

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

18 July 2024

Darren Wallett
Manager – Environment Protection Planning
NSW Environmental Protection Authority
EPA Head Office
Locked Bag 5022,
Parramatta NSW 2124

Dear Mr Wallett,

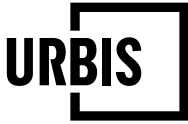
RFI RESPONSE - EPA ADVICE LETTER 13 JUNE 2024 – KURNELL PLANNING PROPOSAL PP-2023-2828

1. INTRODUCTION

Urbis acts on behalf of Besmaw Pty Ltd, the Proponent of the proposed Planning Proposal at 251, 260R, 278, and 280-282 Captain Cook Drive, Kurnell (the site) that seeks to translate and amend current land uses zones under the applicable controls to be consistent with the standard instrument zones. The Planning Proposal will establish a new mixed-use community, encompassing residential, employment, tourism, education, cultural facilities, ecological regenerative zones and public open space areas.

This letter provides the Proponents response to the Request for Further Information (RFI) issued by the NSW Environment Protection Authority (EPA) to the Sutherland Shire Council on 13 June 2024. Specifically, the EPA has requested the applicant provides further information to support and supplement the Air Quality Impact Assessment prepared by AECOM and dated 12 December 2023 (Ref. JN60558935) (the AQIA), as part of Besmaw's Planning Proposal.

This response has been prepared with input from AECOM.



2. BACKGROUND

Through the Department of Planning Housing and Infrastructure (DPHI) planning delivery unit (PDU), Urbis, Besmaw and Council have held a number of meetings between October 2022 and August 2024. Our focus of this engagement has been on managing land use conflict risks, which includes identifying and integrating early-stage odour management strategies and contingency measures for potential land use conflicts.

It has been the proponent's ongoing position that the development application for the Resource Management Facility at the Breen site seeks development consent for a prohibited waste disposal land use adjacent to the Besmaw Site that is currently capable of supporting sensitive land uses such as educational establishments, childcare centres, and residential accommodation. As such, the development application for the Breen Resource Management Facility is required to demonstrate that it will not have an adverse impact beyond its site boundaries including onto the Besmaw site and adjacent public land.

The potential of the Besmaw site to deliver new and diverse housing within the Sydney metropolitan area has been recognised by the Department in correspondence dated 15 August 2022 when it was confirmed that the site has strategic merit.

As such, it is neither reasonable nor equitable for a proponent of a permitted land use to be restricted in its development opportunities by a proposed prohibited land use such as the Resource Management Facility on the Breen site. Even if a planning pathway was available for the development of the Breen Resource Management Facility it would be reasonable that such a use should contain and mitigate its potential adverse impacts within the boundaries of the development site and meet its obligations under the Protection of the Environment Operations Act 1997 (POEO Act 1997).

Notwithstanding the above, ongoing discussions have been occurring with the EPA to resolve this matter. During the Scoping Proposal stage, the proponent again engaged extensively with the EPA including attending a meeting with the EPA facilitated by the PDU on 2 August 2023.

The purpose of the meeting was to deliberate on appropriate contingency plans to address potential land use conflicts between the Planning Proposal and the Breen Proposal, as outlined in EPA Document DOC23/418068-3. The goal was to ensure these conflicts were adequately addressed in the planning proposal and agree on the scope of the accompanying Air Quality Impact Assessment prepared by AECOM.

The outcome of this meeting established the contingency measures that could be implemented on the Besmaw site to mitigate the risk of odour impacts should they occur. The agreed measures are outlined below and have been implemented into the Planning Proposal.

