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By email: [REDACTED]

30 November 2023

Explorer Street Site Rezoning Proposal, Eveleigh

Dear Katie,

Thank you for the opportunity to comment on the Explorer Street Rezoning Proposal.

The NSW Environment Protection Authority (EPA) has reviewed the Explanation of Intended Effect (EIE), the Design Guide, the Sustainability Framework, and associated technical reports. The site currently occupies an area of approximately 2.6 hectares which comprises 46 townhouses owned by the Land and Housing Corporation (LAHC). The EPA understands that the rezoning will allow for higher-density residential apartment buildings to be constructed on the site, replacing the existing townhouses.

Based on the information provided, the proposal is unlikely to require an environment protection licence for scheduled development work or scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act). However, the EPA has identified several matters to assist in delivering improved environmental outcomes for future development that will be facilitated by this proposal.

Please note that the EPA did not assess contamination since there were no contamination assessment reports provided. We are aware from the Geotechnical Study however that there is potential contamination within the identified site and recommend further appropriate studies to ensure that the land is suitable for the proposed use.

The EPA provides detailed comments below at **Attachment A**.

If you have any further questions about this issue, please contact [REDACTED], Senior Policy and Programs Officer, Strategic Planning Unit on [REDACTED] or at [REDACTED].

Yours sincerely,

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Attachment A

1. Noise

The EPA notes that noise emissions from the nearby rail corridor, Eveleigh Maintenance Facility (EMF) and vehicles have the potential to impact future sensitive receivers in the proposed site.

Construction and increased residential dwellings in the proposed site, as noted in the technical reports, also have the potential to cause disturbance to adjacent or future residential receivers. Due care should be given to planning for those noise sources.

The EPA considers that 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 that act as 'noise buffers' 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.

A detailed environmental noise emissions assessment to nearest sensitive receivers has not occurred at this stage. The EPA notes that the proposed development will need to be designed to comply with applicable noise limits and recommends further noise modelling to assess noise impacts from and around the proposed site.

2. Potential interaction with contaminated land

The presence of potentially contaminated sites has been identified in the Geotechnical Study. Previous contamination assessments by the consultant Coffey, have identified moderate to high potential for contamination resulting from historic land uses on the site and surrounding land. From the current Geotechnical Study, the area that formerly formed part of the Eveleigh Railyards is potentially contaminated. The Eastern Suburbs Railway (ESR) Illawarra Relief Line and terrain and land uses to the north of the site have been cut and filled. The Geotechnical Study shows that the filling will require further investigation for potential contaminants.

Consideration of contamination at a strategic level provides an opportunity to consider contamination issues early. As potential contamination was identified from previous contamination assessments, the EPA recommends that the planning authority:

- a) undertake a contamination assessment for the suitability of land for proposed development (this can be prepared by certified consultants as per EPA's [Contaminated Land Consultant Certification Policy \(EPA, 2022\)](#) or an EPA accredited site auditor.
- b) ensure that the proposed development does not exacerbate pre-existing contamination.

Rezoning and redevelopment of actual or potentially contaminated land is guided by [Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land](#) and the relevant guidelines made or approved under section 105 of the [Contaminated Land Management Act 1997 \(CLM Act\)](#).

3. Waste management

Waste management should consider preventing pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring appropriate disposal for all waste arising from the construction and operation of the Explorer Street site.

The EPA recommends incorporating further waste considerations from [The Better Practice Guide for Resource Recovery in Residential Developments \(EPA, 2019\)](#) in the Design Guide.

Sustainability Framework for the Explorer Street Site, Eveleigh

Although the current Sustainability Framework report references the proposal's contribution to the circular economy and methods for waste reduction, the Framework would benefit from considering the [Department of Planning, Industry and Environment 2021, NSW Waste and Sustainable Materials Strategy 2041, Stage 1: 2021-2027 NSW](#).

The Strategy provides a roadmap to help NSW transition to a circular economy over the next 20 years. It includes measures to reduce waste, increase recycling, plan for future infrastructure, and create new markets for recycled products. It also highlights new directions for the management of waste including timeframes for their implementation and the need for source separation of food and garden waste for residential and targeted commercial uses.

The EPA encourages the planning authority to plan for increased volumes of waste due to the expected growth from the rezoning of the site.