
Sent: 29/10/2020 5:10:36 PM
Subject: EPA Submission on Planning Advice Request - DA2020/0988 - 58 Darley St
Mona Vale
Attachments: ROMS - Out - Letter - EPA response - DA for STA Mona Vale.PDF;

Dear Northern Beaches Council,
I refer you to our correspondence attached.
Would you please confirm receipt of this email and attached letter, by response email.
Yours faithfully,

Christina Low
Operations Officer
Regulatory Operations Metropolitan
NSW Environment Protection Authority
D 02 9995 5670



www.epa.nsw.gov.au @NSW EPA

*The EPA acknowledges the traditional custodians
of the land and waters where we work. As part of the
world's oldest surviving culture, we pay our respect
to Aboriginal elders past, present and emerging.*

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DOC20/858266

29 October 2020

Northern Beaches Council

Email: natalie.falconer@northernbeaches.nsw.gov.au,
council@northernbeaches.nsw.gov.au

Attention: the Assessing Planner

**EPA Submission on Planning Advice Request
DA2020/0988 – 58 Darley Street Mona Vale - Design, installation and operation of a Total
Liquids Remediation "Pump and Treat" system**

Dear Planner

Thank you for the request from the Northern Beaches Council, made through NSW Department of Planning, Industry & Environment Online Concurrence and Referral Service, requesting review from the NSW Environment Protection Authority (EPA) of the Development Application (DA2020/0988, the proposal) at 58 Darley Street Mona Vale NSW 2103 of Lot 2 in 542640 (the site). I note Northern Beaches Council withdrew the referral to the EPA on 21 October 2020. However, considering the EPA's regulation of the site under the *Contaminated Land Management Act 1997 (CLM Act)* and given the proposal is being undertaken by a NSW public authority (making the EPA the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*), the EPA has decided to make a submission on the proposal.

The EPA understands the proposal submitted by the State Transit Authority of NSW (STA, the proponent) is for design, installation and operation of a Total Liquids Remediation "Pump and Treat" (TWPT) system to recover contaminated groundwater from a network of recovery wells located within Taronga Place Mona Vale, for transport via network of underground and above ground pipework to a Wastewater Treatment System on the bus depot site at 58 Darley Street, for separation and treatment before discharge to sewer under a Sydney Water Trade Waste Agreement.

Northern Beaches Council would be aware that the lands on which this proposal applies has been declared as significantly contaminated land under the CLM Act. The EPA is regulating remediation of the lands being undertaken by STA under an Voluntary Management Proposal, as approved by the EPA under the CLM Act. In accordance with the VMP, STA has agreed to install and operate a TWPT system across sections of Taronga Place roadway and footpaths, privately owned land on Taronga Place, a Council owned public footpath, and the STA Mona Vale bus depot. This is the same system which is specified under DA2020/0988.

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

We will also provide a copy of this letter and its attachment to STA.

Phone 131 555
Phone +61 2 9995 5555
(from outside NSW)

TTY 133 677
ABN 43 692 285 758

Locked Bag 5022
Parramatta
NSW 2124 Australia


4 Parramatta Square
12 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

Should you have any queries regarding our regulation of the remediation and proposed TWPT system under the CLM Act, please contact Christina Low on (02) 9995 5670 or via email to christina.low@epa.nsw.gov.au

Should you have any questions relating to our recommendations for management of waste, noise, and other POEO Act matters, please contact Laura Ansted on (02) 9995 6812 or via email to laura.ansted@epa.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Treharne', with a long, sweeping horizontal stroke extending to the right.