1. Western Setback: AECOM undertook a detailed assessment to determine the impact of dust, odour and landfill gas migration from the Besmaw site, and this information was used to determine the setback of western most sensitive receptors within the Town Centre Precinct closest to the Breen Facility. Based on the dispersion modelling results contained in the AQIA prepared by AECOM the proposed setback distance is adequate to minimise potential reverse amenity air quality and odour impacts from the Breen Proposal. All evidence provided by the proponent to date suggests that this setback will be appropriate.
2. Staging: The western portion of the Besmaw site, known as the Town Centre Precinct, will be completed near the end of the project in Stage 4. A preliminary development program has been developed for the site and is expected to take approximately 20 years, with the final completion of Stage 4 anticipated around 2042. This proposed staging plan, which schedules the western

portion as the last stage, will allow Breen, if their application is approved, to complete the enclosure of their operations prior to the completion of the residential areas in close proximity to the site boundary.

3. **Direct interface with the infrastructure:** An area at the western edge of the Besmaw site, adjacent to Lindum Road and the Breen facility, will be zoned as SP2 Infrastructure. This zoning is not intended to support sensitive uses. Instead, it aims to ensure that the part of the site with the highest potential to be impacted by the Breen facility will be designated for water and sewer infrastructure, thereby avoiding sensitive uses in this area.

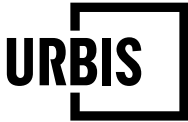
Correspondence was received from NSW EPA dated 18 August 2023 (refer to Appendix A) noted that enclosure of Breen's proposed development coupled with the proposed staging of the Kurnell Planning proposal and the western setback would substantially mitigate the potential land use conflict risks the EPA previously identified. Specifically, the EPA stated:

"As that advice noted, the EPA's primary concern regarding this proposal was the potential land use conflict between the Breen SSD-10412 and the Besmaw proposal. The EPA's concerns related to human health impacts from dust, odour and noise at the proposed Besmaw dwellings and the resulting regulatory burden on the EPA. However, the Response to Submissions document prepared by Ethos Urban (16 December 2022) states that Breen is willing to enclose their proposed development site. Further, Besmaw is considering staged development so the western portion of the mixed use development is completed at the end of the project. If these steps were taken, the land use conflict risks the EPA previously identified would be substantially mitigated.

The attached advice on the Scoping Proposal was based on a scenario in which the Breen SSD proceeded with the original proposal (which did not include an enclosure) and the Besmaw site building residential dwellings on the western boundary of the development in a short time frame. There was a significant risk of dust, odour and noise complaints that were highlighted in our advice.

The proposed staging of the Besmaw site, with the western portion of the site developed as the last stage, will allow Breen to complete the enclosure of the site prior to residential receivers being in close proximity to the Breen site. We note that this proposed staging of the Besmaw site was mentioned in the meeting on 2 August but does not yet form part of the Scoping Proposal."

Based on the above, the agreed contingency measures have been incorporated into the planning proposal and were accepted as appropriate to manage and mitigate potential impacts from the Breen site.

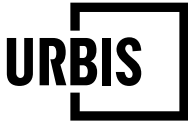


3. RESPONSE TO RFI FROM THE EPA

Please refer to the following table for a detailed response to the individual matters raised by the EPA in the RFI:

