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EPA Submission on Planning Advice Request

Dear Mr Schwebel

Thank you for the request for advice from Public Authority Consultation (PAE-10315391), requesting the NSW Environment Protection Authority's (EPA) input on the GPT Industrial Estate located at Lots 59-60 in DP 259135, Kemps Creek (SSD-10272349), Penrith LGA.

Please find the EPA's comments and recommendations in the attached submission.

If you have any questions about this advice, please contact Rhys Inez on (02) 9995 6359 or via email at rhys.inez@epa.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Erin Barker'.

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NSW Environment Protection Authority (EPA) Submission on Secretary's Environmental Assessment Requirements (SEARs) for proposed GPT Industrial Estate (Application SSD-10272349) at Lots 59-60 in DP 259135, Kemps Creek, NSW

Public Authority Consultation (PAE-10315391)
29/10/2020

The EPA has reviewed the following documents:

- Request for Secretary Environmental Assessment Requirements - GPT Industrial Estate (Version 3) – Urbis Pty Ltd – 21/10/2020

The EPA understands the proposal is for:

- Concept masterplan comprising five (5) industrial warehouses, internal road network, 25m riparian zone, building location, GFA, setbacks, car parking and built form parameters.
- Stage 1 consent for:
 - Construction and use of Warehouse 3 for the purposes of other manufacturing industries and/or warehouse and distribution centres which will operate 24 hours/day, seven days/week;
 - Provision of site servicing infrastructure to allow the operation of the industrial unit for warehouse and distribution and/or other manufacturing industries;
 - Bulk earth works;
 - Construction of retaining walls;
 - Internal road network (north-south);
 - Associated carparking;
 - Signage; and
 - Landscaping to the site and adjacent E2 Zone.
- Stage 2 of the Estate, including construction of warehouse buildings 1, 2, 4 and 5 will be subject to separate development applications.

The proposal has not specified what the warehouse buildings or distribution centres will be used for and on the basis of this information the EPA is unsure if licencing of activities to be carried out would potentially be required under the *Protection of the Environment Operations Act 1997*. The [EPA Guide for Licensing](#) should be consulted further on this matter to help guide future development at the site.

The EPA has the following additional comments and recommendations:

1. Matters to be addressed prior to determination

a. Air Quality

The Western City District Plan includes as an objective under a sustainable and resilient city, “*exposure to natural and urban hazards is reduced*”, and states that, “*effective planning can reduce the exposure to natural and urban hazards*”. Urban hazards are identified as including; noise, air pollution and soil contamination.

The NSW Governments submission on the Western Sydney Airport draft EIS and Airport Plan dated the 17 December 2015 stated that the EIS had not fully explored the cumulative air quality impact of the airport in relation to urban development in Western Sydney. It also advised that Western Sydney's geography poses unique problems for air quality because the South Creek Valley traps pollution under certain meteorological conditions.

As stated in the Greater Sydney Regional Plan *A Metropolis of Three Cities*, it states that *although Greater Sydney's air quality is good by world standards, air pollution can exceed national standards at times and continues to have an impact on human health. Even if air pollution is maintained at current levels, population growth in the north west and south west of Greater Sydney, which has greater exposure to air pollution, raises the risk of more people being exposed to pollution.* This will also be further exacerbated with climate change.

The Concept Plan would benefit from a supporting air quality study to help identify management approaches for air quality that can help deliver expected planning outcomes for the precincts that support liveability and public health outcomes and reduces exposure to urban hazards. The greatest benefits to public health come from reducing long-term exposure to air pollution, particularly in highly populated areas. This is not only at a local level but also across Greater Sydney where local strategies are also needed to address cumulative air quality issues.

