



DOC17/233938-03:PW

Northern Beaches Council
(Attention: Ms Cheryl Williamson)
PO Box 882
MONA VALE NSW 1660

Dear Ms Williamson

Public Exhibition of a Planning Proposal (Rezoning) for 15 Jubilee Avenue, Warriewood (PP004/16)

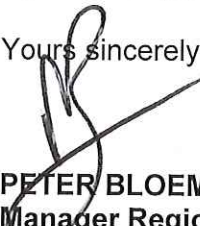
I am writing in reply to your request for comments regarding the above planning proposal and gateway determination received by the Environment Protection Authority (EPA) on 18 April 2017.

The EPA has undertaken a review of the submitted information and has attached comments (**Attachment A**) to assist Council in their assessment of the planning proposal. These comments relate to:

- Land Use Conflict
- Road Traffic Noise
- Contaminated Land
- Waste Management.

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

Yours sincerely


22/05/17
PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Contact officer: CRAIG PATTERSON
(02) 4224 4100

Attachment

ATTACHMENT A

Land Use Conflict

The Planning Proposal is seeking to rezone land at the subject site from Zone IN2 to Zone B7 Business Park. The Pittwater LEP 2014, states that the objective of a B7 Business Park zoning is:

- To provide a range of office and light industrial uses
- To encourage employment opportunities
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
- To provide healthy, attractive, functional and safe business areas.

This proposed zoning allows for a range of potential sensitive land uses that would be subject to consent; including child care centres, community facilities and respite day care centres. Council should ensure that any proposal to rezone this land does not result in land use conflict due to any potential land use incompatibility, especially where the proposal will adjoin existing industrial uses.

The EPA considers that appropriate land use planning should ensure land use conflict is avoided. For example, new developments should be planned to avoid noise-related land use conflicts up front through measures including spatial separation, best practice building design, siting and construction, and the use of appropriate air and noise mitigation techniques. In the absence of such approaches, the potential to address noise and odour issues retrospectively following development can be challenging and expensive and can lead to community complaint.

Road Traffic Noise

The supporting information does not appear to include consideration of any potential road traffic noise impacts and proposed mitigation strategies associated with the proposed rezoning. 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).

Further information on the range of noise mitigation strategies is provided in Section 3.1 of the *Noise Guide for Local Government* (EPA 2013) (<http://www.epa.nsw.gov.au/noise/nglg.htm>) and Section 3 of *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning 2008). In addition, the *NSW Road Noise Policy* (DECCW 2011) provides information and assessment requirements in relation to traffic generating development. A copy of this guideline can be obtained at the following web site:

<http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf>.

Contaminated Land

The processes outlined in *State Environmental Planning Policy 55* (SEPP55) should be followed in order to identify any contamination on the site and ensure the land is suitable for proposed use. Where any additional investigations identify contamination which has not previously been reported which meets the triggers in the *Guidelines for the Duty to Report Contamination*: www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf.

Contamination should be notified to the EPA in accordance with requirements of Section 60 of the CLM Act. The following guidance should also be consulted by Council in regard to the proposal:

- *NSW EPA Sampling Design Guidelines*. A copy of this guideline can be obtained at: www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf.
- *Guidelines for the NSW Site Auditor Scheme (2nd edition) 2006*. A copy of this guideline can be obtained at: <http://www.epa.nsw.gov.au/resources/clm/auditorlines06121.pdf>.
- *Guidelines for Consultants Reporting on Contaminated Sites, 2011*: A copy of this guideline can be obtained at: www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
- *The National Environment Protection (assessment of contamination) Measures 2013* as amended.

Consideration should be given to the use of an auditor accredited under the CLM Act to audit the suitability of the land for the proposed use where there is uncertainty of the quality of assessment, or remediation undertaken, or uncertainty of the suitability of land for the proposed use.

Any waste generated during demolition and construction needs to be classified in accordance with the EPA's *Waste Classification Guidelines* and managed in accordance with that classification. Any fill that is being transported from a development can only be transported to sites that are lawfully able to receive such material.

Further advice on contaminated land management during the planning and development control process is available on the EPA website: <http://www.epa.nsw.gov.au/clm/planning.htm>

Waste Management

The EPA has developed information to improve waste management associated with new residential development. In this regard, Council should consult the *Waste Not Development Control Plan (DCP) Guideline* (EPA 2008) to determine whether the waste provisions in any supporting DCP are contemporary and adequate in relation to the proposed rezoning. 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. A copy of the guideline can be obtained at the following site:

<http://www.epa.nsw.gov.au/resources/warr/08353SiteWasteMin2.pdf>).

The EPA recommends any supporting DCP should also refer to the following guidelines to assist the development of waste management strategies:

- 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 for Public Place Recycling* (DEC 2005) provides information on standards for recycling systems in public places, such as parks, shopping centres, footpaths, bus stops, etc. This guideline can be accessed at: <http://www.epa.nsw.gov.au/warr/publicrecycling.htm>.