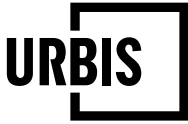
Table 1 RFI Response Table

EPA Comment	Response
<p><i>The EPA is not aware of contingency measures that could be practically implemented to resolve odour impacts should they occur. The lack of contingency measures elevates the risks for potential land use conflict and the need to adequately identify impacts upfront to ensure these inform any land use changes.</i></p>	<p>The AQIA includes an extensive assessment of the likely odour impacts from adjoining development on the site to recommend suitable contingency measures. During the Scoping Proposal stage, the proponent engaged extensively with the EPA to discuss suitable contingency measures. In response to a meeting held between the EPA, the proponent, and the PDU on 2 August 2023, the EPA provided the below comments on 18 August 2023:</p> <p><i>“The proposed staging of the Besmaw site, with the western portion of the site developed as the last stage, will allow Breen to complete the enclosure of the site prior to residential receivers being in close proximity to the Breen site</i></p> <p>.....</p> <p><i>We would be broadly supportive of both of the above actions by Breen and Besmaw. However, we reiterate our previous advice that the Breen development may be subject to future complaint from the Besmaw site, and potential non-compliance under the POEO Act, if the controls at the Breen site are not implemented correctly.”</i></p> <p>In response, the proposed master plan has accommodated an extensive setback along the site’s western boundary, whilst staging the nearest residential development to the Breen site as Stage 4 of the staging plan. In accordance with the submitted staging plan, Stage 4 will be delivered in approx. 2038-2042.</p> <p>It is anticipated that by this period, the Breen operations will be enclosed, and odour intrusion will be limited, notwithstanding the proposed setback distance of 100-144 metres from the site’s western boundary.</p> <p>It should also be noted that Breen’s non-compliance with their obligations under the POEO Act should not preclude the development of the adjoining Besmaw site. In assessing the Breen application, it is the responsibility of the Breen site to ensure that odour emissions from their development do not exceed those permitted by the EPA as it is the responsibility of any development to ensure they do not breach their licencing. As reiterated</p>



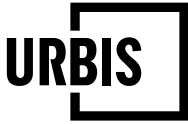
EPA Comment	Response
	<p>in this advice, development for the purposes of residential accommodation is <u>currently</u> permitted with consent on the Besmaw site and the Breen proposal should consider this in their application.</p> <p>Therefore, in response to the supportive comments received by the EPA during the Scoping Proposal stage, the master plan has incorporated adequate contingency measures to mitigate any adverse odour impacts on the future residential uses.</p> <p>It also noted, that should the proposed SSDA on the Breen site be approved, then the facility will be required to ensure no offsite impacts occur. The EPA's Secretary's Environment Assessment Requirements in Notice No. 1589878 and dated 10 January 2020 (the SEARs) prepared for the Breen SSDA outline the EPA's requirement that waste and materials received are to be stored and processed <u>inside an enclosed building</u>. The SEARs also outline that all waste handling activities, including receipt, sorting, processing, sampling, quarantine, storage, and loading must be conducted within an enclosed building. The EPA has also required the Breen site to address the odour generating potential of all wastes, including but not limited to green wastes, and where necessary revise the odour assessment to ensure no unacceptable and adverse odour impacts produced.</p> <p>As such, there is a shared responsibility to ensure odour from the Breen site will not adversely affect the future use of the Besmaw site.</p> <p>As outlined above, the proposed master plan incorporates the suitable contingency measures agreed in the extensive consultation that occurred with the EPA and as documented by EPA in 18 August 2023.</p> <p>Refer to Appendix A for a copy of the correspondence from the EPA.</p>
<p>1. <i>The odour assessment is based on a dispersion model used in the AQIA (GRAL) that has not been robustly justified or demonstrated to be fit for purpose to demonstrate the impacts from the Breen facility. Furthermore, it is a different dispersion model than the one used in the Breen assessment (CALPUFF).</i></p> <p><i>The AQIA assess potential impacts from the landfill using the dispersion model GRAL. The AQIA outlines that:</i></p>	<p>Page 38 of the AQIA states:</p> <p><i>"The common dispersion models used for complex modelling scenarios (AERMOD and CALPUFF) do not generally perform well within 100 m of a pollutant source, in highly complex terrain or around buildings or other barriers and therefore an alternative model is needed. The GRAL / GRAMM modelling suite can resolve wind flows for complex environments at a fine-scale resolution (down to 2m resolution). The Planning Proposal would likely result in changes to complex microscale air flows from changes to local</i></p>

