



DOC16/507205-01

Brendan Roberts  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Roberts

**Request for Secretary's Environmental Assessment Requirements - Modification to MP10\_0229  
Woollooware Bay Town Centre – 461 Captain Cook Drive, Woollooware**

I am writing in reply to the Department of Planning and Environment's (DPE) request for the Environment Protection Authority (EPA) to provide key requirements for the preparation of an Environmental Assessment (EA) for the above proposed project.

The EPA has attached some key environmental issues to assist DPE in the development of Secretary's Environmental Assessment Requirements (SEARs) (**Attachment A**). These relate to the following:

- EPA Licensing
- Water Quality
- Air Quality
- Noise and Vibration
- Waste Management; and
- Contaminated Land Management.

These issues should be assessed in accordance with the relevant guidelines/documents listed in **Attachment B**.

The EPA may have additional requirements or comments upon receipt and review of the EA.

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

Yours sincerely

*William Dove 14 October 2016*

**WILLIAM DOVE**  
**Acting Manager Illawarra**  
**Environment Protection Authority**

Contact officer: CRAIG PATTERSON  
(02) 4224 4100

Att A: Key Environmental Issues  
Att B: Guidance Material

## ATTACHMENT A

### KEY ENVIRONMENTAL ISSUES

#### 1. EPA Licensing

Based on the information provided, the proposed project may not require an Environment Protection Licence (EPL) from the EPA. The proponent should however undertake a review of all activities associated with the project and document any EPA licensing requirements. The Environmental Assessment (EA) should document the relationship of these activities in relation to the project and whether any additional licensing will be required if the project is approved. The proponent should consult the *EPA Guide to Licensing* which can be obtained at the following web site [www.epa.nsw.gov.au/licensing/licenceguide.htm](http://www.epa.nsw.gov.au/licensing/licenceguide.htm).

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 EPL.

#### 2. Water Quality

The environmental outcome for the project should ensure:

- there is no pollution of waters (including surface and groundwater).
- provides development that maintains or restores the community's environmental uses and values of water through the achievement of the relevant NSW Water Quality and Flow Objectives.
- promotes integrated water cycle management that optimises opportunities for sustainable water supply, wastewater and stormwater management and reuse initiatives where it is safe and practicable to do so.

The EA should document how the above outcomes will be achieved.

The EA should also include but not necessarily be limited to the following matters:

- Describe the nature and degree of any likely impacts that the proposed project may have on the receiving environment. This should include a characterisation of potential water pollutants at the site and any associated mitigation and management measures. The proponent should consider any water quality impacts in relation to nearby oyster leases, Towra Wetlands and Botany National Park.
- Outline how stormwater management measures will maintain the NSW Water Quality Objectives and Marine Water Quality Objectives for NSW Ocean Waters where they are being achieved or how the development will contribute to their achievement over time where they are not currently being achieved.
- Details on proposed stormwater management at the site including integrated water cycle management/water sensitive urban design.
- Demonstrate that all practical options to avoid discharge have been implemented and environmental impact minimised where discharge is necessary.
- Information on any stormwater reuse, retention and detention strategies to minimise changes to the hydrological (flow) regime of receiving waterways. Information is required on any dewatering strategies to ensure there is no pollution of waters.
- Describe how stormwater will be managed during the construction phase. The proponent should provide a commitment in the EA that a *Soil and Water Management Plan* will 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)*.
- Bunding is designed in accordance with the EPA's *Bunding and Spill Management Guidelines*.

The EA should provide information on the sewage management arrangements for the project. If connection is proposed to the existing Sydney Water system, the EA should document these discussions with Sydney Water. It should demonstrate it can cater for any new loads. Information should also be sought on whether any additional load will impact the system's 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 avoided.

### 3. Air Quality

The environmental outcome for the project should ensure:

- emissions do not cause adverse impact upon human health or the environment.
- no offensive odour beyond the boundary of the premises.
- compliance with the requirements of the POEO Act and its associated regulations.
- maintains or improves air quality to ensure National Environment Protection Measures for ambient air quality are not compromised.
- any dust emissions are prevented or minimised.

The EA should document how the above outcomes will be achieved. The proponent should identify and assess any significant air quality risks associated with the redevelopment of the site and identify approaches for their management.

