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Ms Melissa Rassack
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Email: Melissa.Rassack@planning.nsw.gov.au

Dear Ms Rassack

Mamre Road Precinct Rezoning – Western Sydney Employment Area

I am writing in reply to your email to the Environment Protection Authority (EPA) dated 16 January 2020 inviting comments on the above draft rezoning package.

The EPA has attached some comments to assist DPIE (Planning) in the assessment of this proposal. These relate to the following issues:

- EPA Licensing and Regulation
- Water Quality
- Air Quality
- Noise and Vibration
- Waste Management
- Contaminated Land Management.

If you have questions regarding the above, please contact us on (02) 4224 4100.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Bloem', followed by the date '21/01/20' written in a similar cursive style.

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Attachment

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ATTACHMENT A

1. EPA Licensing and Regulation

The proposed rezoning will appear to permit a range of industries and there appears to be limited information on these future uses and associated environmental issues.

There are a range of scheduled activities under the *Protection of the Environment Operations (POEO) Act 1997* that could be accommodated under this proposal. The assessment and approval process for any future activities should be clearly understood. This includes the need for any EPA licensing and who will be the Appropriate Regulatory Authority for these activities under the POEO Act, if approved. Further information can be found in the EPA [Guide to Licencing](#).

2. Water Quality

The environmental outcome for the project should ensure:

- there is no pollution of waters (including surface and groundwater) except in accordance with an Environment Protection Licence (EPL).
- It provides development that maintains or restores the community's environmental uses and values of water through the achievement of the relevant NSW Water Quality and Flow Objectives.
- It promotes integrated water cycle management that optimises opportunities for sustainable water supply, wastewater and stormwater management and reuse initiatives where it is safe and practicable to do so.

The precinct rezoning should document how the above outcomes will be achieved. This should include consideration of the following:

- DPIE (Planning) is encouraged to use the Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions (Risk-based Framework) to determine appropriate actions for managing waterways within the precinct. Objectives should be included to maintain or enhance water quality and waterway health to achieve the high-level goals and meet community environmental values and uses for waterways set out in the NSW Water Quality and River Flow Objectives.
- Details on proposed stormwater management, including Integrated Water Cycle Management (IWCM) / Water Sensitive Urban Design (WSUD) and how stormwater will be managed during the construction phase.
- The role of water more generally in the landscape should be an important consideration, with proposed initiatives and actions that involve promoting the delivery of greener infrastructure, open spaces, and tree canopy. This will only be exacerbated with climate change and urban heat. For example, the successful establishment of a street tree will be dependent on water and if appropriately designed, a street tree pit can also provide water quality improvement to stormwater.
- The rezoning should recognise the importance of contributions in delivering key infrastructure. Any review of contribution or funding approaches should also include stormwater infrastructure and associated water quality devices. Water quality devices will also require ongoing maintenance to ensure ongoing performance.
- Any connection of the proposed precinct to the existing Sydney Water sewerage system should be clearly understood. This should include whether it can cater for any new additional load and its impact on the system's environmental performance (especially in relation to sewage overflows from any existing 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 minimised. Sewage overflows have been identified as one of the major contributors to diffuse source water pollution in urban environments.

DPIE (Planning) may also wish to have a conversation with Sydney Water more broadly regarding the role of treated wastewater and stormwater as part of an investigation into promoting integrated water cycle management. In particular how the rezoning could compliment Sydney Water's Western Sydney wastewater strategy.

3. Air Quality

The environmental outcome for the project should ensure:

- emissions do not cause adverse impact upon human health or the environment
- no offensive odour beyond the boundary of the premises
- compliance with the requirements of the POEO Act and its associated regulations
- maintains or improves air quality to ensure National Environment Protection Measures for ambient air quality are not compromised
- any dust emissions are prevented or minimised.

