

Attachment 1

1.0 Water

1.1 Construction Phase

1.1.1 Stormwater discharges

The EPA requested that the applicant:

- specifies the design storm of the proposed sediment basins
- assesses the potential impact of construction phase stormwater discharges on the receiving waterways.

The Response to Submissions suggests the appropriate sizing for sediment retention basins discharging to sensitive receiving waterways is the 80th and 85th percentile five-day rainfall event for durations of disturbance of less than and more than six months respectively. Figure 7-2 of the EIS indicates the duration of disturbance is likely to be greater than three years. Managing Urban Stormwater – Soils and Construction, Volume 2D (DECC, 2008) recommends that where the duration of disturbance is greater than three years sediment retention basins discharging to sensitive receiving environments should be designed to achieve the required water quality for storms up to the 95th percentile five-day rainfall event.

The Response to Submissions does not assess the potential impact of construction phase stormwater discharges.

1.1.2 Wastewater discharges

The EPA outlined inadequacies in the construction phase wastewater discharge impact assessment, provided in the EIS, and requested additional information to address these, including a characterisation of discharge quality in terms of typical and maximum concentrations and comparison against relevant guideline values. The Response to Submissions does not provide this information.

The results provided indicate the discharge would increase the ambient concentrations of some already elevated pollutants in the Cooks River, including arsenic, mercury, total nitrogen, ammonia and total phosphorus. If the development is approved, an appropriate wastewater discharge impact assessment would be

required to ensure appropriate practical measures would be implemented to minimise impacts and to inform licence conditions.

1.2 Guidelines values

The EPA noted errors and omissions in the guideline values cited and requested that these be amended. The Response to Submissions notes these errors and omissions, stating that amendment of these issues would not affect the surface water quality assessment.

If the development is approved, the applicant should ensure that the appropriate guideline values are adopted for each receiving waterway when preparing the discharge impact assessments required as conditions of approval.

2 Noise

- 2.1.1 The EPA submission on the EIS for F6 Extension Stage 1 commented on the 'Ancillary construction facilities' (2.2.1 (d)). It noted that the EIS identified significant and ongoing exceedances of the construction noise management levels for out-of-hours works at the Arncliffe construction ancillary facility. The EIS reported the assumed insertion loss for the Arncliffe construction ancillary facility is 10 dB, whereas the insertion loss of the acoustically treated Rockdale construction ancillary facility is 20 dB. The EPA recommended the Arncliffe construction ancillary facility should be acoustically treated, particularly due to the duration of works at this location to manage the risk of acoustic fatigue on the community.

The response in Table A2-1 and in B2.2.4 of the submissions report has not addressed the EPA's recommendation. The response confirms that the Arncliffe construction ancillary facility will be a non-acoustic shed with an assumed insertion loss of 10 dB. Although the response states that it would comply with Noise Management Levels, given that it will operate at night and for a prolonged duration, it is feasible and reasonable to acoustically treat the Arncliffe construction ancillary facility to manage construction noise impacts and construction fatigue on the affected community.

As outlined in the EPA advice, the focus must be on strong community engagement, especially where out-of-hours works are proposed. Even when work complies with relevant noise management levels, there can be adverse community reaction if there is a lack of engagement. Community views must be considered when developing mitigation, and in our role regulating construction noise.

Attachment 2

Recommended Conditions of Consent

Stormwater Discharges

1. Prior to commencement of construction, the applicant must submit a **Construction Phase Stormwater Discharge Impact Assessment**. This assessment must:
 - a) be prepared by a suitably qualified and experienced expert/s
 - b) specify the design storm for each sediment retention basin with reference to Managing Urban Stormwater, Soils and Construction, Volume 1 (Landcom, 2004) and Volume 2D (DECC, 2008)
 - c) demonstrate that appropriate practical measures will be implemented to avoid or minimise water quality impacts
 - d) characterise the expected quality of discharges from each stormwater discharge point in terms of the concentrations and loads of all pollutants potentially present at levels that pose a risk of non-trivial harm to human health or the environment
 - e) assess the potential impact of discharges on the environmental values of the receiving waterways with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality guideline values
 - f) where required, identify practical measures to address impacts

Wastewater discharges

2. Prior to commencement of construction, the applicant must submit a **Construction Phase Wastewater Discharge Impact Assessment**. This assessment must:
 - a) be prepared by a suitably qualified and experienced expert/s
 - b) demonstrate that appropriate practical measures will be implemented to avoid or minimise water pollution impacts
 - c) characterise the expected quality of discharges from each wastewater discharge point in terms of the concentrations and loads of all pollutants potentially present at levels that pose a risk of non-trivial harm to human health or the environment
 - d) assess the potential impact of discharges on the environmental values of the receiving waterways with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality guideline values
 - e) include consideration of potential acute impacts and bioaccumulation.
 - f) where required, identify practical measures to address impacts.

