



Our reference: EF14/6056:DOC15/266092:PW
Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Environment
Metropolitan Projects
(Attention: Natasha Harris)
PO Box 39
SYDNEY NSW 2001

Department of Planning
Received
14 AUG 2015
Scanning Room

Dear Ms Harris

**MODIFICATION APPLICATION TO THE STATE SIGNIFICANT DEVELOPMENT AT THE M2 SITE
WITHIN THE NORTH RYDE STATION URBAN ACTIVATION PRECINCT (SSD 5093 MOD 1)**

I am writing in reply to your request for comment on the above modification received by the Environment Protection Authority (EPA) on 15 July 2015. This application seeks to relocate the alignment of an existing gas main onto Roads and Maritime Services land and road reserve.

In general, the proponent should ensure that the proposed development complies with the requirements of the Protection of the Environment Operations (POEO) Act 1997 and its associated regulations. The EPA has attached some general guidance for Department of Planning and Environment's consideration in its assessment of the proposed development (Attachment A). These relate to the following key issues:

- EPA Licensing and Regulation
- Construction Environmental Management Plan.

If you have comments regarding the above, please phone the above contact officer on (02) 4224 4100.

Yours sincerely

11/8/15

PETER BLOEM
Manager Illawarra
Environment Protection Authority

Att

ATTACHMENT

1. EPA Regulation

The EPA recommends the proponent undertake a review of all activities associated with the development and determine whether any licensing under the POEO Act is required, if consent is granted. The Appropriate Regulatory Authority (ARA) for these activities under the POEO Act (if approved) should also be identified. For example, if the activity is undertaken by Roads and Maritime Services (RMS) the EPA would be the ARA. However, if the activity is undertaken by a contractor such as AGL on RMS owned land, the local Council will be the ARA for matters regulated under the POEO Act.

Further information on EPA licensing requirements and ARAs can be found in the EPA Guide to Licensing. A copy of this guideline is available at: <http://www.epa.nsw.gov.au/licensing/licenceguide.htm>.

If EPA licensing is not required under the POEO Act, the proponent still has a responsibility to ensure all activities undertaken at the site comply with the requirements of the POEO Act and its associated regulations. This must include but not necessarily be limited to the following:

- Prevent pollution of waters
- Prevent land pollution
- Ensure activities are not carried out in an environmentally unsatisfactory manner. "*Environmentally unsatisfactory manner*" is defined in Section 95 of POEO Act
- Ensure the EPA is notified of any pollution incidents that may cause or threaten material harm to the environment. Any notification must be reported to Environment Line on 131 555.

2. Construction Environmental Management Plan

The submitted information states the Construction Environmental Management Plan required by Condition B3 of SSD_5093 will be updated to include information on remediation of disturbed areas. The EPA recommends that the plan should be reviewed to ensure the plan and any proposed mitigation measures are made contemporary and adequate to address the proposed gas main realignment. In this regard, the plan should include but not necessarily be limited to the following matters:

- 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).
- Measures should be identified that prevent or minimise dust emissions and prevent the emission of offensive odours from the site.
- Any potential noise impacts associated with construction should be assessed and any appropriate noise mitigation measures identified and implemented. Any local residents or noise sensitive receivers should be considered. In this regard, we recommend the proponent consult the *Interim Construction Noise Guideline (DECC, 2009)*. A copy of this guideline is available at: <http://www.environment.nsw.gov.au/noise/constructnoise.htm>.
- An assessment should be undertaken of any potential land contamination as the proposal involves disturbance of land in the road verge. A range of activities can result in land contamination and cause significant environmental and health risks if the land is not appropriately investigated, remediated and validated for its proposed land use. In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:
 - *Contaminated Land Management Act 1997*
 - *Contaminated Land Management Regulation 2013*
 - *State Environmental Planning Policy 55 – Remediation of Land.*
- Any waste generated during construction needs to be classified in accordance with the EPA's *EPA Waste Classification Guidelines* (DECCW 2009) and managed in accordance with that classification and any relevant legislative requirements. DPE should also consult the *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008) to assist in guiding the development of suitable waste conditions.

- Any bunding or spill management should be in accordance with EPA guidelines. A copy of this guideline is available at: <http://www.epa.nsw.gov.au/mao/bundingspill.htm>.
- Contingency plan to manage any unintended or unpredicted impacts.
- Measures to address any environmental emergencies.
- Awareness training of employees and contractors of their environmental obligations.
- Communication strategies that involves reporting of any incidents and outcomes of monitoring to ARAs and the local community.
- Compliance strategies to conditions and management plan requirements are being satisfied
- Complaint handling systems that provides a 24 hour contact for the community and ARAs.