



DOC17/412897-05:PW

Department of Planning and Environment
(Attention: Zoe Sadiq, Senior Precinct Planner)
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Wilton Interim Land Use and Infrastructure Implementation Plan

I am writing to provide comment on the Wilton Interim Land Use and Infrastructure Implementation Plan and associated Background analysis received by the EPA on 9 August 2017.

The Environment Protection Authority (EPA) has attached comments (**Attachment A**) for the Department of Planning and Environment's (DPE) consideration to assist in their development of the Land Use and Infrastructure Implementation Plan (LUIIP). These comments relate to:

- Air Quality
- Water Quality
- Noise
- Contaminated Land Management
- Waste Management
- Coal Seam Gas.

The EPA would like to work with DPE in the continued development of the LUIIP. We are able to meet with DPE at a suitably convenient time to discuss the above matters if required.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Bloem', written over a circular scribble.

26/09/17

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Contact officer: PAUL WEARNE
(02) 4224 4100

Attachment A

ATTACHMENT

1. Air Quality

The EPA supports the air quality initiatives and approaches detailed in the *Interim Land Use and Infrastructure Implementation Plan Background Analysis* (LUIIP Background Analysis). However due to the significance of air quality in South Western Sydney, and the need for its management in relation to future growth, there would be benefit including air quality information in the Environment Section of the supporting LUIIP. This could then provide an important platform to help deliver the suggested initiatives and approaches.

The EPA would like to continue to work with DPE in conjunction with the *Priority Growth Area Air Technical Working Group* on how the above initiatives and approaches could be translated into any associated planning controls and supporting information.

The Clean Air for NSW consultation paper, fact sheets prepared for the NSW Clean Air Summit in June 2017 and the Sydney Particle Characterisation Study report released in June 2017 also provides current air quality information that could also help inform the proposal. This can be obtained at: <http://www.epa.nsw.gov.au/air/clean-air-nsw.htm>. Current and future EPA initiatives for Greater Sydney and the progress of the *NSW Clean Air Plan* will be discussed at the next *Priority Growth Area Air Technical Working Group*.

2. Water Quality

The LUIIP does not appear to include information on water quality and its management, however water quality is adequately addressed in Sections 5.14 and 7.10 of the LUIIP Background Analysis. There would be benefit for the environment section of the LUIIP to include a statement on managing stormwater flows and implementing water sensitive urban design to help meet the community's water quality objectives for the Hawkesbury-Nepean River. This would help recognise the sensitivity of the catchment and support the importance for Wilton to deliver key sustainability priorities in the Draft South West District Plan (Plan), including, "*Maintain and improve water quality and waterway health*".

Growth across the Wilton Priority Growth Area (PGA) will utilise a combination of existing sewage treatment system (STS) capacity and new treatment capacity (that is, through new and/or amplified STSs). Infrastructure planning for the PGA should include clear direction for the provision of sewage treatment services to meet rapid population and economic growth. It should consider whether proposed growth will result in increased loads of sewage pollution on the receiving environment. It should also identify what practical and cost effective measures can be taken to maintain or restore the community's uses and values of waterways and protect public health. This would include consideration of impacts from sewage overflows from sewerage reticulation systems (for example, sewer pipes and pumping stations) and discharges from any sewage treatment plants (STPs).

The Growth Centres SEPP appears to encourage water and wastewater recycling and reuse initiatives. The EPA supports such initiatives as they present a significant opportunity to meet the community's environmental objectives for the lowest cost and provide a source of water to improve the liveability and resilience of Greater Sydney.

The LUIIP should deliver the following environmental outcomes specific to sewage management:

- For new STSs:
 - there should not be any discharge of sewage effluent from STPs to inland waters during average and dry weather conditions, and only during wet conditions as a last resort. (Note: This interim policy may change following development of the EPA's Hawkesbury-Nepean nutrient regulatory framework (see below for further information))
 - there should be no pollution of waters as a result of sewage overflows during dry weather
 - that sewage overflows during wet weather should be avoided wherever reasonably practicable.

