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Dear Ms Niles

**Response to Submissions Report - Tallawarra Lands, Yallah (MP 09\_0131 MOD 1)**

I am writing in response to the above report and supporting documentation which was received by the Environment Protection Authority (EPA) from the Department of Environment and Planning (DPE) on 20 May 2019. The EPA provides the following comments on matters relating to noise impact and contamination assessment conditions.

**Noise**

In our previous submission on this proposal of 16 August 2018 (our reference DOC18/584828), EPA raised concerns over the proposed residential precinct encroachment into previously established noise buffer zones and the assessment of low frequency noise from the operational power stations.

This Response To Submissions report includes an updated Noise Impact Assessment (NIA) which addresses the above EPA concerns as follows:

- The lot boundaries in the Northern Precinct now follow the modelled 40 decibel (A-weighted) (dBA) contour. This contour is listed in the Tallawarra B power station approval and establishes a noise buffer zone for power station operations. This amendment to the lot boundaries means that no residential development is now proposed in the existing buffer zone.
- a correction for low frequency noise is now included in the NIA and in combination with the updated lot boundaries, addresses EPA's concerns regarding low frequency noise.

A key consideration is the prevention of noise related land use conflicts. A range of approaches to promote better noise outcomes include, but are not limited to the following:

- Reducing impacts at receivers through best practice design, siting, construction and operation.
- Implementing communication mechanisms to inform members of the public moving into noise-affected areas.
- Acoustic design input into planning controls such as the Subdivision Plans, Construction Certificate Plans and Specifications.
- Validation could also be required prior to the issue of an Occupation Certificate to ensure any acoustic design measures have been satisfactorily incorporated into the development as a further check and balance.

Further advice can be found in the Noise Policy for Industry (EPA, 2017).

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## **Contamination Assessment**

The existing Concept Plan Approval Conditions 11 & 12 relating to contaminated land management apply (in part) to the residential areas, the most sensitive land use across the Tallawarra Lands area. EPA has discussed the proposed modification of these contamination assessment conditions with the Proponent or their consultants on multiple occasions as well as Wollongong City Council. This consultation has included discussions on appropriate wording to accommodate changes in site ownership and business conditions as well as development scheduling.

EPA has not conducted a detailed review of the wording of the revised conditions. Instead EPA has listed the outstanding contamination assessment requirements below (numbers 1-5) and matched their timing to broad components of the proposed residential development process. We request that DPE consider these steps and match this timing with the sub-division DA process for any condition modifications.

### **1. Subdivision of Residential Precincts**

While a wholistic approach to contaminated site assessment of the Tallawarra Lands is preferred, EPA does not object to separating the residential areas into 2 broad groups as proposed by the Proponent. That is separating the Northern and Central precincts (as 1 group) from the Southern precinct. To ensure ongoing site contamination is managed holistically and efficiently, further divisions resulting in separate or piecemeal progression of contamination requirements are unlikely to be supported by the EPA.

### **2. Completion of Contamination Sampling and Site Assessment**

The remaining site contamination assessments / investigations for the Areas of Environmental Concern (as listed in Condition 11) and asbestos (Condition 12) must be completed prior to the submission of any DA for subdivision development.

### **3. Accredited Site Auditor Report on Contamination Sampling and Site Assessment**

Any submission of a subdivision DA must be supported by a report from an NSW EPA Accredited Site Auditor which confirms the adequacy of the contamination investigations and any remediation action plan and certifies that the site/s can be made suitable for the proposed use.

### **4. Remediation**


Any remediation required must coincide with the first earthworks / breaking of ground. This may include clearing or infrastructure installation. This must be in advance of any dwelling construction.

### **5. Site Auditor Statement**

Prior to any dwelling construction the Proponent must submit a NSW EPA Site Auditor Statement validating that any remediation has been completed as necessary and the site is suitable for the proposed use.

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

Yours sincerely



07/06/19

**PETER BLOEM**  
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**Environment Protection Authority**