This can be achieved in several ways:

- Delivering energy efficient buildings
- Minimising private vehicle use by promoting active transport opportunities and access to local services and employment
- Minimise exposure to existing and likely future sources of air pollution
- Minimise industrial and commercial emissions by avoiding new emissions sources and utilising best practice emission controls
- Restricting wood heaters through appropriate controls
- Avoiding land use conflict between sensitive uses and local emissions sources
- Controlling air emissions from construction sites and construction plant/equipment

There is a range of work being undertaken for the planning of the Western Sydney Aerotropolis that could assist to help inform the planning of the precinct. In the developing the study there is a range of EPA guidance available at <https://www.epa.nsw.gov.au/your-environment/air> that should be consulted.

b. Water Quality

The Concept Plan should include strategies to protect and improve the health of the South Creek Catchment to support the vision and aspirations being sought for the Parkland City. In this regard the planning proposal should provide supporting information that can demonstrate that the proposal contributes to the achievement or protection of the NSW Water Quality Objectives (WQO) for the South Creek catchment. These WQOs underpin the South Creek Corridor Strategy that is informing the planning of the WS Aerotropolis. These WQOs provide a framework and benchmarks for the community uses and values of waterways and the water quality that is needed to support these.

The Western City District Plan include actions to improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development. Implementation of this action is supported through application of the OEH/EPA Risk based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions (Risk-based Framework). This Risk-based framework is

helping to inform the planning of the Western Sydney Aerotropolis. To compliment this work, the planning proposal should include information that includes but is not limited to the following:

- Provide an assessment of any potential impacts of the proposal on local hydrology and hydrogeology with a particular focus on water quality using the Risk-based framework to help inform the design of water management and associated infrastructure needs and identify practical, cost effective management actions for supporting waterway health outcomes that reflect the community values and uses of the waterways.
- Provide a concept Stormwater Management Plan outlining the general stormwater management measures for the proposal, including the use of sustainability measures such as Water Sensitive Urban Design to create more resilient and adaptable urban environments supported by green infrastructure. This should also include approaches to reduce impervious areas to provide greater infiltration taking into account any land capability issues such as salinity and land contamination issues if present. This should also include measures for ongoing maintenance including any associated funding approaches for ongoing management for any water management measures.
- Outline opportunities that help deliver integrated water cycle management that includes sustainable water supply, wastewater and stormwater management and reuse and recycling initiatives where it is safe and practicable to do so and provides the best environmental outcome. The proponent may wish to undertake discussions with Sydney Water on current planning occurring in relation to the South Creek Water Factory in servicing the site with treated recycled wastewater.
- Explore opportunities for the stormwater management system to include measures (including retention and capacity) to help respond to any pollution incidents (including fire water) due to the sensitivity of the receiving environment.
- Drive improved sustainability outcomes through design excellence or incentives which incorporates WSUD and sustainable built form (for example, deliver green roofs and walls). This could include promoting the use of green building ratings tools, for example NABERS, Green Star Communities and programs such as Sustainability Advantage etc.
- Written advice should be sought from Sydney Water confirming whether there is adequate capacity in the existing sewerage system to cater for additional loads and the systems environmental performance will not be compromised. This includes sewage overflows from any sewage pumping stations and discharges from any associated sewage treatment plant. The EPA's policy is that for new systems, there should be no pollution of waters as a result of overflows during dry weather and that overflows during wet weather should be avoided.
- A Soil and Water Management Plan should be developed and implemented prior to construction in accordance with the *Managing Urban Stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of Services; B. Waste Landfills; C. Unsealed Roads; D. Main Roads; E. Mines and Quarries) (DECC 2008)*.

c. Noise

It is important that the design of the precinct includes identified measures to manage any noise-based land use conflict issues as such industrial estates can have the potential to generate a range of noise related issues. The potential to address noise issues retrospectively following development can be challenging and expensive to resolve and lead to community complaint, especially as this proposal interfaces with an existing rural residential area.

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 and/or introducing barriers, for example non-sensitive buildings 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 (including those with night time operations) or recreation space or similar will provide a physical barrier and / or spatial separation. Retrospective control options are usually limited and more expensive.

The Concept Plan should be supported by an acoustical assessment prepared by a suitably qualified acoustical consultant. In developing the assessment, the (*Noise Policy for Industry EPA 2017*) should be consulted. In this case, where a proposal is seeking approval for a Concept Plan for an industrial precinct in the vicinity of a rural residential area, such an assessment provides an opportunity to explore innovative approaches such as a noise management precinct. The benefit of such an approach is it allows new development without causing further noise impacts in areas where noise levels might already be above desired levels. It also has the potential to be used to manage legacy noise issues associated with industrial land that is close to residential areas. Further information is provided in the above EPA Noise Policy for Industry guideline

Guidelines including the *NSW Road Noise Policy* (DECCW, 2011) and the *Rail Infrastructure Noise Guideline* (EPA, 2013) provide guidance in relation to land use planning to manage road and rail noise respectively. These complement planning guidance provided in the *Development near rail corridors and busy roads – interim guideline* (Department of Planning, 2008). These policies and supporting guidelines should also be consulted in the development of the assessment.

