



Kotlash Park, Lurnea – remediation and park upgrades

Review of Environmental Factors

January 2023

Document control

SURE ENVIRONMENTAL

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Certification

This Review of Environmental Factors (REF) considers, to the fullest extent possible, all matters affecting or likely to affect the environment, for the purpose of protection and enhancement of the environment.

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act), the Environmental Planning & Assessment Regulation 2021 and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

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Date: 15/01/2023

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1 Introduction

1.1 Proposal identification

Liverpool City Council is committed to providing recreational facilities to meet the needs of the community. Kotlash Park is open space in Lurnea with no facilities. Council proposes to carry out park upgrades. However, soil in the park contains bonded and friable asbestos. Council proposes to carry out asbestos remediation work at the park. The proposal also includes minor park upgrades to facilitate the future playground installation.

The remediation will remove contaminated soil, cap the retained soil and construct a pad for a new playground. The proposal is needed to remove any risk to public health from the asbestos and to provide recreational facilities for the local community.

The location of the park is shown in Figure 1-1 and the proposal area is identified in Figure 1-2.

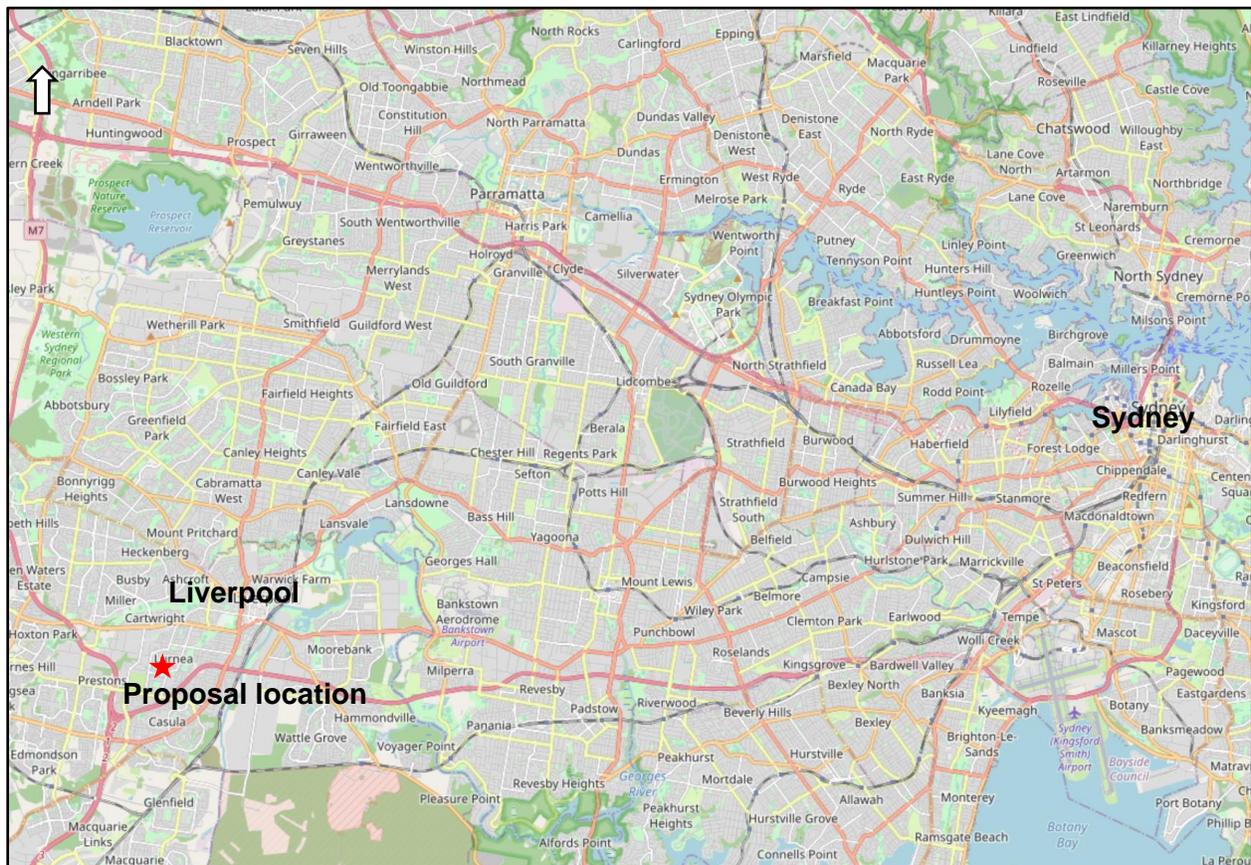


Figure 1-1 Proposal location – regional context



Figure 1-2 Kotlash Park – proposal area

1.2 Purpose of the report

This Review of Environmental Factors (REF) has been prepared by Sure Environmental on behalf of Liverpool City Council. For the purposes of these works, Liverpool City Council is the proponent and the determining authority under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of the REF is to describe the proposal, to document the likely impacts of the proposal on the environment, and to detail protective measures to be implemented.