EPA Comment	Response
<ul style="list-style-type: none"> ▪ The GRAL model was designed to assess the dispersion of pollutants from roadways and tunnel portals. ▪ GRAL has been extensively evaluated against experimental data from five different tunnel portals both in flat and complex terrain, with high and low traffic volumes. <p><i>The AQIA does not include a detailed justification that the selected model is ‘fit for purpose’. This includes but is not limited to reference to evaluation studies that are applicable to the scenario being assessed. The EPA considers that where modelling is used to inform a land use planning decision, the model and model input data must be robustly justified to allow for a reasonable worst-case assessment of potential impacts. The GRAL model has not been widely adopted for the assessment of impacts from stationary sources in Australia and Internationally. For stationary sources, the models CALPUFF and AERMOD are the models of choice in Australia.</i></p> <p><i>Where detailed justification and robust evaluation is not available, then such models should be contextualised through comparison of the results with the predictions from other more widely adopted dispersion models such as CALPUFF. This could allow for further interpretation of uncertainties with the use of models that have not been widely adopted and allow for further risk evaluation.</i></p>	<p><i>topography and built form; making GRAL suitable to assess potential air quality impacts at the site.</i></p> <p>.....</p> <p><i>GRAL has been used for the assessment of surface road impact assessments and industrial development assessments in Australia since 2015 and has been accepted for use by NSW EPA through the NSW Chief Scientist, who has prepared a document outlining a study into the acceptability of GRAL for use in Australian conditions. Given its suitability for this development and the acceptance of the GRAL model by NSW regulatory authorities, the GRAL model has been adopted for this assessment."</i></p> <p>Furthermore, traditional air dispersion models such as AERMOD and CALPUFF have not been able to clearly assess the effects of breaks in wind flow, channelling, and plume dispersion around complex building environments within close proximity to the source. In addition, these models cannot resolve air flow around buildings and rely on Building Profile Input Program to estimate wake effects from buildings.</p> <p>The proposal is for a large scale mixed use development; including both medium and high density development which would likely result in changes to complex microscale airflows in term influencing pollutant dispersal. It was therefore pertinent that a model capable of estimating flow fields in complex built environments was adopted.</p> <p>Using the adopted GRAMM/GRAL modelling suite; mesoscale meteorological modelling is undertaken by GRAMM accounting for the influences of topography and land use. Microscale meteorological modelling is then undertaken by the GRAL model in a smaller nested area of the GRAMM domain to predict the influence of buildings and other obstructions as well as fine scale terrain information.</p> <p>Additionally, adoption of the GRAL modelling suite to assess traffic emissions associated with the proposal was specifically requested by Sutherland Shire Council on 6 June 2023 in their response to the Scoping Proposal. For consistency all modelled air emissions were modelled using the GRAL modelling suite. Therefore, the AQIA has adequately justified the use of the GRAL model when compared to the CALPUFF model used in the Breen assessment. Given the advantages of the GRAL model described by AECOM, and the use of this model throughout Australia, this methodology is deemed appropriate.</p>



