



Our reference: EF13/4665:DOC13/84434-01:PW  
Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Infrastructure  
(Attention: Jane Flanagan)  
GPO Box 39  
SYDNEY NSW 2000

Dear Madam

**EXHIBITION OF MODIFICATION REQUEST – SANDON POINT - CONCEPT PLAN APPROVAL  
(MP06 0094) – MODIFICATION 4 AND PROJECT APPROVAL (MP07 0032) – MODIFICATION NO 4**

I am writing in response to your letter dated 14 November 2013 requesting comment on a modification to the Sandon Point Concept Plan to subdivide Lot 607 into 16 residential lots.

In general the proponent should ensure that the proposed development complies with the requirements of the Protection of the Environment Operations (POEO) Act 1997 and its associated regulations.

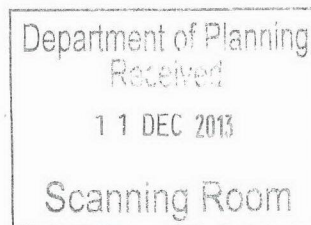
The Environment Protection Authority (EPA) has attached some general guidance for Department of Planning and Infrastructure's (DP&I) consideration in its assessment of the proposed modification (**Attachment A**). These relate to the following key issues:

- Prevention of Land Use Conflict
- Water Quality
- Noise
- Contaminated Land; and
- Waste

Should you require any further information, please contact the above officer.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Bloem', written over a horizontal line.  
9/12/13  
**Peter Bloem**  
**Manager Illawarra**  
**Environment Protection Authority**



Att

## ATTACHMENT

### 1. Prevention of Land Use Conflict

It is important that activities surrounding the proposed modification are considered as part of the assessment to ensure land use conflicts are avoided. In particular, infrastructure including major roads/railway and sewage infrastructure such as pumping stations and existing commercial/industrial activities have the potential to produce noise and odour impacts.

The EPA considers that appropriate land use planning should ensure land use conflict is avoided. For example, new developments should be planned to avoid noise-related land use conflicts up front through spatial separation, best practice building design, siting and construction, and the use of appropriate noise mitigation measures at appropriate locations

### 2. Water Quality

Urban stormwater runoff can contribute to degradation of the health of waterways. In this regard the proponent should provide supporting information that can demonstrate a development proposal that contributes to the achievement or protection of key river flow and water quality objectives for the Hewitts Creek. These are identified in the NSW Water Quality and River Flow Objectives for the Illawarra Catchments and can be found at the following site:

<http://www.environment.nsw.gov.au/ieo/Lakellawarra/index.htm>).

### Construction – Stormwater

Due to the sensitivity of the receiving waters and its associated environment a Soil and Water Management Plan should be developed and implemented prior to construction in accordance with the *Managing urban stormwater: soils and construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC 2008).

### Sewage Management

The proposed development will be connected to an existing sewage reticulation system. Supporting information should be provided on what system it will be connected to and whether this existing scheme can cater for any new additional load. Information should also be provided on whether any additional load will impact the systems environmental performance especially in relation to sewage overflows from any existing sewage pumping stations and discharges from any associated Sewage Treatment Plant. The EPA's policy is that for new systems there should be no pollution of waters as a result of overflows during dry weather and that overflows during wet weather should be minimised. Sewage overflows have been identified as one of the major contributors to diffuse source water pollution in urban environments.

Section 47 of the *Protection of the Environment Operations Act 1997* (POEO Act) defines scheduled development work as 'work at any premises at which scheduled activities are not carried on that is designed to enable scheduled activities to be carried on at the premises'. Under Section 47 of the POEO Act it is an offence for scheduled development work to be undertaken without an Environment Protection Licence (EPL). If the sewage reticulation installed as part of the proposed development will be connected to the Sydney Water Corporation Sewage Scheme (or any other existing sewage system licensed under the POEO Act) when completed, then the proposed reticulation will form part of that licensed system and will be considered to be a scheduled activity. Construction of the proposed reticulation would therefore constitute scheduled development work under the POEO Act and must not be undertaken without an EPL in place prior to the commencement of construction. The proponent should investigate the requirement for construction of the proposed sewage reticulation to be licensed under the POEO Act.

### 3. Noise

#### Road Traffic Noise

Any new roads, road redevelopments, or land use developments generating additional road traffic should be assessed in relation to the *NSW Road Noise Policy* (DECCW 2011). Residential development next to busy roads (with an annual traffic volume of over 40,000 vehicles per day) and rail corridors would be

required to meet the internal noise goals in the *Infrastructure SEPP 2007*. In addition, the *Development Near Rail Corridors and Busy Roads —Interim Guideline* should also be consulted. This guideline includes goals for internal noise levels based on World Health Organisation guidelines for residential and other sensitive developments along busy road and rail corridors to protect health and amenity. This guideline recognises judicious land use planning, architectural design, building orientation and good internal layout that can achieve acceptable acoustic amenity in close proximity to busy transport corridors.

### **Construction Noise**

Any potential noise impacts associated with the construction of infrastructure and services should be assessed and any appropriate noise mitigation measures identified and implemented. Any local residents or noise sensitive receivers should be considered. In this regard, we recommend the proponent consult the Interim Construction Noise Guideline (DECC, 2009). A copy of this guideline is available at: <http://www.environment.nsw.gov.au/noise/constructnoise.htm>.

### **4. Contaminated Land**

The State Environmental Planning Policy 55 (SEPP) states that as part of any land use change process the following key considerations should be addressed when preparing an environmental planning instrument:

- Whether the land is contaminated
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used; and
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

As per the SEPP, the EPA recommends that a contamination land assessment should be undertaken to inform future land uses. If historical information suggests that activities have been carried out across the project area which may have caused significant site contamination, the EPA recommends that Council should request the services of an accredited site auditor for those areas.

The assessment should also consider the requirements and procedures in the following:

- Contaminated Land Management Act 1997; and
- Contaminated Land Management Regulation 1998.

### **5. Waste**

The EPA has developed information to improve waste management associated with new residential development. In this regard, DP&I should consult the *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008) when assessing and determining the modification. This guideline provides suggested planning approaches and conditions for planning authorities to consider at the development application phase in relation to waste minimisation and resource recovery. This includes consideration of demolition and construction waste and the provision of facilities and services to allow the ongoing separation, storage and removal of waste and recyclables.

A key component of this guideline includes the requirement of developers to submit a plan showing estimates of waste generation during demolition, construction and ongoing use of the site, as well as details on how these wastes will be sorted, stored and removed for recycling and/or disposal. A copy of the guideline can be obtained at the following site:

(<http://www.epa.nsw.gov.au/resources/warr/08353SiteWasteMin2.pdf>).

In addition guidelines including *the Better Practice for Public Place Recycling* (DEC 2005) should also be consulted as it provides information on standard recycling systems for public places, such as parks, footpaths, bus-stops, etc.