Strategic land use planning is critical to minimise the public health impacts that can arise from co-locating sensitive developments (such as residential, child care, aged care) with roads or other activities that have high air or noise emissions. Ensuring that proponents address the air quality protection principles in "[Development near rail corridors and busy roads – interim guideline](#)" for residential and other sensitive developments along transport corridors will improve health and liveability in these developments. DPIE (Planning) may wish to adopt these principles in its planning controls especially in response to actions that involve protecting future transport corridors. Implementing setbacks and design excellence for sensitive development along major roads in accordance with the Interim Guideline has multiple co-benefits. This includes but not necessarily limited to:

- increased green space at the interface of roads helps reduce air quality impacts by providing filtration of air pollutants, mitigation of urban heat and creation of healthier environments for active transport
- compliments and contributes to tree canopy targets.
- can address overshadowing of roadways which contributes to poor public and pedestrian amenity and discourage social interactions within the community
- minimise risks of canyoning which can impact air quality and can contribute to poor liveability and public health outcomes.

DPIE (Planning) may also wish to explore approaches being undertaken for the [Parramatta Road Transformation Project](#) to help guide some of the key areas undergoing transformation adjacent to existing or new transport corridors.

There are some key areas of industrial land in the LGA which have a high and moderate potential for land use conflict (see GSC Sustainability Profile Map 37 [employment and urban service lands that present a high or moderate potential for land use](#).) These lands require careful planning in relation to new industrial activity or adjoining sensitive development such as housing in order to prevent land use conflict.

Rural lands require careful planning in relation to new or existing agricultural activity or adjoining sensitive development in order to prevent land use conflict. DPIE (Planning) may wish to explore a range of management options. These could include:

- Consulting Chapter 5 of the [Technical Framework: Assessment and Management of Odour from Stationary Sources in New South Wales](#). This chapter provides guidance on some of the options available for avoiding and mitigating potential or existing odour impacts including, but not limited to avoiding odour through land use planning

- Considering innovative approaches such as “reverse sensitivity analysis”. This approach is used successfully in the [New Zealand planning system](#) to help inform the planning of areas as they transform to manage land use conflict.
- Consulting the discussion paper: *The Future of Agriculture and Food Production in Sydney* (March 2017) prepared by Sydney Agriculture Strategic Approaches Working Group which is facilitated by NSW DPI (Agriculture). This paper discusses a range of options in relation to the management of land use conflict.

Best available emission controls should be implemented for new development. For example, distributed energy can be an option available to minimise energy costs. However, some distributed energy sources, such as co-generation gas turbines, are significant emitters of nitrogen oxides (NOx), if not designed to limit emissions. Please see [EPA policy](#) on best practice for these activities for more information.

Development can also include sustained use of construction machinery driven by diesel engines. Non-road construction equipment such as diggers, backhoes, generators and borers, are not subject to the Australian emission standards that apply to registered or on-road equipment, such as freight carriers. The Government’s Air Emissions Inventory has established that construction equipment constitutes a significant source of air pollution in the Sydney basin. Where government equipment or contracts are involved, air emission standards for mobile non-road diesel equipment and plant should apply under the [NSW Government Resource Efficiency Policy](#). Further information on best [practice diesel emissions](#) management is available on the EPA website.

Transport can be a significant source of emissions and consideration of emissions from transport in the local and regional area should be considered in order to:

- identify and prioritise the most appropriate development opportunities
- situate developments close to employment, schools, services and convenient public transport
- maximise active transport
- minimise transport emissions.

These objectives should be expanded to prioritise active transport over other forms of transport. Incorporating the EPA’s *Air Quality Transport Appraisal Tool* as part of assessment procedures would also allow practitioners to consider the air emissions of land use scenarios with regard to the transport demands and vehicle emissions.

4. Noise and Vibration

Coordinated strategies that consider land use compatibility upfront in all planning processes to prevent the generation of noise and its impacts on public health and amenity should be encouraged. Implementing noise control at a strategic planning level provides the most effective means of minimising noise impacts on communities. Retrospective control options are usually limited and more expensive. 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, for example:
 - Separate residential areas and tranquil recreational areas from industrial/commercial areas and major entertainment or sporting precincts.
 - Separate vulnerable land uses such as hospitals, schools and childcare centres from industry and major transport routes.
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, for example:
 - Encouraging design solutions for residential buildings and sensitive receivers that takes account of noise from industry and busy roads and railways.
 - Encouraging use of natural barriers to existing sources of noise.