EPA Comment	Response
<p data-bbox="236 542 788 600">2. Assessment of odour impacts is not based on site specific emission data.</p> <p data-bbox="236 622 788 981"><i>The AQIA outlines that modelled odour impacts are based on odour emission data reported in the Breen Resources impact assessment (Wilkinson Murray, 2021). A transparent, detailed description of the odour emission data has not been presented. The EPA notes that the odour emission data is not site specific, and that data utilised for these assessments have been referenced from other assessments without detailed supporting evidence to demonstrate that the odour emissions adequately capture potential worst-case emissions for the landfill.</i></p> <p data-bbox="236 1008 788 1393"><i>Where odour modelling is used to inform planning decisions, the odour modelling should be based on justified site-specific odour emission data. In collating and reviewing odour emission data, detailed supporting information must be included to justify the data selected and demonstrate the odour emission data collected adequately captures the range of odour emissions that could occur, including peak odour emissions. This includes the provision of supporting emission test reports and evaluations undertaken to demonstrate the assessment of impacts adequately captures worst-case emissions.</i></p> <p data-bbox="236 1420 788 1617"><i>The EPA notes that odour emission data is a key data input to quantify the potential odour impacts. Where site specific odour emission data is not used in the modelling, there is uncertainty as to whether the model output adequately represents potential worst-case impacts.</i></p>	<p data-bbox="801 542 1417 846">The submitted AQIA utilised odour emission data reported in the Breen Resources impact assessment (Wilkinson Murray, 2021) hereafter referred to as the Breen AQIA. No odour sampling was undertaken for the Breen AQIA, nor is there any publicly available odour monitoring data to date at the Breen site. It is common practice in the absence of site specific monitoring data to adopt data from similar facilities. The Breen AQIA cites the emission data has been adopted from similar landfill activities undertaken at the Eastern Creek Resource Recovery Park.</p> <p data-bbox="801 873 1417 1146">It is important to highlight that assessment of odour impacts in the AQIA is conducted for the purpose of assessing odour amenity impacts. As such where site specific odour emissions sampling cannot be undertaken the assessment is reliant on the best available information to assess potential odour impacts from the site. As noted above, the AQIA has relied on the Breen AQIA; a site specific assessment utilising odour emission from a similar facility to assess potential odour impacts from the project.</p> <p data-bbox="801 1173 1417 1393">Further, as previously noted, the residential development which EPA believe to be impacted by odour intrusion, will be delivered in Stage 4 between 2038-2042. Prior to the submission of any relevant DA for Stage 4, additional Air Quality Assessments will be undertaken to ensure the enclosed Breen operations and proposed setback distance are adequate mitigation measures.</p> <p data-bbox="801 1420 1417 1639">Predicted odour concentrations within the boundary of the site as shown in Figure 1 and Figure 2 are well below the EPA criterion; and the proposed master plan has demonstrated that the site can accommodate suitable mitigation measures, including setback distances to sensitive receptors within the town centre precinct. The AQIA also commits further investigation of air quality impacts at the development application stage.</p>
<p data-bbox="236 1666 788 1724">3. It is unclear if all odour emission sources have been characterised and considered.</p> <p data-bbox="236 1747 788 1912"><i>The AQIA does not include a detailed description of the landfilling activities that occur at the neighbouring site being assessed. Without a clear description of the activities and waste types, it is uncertain if all significant odour emission sources have been considered.</i></p> <p data-bbox="236 1939 788 2020"><i>The AQIA has considered odour emissions from the active tipping area, daily cover area, intermediate cover area, and the leachate</i></p>	<p data-bbox="801 1666 1417 1939">As discussed above odour emissions from landfill activities considered were based on odour sources identified in the Breen AQIA, using emission rates from a similar facility the Eastern Creek Resource Park and adapted based on typical site-specific operational data for the Breen Site as cited in Section 6.2.8.1 of the AQIA. The use of silage wrap identified in EPL 4608 as an alternate cover was not considered to be representative of typical day to day operations and was not considered in the AQIA.</p> <p data-bbox="801 1966 1417 2020">Landfill activities identified in the AQIA are expected to be the primary source of odour from the Breen Facility.</p>