### 4. Noise and Vibration

The environmental outcome of the project should be to minimise adverse impacts due to noise and vibration from the project. The EA must clearly outline the noise mitigation, monitoring and management measures the proponent intends to apply to the project to minimise noise and vibration impacts during construction and development of the site. As the project will be potentially traffic generating, the assessment should consider noise impacts of vehicle movements on current and future receivers.

An acoustic assessment should be undertaken to identify potential noise conflicts, cumulative impacts and management strategies, to inform and support the proposed land uses. The project itself contains a range of land uses that require noise considerations to understand how they will interact, including residential, commercial, entertainment and recreation. Some of these activities have the potential to produce noise impacts on sensitive land uses. This assessment should be used to assist in guiding the design and layout of various land uses and ensure optimal noise outcomes.

There are a range of guidelines that provide information and guidance on noise management that should be considered. These include the following:

- *Interim Construction Noise Guideline* (DECC 2009) – describes how construction noise should be assessed and any proposed noise mitigations measures identified and documented.
- Australian Standard (AS) 2021: 2015 *Acoustics – Aircraft noise intrusion – Building siting and construction* for land use planning purposes.
- *NSW Road Noise Policy (DECCW 2011)* provide guidance in relation to land use planning regarding road noise issues.
- The *NSW Industrial Noise Policy (EPA 2000)* is relevant for industrial sources.
- The *Development Near Rail Corridors and Busy Roads—Interim Guideline (Department of Planning 2008)* also provides further planning guidance. It recognises the need for judicious land use planning, architectural design, building orientation and good internal layout to achieve acceptable acoustic amenity in close proximity to busy transport corridors.
- Section 3.1 of the *Noise Guide for Local Government (EPA 2013)* and Section 3 of *Development Near Rail Corridors and Busy Roads—Interim Guideline (Department of Planning 2008)*. These include a range of noise mitigation strategies that can be implemented to manage noise impacts at the building design stage to ensure internal noise levels are acceptable.

### 5. Waste Management

The goal of the development should be to ensure:

- it is in accordance with the principles of the waste hierarchy and cleaner production.
- the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
- the beneficial reuse of all wastes generated at the premises are maximised where it is safe and



practical to do so.

- no waste disposal occurs on site except in accordance with an EPL.

The EA should identify, characterise, quantify and classify all waste that will be generated, recycled, reused and disposed of as a result of the proposed project. The EA should also describe the proposed methods of treatment, processing, reuse, recycling and disposal for each of these waste types (for example, treatment on site, removal to another premises for treatment or disposal).

The EA should also provide details of how waste will be handled and managed both onsite and offsite to minimise pollution. This should include information on the procedures and protocols to be implemented to ensure that any waste leaving the site is transported and disposed of lawfully and does not pose a risk to human health or the environment. If the waste possesses hazardous characteristics, the EA must provide details of how the waste will be treated or immobilised to render it suitable for transport and disposal.

All contaminated soil and associated waste materials must be managed in accordance with the *POEO Act 1997* and associated regulations and characterised in accordance with the EPA's *Waste Classification Guidelines*.

The EPA recommends the proponent consult the following guidelines:

- *Avoiding the dangers of accepting fill on your land* (EPA, 2013). This guide can be accessed at: <http://www.epa.nsw.gov.au/illegal dumping/landfill.htm>.
- *The Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (EPA December 2012). This guide can be accessed at: <http://www.epa.nsw.gov.au/resources/managewaste/120960-comm-ind.pdf>.
- *The Better Practice Guide for Waste Management in Multi-Unit Dwellings* (DECC 2008) provides waste management strategies for multi-unit residential developments. This guide can be accessed at <http://www.epa.nsw.gov.au/warrlocal/multi-unit-dwell.htm>.
- *The Better Practice Guide for Public Place Recycling* (DEC 2005) provides information on standards for recycling systems in public places, such as parks, shopping centres, footpaths and bus-stops. This guideline can be accessed at <http://www.epa.nsw.gov.au/warrlocal/public-place-event.htm>.

## 6. Contaminated Land Management

The EA should determine the likelihood of any impacts (including any potential offsite migration of contamination) occurring as a result of the project and detail any proposed mitigation and monitoring measures that will be implemented in the event that soil contamination is encountered. If there are any identified limitations during the assessment process, the EA must clearly identified the limitations and outline a plan to fill any data gaps including details of any proposed staging of investigation activities.