The description of the proposed works and associated environmental impacts have been undertaken in context of clause 171 of the *Environmental Planning and Assessment Regulation 2021*, the *Biodiversity Conservation Act 2016* (BC Act), the *Fisheries Management Act 1994* (FM Act), and the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In doing so, the REF helps to fulfil the requirements of section 5.5 of the EP&A Act, that Liverpool City Council examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The findings of the REF would be considered when assessing:

- Whether the proposal is likely to have a significant impact on the environment and therefore the necessity for an environmental impact statement to be prepared and

approval to be sought from the Minister for Planning and Homes under Division 5.2 of the EP&A Act

- The significance of any impact on threatened species as defined by the BC Act and/or FM Act, in section 1.7 of the EP&A Act and therefore the requirement for a Species Impact Statement or a Biodiversity Development Assessment Report.
- The potential for the proposal to significantly impact a matter of national environmental significance or Commonwealth land and the need to make a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water for a decision by the Commonwealth Minister for the Environment on whether assessment and approval is required under the EPBC Act.

2 Need and options considered

2.1 Need and justification

The population of the Liverpool Local Government Area (LGA) is growing. This is putting pressure on Council's existing open space and recreational facilities.

Liverpool City Council developed the *Recreation, Open Space and Sport Strategy 2018-2028* (Liverpool City Council, 2018) to create welcoming and attractive spaces that provide recreational opportunities and contribute to the overall wellbeing of the community. A guiding principle of the strategy is for every household in urban and suburban areas to be within close walking distance of one parcel of high quality open space, where possible. The remediation of Kotlash Park and provision of a playground will improve recreational facilities for the local community and is consistent with the principles of strategy.

2.2 Existing environment

Kotlash Park is located in a suburban area and is bounded by Facey Crescent, residential properties and Lurnea Public School. Access is from Facey Crescent and from the school, with a concrete path through the park connecting the school and Facey Crescent. The park is otherwise grassed and has three trees.

A Site Contamination Assessment (SCA) was carried out by WSP in 2020. The assessment identified bonded and friable asbestos in the park. The levels of friable asbestos exceeded criteria for open end use. The site was impacted by asbestos containing fill and potentially presents a risk to human health under certain conditions. The primary migration pathway for asbestos is via inhalation of airborne fibres.

2.3 Proposal objectives

The objective of the proposal is:

- Eliminate the asbestos risk in the park
- Provide improved recreational facilities for the local community.

2.5 Alternatives and options considered

2.5.1 Consideration of alternatives

Option 1 - Do nothing

This option would retain the existing conditions in the park. The asbestos would pose an unacceptable risk to the public and there would be no improvement in recreational facilities. This option would not meet the proposal objectives.

Option 2 – Remediate Kotlash Park and construct a playground

Option 2 would remediate Kotlash Park and remove the asbestos risk. This option would also provide a pad for a future playground and improve facilities at the park. There may be dust and noise impacts associated with this option. Excavation work has potential to result in airborne asbestos fibres. However, safeguards would be implemented to minimise the potential for these impacts to occur. This option would meet the proposal objectives.

2.5.2 Selection of the preferred option

The preferred option is Option 2.

3 Description of the proposal

3.1 The proposal

The proposed remediation involves excavation and disposal of soil to a depth of 200mm across the park and installation of a capping layer. About 590 cubic metres of spoil is expected to be excavated. A marker layer would be installed to denote the extent of remediation. The cap will comprise virgin excavated natural material (VENM) or another commercially available material. This layer would be 300mm thick and batters at the park edges would be formed to provide soil stability.

The footpath would be filled with clean soil and a 100mm thick concrete path constructed on the fill. To allow for installation of a soft fall surface (or similar) during playground installation, the playground area would be filled with clean material followed by a layer of concrete to a depth 105mm below the future ground level.

Pram ramps would be constructed on either side of Facey Crescent. Seating would be installed in the park. The three trees in the park would be retained if possible. However, if remediation work is likely to compromise the viability of the trees they would be removed. Compensatory planting would be carried out if any trees are removed.

Figure 3-1 shows the layout of the proposed work.

