



Our reference: FIL09/13308:DOC12/28329:PW
Contact: Paul Wearne (02) 4224 4100

Department of Planning & Infrastructure
(Attention: Robert Byrne)
GPO Box 39
SYDNEY NSW 2001

**PREFERRED PROJECT REPORT MIXED USED DEVELOPMENT
TALLAWARRA LANDS YALLAH (MP09 0131)**

I am writing to provide comments regarding the above document that was received by the Environment Protection Authority (EPA) on 11 July 2012.

The EPA has undertaken a review of the Preferred Project Report (PPR) against the matters regulated by the EPA and raised in Office of Environment and Heritage's (OEH) submission on the Environmental Assessment dated 7 November 2011. The EPA provides the following comments for Department of Planning and Infrastructure's consideration in their assessment of the project.

Noise

The proponent has not provided any further information in the PPR regarding the potential noise impacts from the industrial land uses on the proposed residential land uses. This information was requested by the EPA in the OEH submission. In the absence of this information and in order to prevent any future land use conflict, the EPA recommends that the following requirements be either secured as Conditions of Approval or be sought as additional Statement of Commitments (SoC) from the proponent.

- The proposal must incorporate appropriate setbacks for any residential lots and other sensitive land uses from the industrial land uses so that the Amenity criteria in the NSW Industrial Noise Policy (INP) are not exceeded at the residential lots (using the Suburban Residential Amenity category) or sensitive land uses (using the relevant Amenity category for the sensitive land use). Note that the Amenity criteria for residential lots and some of the sensitive land uses in the INP are external noise levels
- A program must be developed and implemented to ensure the L_{Aeq} noise levels detailed in the Infrastructure State Environmental Planning Policy (SEPP) will be achieved for all dwellings in the Tallawarra Lands area; and
- That a notification be required on all Section 149 Certificates for residential lots that will be affected by noise.

Contamination


The PPR states that the proponent will manage the land contamination in accordance with SEPP 55. While the EPA considers this appropriate, the implementation of SEPP 55 lies with the Planning Authority who is required to consider this instrument at the development approval and rezoning stage to determine whether any potential land contamination will adversely affect the suitability of a site for its proposed use.

As previously recommended by the EPA in the OEH submission, we recommend that following requirement be either secured as a Condition of Approval or be sought as an additional SoC from the proponent.

- The proponent must engage a site auditor accredited under the *Contaminated Land Management Act 1997* to certify the suitability of the land for its proposed use as well as to verify the adequacy of the investigation and remediation works (if necessary) that are performed.

If you have any questions, please contact the designated officer on (02) 4224 4100.

Yours sincerely



29/8/12

PETER BLOEM
Manager Illawarra
Environment Protection Authority

(N:\FINALS\2012\PLANNING\PW DOC12-28329 TALLAWARRA LANDS YALLAH.DOC)