*State Environmental Planning Policy (SEPP) 55* will apply and a contaminated land assessment will need to be undertaken and included in the EA. SEPP 55 states that as part of the development process the following key considerations should be addressed:

- 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.
- If the land requires remediation; will be made suitable for any purpose for which the land will be used.

In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *State Environmental Planning Policy 55 – Remediation of Land*.

## ATTACHMENT B - GUIDANCE MATERIAL

Title	Web address
<b><u>Licensing</u></b>	
Protection of the Environment Operations Act 1997	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N</a>
EPA Guide to Licensing	<a href="http://www.epa.nsw.gov.au/licensing/licenceguide.htm">www.epa.nsw.gov.au/licensing/licenceguide.htm</a>
<b><u>Air Quality</u></b>	
Approved methods for modelling and assessment of air pollutants in NSW	<a href="http://www.epa.nsw.gov.au/air/appmethods.htm">http://www.epa.nsw.gov.au/air/appmethods.htm</a>
Approved Methods for the Sampling and Analysis of Air Pollutants in NSW	<a href="http://www.epa.nsw.gov.au/air/appmethods.htm">http://www.epa.nsw.gov.au/air/appmethods.htm</a>
Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW	<a href="http://www.epa.nsw.gov.au/resources/air/20060440framework.pdf">http://www.epa.nsw.gov.au/resources/air/20060440framework.pdf</a>
Technical Notes - Assessment and Management of Odour from Stationary Sources in NSW	<a href="http://www.epa.nsw.gov.au/resources/air/20060441notes.pdf">http://www.epa.nsw.gov.au/resources/air/20060441notes.pdf</a>
POEO (Clean Air) Regulation 2010	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N</a>
Clean Machine Program	<a href="http://www.epa.nsw.gov.au/air/nonroaddiesel.htm">http://www.epa.nsw.gov.au/air/nonroaddiesel.htm</a>
<b><u>Noise and Vibration</u></b>	
Interim Construction Noise Guideline (2009)	<a href="http://www.epa.nsw.gov.au/noise/constructnoise.htm">http://www.epa.nsw.gov.au/noise/constructnoise.htm</a>
Assessing Vibration: a technical guideline (2006)	<a href="http://www.epa.nsw.gov.au/noise/vibrationguide.htm">http://www.epa.nsw.gov.au/noise/vibrationguide.htm</a>
Industrial Noise Policy (EPA, 2000) and Industrial Noise Policy Application Notes	<a href="http://www.epa.nsw.gov.au/noise/industrial.htm">http://www.epa.nsw.gov.au/noise/industrial.htm</a>
NSW Road Noise Policy (2011)	<a href="http://www.epa.nsw.gov.au/noise/traffic.htm">http://www.epa.nsw.gov.au/noise/traffic.htm</a>
Noise Guide for Local Government (EPA 2013)	<a href="http://www.epa.nsw.gov.au/noise/nglg.htm">http://www.epa.nsw.gov.au/noise/nglg.htm</a>
Development Near Rail Corridors and Busy Roads—Interim Guideline (Department of Planning 2008)	<a href="http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf">http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf</a>
Australian Standard (AS) 2021: 2015 Acoustics – Aircraft noise intrusion – Building siting and construction	<a href="http://infostore.saiglobal.com/store/details.aspx?ProductID=1794379">http://infostore.saiglobal.com/store/details.aspx?ProductID=1794379</a>
<b><u>Waste, Chemicals and Hazardous Materials and Radiation</u></b>	
Waste Classification Guidelines (2008)	<a href="http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm">http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm</a>
Resource recovery exemption	<a href="http://www.epa.nsw.gov.au/waste/RRecoveryExemptions.htm">http://www.epa.nsw.gov.au/waste/RRecoveryExemptions.htm</a>
Avoiding the dangers of accepting fill on your land (EPA, 2013)	<a href="http://www.epa.nsw.gov.au/illegaldumping/landfill.htm">http://www.epa.nsw.gov.au/illegaldumping/landfill.htm</a>
Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (EPA December 2012)	<a href="http://www.epa.nsw.gov.au/resources/managewaste/120960-comm-ind.pdf">http://www.epa.nsw.gov.au/resources/managewaste/120960-comm-ind.pdf</a>