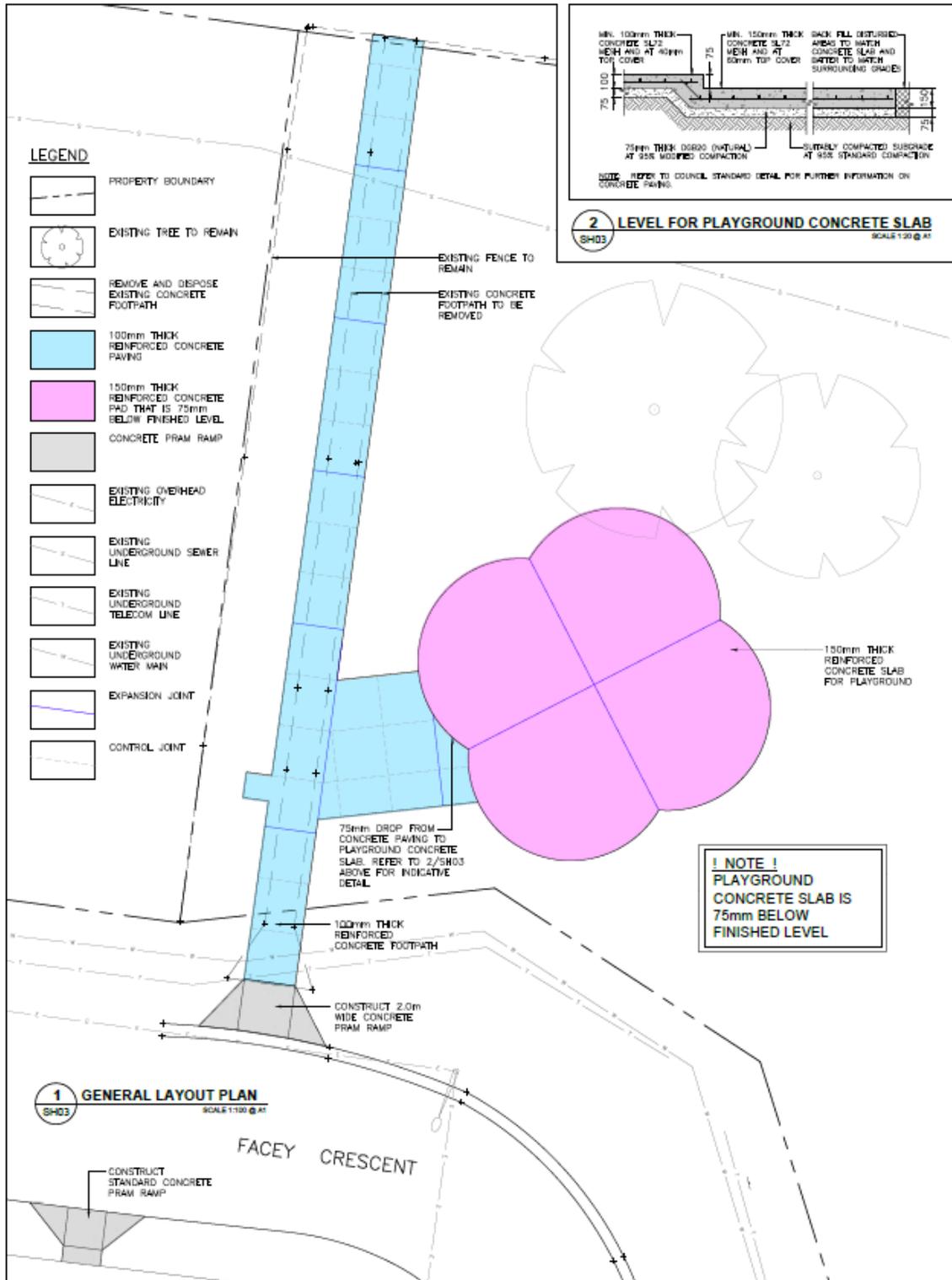


Figure 3-1 Proposed works

3.2 Construction method

Construction would involve:

Remediation

- Remediation would be carried out by a suitably qualified asbestos professional
- Set up environmental controls
- Remove existing concrete path
- Install tree protection. Trees may be removed if the remediation work is likely to impact the trees
- Excavate soil in the park to a depth of 200mm below the current surface level. Asbestos containing spoil would be removed from site
- Install geofabric layer as a marker layer
- Fill with clean material and VEMN to a depth of 300mm. The edges of the site would require batters to provide soil stability
- Reinstate grass cover
- Plant trees if the existing trees have been removed.

Park upgrades

- Set up environmental controls
- Construct 100mm thick concrete path
- Construct 150mm thick concrete pad for the playground. This pad would be about 100mm below the remediated ground level to allow for installation of the playground surface
- Construct a pram ramp on either side of Facey Crescent
- Install seating
- Landscape around the playground area
- Remove environmental controls.

3.3 Plant and equipment

The following plant and equipment would be required:

- Excavators
- Dump trucks
- Tipper trucks
- Concrete truck
- Concrete pump
- Compactor/roller
- Water cart
- Hand tools.

3.4 Timeframe and work hours

The work is planned to start in January 2023 and take about 10 weeks to complete. The work would be carried out during school holidays. Work would be carried out during standard hours:

Monday to Friday: 7am to 6pm

Saturday: 8am to 1pm

Sunday and public holidays: no work.

4 Statutory and planning framework

4.1 Environmental Planning and Assessment Act 1979

This REF has been prepared under Division 5.1 of the EP&A Act and addresses the obligations of the public authority (Liverpool City Council) to consider all factors listed under clause 171 (Appendix A) of the EP&A Regulation when considering the likely impact of an activity on the environment.

4.2 State environmental planning policies

4.2.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State.

In accordance with section 2.73(3)(b) of the Transport and Infrastructure SEPP, environmental management works are permitted without consent when carried out by a council on a public reserve under the control of or vested in the council.

This activity can be carried out without consent and be assessed under Division 5.1 of the *Environmental Planning and Assessment Act 1979*.

Pedestrian facilities, including kerb adjustments and ramps, are exempt development under section 2.113(1)(a)(iv) of the SEPP.

4.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the SEPP provides a planning framework for the remediation of contaminated land. The remediation of the asbestos in Kotlash Park is Category 2 in accordance with Section 4.11(b). In accordance with Section 4.13, notice of the remediation work must be provided to the relevant section of Liverpool City Council at least the day prior to the start of work.

4.3 Local environmental plans

4.3.1 Liverpool Local Environmental Plan 2008

The proposed remediation work and park upgrades are located on land zoned RE1 Public Recreation. The pram ramps are located on land zoned R3 Medium Density Residential.