- For existing STSs:
 - all reasonable and feasible measures should be utilised to minimise additional STP effluent loads to waters (for example, through sewage reuse and effluent recycling, treatment upgrades, etc)
 - there should be no increase to existing levels (that is, frequency and volume) of pollution of waters as a result of sewage overflows during dry or wet weather from the sewerage reticulation system.

These above outcomes should be recognised in the LUIIP Background Analysis to help inform infrastructure planning for the PGA.

The EPA is currently developing a framework for the regulation of STP nutrient discharges in the Hawkesbury-Nepean River system. The intent of this framework is to ensure that population growth in the catchment does not cause further deterioration in the condition of the river and its ability to meet the community's desired uses. Several options are being considered including sub-catchment based nutrient load limits. In the interim, infrastructure planning for the Wilton PGA should deliver an outcome that ensures any new or amplified STSs will achieve no net increase in nutrient load to the river. Offsets and other measures such as integrated approaches to water management can be used to achieve this outcome cost effectively.

The PGA will eventually include considerable sewerage infrastructure to meet the needs of the population. There is a risk of land use conflicts in the PGA due to residential encroachment upon existing infrastructure and from new/amplified sewerage infrastructure development in close proximity to residential areas. Strategic planning for the PGA must ensure adequate management of these issues including, where appropriate, the use of buffers to minimise landuse conflict issues.

3. Noise

The LUIIP Background Analysis recognises the need for site design to manage potential noise impacts and recognises potential noise from future development such as the Maldon to Dombarton Freight Corridor. However, specific plans to zone and manage noise impacts cannot be undertaken at this time, until precinct planning is undertaken.

Because there is no specific advice on noise management, the LUIIP Background Analysis should advise that precinct planning should require an acoustical assessment. This assessment will help inform the design of the precinct to address any potential noise-based land use conflict. 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 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.

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 or recreation space or similar will provide a physical barrier and/or spatial separation. Retrospective control options are usually limited and more expensive.

The PGA includes existing and future transport infrastructure including the Hume Motorway, a proposed upgraded Picton Road, the Southern Highlands Rail Line and the proposed Maldon to Dombarton Freight Rail Corridor. Guidelines including the *NSW Road Noise Policy* (DECCW, 2011) and the *Rail Infrastructure Noise Guideline* (EPA, 2013) provide planning guidance to manage road and rail noise respectively to minimise noise impacts on the community. This complements planning

guidance provided in the *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning, 2008). This guideline recognises the need for judicious land use planning, architectural design, building orientation and good internal layout to achieve acceptable acoustic amenity for residential development in proximity of busy transport corridors.

The South West District Plan states that DPE will work with other State agencies to review the *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning 2008) to include contemporary air quality and noise information. This review will include analysis of likely rail corridor and road vehicle movement patterns in 2036 to provide an understanding of where air quality and noise issues might need to be managed into the future. DPE may wish to discuss with the GSC the status of this work as it would also help inform any potential land use conflict issues in response to future transport infrastructure in the area.

4. Contaminated Land Management

It appears the LUIP Background Analysis does not include any information on contaminated land management. While the land is not being rezoned, the LUIP provides an opportunity to identify any key contaminated land management issues to help inform planning of the PGA. This should involve a Phase 1 Desktop Contaminated Land Assessment to determine areas of potential risk of land being contaminated as a result of past activities. The EPA understands that a Phase 1 Assessment may have already been undertaken for the Wilton lands. The Phase 1 Assessment will need to consider, but not be limited to:

- those sites on the NSW EPA Public Register of contaminated sites
- the NSW EPA list of notified sites
- any sites listed on the local council's register of potentially contaminated sites
- if there is historical information of land use involving any of the industries listed under Appendix A of the *Managing Land Contamination – Planning Guidelines* (1998).

Should risk levels indicate an increased likelihood of contamination, this should then inform the next level of rezoning. This should require a more detailed investigation and the engagement of a contaminated site auditor, accredited by the NSW EPA as part of the rezoning process.