Guideline values

3. The applicant should ensure that the appropriate guideline values are adopted for each receiving waterway when preparing the discharge impact assessments required as conditions of approval.

Waste

1. The Applicant must prepare and implement a **Construction Waste Management Plan** (CWMP) for the Project that includes (at a minimum):
 - a) The quantities of each waste type generated during the Project;
 - b) The waste classification of each type of waste generated during the Project (in accordance with the EPA's Waste Classification Guidelines);
 - c) The source location(s) for all waste generated (recorded using latitude and longitude coordinates);
 - d) The destination location(s) for all waste generated (recycling, reuse and disposal);
 - e) Details of any waste that is subject to a Resource Recovery Order and/or Exemption, and demonstration that the waste has meet the requirements of the Order and/or Exemption;
 - f) Evidence demonstrating that all waste subject to a Resource Recovery Exemption has been transported to a place that can lawfully accept that waste type;
 - g) Disposal records for all waste disposed under the CWMP and evidence demonstrating each facility that lawfully accept that waste type.
2. The CWMP must be implemented for the duration of the Project, and must be updated as the Project progresses, at a minimum with comparisons showing the proposed waste quantities and waste types against the actual waste quantities and waste types; intended reuse or disposal locations against actual reuse and disposal locations.
3. The Applicant must conduct monthly "spot checks" of the CWMP while it is in effect (being while the Project is being undertaken and not after) to ensure that all waste is being managed, transported, reused, recycled or disposed in a lawful manner. The spot checks can take the form of desktop investigations (such as contacting disposal facilities directly, reviewing waste disposal dockets, reviewing exemption requirements against particular loads of waste, reviewing environment protection licenses); or site inspections to reuse or recycling locations. All spot checks must be documented as part of the CWMP.

Contamination

1. All reports submitted in relation to contaminated land management must be prepared, or reviewed and approved, by a 'certified consultant' who is a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The quality information section of a report submitted, is to include the details of the consultant's certification, which should include a personalised electronic seal for either the CEnvP(SC) scheme or CPSS CSAM scheme.
2. The applicant to engage certified consultant/s to develop a **Sampling and Analysis Quality Plan**. The applicant must submit an interim audit advice prepared by an EPA accredited site auditor determining the Sampling and Analysis Quality Plan is appropriate, before the sampling and analysis quality plan is implemented.
3. The applicant must conduct detailed site investigations for areas identified as medium and high risks within the project footprint, especially the landfill areas. Landfill gas assessment must be included as part of detailed site investigations.
4. The detailed site investigations should include per- and poly-fluoroalkyl substances in the list of substances to be analysed, unless proven to be not an issue for the project footprint.
5. The applicant must prepare an **Unexpected Finds Protocol** (UFP). The UFP should include detailed procedures for identifying and dealing with unexpected finds. The applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.
6. Where contamination which results to unacceptable risks to human health or the environment is discovered during the works, the applicant must prepare a **Remediation Action Plan** (RAP). The RAP must be prepared by certified consultant/s.

7. The applicant is to engage a site auditor accredited by the EPA under the Contaminated Land Management Act (CLM Act). The site auditor should be engaged to provide a Section A **Site Audit Statement** (SAS) and accompanying **Site Audit Report** (SAR) certifying suitability of the land for the proposed land use. (*Note: By engaging a site auditor to provide a Section A SAS, the site auditor will review the adequacy of the investigations, Unexpected Finds Protocol, any remedial works or management plan required and confirm suitability of the land use.*)
8. The following guidance, as relevant, must be considered when assessing contamination within the project footprint:
 - a) Technical Note: Investigation of Service Station Sites, 2014
<http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites>
 - b) NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
 - c) 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>
 - d) Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 - e) The National Environment Protection (assessment of contamination) Measures 2013 as amended.
9. 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 [*note that this would render the applicant the 'person responsible' for the contamination under section 6(2) of CLM Act*].
10. The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the **Guidelines for the Duty to Report Contamination**.
(www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)