BENN TREHARNE
A/Unit Head
Regulatory Operations Metropolitan South

Cc. State Transit Authority of NSW



NSW Environment Protection Authority (EPA) Submission on DA2020/0988 for proposed Design, installation and operation of a Total Liquids Remediation "Pump and Treat" system at 58 Darley Street Mona Vale NSW 2102

The EPA has reviewed the following documents:

- STA (2020) Remediation Action Plan (Revised 2020)
- STA (2020) **NBC Application for Development Consent** - TLRS DA_20200715_0001_PAN-23457
- STA (2020) **Development Application 2020/0988 - Additional and clarifying Information** from State Transit re Total Liquids Remediation System DA.
- STA (2020) **NBC Notification Plan for Total Liquids Remediation System**. Reference 20200723_0001_PAN-23457
- STA (2020) **Statement of Environmental Effects** for Mona Vale Bus Depot, for Total Liquids Extraction and Treatment System Development Application, July 2020.
- WSP (2020) State Transit Authority **Remediation Action Plan** (Revised 2020) State Transit Bus Depot, 58 Darley Street Mona Vale, New South Wales. Revision E dated 8/05/2020.
- The **Environment Management Plan** - WSP (2020) State Transit Authority Environmental Management Plan Mona Vale Bus Depot – 58 Darley Street, Mona Vale. Revision D dated 30 July 2020.
- STA (2020) **Waste Management Plan** - MONA VALE BUS DEPOT Waste Management
- ENRS (2020) **Acid Sulfate Soil Management Plan** for STA Mona Vale Bus Depot, 58 Darley Street Mona Vale NSW. Report dated June 2020.
- Pitt and Sherry (2020) STA NSW Mona Vale Bus Depot, **Flood Report** for Total Liquids Pump and Treatment Installation Flood Management Plan. Report prepared 17 July 2020.
- Enviropacific (2020) **Master Plan**, drawing 101214-001-001
- WSP (2020) **Groundwater Monitoring Event** Report – May 2020, STA Mona Vale Bus Depot, 58 Darley Street Mona Vale NSW. Report dated July 2020.
- STA Mona Vale Drainage Assets Plan.
- And the following drawing plans:
 - Plans – Master Set
 - 101216-L02-001-REV D - STA Mona Vale Layout Drawing_PAN-23457
 - Degotardi Smith & Partners (2020) Mona Vale Site Plan_20200723_0001_PAN-23457

Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, the proposal is being undertaken by a NSW public authority and therefore the EPA is the appropriate regulatory authority for the proposed activity under the POEO Act.

The EPA has the following comments and recommendations:

1. Matters to be addressed with conditions

a. Remediation

The applicant must comply with their obligations under the CLM Act relating to the remediation process as being overseen by the EPA.

The EPA understands that the proposed remediation is in the early stages. The applicant will still need to develop a Remediation Implementation Plan (a RIP) to confirm detailed design, capacity and ensure optimisation of the TWPT system. As a parallel process under the CLM Act, the EPA requires that STA develop the RIP, and obtain interim site audit advice endorsing the RIP.

Under the VMP, the EPA requires the remediation is subject to a contaminated site audit by Mr James Davis of Enviroview, who is a NSW EPA accredited site auditor.

b. Contaminated groundwater remediation under Schedule 1 of the POEO Act

The EPA recommends that any conditions of consent restrict the volume of groundwater permitted to be extracted based on the estimated treatment capacity of the proposed treatment system. Section 15A of Schedule 1 of the POEO Act requires an Environment Protection Licence for any contaminated groundwater treatment as follows:

15A Contaminated groundwater treatment

(1) This clause applies to contaminated groundwater treatment meaning the treatment of contaminated water.

(2) The activity to which this clause applies is declared to be a scheduled activity if it has the capacity to treat more than 100 megalitres per year of contaminated water.

Extraction at this volume would represent a significantly different activity and significantly different environmental risks and therefore should be considered as not permissible under the current proposal.

c. Waste Management

The EPA has reviewed the Waste Management Plan and recommends that this document is updated to better consider the prevention of pollution, minimisation of resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste. Options for improvements in the Waste Management Plan may include:

- a. estimating volumes of waste generated on the site
- b. identifying waste streams and disposal options for all waste
- c. identifying a list of places (full street address) where waste will be transported to and written confirmation from each place of disposal that they can lawfully receive the types of waste proposed to be transported there
- d. Arrangements in relation to classifying all waste generated and transported off the site in accordance with the EPA's *Waste Classification Guidelines* as in force at the time.
- e. Arrangements in relation to recording waste vehicle movements including departure and arrival times, truck and dog registrations and drivers.
- f. Identifying arrangements in relation to recording waste vehicle movements including departure and arrival times, truck and dog registrations and drivers.
- g. Identifying arrangements in relation to collecting and retaining legible copies of all receipts and weighbridge dockets relating to disposal of waste from the site after each record is made.
- h. Clear diagrams including locations of waste storage and any segregation areas.