- Designing shielded external tranquil areas and soundscapes to provide respite from noise.

Proposed industrial development should be assessed in accordance with the *NSW Industrial Noise Policy* (INP) (EPA 2000). The INP outlines a strategic approach to ensure noise amenity is not eroded due to the cumulative impact of a group of developments. The benefit of this approach is it can be applied at a precinct stage to inform, for example:

- what industry types could be suitable for particular locations within the precinct
- appropriate noise limits for industries within the precinct - particularly for those established earlier in the process so as to provide scope for noisy industries that may come later to operate without causing amenity levels to be exceeded.

Planning controls to ensure the permissibility of land uses for a night-time economy, mitigate noise and protect local amenity are encouraged. There are a range of challenges when delivering mixed use development that require careful planning. For example, commercial activities can produce a range of noise related impacts (including mechanical ventilation, refrigeration, night-time cleaning/blowers/truck movements). To support amenity and livability outcomes, DPIE (Planning) should review existing planning controls or supporting codes, to assess if they are contemporary, prevent land use conflict and are able to meet the community expectation for these new places.

Careful planning is also required where new housing/sensitive land uses is proposed in the vicinity of major road and rail infrastructure and where there is expected future traffic growth. The I-SEPP, and the advice in the *Development in Rail Corridors and Busy Roads – Interim Guideline* is applicable where the average daily traffic volume is 20,000 vehicles per day. Any planning adjoining existing or future rail and major road corridors should include a review of supporting development controls. This is to ensure that any sensitive land uses, such as residential uses that is encroaching on road or rail infrastructure are adequately designed for acoustic amenity. The SEPP is only activated however once the above traffic volumes are triggered. For roadways where there are predicted increases in traffic growth that could trigger the above requirements, DPIE (Planning) may wish to plan these areas early to ensure development is appropriately designed for traffic noise related impacts.

The following documents provide further guidance in relation to land use planning and should be consulted:

- *Rail Infrastructure Noise Guideline* (EPA 2013)
- *NSW Road Noise Policy* (DECCW 2011)
- *Noise Guide for Local Government* (EPA 2013)

These guidelines recognise the need for judicious land use planning, architectural design, building orientation and good internal layout to achieve acceptable acoustic amenity in close proximity to busy transport corridors.

5. Waste Management

The goal of the rezoning should be to ensure:

- it is in accordance with the principles of the waste hierarchy and cleaner production
- the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts
- the beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so
- no waste disposal occurs on site except in accordance with an EPL.

The rezoning should include the following principles in relation to the management of waste:

- Provides sound waste management strategies at a local level which are implemented to achieve the NSW Waste Avoidance and Resource Recovery Strategy (WARR Strategy) addressing the waste management hierarchy of:
 - avoidance of unnecessary resource consumption

- resource recovery (including reuse, reprocessing, recycling and energy recovery)
- disposal
- Compliments NSW Government's Waste Less, Recycle More initiatives and EPA waste and recycling programs.

EPA has developed information to improve waste management associated with new development. The [Waste Not Development Control Plan Guideline](#) (EPA 2008) provides suggested planning approaches. This includes consideration of demolition and construction waste and ongoing separation, storage and removal of waste and recyclables. These provisions should include but not be limited to:

- Any waste generated during demolition and construction needs to be classified in accordance with EPA's Waste Classification Guidelines and managed in accordance with that classification.
- Waste management planning for the new development needs to consider any regional waste management strategies.

The following documents provide further guidance in relation to waste management strategies:

- [The Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) (EPA December 2012).
- [The Better Practice for Public Place Recycling](#) (DEC 2005) provides information on standards for recycling systems in public places, such as parks, shopping centres, footpaths, bus-stops, etc.
- [Avoiding the dangers of accepting fill on your land](#) (EPA, 2013).

6. Contaminated Land

The environmental outcome of the project is to ensure any contaminated land is identified and appropriately managed for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

SEPP 55 states that as part of the land use change process the following key considerations should be addressed:

- 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
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

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*.

The involvement of an EPA-accredited Site Auditor during the contamination management process, should also be considered, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s).