuring that the air intakes for the ventilation are situated away from pollution sources.

A copy of these measures can be obtained at:
http://www.urbangrowth.nsw.gov.au/assets/Projects/Parramatta-Road/Publications-161109/Strategy-Documents/6.-Implementation-Tool-Kit-Planning-and-Design-Guidelines-November-2016.pdf.

In relation to carbon emissions and sustainability broadly, the EIS objectives explicitly refer to Landcom targets rather than the Greater Sydney Regional Plan and supporting Western City District Plan. The concept should align with these Plans supporting sustainability priorities/actions and objectives. At 96,900 square metres, this precinct development falls just below the 100,000 square metre threshold for the District Plan action on low carbon precincts, that is,

> *Encourage the preparation of low-carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimise car parking provision where an increase in total floor area greater than 100,000 square metres is proposed in any contiguous area of 10 or more hectares.*

The concept provides an opportunity to investigate strategies with Transport for NSW and Landcom in developing a low carbon precinct. DPE may wish to explore this approach with the proponent in collaboration with GSC and other Government Agencies including EPA and OEH.

Noise

A conceptual noise assessment has been provided, however the EPA considers that a more detailed noise and vibration assessment should be undertaken as part of the Stage 2 development application process. This should help identify more rigorous strategies for noise control and management, including construction noise mitigation. The EPA is able to provide feedback to the DPE on the scope of any noise assessment to be included in SEARs for any future detailed SSD application at this site.

The Acoustical Assessment does however identify a number of key recommendations. It is important that these are recognised and built upon in any future assessments. This includes the need for a

validation process to ensure any noise criteria are satisfied or plan be adapted based on any new information.

An integrated and coordinated strategic approaches to planning should be adopted to reduce the noise impacts of population growth and transport infrastructure in metropolitan and regional areas of NSW. Coordinated strategies ensure that land-use compatibility is considered upfront in all planning processes to manage transport noise impacts on public health and amenity. The EPA considers that implementing noise control at a strategic planning level provides the most effective means of minimising noise impacts on communities. This is best achieved by applying the following hierarchical approach to noise control.

1. Spatial separation of incompatible land use through appropriate zoning and placement of activities to minimise noise-related land use conflicts.
2. Minimising noise emissions at source through best practice selection, design, siting, construction and operation as appropriate.
3. Reducing noise impacts at receivers through best practice design, siting and construction.

Sustainable land use planning and careful design and location of development offers the greatest opportunity to manage noise. Noise generating activities and noise sensitive areas should be separated where practicable. For example, separating incompatible land uses with commercial buildings or recreation space or similar will provide a physical barrier and/or spatial separation.

Retrospective control options are usually limited and more expensive, as evidenced by the cost borne by Government to fund the RMS noise abatement program, and the TfNSW freight noise attenuation program.

The EPA encourages strategic land use planning to manage noise from transport projects. The *Rail Infrastructure Noise Guideline* (EPA 2013) (RING) provide guidance in relation to land use planning regarding rail noise issues, whilst the *NSW Road Noise Policy* (DECCW 2011) (RNP) provides a method to manage noise from new and redeveloped road projects, or land use developments generating additional road traffic. The RING and the RNP are generally applied post-approval limiting their effectiveness to manage noise through strategic-land use planning. It is important that consideration is also given to the *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning 2008).

The above guidelines include goals for internal noise to protect residential and other sensitive developments encroaching on to busy road and rail corridors from adverse noise impacts. This guideline recognises judicious land use planning, architectural design, building orientation and good internal layout that can achieve acceptable acoustic amenity in close proximity to busy transport corridors. Consideration should be given to protecting proposed transport infrastructure corridors to minimise the risk of land use conflict during this concept stage to minimise potential noise mitigation requirements at the post-approval phase.

