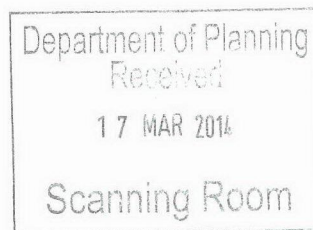


Our reference: EF13/4671:DOC14/19150-01:PW
Contact: Paul Wearne (02) 4224 4100



NSW Department of Planning and Infrastructure
Major Projects Assessment
(Attention: Fiona Gibson)
GPO Box 39
SYDNEY NSW 2001

Dear Madam

KIRRAWEE BRICK PIT SITE – SUTHERLAND LGA – MP 10 0076 MOD 3

I am writing in reply to your request for comments regarding the proposed modification to the approved Concept Plan for the Kirrawee brick pit site received by the Environment Protection Authority (EPA) on 18 February 2014.

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

- Noise
- Water Quality and Management
- Contaminated Land and;
- Waste.

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely


PETER BLOEM
Manager Illawarra
Environment Protection Authority

Attachment A

ATTACHMENT A

1. Noise

1.1 Road Traffic Noise

The supporting information has not included an assessment of any potential noise impacts associated with road traffic noise. With the proposal involving an increase in residential densities in conjunction with commercial activities the proposal will be a major traffic generating development. The impacts from road traffic noise should be assessed to determine whether noise mitigation measures are required in order to satisfy the *NSW Road Noise Policy* (DECCW 2011).

In addition, the proposed development is in close proximity to the Princess Highway. Residential development next to busy roads (with an annual traffic volume of over 40,000 vehicles per day) would be required to meet the internal noise goals in the *Infrastructure SEPP 2007*. 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 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 and minimise exposure to poor air quality in close proximity to busy transport corridors.

1.2 Construction Noise

Potential noise impacts associated with the construction phase of the development 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>.

2. Water Quality and Management

2.1 Stormwater

To prevent water pollution 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).

The EPA also recommends that P&I should require water sensitive urban design as well as integrated water cycle management principles be applied to the development and be documented in any stormwater management plan.

2.2 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. Contaminated Land

P&I should make sure that any site contamination issues have been considered and appropriately addressed. The *State Environmental Planning Policy 55 (SEPP)* state 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.

In this regard as per the SEPP, a Contamination Land Assessment would have been undertaken for the site as part of the original environmental assessment for the Concept Plan. The EPA recommends that P&I should consider whether this assessment and any proposed remediation strategies are still adequate based on the changes being sought by the modification. In this regard the services of an accredited EPA site auditor could be sought.

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

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

4. Waste

The EPA has developed information to improve waste management associated with new residential development. In this regard, P&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. The 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.