The Transport and Infrastructure SEPP removes the need for consent and the proposal is permitted without consent.

4.4 Other relevant legislation

4.4.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* aims to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

An assessment of the potential impacts of the proposal on threatened species, populations, ecological communities and areas of outstanding biodiversity value listed in the BC Act must be undertaken in accordance with section 7.3 of the Act (5-part test).

The work would not impact threatened vegetation communities, species or communities and an assessment of significance is not required.

4.4.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides the basis for legal protection and management of National Parks estate and Aboriginal sites and objects in NSW. Section 86 lists offences relating to harming or desecrating Aboriginal objects. An Aboriginal heritage impact permit (AHIP) is required under Section 90 of the NPW Act to harm an Aboriginal heritage object.

The proposal is unlikely to impact Aboriginal heritage. An AHIP is not required.

4.4.3 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) regulates land, air, noise and water pollution in NSW. It includes provisions for clean-up notices, prevention notices, prohibition notices, audits and issuing environment protection licences. It also aims to provide opportunity for increased public involvement and access to information regarding environmental protection. An environment protection licence (EPL) is required for scheduled activities or scheduled development work outlined in Schedule 1 of the POEO Act. The proposed works are unlikely to require an EPL.

Section 148 of the POEO Act requires that any pollution incidents where material harm to the environment is caused or threatened must be reported. Failure to do so is an offence.

4.4.4 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) a referral is required to the Australian Government for proposed 'actions that have the potential to significantly impact on matters of national environmental significance (MNES) or the environment of Commonwealth land'.

Any action that has potential to have a significant impact on a listed endangered ecological community must be referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water in accordance with Part 3 of the Act.

The proposal is unlikely to have a significant impact on the community and a referral is not required.

5 Stakeholder and community consultation

5.1 Consultation

Consultation on design of park improvements

In 2020 Liverpool City Council sought community feedback on improvement works at Kotlash Park. This included a new playground and landscaping. Overall, the feedback was positive and the community was supportive of the new playground.

Consultation required prior to and during construction

Liverpool City Council would notify Lurnea Public School and local residents of the proposed works. The work would be carried out during school holidays to minimise the risk to staff and students at the school. Signs would be used in the park to notify people. Notifications would include:

- Description and location of the work
- Start and duration of the work
- Potential impacts
- Contact details for further information.

A Sydney Water sewer line runs through the park. The contractor must notify Sydney Water of the work and ensure that access to maintenance holes is maintained.

5.2 Transport and Infrastructure SEPP consultation

Part 2.2 of the Transport and Infrastructure SEPP contains provisions for public authorities to consult with local councils and other public authorities prior to the commencement of certain types of development.

Section 2.17 states that sections 2.10-2.15 do not apply if the development would require notice to be given to a council that is carrying out the development or on whose behalf it is being carried out.

Consultation for the purpose of section 2.15 is outlined in Table 5-1. Liverpool City Council is not required to consult with other agencies.

Table 5-1 Consultation requirements

Is consultation with other agencies required under section 2.15 of the Infrastructure SEPP?

(a) development adjacent to land reserved under the National Parks and Wildlife Act 1974 or to land acquired under Part 11 of that Act—the Office of Environment and Heritage

Is consultation with other agencies required under section 2.15 of the Infrastructure SEPP?

(b) development on land in Zone E1 National Parks and Nature Reserves or in a land use zone that is equivalent to that zone—the Office of Environment and Heritage	No
(c) development comprising a fixed or floating structure in or over navigable waters—Roads and Maritime Services	No
(d) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map—the Director of the Observatory	No
(e) development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument—the Secretary of the Commonwealth Department of Defence	No
(f) development on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961—the Mine Subsidence Board	No

5.3 Resilience and Hazards SEPP consultation

Liverpool City Council is required to notify council of Category 2 remediation works at least the day prior to the start of work. In this case, the relevant section of Council must be notified.

6 Environmental assessment

6.1 Soil and water

6.1.1 Existing environment and impacts

Kotlash Park contains fill to an average depth of 0.3 m below ground level (bgl). Investigations have found glass, metal, plastic, blue metal gravel and occasional potential asbestos containing material (ACM) in the fill. The asbestos fragments were found throughout the park and pose a potential risk to public health through inhalation of fibres.

The remediation work would remove the asbestos containing material to a depth of 200 mm and cap the remaining material. This would ensure that the risk to public health is minimised.

The park area is about 2,900 m². Excavation of ACM would be required across the site, including stockpiling of material. There is potential for sediment loss from the site. Sediment controls including diversion of water around excavations and stockpiles would be used to minimise the potential for this to occur. Excavating and progressively backfilling to minimise the amount of exposed soil at any one time would be considered by the contractor.

Refuelling of vehicles would take place in designated areas that contain spill protection. Fuel and chemical spills have potential to pollute soil.

An operational environmental management plan would be developed to ensure that the capping layer is inspected regularly. The plan would include measures to implement if the layer is eroded and breached due to unplanned excavation work.