Water Quality

Based on a review of the supporting information it appears that the proposal has not addressed key sustainability priorities in the Western City District Plan., In particular, Planning Priority W12 *Protecting and improving the health and enjoyment of the Districts waterway's.* It is also supported by action 69 "*improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes*". In addition, action 70 "*work towards reinstating more natural conditions in highly modified waterways.*

The NSW Water Quality Objectives (WQO) provide a framework and benchmarks for the community uses and values of waterways and the water quality that is needed to support these. They were developed using the *Australian and New Zealand guidelines for fresh and marine water quality* (2000) and are the NSW Government's endorsed environmental values and long-term goals for NSW's surface waters. Land use changes associated with this new precinct should deliver a

sustainable development outcome that not only supports on-going improvement in the health of these catchments and waterways but also allows the WQO to be met over time where they are not currently being achieved.

The submitted information does not appear to provide details of expected water quality outcomes. It does state that post-development water quality will comply with the generic per cent load reductions in the Blacktown City Council Growth Centres Precincts Development Control Plan (that is, Gross Pollutants 90 per cent, TSS 85 per cent, TP 65 per cent, TN 45 per cent). In addition, the stream erosion index of less than 3.5.

In particular, the EIS states that "*the subsoils are highly erodible as they are very low in organic matter, highly dispersible and occasionally sodic*". Sydney Water has been investigating sustainable flow requirements in the catchment of South Creek revealing that a stream erosion index of 1 let alone 3.5 would result in stream erosion.

It is important that ambient water quality targets for the receiving waters are developed to support WQOs rather than applying generic per cent load reductions that have no reference to receiving water outcomes. Furthermore, these generic targets do not reflect contemporary Water Sensitive Urban Design (WSUD) performance and may not deliver improvements in the health of local waterways being sought by the District Plan. Landcom may also wish to consult with Sydney Water who are investigating flow requirements in the catchment to help inform the South Creek Corridor Project.

The development of the Precinct also provides an opportunity to apply the Office of Environment and Heritage and the EPA's *'Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions'*. This framework can help assist decisions that maintain, improve or restore water quality in the strategic planning process to help meet the NSW Water Quality and River Flow Objectives. The framework can be used to:

- ensure the community's environmental values and uses for our waterways are integrated into strategic land use planning decisions
- identify relevant objectives for the waterway that support the community's environmental values and uses, and can be used to set benchmarks for design and best practice
- identify areas in the catchment where management responses cost-effectively reduce the impacts of land-use activities on our waterways
- support management of land use developments to achieve reasonable environmental performance levels that are sustainable, practical, and socially and economically viable.

Both the Western City District Plan and Greater Sydney Regional Plan recognises the above framework. It is also currently helping to inform discussions in relation to precinct planning in other parts of the South Creek and Hawkesbury/Nepean Catchment including Wilton and South West Growth Areas. A copy of the framework can be found at: *http://www.epa.nsw.gov.au/your-environment/water/polices-guidelines-and-programs*.

The Western City District Plan also recognises the need for prioritising the management of waterways as green infrastructure. This involves:

- reconceptualising waterways as an infrastructure asset that provide environmental, social and economic benefits to communities
- integrating approaches to protecting environmentally sensitive waterways within a network of green infrastructure
- addressing the cumulative impacts of development and land management decisions across catchments to improve water quality and waterway health.

It is important that the planning of this precinct is demonstrating that it is contributing to the South Creek Corridor Plan which is recognised as a key initiative in the Greater Sydney Regional Plan and Western City District Plan.

The EIS states that the site and surrounding areas are classified as having high salinity probability. It also states that previous assessments of salinity undertaken for the Sydney Metro works concluded there was a negligible potential salinity rating, and aggressivity results had a "non-aggressive' rating. However, a recommendation is stated that a Detailed Site Investigation (including salinity testing) should be conducted for the site to confirm the suitability of the site for the proposed development. It is important that DPE discuss with the proponent opportunities on how such an assessment could be best progressed as it may have significant implications on how development could best proceed at the site in the absence of this information.

In relation to Salinity issues in the catchment, DPE may also wish to consult the *"Hydrogeological Landscapes for the Hawkesbury-Nepean Catchment Management Authority, Western Sydney Study Area"* (Oct 2011).