Any requirements for the development of a construction management plan should include any noise management requirements being developed in accordance with the *NSW Interim Construction Noise Guideline* (DEC2009).

d. Contaminated Land Management

While the site appears to be currently rural, it may have been used for a range of activities over time that have had the potential to cause land contamination. The State Environmental Planning Policy 55 (SEPP) states that as part of any land use change process the following key considerations should be addressed when preparing an environmental planning instrument:

- Whether the land is contaminated
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used; and
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

A contemporary contamination land assessment should be undertaken to inform the Concept Plan in accordance with the *State Environmental Planning Policy 55 – Remediation of Land and guidelines* made or approved by the NSW EPA under the *Contaminated Land Management Act, 1997*. If historical information suggests that activities have been carried out across the site which may have caused significant site contamination, the services of an accredited site auditor should be engaged.

e. Waste Management

The EPA understands that the Concept Plan may need to be supported by a Development Control Plan. In this regard the *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008) should be consulted. This guideline provides suggested planning approaches and conditions for planning authorities to consider at the development application phase in relation to waste minimisation and resource recovery. This includes consideration of demolition and construction waste and the provision of facilities and services to allow the ongoing separation, storage and removal of waste and recyclables. This guideline is currently being reviewed to be made contemporary.

To inform the development of the Concept Plan a Waste and Resource Recovery Plan (Plan) should be developed by a specialist in environmental and/or waste management. The Plan should include a vision and strategy for how waste and recycling can be managed in an integrated way across the industrial precinct. This includes construction through to the operation stage. The Plan should be informed by the following principles which should guide and underpin the planning and design of waste and resource recovery systems.

Design objective 1: Environmental sustainability and best practice

Developments meet requirements for long-term sustainability and best practice when:

- *systems are designed to maximise waste separation and resource recovery.*
- *innovative and best practice waste management collection systems and technologies are considered and supported where appropriate.*
- *flexibility in design allows for future changes in waste generation rates, materials collected and methods of collection.*

Design objective 2: Effective waste and resource management

Developments achieve effective waste and resource management when:

- *waste services can occur in a seamless and timely manner.*
- *collection points, street widths and street configurations, especially in new subdivisions and precinct developments, allow for waste to be removed safely and conveniently.*
- *the distance residents are required to travel to dispose of waste is minimised.*
- *functional and convenient storage spaces are provided for waste and recycling, including temporary*
- *storage areas for bulky materials like cardboard boxes and bulky household waste.*

Design objective 3: Clean, safe and healthy living environments

Developments protect and enhance the quality of life for the community when:

- *negative impacts on amenity for residents, neighbours and the public, such as visually unpleasant*

- *waste storage areas, noise from waste collection including traffic noise and bad odours, are minimised.*
- *illegal dumping and litter from bins are minimised through good planning and installation of adequate storage and waste recovery infrastructure.*
- *safe and easy to access waste and recycling storage areas are provided for residents, tenants, building managers and collection contractors.*

Design objective 4: Affordability

Developments provide affordable living and working when:

- *careful design and construction prevent costly retrofits.*
- *operational waste management is cost-effective for residents and tenants.*

In addition, the following guidelines should be consulted in any waste planning to support the concept plan:

- *Better Practice for Public Place Recycling*
- *Better Practice Guide for Multi-unit Dwelling*
- *Construction and Demolition Waste: A Management toolkit;*
- *Owner's Guide to Lawful Disposal of Construction and Demolition waste*
- *Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities*

f. General Matters

In developing the site (including during construction) the proponent will need to ensure they comply with the *Protection of the Environment Act 1997* and its supporting regulations.

This concludes the EPA's submission on the proposal.

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