



DOC17/472505-13 JB

Ms Ingrid Berzins  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Via email: [Ingrid.Berzins@planning.nsw.gov.au](mailto:Ingrid.Berzins@planning.nsw.gov.au)

Dear Ms Berzins

**Notice of Modification - Shell Cove Boat Harbour (MP 07\_0027 MOD 1)**

I am writing in reply to the Department of Planning and Environment's (DPE) request for submissions regarding the Shell Cove Boat Harbour Precinct Section 75W Modification. The proposal involves a change to housing density and diversity.

The Environment Protection Authority (EPA) has undertaken a review of the proposal and has attached comments (**Attachment**) for DPE's consideration. These comments relate to water quality and sewage management.

The construction activities are currently regulated under Environment Protection Licence (EPL) 12426. The development modification consent (and modification) should be carried out in accordance with this EPL at all times. The modification application does not appear to require a change to the licence. The EPA can vary this licence at any time. In exercising its licensing functions, the EPA will take into consideration Section 45 of the *Protection of the Environment Operations Act 1997*.

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

Yours sincerely

*William Dove 28 September 2017*

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

Contact officer: JEN BYRNE  
(02) 4224 4100

Attachment A

## ATTACHMENT

### 1. Water Quality

The modification seeks an increase in the number of dwellings, increased lands for residential development and increased building heights. These changes could increase nutrient and suspended solids loads to receiving waters.

The Modification presents an opportunity to ensure that the community's environmental values and uses of waterways in the Shell Cove Harbour Precinct, such as boating and swimming, are recognised and integrated into land-use planning decisions.

The Modification adopts generic load reductions for total suspended solids, total phosphorus and total nitrogen. These load reduction targets do not reflect contemporary best-practice and may not deliver improvements in the health of receiving waters. Water quality targets to support the NSW Water Quality Objectives (WQOs) should be developed instead of adopting load reduction targets. The *Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions* (OEH & EPA, 2017) is a protocol that can be used to ensure the community's environmental values and uses for waterways are recognised and integrated into land-use planning decisions. The Modification should identify opportunities to adopt this framework, including the development of water quality targets and management responses to support the WQOs. A copy of this framework can be obtained at: [http://www.epa.nsw.gov.au/Water\\_pollution/policy.htm](http://www.epa.nsw.gov.au/Water_pollution/policy.htm).

A change to housing density and diversity could cause increases in flow event peaks while also increasing the loads of nutrients and sediment delivered to waterways, if not managed appropriately. The Modification seeks to remove bio-retention swales in favour of gross pollutant traps and tertiary treatment devices. The Modification should ensure that specific controls or treatment measures will deliver improvements in the health of receiving waters. Justification for the removal or inclusion of specific controls or treatment measures should be provided. This should include details of any arrangements to ensure that specific controls or treatment measures are monitored and maintained to meet the desired levels of performance.

A change to housing density and diversity could cause increases in sewage loads. The Modification should ensure that there is adequate capacity in the existing sewage system to cater for any additional load and the system's environmental performance will not be compromised. This includes sewage overflows from any sewage pumping station and discharges from any associated wastewater treatment plant. The EPA's policy is that for new systems, there should be no pollution of waters as a result of sewage overflows from the reticulation system during dry weather and overflows during wet weather should be avoided.