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Department of Planning, Industry and Environment
PO Box 5022
PARRAMATTA NSW 2124

Email: nathan.heath@planning.nsw.gov.au

Attention: Nathan Heath (Social and Infrastructure Assessments)

Dear Mr Heath

Request for Advice - Moorebank Intermodal Precinct West - Stage 3 (SSD-10431)

I refer to your referral on 27 April 2020 inviting the Environment Protection Authority (EPA) to advise on this proposal, including advice on recommended conditions by the due date. The Stage 3 proposal incorporates Lot 1 DP 1197707, and Lots 100 and 101 DP 1049508.

The Stage 3 proposal seeks approval for the following works:

- Establishment of a works compound that will be used to facilitate Moorebank Precinct West (MPW) early works;
- Subdivision of the MPW site into nine allotments for the purposes of creating separate lots of the interstate freight terminal, future warehousing, rail link corridor and a biodiversity conservation area;
- Ancillary works including access roads, earthworks, utilities, stormwater and drainage, signage and landscaping; and
- Importation and placement of clean fill material to the site to achieve a finished surface level of 16.6m AHD.

The EPA has reviewed the key environmental issues identified in the environmental impact statement (EIS) for the Stage 3 proposal. The EPA's comments and recommendations are provided in **Attachment A**.

If you have any queries regarding this matter, please contact Michaela Burgess on (02) 8217 2055.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lesley Corkill'.

5 June 2020

LESLEY CORKILL
Unit Head, Regulatory Operations – Metro West
Environment Protection Authority

Attachment A - EPA's comments and recommendations

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW
2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

Attachment A - EPA's comments and recommendations

Moorebank Intermodal Precinct West - Stage 3 (SSD-10431)

General Recommendations:

The Moorebank Intermodal Precinct (MIP) is a complex facility with a number of approved development consents which run concurrently for both the Moorebank Intermodal Precinct East (MPE) and Moorebank Intermodal Precinct West (MPW). The EPA's overarching advice in relation to the Stage 3 proposal is that the cumulative impacts of the construction and operation of the MIP should be carefully considered and managed via appropriate conditions of consent and management plans. Additionally, several conditions of consent for MPW – Stage 2 (SSD 7709) should be replicated for the Stage 3 proposal.

Noise

The EPA notes that the SEARS for the Stage 3 proposal state that the assessment should include operational noise and a cumulative assessment. The noise impact assessment (NIA) for the Stage 3 proposal includes an assessment of construction noise only, not operational noise. The justification in the NIA is that there is no anticipated change to predicted operational noise levels. The EPA notes that some changes, such as the smaller allotments and the importation of fill, have the potential to change the operational noise impact and therefore should have been included in the NIA.

The NIA states that aspects of the MIP that were previously assessed are not assessed in the Stage 3 proposal. For example, Section 6.1.1 of the EIS states *"this assessment has only directly assessed this [bulk earthworks] portion of the MPW construction works. The potential noise impacts from the ancillary works associated with the Proposal have been assessed in the MPW Concept NV assessment and MPW Stage 2 NV assessment."* The NIA also states that some works will be completed before Stage 3 commences, other works will be undertaken concurrently with Stage 3. The Stage 2 Cumulative Program (July 2017) indicated that there may be some operation of MPE during 2020. The cumulative assessment in the MPW Stage 3 NIA only considers any cumulative construction works with MPE, based on predicted noise levels from earlier reports. This creates difficulty in assessing the overall cumulative impacts of the MIP.

Condition B129 of SSD-7709 states that a noise wall is to be constructed along the western side of the internal road that is proposed in Stage 3 to be used as the haul road to the works compound. It is not clear if the Stage 3 modelling for construction traffic along this haul road included the noise wall as built or unbuilt. The noise wall should be built prior to any proposal for out of hours construction works, to mitigate the potential impact to residential receivers at Casula.

Specific Recommendations:

The NIA should include a clear timeline of works which are occurring across the Moorebank Intermodal Precinct to allow for a comprehensive cumulative assessment of noise impacts.

Notwithstanding, no additional conditions are recommended for the Stage 3 proposal. It is recommended that the noise conditions, including standard construction hours for MPW – Stage 2 are replicated in the consent for the Stage 3 proposal.

Air Quality

The EPA notes that the MPW – Stage 2 approval permits the importation of 1,600,000m³ cubic metres of fill. This poses a risk of dust from materials handling and vehicle movements.