6.1.2 Safeguards and management measures

- All works must be carried out in accordance with the Kotlash Park Remediation Action Plan (WSP, 2022)
- An Erosion and Sediment Control Plan (ESCP) will be prepared for the work that will incorporate specifications outlined in the NSW Soils and Construction – Managing Urban Stormwater Volume 1 “the Blue Book” (Landcom, 2004)
- Prepare an Environmental Management Plan (EMP) to manage the capping layer during operation
- Prepare an asbestos management plan (AMP) in accordance with current guidelines, including:
 - site inductions, during which workers are to be advised on the contamination status of the site including the location, nature, type, concentration and risk associated with the contaminants present
 - the location and methods of field identification of contamination hotspots
 - the occupational health and safety monitoring to be undertaken (as required by site conditions) in areas reported to contain contamination hotspots and areas outside contamination hotspots
 - the occupational health and safety controls to mitigate the risks, including personal protective equipment (PPE).

- Progressive excavation and filling will be considered by the contractor
- Environmental safeguards are to be installed consistent with “Managing Urban Stormwater: Soils and Construction” (4th Edition Landcom, 2004, aka the Blue Book (see <http://www.landcom.com.au/whats-new/the-blue-book.aspx>)) to ensure that there is no escape of sediment into any drainage lines
- Erosion and sediment controls will be maintained regularly until the proposed works are completed (including the removal of any build up soils and materials)
- Stop work and advice sought from the Liverpool City Council environmental representative if odours, unusual discolouration or previously unidentified construction and demolition waste are encountered in site soils. Details on the management of asbestos based materials are documented in the AMP
- Barricading and signage should be used at all locations which are subject to isolation and should not be worked upon until clearance has been given
- Water carts are to be available at all times and to be used as needed for dust suppression
- Excavated material will be classified in accordance with the Environmental Protection Authority (EPA) Waste Classification Guidelines 2014 prior to disposal
- DPE will be notified of any incidents resulting in environmental harm as per Part 5.7 of the *Protection of the Environment Operations Act 1997*
- Spill kits will be located on site at all times during construction. All staff must be inducted into the incident emergency spill procedures and made aware of the location of emergency spill kits
- All fuels, chemicals, and liquids will be stored in an impervious bunded area. The volume of the bunded area would be at least 110% of the volume of the stored tanks
- The refuelling of equipment will be carried out in an impervious bunded area
- Any material transported onto pavement surfaces will be swept and removed at the end of each working day
- The weather forecast will be monitored daily
- Disturbed areas will be stabilised in advance of heavy rain
- Stockpiled spoil will be stored away from stormwater flow paths
- All concrete washout will be contained and disposed of at an appropriately licensed waste facility.

6.2 Ecology

6.2.1 Existing environment and impact

Kotlash Park is grassed with three trees. There are no plant community types or records of threatened species. The trees would be protected and retained unless the remediation work would impact the viability of the trees. In this case there would be a need to remove some or all of the trees. Compensatory planted would be carried out if there is impact to any of the trees. The grassed area is unlikely to provide suitable habitat for fauna species. No impacts to threatened species are anticipated.

6.2.2 Safeguards and management measures

- Protect trees in accordance with the requirements of Australian Standard 4970-2009 for the Protection of Trees on Development Sites
- Plant trees to compensate for any tree loss. Suitable native species must be used
- Stockpiling of materials and equipment and parking vehicles within the dripline (extent of foliage cover) of any trees must be avoided
- Construction machinery will be cleaned prior to entering and exiting the work site to prevent the spread of weed propagules
- All disturbed areas will be rehabilitated following completion of construction
- If injured fauna is found during construction WIRES or another relevant group will be contacted
- Grass will be reinstated following completion of the work.

6.3 Air quality

6.3.1 Existing environment and potential impact

The proposal is located beside Lurnea Public School and residential properties on Facey Crescent.

The remediation work involves excavating and capping ACM. Excavation has potential to result in friable asbestos particles becoming airborne. This would be risk to human health, particularly at adjacent residential properties. A water cart would be used to minimise airborne particles and air quality monitoring would be used during the work. The AMP must include procedures to manage the excavation work to ensure that dust emissions are minimised.

During the proposed works there would be the potential for a localised deterioration in air quality due to:

- Dust generated during earthworks
- Emissions from machinery and vehicles
- Uncovered loads.

Exposed areas and stockpiles will be managed to minimise dust impacts to surrounding residents. As well as health effects, dust has potential to coat windows and cars causing annoyance to residents.

6.3.2 Safeguards and management measures

- Boundary monitoring for respirable (asbestos) fibres will be undertaken during the duration of the earthworks
- The AMP must include procedures for controlling dust emissions
- Smoky emissions will be kept within the standards and regulations under the *Protection of the Environment Operations Act 1997* that no vehicle shall have continuous smoky emissions for more than 10 seconds
- Measures (including watering or covering exposed areas) will be used to minimise or prevent air pollution and dust

- Exposed areas will be stabilised as soon as practicable
- Stockpiles will be covered
- Trucks transporting material will be covered at all times to prevent dust emissions
- Ground disturbance will not be undertaken when wind leads to visible dust emissions
- Remediation work will be supervised by an accredited asbestos professional
- Dust suppression must be used to prevent any asbestos becoming airborne.

6.4 Non-Aboriginal heritage

6.4.1 Existing environment and impact

The following heritage databases were searched on 6 December 2022:

- National Heritage list
- Commonwealth Heritage List
- NSW State Heritage Inventory
- Liverpool LEP.

