



Our reference: SF13/5706:DOC14/140147-02:PW
Contact: Paul Wearne (02) 4224 4100

NSW Department of Planning and Environment
Major Projects Assessment
(Attention: Mark Brown)
GPO Box 39
SYDNEY NSW 2001

Dear Sir

**RESPONSE TO SUBMISSIONS RE-EXHIBITION OF MODIFICATION REQUEST TO THE APPROVED
KIRRAWEE BRICK PIT CONCEPT PLAN – MP 10 0076 MOD 3**

I am writing in reply to your request for comments regarding the Response to Submissions in relation to the proposed modification to the approved Concept Plan for the Kirrawee Brick Pit Site received by the Environment Protection Authority (EPA) on 23 July 2014.

On the basis of a review of the submitted information, the EPA considers that Response to Submissions has not adequately addressed a number of issues raised in our responses dated 7 May 2014 and 12 March 2014. For example, the Response to Submissions states for a number of these issues that the proposal is only an amendment to an approved Concept Plan where the issue was not discussed further or would be left to a future development application process to resolve. Irrespective, the modification will involve changes to the building form and layout.

The EPA considers the issues and information provided in the EPA submissions are still important and should be considered by Department of Planning and Environment (DPE) in its assessment and determination of the proposed modification. In particular, a significant issue that has not been addressed is the potential impacts associated with road traffic noise as the proposal adjoins the Princess Highway. The EPA has provided further information on this issue in the attached comments (**Attachment A**) for DPE's consideration.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Newman', written over a horizontal line.

GREG NEWMAN
A/Manager Illawarra
Environment Protection Authority

22.8.14

ATTACHMENT

Road Traffic Noise

The Submissions Report states that the amendment will involve changes to building elevations and layout. In addition, the report also states that the increase in height along the Princes Highway is to signal a threshold to the Kirrawee Station Town Centre and to provide an acoustic barrier to the site. However, no noise assessment has been provided with the Submissions Report to justify this statement.

The Submissions Report states that the proposal does not include an assessment of potential noise impacts as it is only an amendment to the Concept Plan and the detailed Development Applications will address noise attenuation measures to the future residential and commercial activities.

The EPA recommended in its submission dated 12 March 2014 that the impacts from road traffic noise should be assessed and appropriate noise mitigation measures identified as the proposal will be a major traffic generating development and is in close proximity to the Princess Highway. In particular, the EPA recommended that the *NSW Road Noise Policy* (DECCW 2011), *Infrastructure SEPP 2007* and the *Development Near Rail Corridors and Busy Roads —Interim Guideline* should be consulted.

As indicated in the *Development Near Rail Corridors and Busy Roads —Interim Guideline*, when considering major renewal of areas, business parks or the subdivision of land located near busy roads and rail corridors, potential noise and vibration impacts should be considered at the master planning/concept planning stage. At this stage, there is more opportunity to address noise and vibration through setbacks, building orientation, layout, building height controls or noise barriers.

While the EPA agrees that noise mitigation measures should be documented as part of the development application process, the modification will involve significant changes to building elevations and layout. The EPA considers that unless noise is appropriately managed as part of the modification process, unresolved noise impact can lead to land use conflicts and cause public health and amenity issues. In this regard sustainable land-use planning and careful design and location of new activities will lead to the best outcomes, as the potential to address noise issues retrospectively is usually limited and more expensive.

In particular, Condition 80 of the Approved Concept Plan dated 23 August 2012 states:

"That there is potential for road traffic noise to impact future residential development on the subject site. In this regard the developer, not RMS is responsible for providing noise attenuation measures in accordance with Environmental Criteria for Road Traffic Noise".

In this regard, the EPA considers that the inclusion of this condition already recognises that there is a potential landuse conflict where Council and the EPA may be left with an intractable situation to resolve post development if not appropriately addressed as part of the current planning process.

The EPA understands that an acoustical assessment was included as supporting information for the original approved Concept Plan. With the proposal involving changes to building form and layout, the EPA recommends that the modification should be guided by a revised noise assessment to inform building form, layout and noise mitigation/management measures in order to prevent any future landuse conflict.