A wide range of general information to support waste management and compliance with statutory requirements including tracking waste, classifying waste and managing industrial waste is also available on the EPA's website at: <https://www.epa.nsw.gov.au/your-environment/waste>

d. Surface water management

The proposal includes development of an Erosion and Sediment Control Plan prior to civil works (*Statement of Environmental Effects*, p18). The Acid Sulfate Soils Management Plan (ASSMP, p8) notes temporary stockpiling of potential acid sulfate soils or acid sulfate soils, and that groundwater discharge may occur during excavation works and need to be intercepted. This plan proposes pre-excavation establishment of stockpile areas and drainage controls, including bunding and wide drains around the perimeter of the site and use of evaporation drains.

The EPA recommends Council consider requiring the Erosion and Sediment Control Plan to be developed prior to any civil works. This Plan should consider management of surface waters in the context of onsite stormwater catchments (which are not clearly identified in the *Mona Vale Drainage Assets Plan* provided), the potential for contaminated groundwater, and the potential for acid sulphate soils.

All practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm must be considered and implemented where appropriate.

e. Bunding, leaks and spills

The proposal states that “*Tanks will be fitted with high level and overflow and leak detection alarms; spill response gear will be located in proximity of the Wastewater Treatment System for rapid response in the event of a leak. The system will be situated within a 100mm concrete bund, and the system covered by yard CCTV cameras.*” (*Statement of Environmental Effects*, p22)

All bunding and storage of materials on the premises must comply with all relevant Australian Standards, including standards for the Storage and Handling of Flammable and Combustible Liquids and Toxic Substances including (where relevant):

- The net capacity of a bunded compound containing 110% of the volume of the largest tank.
- The bund floor and wall being constructed of materials impervious to the contents of any tank or container within the bund.
- If the material is a dangerous good, making an allowance for the trajectory of a liquid leak, assuming a full tank with an elevated point of leakage, and
- Maintenance of bunding, including any drain valves being fully closed when not in use and clearly visible, maintenance of storage capacity, and the bund wall being maintained to ensure that it is always impervious to liquids.

Further information on bunding (including earth bunds), leaks and spills is available on the EPA’s website at: <https://www.epa.nsw.gov.au/licensing-and-regulation/authorised-officers-and-enforcement-officers/resources-and-training/bunding-and-spill-management>

f. Noise

The *Statement of Environmental Effects* (p. 26) states that works will be carried out “in accordance with Construction Noise Standards and with regard to the NSW Noise Policy for Industry Guidelines 2017”. The Remediation Action Plan states that works “shall comply with AS2436-1981 Guide to Noise Control on Construction, Maintenance Demolition Sites and the NSW EPA (2009) Interim Construction Noise Guideline”.

The *Statement of Environmental Effects* (p. 26) also states that “noise from drilling and trenching is expected to be at or below existing background noise levels”. It is unclear on what basis this conclusion is formed.

The applicant does not appear to have documented their consideration or implementation of this Guidance material including their consideration of reasonable and feasible mitigation measures. For example, the Interim Construction Noise Guideline contains several noise management concepts not included in the proposal such as use of noise predictions, improvements to work practises and community consultation and notification. Reference to these Guidelines and standards is not considered evidence that the proposal was prepared and will be undertaken in accordance with these documents.

The impact of noise and vibration to protect the amenity and wellbeing of the community must be managed. Potential impacts must be minimised through the implementation of all feasible and reasonable mitigation measures

This concludes the EPA's submission on the proposal.