There are no listed heritage items in the vicinity of the proposal. The works would be on disturbed ground and the risk of encountering items of heritage significance is low.

6.4.2 Safeguards and management measures

- If potential heritage items are discovered then all works will stop and the Council's Environmental Officer will be contacted. If any item found on the site is thought to be significant, the Heritage Council NSW will be contacted.

6.5 Aboriginal heritage

6.5.1 Existing environment and impact

An Aboriginal Heritage Information Management system (AHIMS) search was carried out on 6 December 2022 and found that there are no registered Aboriginal sites in the vicinity of the proposal.

The area around Kotlash Park appears to have been developed in the 1960s (WSP, 2022). Potential filling at the park may have occurred during the construction at neighbouring properties. The site investigation works found that fill material was found at all locations in the park to a depth of 300mm. It is unlikely that the original soil profile remains. In addition, the park is not located in a landscape that has high potential for Aboriginal heritage.

There is a low risk of encountering Aboriginal heritage.

6.5.2 Safeguards and management measures

- If unexpected heritage items are uncovered, Liverpool City Council's Aboriginal and Historic Heritage Unexpected Finds Procedure is to be applied.

6.6 Waste management

6.6.1 Policy setting

Waste management would be undertaken in accordance with the Waste Avoidance and Resource Recovery Act 2001.

The objectives of this Act are:

- (a) to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development,
- (b) to ensure that resource management options are considered against a hierarchy of the following order:
 - i) avoidance of unnecessary resource consumption,
 - ii) resource recovery (including reuse, reprocessing, recycling and energy recovery),
 - iii) disposal,
- (c) to provide for the continual reduction in waste generation,
- (d) to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste,
- (e) to ensure that industry shares with the community the responsibility for reducing and dealing with waste,
- (f) to ensure the efficient funding of waste and resource management planning, programs and service delivery,
- (g) to achieve integrated waste and resource management planning, programs and service delivery on a State-wide basis,
- (h) to assist in the achievement of the objectives of the *Protection of the Environment Operations Act 1997*.

6.6.2 Potential impacts

The following wastes would be generated by the proposal:

- Excavated material containing asbestos
- Concrete waste.

All excavated spoil would be classified and disposed of at an appropriately licensed waste facility.

6.6.3 Safeguards and management measures

- Resource management hierarchy principles are to be followed:
 - Avoid unnecessary resource consumption as a priority
 - Avoidance is followed by resource recovery (including reuse of materials reprocessing, recycling and energy recovery)
 - Disposal is undertaken as a last resort

(in accordance with the Waste Avoidance & Resource Recovery Act 2001)

- All waste material will be classified in accordance with the EPA Waste Classification Guidelines
- Waste will not be burnt on site
- Waste material will not be left on site once the works have been completed
- Working areas will be maintained, kept free of rubbish and cleaned up at the end of each working shift
- Asbestos waste must be disposed of by a licensed asbestos waste removalist
- If asbestos waste greater than 100kg or more than 10 sq m then reporting through WasteLocate is required
- The transporter of waste must:
 - Before transporting the waste, certify that any part of the waste transport certificate for the waste that is required to be removed by the transporter has been completed accurately
 - Before transporting the waste, ensure that there is a consignment authorisation that authorises the transport of the waste
 - Carry in the vehicle transporting the waste the waste transport certificate for the waste
 - Maintain a record of truck movements in order to enable the waste to be tracked to the receiving location. The receiving location shall issue disposal dockets and these shall be reconciled against the truck movement records to ensure accountability for all materials transported from the site.

6.7 Noise and vibration

6.7.1 Method

Construction noise

The proposed upgrade would take around 10 weeks to complete. The *Draft Construction Noise Guideline* (EPA, 2020) (DCNG) was used to assess the potential noise impact of the proposal. The proposal is a medium construction noise risk project due to the duration of the work and proximity to sensitive receivers. A qualitative construction noise assessment was prepared.

To determine the Rating Background Level (RBL) a construction noise estimator (RMS, 2017) was used. Construction noise management levels for residential receivers are determined using the DCNG (refer to Table 6-1).

Table 6-1 Noise management levels at noise sensitive receivers

Time of day	Management level L _{Aeq(15min)}	How to apply
Recommended standard hours: Monday to Friday	Noise affected RBL + 10dB(A)	Where the predicted or measured LAeq, 15min is greater than the noise affected management level, the proponent shall apply all feasible and reasonable work practices to meet this level.