Title	Web address
Better Practice Guide for Waste Management in Multi-Unit Dwellings (DECC 2008)	<a href="http://www.epa.nsw.gov.au/warrlocal/multi-unit-dwell.htm">http://www.epa.nsw.gov.au/warrlocal/multi-unit-dwell.htm</a>
Better Practice Guide for Public Place Recycling (DEC 2005)	<a href="http://www.epa.nsw.gov.au/warrlocal/public-place-event.htm">http://www.epa.nsw.gov.au/warrlocal/public-place-event.htm</a>
<b>Water</b>	
<b>Water</b>	
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	<a href="http://www.environment.nsw.gov.au/water/usinganzeccandwqos.htm">http://www.environment.nsw.gov.au/water/usinganzeccandwqos.htm</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://deccnet/water/resources/AWQGuidance7.pdf">http://deccnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf">http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf</a>
NSW Government Water Quality and River Flow Environmental Objectives	<a href="http://www.epa.nsw.gov.au/ieo/">http://www.epa.nsw.gov.au/ieo/</a>
<b>Wastewater</b>	
National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)	<a href="https://www.environment.gov.au/system/files/resources/e52e452b-a821-4abe-9987-23988790e353/files/sewerage-systems-effluent-man-paper11.pdf">https://www.environment.gov.au/system/files/resources/e52e452b-a821-4abe-9987-23988790e353/files/sewerage-systems-effluent-man-paper11.pdf</a>
National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)	<a href="http://www.epa.gov.au/water/policy-programs/nwqms">http://www.epa.gov.au/water/policy-programs/nwqms</a>
Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)	<a href="http://www.epa.nsw.gov.au/resources/water/effguide.pdf">http://www.epa.nsw.gov.au/resources/water/effguide.pdf</a>
<b>Stormwater</b>	
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)	<a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">http://www.environment.nsw.gov.au/stormwater/publications.htm</a>
<b>Groundwater</b>	
National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)	<a href="http://www.environment.gov.au/resource/national-water-quality-management-strategy-guidelines-groundwater-protection-australia">http://www.environment.gov.au/resource/national-water-quality-management-strategy-guidelines-groundwater-protection-australia</a>
Metropolitan Water Sharing Plan	<a href="http://www.water.nsw.gov.au/Water-management/Water-sharing-plans/Water-sharing">http://www.water.nsw.gov.au/Water-management/Water-sharing-plans/Water-sharing</a>
<b>Contaminated Sites Assessment and Remediation</b>	
Contaminated Land Management Act 1997	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N</a>
Guidelines under the CLM Act	<a href="http://www.epa.nsw.gov.au/clm/guidelines.htm">http://www.epa.nsw.gov.au/clm/guidelines.htm</a>
Guidelines for Consultants Reporting on Contaminated Sites (2011)	<a href="http://www.environment.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf">http://www.environment.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf</a>
Guidelines for the NSW Site Auditor Scheme - 2nd edition (2006)	<a href="http://www.environment.nsw.gov.au/resources/clm/auditorguidelines06121.pdf">http://www.environment.nsw.gov.au/resources/clm/auditorguidelines06121.pdf</a>

Title	Web address
Sampling Design Guidelines (1995)	<a href="http://www.environment.nsw.gov.au/resources/clm/95059samppgdline.pdf">http://www.environment.nsw.gov.au/resources/clm/95059samppgdline.pdf</a>
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	<a href="http://www.scew.gov.au/nepms/assessment-site-contamination">http://www.scew.gov.au/nepms/assessment-site-contamination</a>
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	<a href="http://www.planning.nsw.gov.au/DevelopmentAssessments/RegistrarofDevelopmentAssessmentGuidelines/tabid/207/language/en-US/Default.aspx">http://www.planning.nsw.gov.au/DevelopmentAssessments/RegistrarofDevelopmentAssessmentGuidelines/tabid/207/language/en-US/Default.aspx</a>
<b>Bunding and Spill Management</b>	
Storing and Handling Liquids: Environmental Protection - Participants Manual	<a href="http://www.epa.nsw.gov.au/mao/bundingspill.htm">http://www.epa.nsw.gov.au/mao/bundingspill.htm</a>

