



Your ref: 14614  
Our ref: DOC24/28740-1

Mr Max Strassmeir  
Senior Strategic Planner - Growth  
Wollondilly Shire Council – Growth Team  
Wollondilly Shire Council  
PICTON NSW 2571

By email: [growth@wollondilly.nsw.gov.au](mailto:growth@wollondilly.nsw.gov.au)

15 February 2024

Dear Mr Strassmeir,

Thank you for the opportunity to comment on the Appin (Part 2) Precinct Planning Proposal.

The NSW Environment Protection Authority (EPA) provided advice on the Appin Part Precinct on the 14<sup>th</sup> of December 2022. The EPA understands that the Appin Part Precinct referred to as Appin (Part 1) Precinct was then subsequently rezoned. The current Planning Proposal outlines rezoning additional lots, 'Appin (Part 2) Planning Proposal'. Four lots have been identified for rezoning from Rural Landscape (RU2) to (UDZ) Urban Development and C2 Environmental Conservation, with the UDZ zoning allowing for additional homes.

We have reviewed the Planning Proposal and the relevant technical reports including the Douglas Partner's Preliminary Site Investigation (PSI), the Geotechnical Land Capability Assessment and Spectrum Acoustic's Noise Impact and Assessment Report (Acoustic Assessment).

Based on the information provided and as per our previous advice provided on 14 December 2022, the proposal is likely to interact with nearby premises that hold environment protection licences (EPLs) for scheduled activities under the *Protection of the Environment Operations Act 1997* (POEO Act). In addition, as noted in the PSI for the Appin (Part 2) Precinct, there are potential areas for environmental concern (PAEC) in relation to contamination. As such, the EPA has identified matters to consider prior to rezoning to deliver improved environmental outcomes and reduce possible land use conflict. These matters are contained within **Attachment A**.

If you have any further questions about this issue, please contact Noel Kwon, Senior Policy and Programs Officer, Strategic Planning Unit, on (02) 9895 6499 or at [noel.kwon@epa.nsw.gov.au](mailto:noel.kwon@epa.nsw.gov.au).

Yours sincerely,



Jacqueline Ingham  
**Unit Head**  
**Strategic Planning Unit**

Phone 131 555  
Phone 02 9995 5555  
(from outside NSW)

TTY 133 677, then  
ask for 131 155

Locked Bag 5022  
PARRAMATTA  
NSW 2124

6 & 8 Parramatta  
Square  
10 Darcy St  
PARRAMATTA  
NSW 2150

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
ABN 43 692 285 758

## **Attachment A**

### **1. Noise impacts from the Appin Power Station and Appin Coal Mine.**

The Acoustic Assessment for Appin (Part 2) Precinct acknowledge that the two northern lots (32/DP736923 and 1/DP1000355) are located within 1 kilometre of Appin Power Station (EPL5482) and the mine facilities (EPL2504).

The Appin Power Station utilises waste coal mine gas to supply generators that produce electricity and has been identified as having a potential impact on future residential receivers located within the Appin Part Precinct. In our previous 14 December 2022 advice, we noted that the following EPLs generate noise through:

- Fans associated with Appin Coal Seam Methane Power Station and
- Vent shafts associated from Appin Coal Seam Mine Infrastructure.

We have previously recommended further noise analysis, however this has yet to be undertaken. Further analysis will quantify the sound power (Lw) of the Power Station and the Mine Infrastructure during all operating conditions and at different assessment periods; day, evening, and night, as defined in the glossary of EPA 2017, *Noise Policy for Industry* and provide a more accurate assessment of potential noise impacts. Calculations on potential sensitive receivers in the four lots in the Appin (Part 2) Precinct Acoustic Assessment have currently been made based on the data outlined in the last Appin Part Precinct Acoustic Assessment (referred in the report as SA1), however that Report clearly outlines limitations in its reporting and outlines the need for further noise analysis.

#### **EPA Recommendations**

The EPA recommends the Proponents complete the additional noise analysis as previously recommended in relation to the proposed four lots in the Appin (Part 2) Precinct Planning Proposal. We reiterate that the Proponents meet with operators of the Appin Coal Seam Methane Power Station and Appin Coal Seam to determine the feasibility of any proposed at source mitigation measures. It is important that noise impacts from the existing Power Station and Mine Infrastructure be identified and managed at the strategic planning phase. The potential to address these noise issues retrospectively following development can be challenging, expensive, lead to community complaint and could constrain the operations of these existing facilities in the future.

### **2. Potential interaction with contaminated land**

As noted in the Douglas Partner's PSI, there are areas of potential contamination identified within the proposed lots for rezoning in the Appin (Part 2) Precinct. Consideration of contamination at a strategic level provides an opportunity to consider contamination issues early, well in advance of statutory approvals for land use changes. The EPA notes that the PSI was prepared by a suitably qualified and experienced contaminated land consultant, however as per the recommendation in the PSI, recommends a further DSI for the proposed areas for rezoning.

## EPA Recommendations

The EPA recommends the Proponents undertake a DSI that assess the nature and extent of contamination in soils, groundwater, surface water and soil vapour on the site based on current and historical use. The DSI should consider the suitability of the site for the purpose and land uses for which the planning proposal will be carried out in its contaminated state or will be suitable, after remediation.

As flagged in the PSI that there may be a potential need of a Remedial Action Plan (RAP). The EPA notes that the RAP should outline the areas of the site which might require remediation and remediation options that are viable for those areas. Alternatively, separate RAPs could be developed for each of the different areas of the site assessed as requiring remediation.

An EPA accredited contaminated site auditor should be engaged to undertake a section B audit to determine if the nature and extent of contamination has been determined, as well as appropriateness of RAP(s). The auditor must provide a site audit statement and associated site audit report.

Rezoning and redevelopment of actual or potentially contaminated land is guided by the [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), the [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 \(CLM Act\)](#).

In addition to the above advice for Appin (Part 2) Precinct, we understand that recommendations from the Appin (Part 1) Precinct rezoning PSI have not yet been implemented. While the EPA has not reviewed the Appin (Part 1) Precinct rezoning PSI, we understand that the consultant recommended that the coal seam gas well network present in the precinct boundary warranted further soil and hazardous ground gas investigations. Council has advised that this has not been undertaken to date. We recommend that Council consider the need for the further contaminated land investigations recommended in the Appin (Part 1) Precinct rezoning PSI to make fully informed decisions on the rezoning and any future development of the Precinct.