Time of day	Management level L _{Aeq} (15min)	How to apply
7 am to 6 pm Saturday 8 am to 1 pm No work on Sundays or public holidays		As a matter of good practice, noise should be reduced as far as reasonably practicable. The proponent should notify all potentially impacted residents.
	Highly noise affected 75dB(A)	Where noise is above the highly noise affected management level, all feasible and reasonable mitigation shall be applied as well as engagement with the consent authority or regulator to identify other measures to manage noise impacts. Where appropriate, engagement with the community is encouraged to determine the preferred mitigation approach, such as: <ul style="list-style-type: none"> • negotiated agreements and/or respite periods to restrict work activity • identification of times when the community is less sensitive to noise, including options for longer periods of construction in exchange for restrictions on construction times.
Outside recommended standard hours	Noise affected RBL + 5dB(A)	Strong justification is required for works outside the recommended standard hours. The proponent shall apply all feasible and reasonable work practices to meet the noise affected management level. Where this cannot be met, residual impacts should be quantified, and potentially impacted residents notified. The supplementary mitigation described in Table 5 must also be considered, subject to the application notes in section 5.4 of the DCNG.
	Highly noise affected 65dB(A)	The highly noise affected management level represents the point above which the supplementary mitigation described in Table 5 must be considered, subject to the application notes in section 5.4 of the DCNG. The proponent must justify the selection of feasible and reasonable mitigation, including the supplementary mitigation, with emphasis on consultation with the community and the consent authority or regulator, and community views on work scheduling and respite periods, as described in section 5.4 of the DCNG.

Residential receivers are considered ‘noise affected’ where construction noise levels are greater than the noise management levels identified in Table 6-1. The noise affected level represents

the point above which there may be some community reaction to noise. Where predicted and/or measured construction noise levels exceed noise management levels, all feasible and reasonable work practices will be applied to meet the management levels.

The potential noise level at properties around the proposal was estimated using the Transport for NSW Construction Noise Estimator. Excavation work would be the longest activity onsite and has the highest potential to result in noise impact. This work scenario and concrete works was used to assess the noise impact (Table 6-2).

Table 6-2 Work scenario

Work scenario	Plant and equipment used
Earthworks	Excavators (2), delivery trucks (2)
Concrete work	Concrete truck, hand tools

6.7.2 Existing environment

The background noise in the area is mainly influenced by traffic on roads and the industrial properties on Powdrill Road, west of the proposal site. The following receivers are located in the vicinity of the proposal.

- Nearest receivers and distance to the proposed work:
 - 3 and 5 Facey Crescent – beside the proposed work
 - 15, 17, 19 and 21 West Street – beside the proposed work
 - Lurnea Public School – beside the proposed work.

6.7.3 Potential impacts

Construction noise

Noise levels were estimated for two work scenarios:

- Earthworks
- Concrete work

Table 6-3 provides the distances from the proposal site where residential receivers are predicted to experience noise levels above the NML and be highly noise affected (> 75dB). Residents within 24 metres of the works are predicted to be highly noise affected. This includes:

- 3, 5, 7 and 8 Facey Crescent
- 15, 17, 19 and 21 West Street
- Lurnea Public School.

The work would be carried out during school holidays to avoid impacting the school. Consultation with the residential receivers is required prior to the start of construction. Respite periods during excavation should be considered to minimise impact.

All receivers within about 105 metres during earthworks and 115 metres during concrete work are predicted to experience noise levels above the NML. This is a worst case when all plant are

operating simultaneously. The influence of noise from Wonga Road, West Street and from the industrial properties is likely increase at residential properties further from Kotlash Park.

Figure 6-1 shows potentially impacted residents during the noisiest work (earthworks).

Table 6-3 Predicted noise impact for receivers for the work scenarios during standard hours

Work scenario	RBL L _{A90} (15min) (dBA)	NML L _{Aeq} (15min) (dBA)	Distance from proposal site	
			Highly noise affected (> 75 dBA)	Noise level above the NML
Excavation	45	55	Receivers within 23m	Within 105m
Concrete work	45	55	Receivers within 24m	Within 115m



Figure 6-1 Potentially noise impacted residents

6.7.4 Construction vibration

Structures (sheds) are located in residential properties at the boundary with the park. Vibration impacts to people or structures are not expected due to:

- Minimal use of any vibrating plant

- No work in rock
- No work near any heritage structures.

6.7.5 Safeguards and management measures

- Consult with potentially highly affected receivers. Respite periods should be considered
- Notify all potentially affected residents of the proposed work
- Works will be scheduled to be carried out during standard working hours where practicable (i.e., 7am–6pm Monday to Friday, 8am–1pm Saturdays)
- No swearing or unnecessary shouting or loud stereos/radios on site
- No dropping of materials from height where practicable, throwing of metal items and slamming of doors
- All plant and equipment will be appropriately maintained to ensure optimum running conditions.

6.8 Visual impact

6.8.1 Existing environment and potential impacts

The proposal is located in a suburban area. The park is grassed with three trees and has no facilities. The proposed work would have a short term negative visual impact. However, grass will be reinstated following completion of the work and there will be minimal long term impact.

6.8.2 Safeguards and management measures

- Disturbed areas would be restored following completion of the work.

6.9 Traffic and access

6.9.1 Existing environment and potential impact

The proposal site would be accessed from Facey Crescent.

Trucks movements to remove materials from the site have potential to cause disruptions for local residents, particularly if carried out during peak periods. However, work is planned for school holidays to minimise impacts on the community. Any impact would only occur during construction, about 10 weeks. Traffic management measures would be put in place during remediation and construction work to minimise impact to local residents.

There is adequate parking at Kotlash Park to accommodate site workers. There would be no impacts to residential parking or to private property access.

6.9.2 Safeguards and management measures

- The CEMP will include traffic management measures to manage truck movements, deliveries and site access
- Avoid truck movements to and from the site during peak periods
- Private access will not be blocked without prior notification to the landowner

- Signs will be placed in Kotlash Park in advance of the work to notify park users of upcoming work.