In general land should not be rezoned or developed until the requirements of SEPP 55 are satisfied. SEPP 55 states that as part of the development 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.
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

Rezoning should only be allowed to proceed provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. In accordance with SEPP 55 and its supporting guidance document *Managing Land Contamination - Planning Guidelines SEPP 55—Remediation of Land*, suitable planning controls need to be determined and should be in place at the time of rezoning. This includes appropriate provisions in the LEP. Supporting guidance may also be provided in any accompanying DCP or Development Code. The EPA would like to work with DPE in the development of appropriate planning controls for the priority growth area

5. Waste Management

The LUIP Background Analysis appears to contain limited information on the future management of waste. The following guiding waste principles should be used to help inform future waste and resource recovery systems. These approaches would help deliver the *NSW Waste Avoidance and Resource Recovery (WARR) Strategy 2014-2021*.

1: Environmental sustainability and best practice

Developments will meet requirements for long-term environmental 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.

2: Effective waste and resource management

Developments will achieve effective waste and resource management when:

- waste services are provided 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 must travel to dispose of waste is minimised and access is safe and easy for all residents
- 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.

3: Clean, safe and healthy living environments

Developments will 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 access to waste and recycling storage areas is provided for residents, tenants, building managers and collection contractors.

4: Affordability

Developments will provide affordable living and working when:

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

There are a range of waste management guidelines and information available to assist in delivering the above principles. These can be obtained at: <http://www.epa.nsw.gov.au/waste/index.htm>.

The NSW Government's Container Deposit Scheme will roll out across NSW from 1 December 2017. The LUIP Background Analysis provides an opportunity to identify and plan for any infrastructure needs such as collection points to compliment this initiative.

The EPA would like to work with DPE on the further development of the above waste principles that could be secured in the in the LUIP Background Analysis.

6. Coal Seam Gas

The LUIP Background Analysis should use the terminology "gas wells" instead of "coal seam gas wells" as some of the wells located within the PGA pre-date coal seam gas and are petroleum exploration wells. Further comments on the LUIP Background Analysis are provided below.

Other well types

- A map has been included on page 29 showing 'Resources'. This map shows Longwall mines, 'Permanently Sealed – Exploration Wells', and a 'Gas and Power Project'. The map does not include 'petroleum exploration' wells nor 'coal exploration' boreholes. There are several of each type throughout the PGA. These may present similar risks to future development and should also be addressed alongside CSG wells.

- In relation to “*petroleum exploration wells*” identified in the map, the derelict mines program identified a well, Condell Park 1, within the LUIP as being of concern. This well has been decommissioned and remediated. While this particular well may no longer pose a risk, it is uncertain if this is the case for the other well in the area.

Moomba to Sydney Gas Pipeline

- The map on page 29 references a ‘*Gas and Power Project*’ just outside of the LUIP. There is no further mention of this, or clarification of what this is. The Wilton custody transfer station associated with the Moomba to Sydney Gas Pipeline is located in that area. There is also no discussion of the Moomba to Sydney gas pipeline and associated easements that passes through the Wilton lands. Clarification or further information is required on this infrastructure.

7.11 Landscape Character – Coal Seam Gas

- Point 1 should be expanded to include wells ‘*nearby*’ the proposed development. Wells in this area date 1960s-1980s. Past experience with these wells have shown GPS coordinates were not precise, with actual well locations potentially off by several hundred meters. Ground-truthing should be undertaken to ensure their precise location.
- Point 2 should be amended to read “*Buildings must not be constructed over wells*”.
- Point 3 should be changed to “*decommissioned wells*” not “*coal seam gas wells*” to apply to all wells and maintain clarity.

Department developed guidance

- This guidance is required to ensure the risks from wells in the area are known and managed. The coal seam gas wells date to the 1980s, and the petroleum wells to the 1960s. There is very little on record for these wells, so a comprehensive approach will need to be determined and applied. Even if these wells were decommissioned to the standard of the day, they may not meet contemporary safety and environmental specifications. This document should be developed to provide transparent information on requirements for building near wells to inform the planning of the PGA precincts.