Section 18.3 of the EIS for the Stage 3 proposal states that an estimated 280,000m³ of unconsolidated clean fill is proposed to be imported for compaction, and approximately 540,000m³ of structural fill for warehouse pad completion. It is unclear if the fill material intended to be imported for Stage 3 is in addition to, or included within the 1,600,000m³ which has been approved for MPW – Stage 2.

Specific Recommendations:

The following recommendations are provided:

- clarification is needed about the total amount of fill material intended to be imported for MPW across Stages 2 and 3
- controls need to be placed on the type of fill material imported to the site for the development. The type of fill material to be imported must be restricted to virgin excavated natural material (VENM) which has been appropriately classified in accordance with the *Waste Classification Guidelines* (EPA 2014) and/or or material that meets all of the requirements of a Resource Recovery Exemption and Order issued by the EPA.
- importation of fill across the MIP should not exceed 22,000m³ on any given day
- appropriate management plans must be in place to ensure all activities conducted at MIP (including the stockpiling of fill material and bulk earthworks) are undertaken by such practical means to avoid or minimise the emission of air pollutants, including dust.
- conditions relating to air quality for MPW – Stage 2 should be replicated in the consent for the Stage 3 proposal.

Soil and Water Quality

The EIS for Stage 3 and accompanying report *MPW3 Soil and Water Management Plan – SSD 10431* dated 24 April 2020 (SWMP) provide an overview of previous assessments undertaken, potential impacts and proposed mitigation measures.

The assessment of impacts appears to rely primarily upon assessments undertaken for MPW – Stage 2 and the implementation of post approval documents including the *Construction Soil and Water Management Plan* and *Stormwater Development Design Report*. These post approval documents did not accompany the Stage 3 proposal.

Based on the documents provided, the EPA is unable to review potential impacts to soil and water quality for the Stage 3 proposal beyond highlighting the following matters:

- There appears to be some inconsistencies between the Stage 3 proposal and what has been assessed in the SWMP. Specifically, the Stage 3 proposal outlines the importation of an estimated 280,000m³ of unconsolidated clean fill for compaction, and approximately 540,000m³ of structural fill for warehouse pad completion. The SWMP states “*there are no bulk earthworks proposed as part of the compound construction. Refer to SSD7709 SSDR documentation for earthworks methodology.*”.
- The SEARS for the Stage 3 proposal state that an assessment of soil and water impacts must include a bulk earthworks strategy detailing the volume of spoil to be extracted from the site, planned reuse and amount of material to be imported. This requirement does not appear to have been addressed in the EIS or the SWMP.
- The EPA notes that the EIS and SWMP outlines that the Stage 3 proposal is outside of the 100-year average recurrence interval and probable maximum flood extent and no flooding impacts are expected to arise, nor is the Stage 3 proposal anticipated to adversely impact stormwater quantity or stormwater quality objectives.
- An Erosion and Sediment Control Plan for construction works should be prepared in accordance with the *Blue Book Managing Urban Stormwater: Soils and Construction (2004)*, published by the NSW Government. The plan must show how dust, sediment and erosion will be controlled to prevent air pollution and water pollution.

Contamination

The EIS for Stage 3 and accompanying report *MPW Stage 3: Geology, Soils and Contamination Impacts Assessment* prepared by JBS&G dated 3 April 2020 provides an overview of works completed to date in relation to contamination assessment and management.

The EPA notes that the report outlines all remediation in the Stage 3 proposal area, which was identified in previous remediation action plans has been completed, except for one stockpile location. The contamination risk for the Stage 3 proposal is intended to be managed through the implementation of a Contamination Management Plan (CMP), reportedly developed in consultation a site auditor.

Specific Recommendations:

The following recommendations are provided:

- Implementation of the *Contamination Management Plan (CMP), Moorebank Precinct West* (April 2020) developed by EP Risk Management Pty Ltd is included a condition of consent. The EPA has not reviewed the CMP because it was not provided with the EIS. It is recommended that the condition of consent require the proponent to engage a NSW Accredited Site Auditor to review the appropriateness of the CMP.
- If the site-wide *Long Term Environmental Management Plan* is to be revised as part of the development, a condition of consent should be including requiring that the proponent engage a NSW Accredited Site Auditor to review the appropriateness of the plan.
- Conditions relating to contamination and remediation for MPW – Stage 2 should be replicated in the consent for Stage 3.