6.10 Socio-economic

6.10.1 Existing environment and potential impact

The proposed remediation and upgrade works would have a positive impact by providing safe and improved recreational facilities for the local community. The park would not be available for use during the works and fencing would be used to restrict access.

6.10.2 Safeguards and management measures

- Fencing will be erected to restrict access to the park during the work
- Signs will be erected in the park in advance of the work to notify park users of the upcoming work and any restrictions to park usage.

6.11 Cumulative

The work is relatively minor and confined to Kotlash Park. The work is not expected to have a cumulative impact with other development.

7 Environmental management

A Construction Environmental Management Plan (CEMP) will be prepared to describe safeguards and management measures identified. The plan will provide a framework for establishing how these measures will be implemented and who would be responsible for their implementation.

The plan will be prepared prior to construction of the proposal and must be reviewed and certified by the Liverpool City Council prior to the start of any on-site works. The CEMP will be a working document, subject to ongoing change and updated as necessary to respond to specific requirements.

7.1 Licences, permits and approvals

No licences or approvals are required for the proposal.

The appropriate section of Liverpool City Council would be notified of Category 2 remediation at least the day prior to the start of remediation work.

8 Conclusion

8.1 Principles of ecologically sustainable development

The precautionary principle

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. The proposal would remove the asbestos risk in the park and improve recreational facilities for present and future generations.

Conservation of biological diversity and ecological integrity

There would be no impact to the biological diversity and the ecological integrity of the locality.

Improved valuation, pricing and incentive mechanisms

Liverpool City Council is placing a value on removing contamination and improving recreational facilities.

8.2 Conclusion

The proposal is subject to assessment under Division 5.1 of the EP&A Act. The REF has examined and taken into account to the fullest extent all matters affecting or likely to affect the environment by reason of the proposed activity.

The proposal would be unlikely to cause a significant impact on the environment. Therefore, it is not necessary for an environmental impact statement to be prepared and approval to be sought from the Minister for Planning and Homes under Division 5.2 of the EP&A Act. A Biodiversity Development Assessment Report or Species Impact Statement is not required.

The proposal is not likely to have a significant impact on matters of national environmental significance or the environment of Commonwealth land within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*. A referral to the Australian Department of Climate Change, Energy, the Environment and Water is not required.

9 References

Liverpool City Council, 2018. *Recreation, Open Space and Sports Strategy 2018-2028*.
Liverpool City Council, Liverpool.

WSP, 2022. *Remediation Action Plan Kotlash Park, Facey Crescent, Lurnea NSW*. WSP,
Sydney

Appendix A Clause 171 of the EP&A Regulation

A public authority is to take into consideration the matters listed in clause 171 of the EP&A Regulation when assessing a development under Division 5.1 of the EP&A Act. The following table lists the matters and the compliance of the proposal.

Factor	Impact
<p>a) Environmental impact on a community?</p> <p>The proposal would have a positive social impact on the community by improving recreational facilities and eliminating an asbestos risk.</p>	Positive impact
<p>b) The transformation of a locality?</p> <p>The proposal would not transform the locality.</p>	Nil
<p>c) The environmental impact on the ecosystems of the locality?</p> <p>The proposal would not impact the ecosystem of the locality.</p>	Nil
<p>d) Reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</p> <p>The proposed works would not change the aesthetic value of the park. The works are expected to improve the recreational value of the park.</p>	Positive impact
<p>e) The effect on a locality, place or building that has</p> <ul style="list-style-type: none"> i. aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or ii. other special value for present or future generations? <p>The proposed work would not affect any locality, place or building with cultural or heritage significance.</p>	Nil
<p>f) The impact on the habitat of protected fauna (within the meaning of the Biodiversity Conservation Act 2016)?</p> <p>The proposal would not impact the habitat of protected fauna.</p>	Nil
<p>g) The endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?</p> <p>The proposal would not endanger any species of animal, plant or other form of life.</p>	Nil
<p>h) Long-term effects on the environment?</p>	Positive impact

Factor	Impact
Remediation would have a positive long-term impact on the park.	
i) Degradation of the quality of the environment?	Nil
The proposal would not degrade the environment.	
j) Risk to the safety of the environment?	Positive impact
The proposal would not risk the safety of the environment. Capping the asbestos containing area would have a positive impact for public health.	
k) Reduction in the range of beneficial uses of the environment?	Positive impact
The proposal would improve recreational facilities for the community.	
l) Pollution of the environment?	Potential short-term negative impact
There is potential for erosion and sedimentation impacts, noise and air quality. Safeguards in section 6 would mitigate the impact.	
m) Environmental problems associated with the disposal of waste?	Nil
There would be no problems associated with the disposal of waste.	
n) Increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply?	Nil
There would be minimal demand for resources.	
o) The cumulative environmental effect with other existing or likely future activities?	Nil
The proposal is not expected to have a cumulative impact.	
p) The impact on coastal processes and coastal hazards, including those under projected climate change conditions?	Nil
The proposal would not impact coastal processes.	
q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1	Nil
The proposal is relatively minor and would not affect the implementation of strategic, regional or district plans.	
r) other relevant environmental factors	Nil
The proposal would not impact other environmental factors.	