Waste Water Management

The submitted information states that the site is located within the Rouse Hill wastewater system, with wastewater being treated at the Rouse Hill Recycling plant and transferred via a series of sewer pumping stations. This plant treats wastewater to tertiary standards which then recycles back to customers for non-drinking purposes. The EIS also states that the existing wastewater network is within the vicinity of the precinct. It is unclear from the submitted information if the Precinct will be serviced by a duel pipe system to provide treated wastewater. A key element of the supporting Integrated Water Cycle Management Plan is the recognition of treated waste water reuse. DPE should seek clarification from the proponent as a proposal that maximises waste water reuse will be an important sustainability initiative for the Precinct.

Contaminated Land Management

A review of the Phase 1 Preliminary Site Investigation (PSI) Report revealed the following:

- The preliminary site investigation (PSI) report was informed by a site inspection completed by ADE consultants on 16 January 2018, and a literature review of environmental history, conditions and reports.
- The site was reported to be largely covered with fill of up to 8 m above the pre-construction surface, large soil stockpiles, with two dams receiving site runoff. The stockpiles were observed to contain asbestos containing materials (ACM) on the surface and building debris.
- No environmental sampling was undertaken for the preliminary assessment, so the contamination assessment was qualitative in nature.
- The PSI report summarised previous environmental reports, where ACM was reported to be collected from test pits down to 0.15 m below ground level on the site. The PSI concluded that asbestos may be present in fill material around the central dam, as well as any topsoil remaining on site.
- No assessment of groundwater was undertaken, and the PSI report noted there was a lack of information for soils in the deeper profile. A recommendation was made to undertake further assessment of the deeper soils and groundwater should be undertaken for the site.
- The PSI concluded there is low potential for contamination impacts in soil and groundwater as a result of past and present land use, as well as surrounding land use. However, the PSI recommended further investigations of soil (including acid sulfate soils and salinity) and groundwater be undertaken as part of future development applications associated with the proposal. The PSI mentioned areas of focus include the stockpiles, dam footprints, and new imported material.

The submitted information states that based on the information available, it is likely that the site can be made suitable for the proposed development. However, the EIS noted that earthworks were occurring during the contaminated assessment, with extensive cut and fill activities raising the profile of the site by up to 8 m. The EIS then indicated there were constant alterations to the site making it *'problematic to fully assess the site's suitability for future plans of development.'* The EIS recommended a detailed site assessment should be conducted for the site. While the proposal is only conceptual at this time, further contamination investigations will be necessary to fully characterise contamination at the site.

The submitted information also states the presence of ACM fragments on surface of a large topsoil stockpile on the south-west corner of the site. Due to the presence of asbestos, the application should include information that demonstrates that all stockpiles and topsoils are being managed appropriately to ensure they meet regulatory requirements under the *Protection of the Environment Operations Act 1997* (POEO Act). If the material has been brought to the site from off site, an Environment Protection Licence (EPL) may also need to be sought from the EPA. If this is the case, the proponent should consult the *EPA Guide to Licencing* (EPA 2017) A copy of this guideline can be obtained at:
https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/guide-to-licensing

Safework NSW and Blacktown Council may also have additional requirements in relation to the management and use of this waste material.

The EIS also states that approximately 36,500 m2 of fill will be imported from other locations along the Sydney Metro North West site and emplaced up to 5m over the site. All fill materials must be fit for purpose and must meet the specific or general resource recovery order under Clause 91 and 92 under the *Waste Regulation 2014*. Any waste transported from the site must be classified and taken to a lawful facility.

The Urban Design Report presents section and concept plans for the application, which proposes extensive basement car park construction of up to three levels. As there are plans for deep excavation, the EPA considers it is likely that groundwater will be encountered during the construction phase, yet the application has not yet considered how groundwater, seepage waters, and potential contamination in the waters will be managed during excavations or future occupation of the basements. The EPA considers further assessment and planning is required in order to adequately address this issue.

The following recommended conditions of approval are provided for DPEs consideration if the concept is approved.

a) The applicant must undertake a Detailed Site Investigation (DSI), to consider all potential contaminants of concern including but not limited to asbestos. The DSI must include a soil and groundwater investigation, extending to depths of and below the proposed basement levels. The DSI must consider areas of environmental concern including but not limited to the present dam areas, stockpiled soils areas, and provide an imported fill assessment. The DSI must assess suitability of the site for the proposed uses, and provide recommendations for remediation if required. The following guidance, as relevant, must be considered, when assessing contamination at the site:
   - NSW EPA Sampling Design Guidelines
     www.epa.nsw.gov.au/resources/clm/95059sampgdlne.pdf
   - Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
     https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition
   - Guidelines for Consultants Reporting on Contaminated Sites, 2011
     www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
   - The National Environment Protection (Assessment of Contamination) Measure 2013 as amended.

b) Due to the confirmed presence of asbestos at the site, the applicant must demonstrate how all stockpiles and topsoils are being managed appropriately so to ensure safety to human health during the construction phase and is managed in accordance with the POEO Act.

c) The applicant must ensure that all excavated material for planned off-site disposal, including asbestos containing material generated during the works, be classified, handled, and transported to a lawful facility that is authorised to accept the material in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

d) The applicant must ensure that all new fill material being imported onto the site must be fit for purpose and must meet the specific or general resource recovery order under Clause 91 and 92

under the Waste Regulation 2014. The fill must also be managed and classified for proposed use in accordance with NSW EPA approved guidance, to ensure no contamination is being transported onto the site.

e) A detailed unexpected finds protocol must be prepared for the site, as there has been no historical assessment of the deeper soil profile. The applicant should ensure that the protocol includes details of who will be responsible for implementing the unexpected finds protocol and it specifies the roles and responsibilities of all parties involved.

f) The applicant must provide a groundwater and seepage water management plan, to consider management and disposal of potentially contaminated waters encountered during the construction works.

g) If contamination is found at the site, engage a site auditor accredited under the *Contaminated Land Management Act 1997* to review the adequacy of the investigations, unexpected finds protocol, any remedial works or management plan required and/or confirm suitability of the land use.

h) The applicant must ensure that any contamination identified as meeting the trigger in the EPA '*Guidelines for the Duty to Report Contamination*') is notified in accordance with requirements of section 60 of the Contaminated Land Management Act 1997'.

i) The applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

j) The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* must be followed, to assess the suitability of the land and any remediation required in relation to the proposed use.

k) The EPA recommends the use *"certified consultants"*. Please note that the EPA's Contaminated Land Consultant Certification Policy (http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* (CLM Act) to be prepared, or reviewed and approved, by a certified consultant.

Waste Management

In general, the supporting waste management plan is generally a high-level strategy proposing strategies including the use of wheelie bins or bulk bins for the entire development. This would potentially result in hundreds of bin lifts per week (unless they use bulk bins which will reduce the number of bin lifts). While the strategy does mention both options it does not recommend one or the other. Neither does it recommend the use of compactors or chute systems. It further states that any options need to be considered in consultation with council. In this regard, there is no clear recommendation on the desired approach to achieve the best outcome for the precinct.

Ultimately, the proponents will need to consult with Blacktown City Council to ensure that Council can carry out on-site waste collections and that the dimensions of the building entrance and basement etc allows for Councils waste collection vehicles to enter the site and preform required services. With the outcome being potentially a future development that ends up with a very traditional waste and recycling collection system with very little innovation applied. For example, the opportunity to explore vacuum systems.

The EIS states that "*the waste management measures outlined in the Waste Management Report will be taken into account during the detailed design and operation of the future stages of the development*". This will provide an opportunity for further detailed assessment. However, it is recommended that this be expanded to provide a broader piece of work that helps align with the Western City District Plan priorities/actions. This would also help investigate opportunities for more innovative waste solutions for the precinct. The EPA could also be consulted in the developed of this work.