EPA Comment	Response
<p><i>ponds. There remain other odour sources, such as capped areas that may still contribute to odour emissions at the landfill site.</i></p> <p><i>A review of the Environment Protection Licence (EPL) for the landfill, identifies that there could be site specific sources and activities that have not been demonstrated to be adequately characterised through the emission data utilised. This includes characterising odour emissions from specific waste types listed in the EPL, such as ferric sludge and dredge spoil, and disposal of potential acid sulfate soils. Additionally, the EPL outlines that alternative daily covers (Silage Wrap) could be used at the landfill. A demonstration that this daily cover has been represented in the odour assessment has not been provided in the AQIA.</i></p> <p><i>Given the issues with characterisation the site-specific odour sources at the premises, there is uncertainty with the odour assessment as presented.</i></p>	<p>As discussed, (and presented in Table 2) in the <i>Breen Resources - Responses to Submissions Related to Air Quality</i> (SoundIn 2022) most of the waste received from the facility would be soil that meets the general solid waste classification guidelines and construction and inert construction and demolition wastes. Waste streams including ferric sludge, dredges material and green waste are expected to be minor waste streams with a combined contribution of less than 5% of total incoming waste received at the facility. With regard to garden waste under condition L2.4 of EPL 20697 no more than 35m³ of Garden Waste may be stored on the Premises at any time; and stored in two 20m³ skip bins kept covered at all times; except for loading and unloading. Considering the small contribution of these waste streams to the RRF the risk of odour significant odour impacts was regarded as low. Condition 3 of EPL 4608 also allows for the disposal of potential acid sulphate soils under water, eliminating the potential for odour emissions.</p> <p>It is further noted that with regards to odour amenity the only other available information pertaining to the Breen site was a site walkover on the Breen Proposal Site conducted by GHD on 4 August 2020 noted observable landfill odour near Landfill Cell B10 as part of the <i>Breen Resources Facility – EIS Contamination Status Report</i>. No other areas of odour were identified as part of the site observations reported in Section 4.4 of the contamination report.</p> <p>Therefore, based on a review of available existing odour assessment data and consideration of Breen’s EPLs, all key relevant emission sources have been assessed and adequately quantified to assess potential odour amenity impacts based on typical operations.</p>
<p>4. Peak to Mean Ratios have not been described for the assessment of odour impacts</p> <p><i>The AQIA does not describe the inclusion of peak to mean ratios in undertaking the assessment of odour impacts. Where peak to mean ratios have not been accounted for, the odour assessment has underpredicted the potential impacts.</i></p>	<p>Odour emission rates used in the AQIA are consistent with odour emission rates provided in Table 13 of Section 6.2 of the Breen Resources AQIA (Wilkinson Murray 2021). Section 5.2.2 of the Breen Resources AQIA states that “<i>To account for the time-averaging limitations of the dispersion model, peak-to-mean ratios have been incorporated into all odour flux rates in accordance with the Approved Method</i>”.</p> <p>While similarities drawn between both reports based on predicted sensitive receptor concentrations suggest a peak-to-mean value may have been applied; arguably there is some ambiguity in the Wilkinson Murray 2021 reported emission rates. To satisfy EPA’s concerns that peak-to-mean ratios may not have been applied to the reported odour emission rates a post modelling peak-to-</p>



EPA Comment	Response
	<p>mean have been applied to the predicted 99th percentile concentrations.</p> <p>A peak-to-mean factor of 2.5 was applied to all predicted 99th percentile odour concentrations at sensitive receptors. As discussed in Section 6.2.8.1 of the AQIA all odour emissions were modelled as volume sources (classified as area sources in GRAL). To add additional conservatism a post modelling peak-to-mean factor of 2.5 has been applied which is consistent with nearfield area sources under stability classes A to D in accordance with Table 10 in the Approved Methods (EPA 2022). This is a more conservative approach than the peak-to-mean nearfield volume sources of 2.3 for all stability classes.</p> <p>When post modelling peak-to-mean factor of 2.5 is applied the highest 99th percentile odour concentration at a receptor was predicted at Receptor 4, a senior living receptor located at the southwestern corner of the Town Centre North precinct. The predicted 99th percentile odour concentration at this location was 0.4 OU, well below the EPA criterion of 2.0OU. As such no significant odour amenity impacts are predicted at this location or for other sensitive receptors.</p> <p>Additional analysis of post modelling peak-to-mean factor adjustment of the AQIA 2023 results is discussed below.</p>
<p>5. Odour Contour Plots for the Landfill have not been provided.</p> <p><i>Contour plots for odour have not been included in the AQIA. Contour plots can provide information on the potential for odour impacts within the boundary of the proposed Besmaw rezoned residential area.</i></p>	<p>Predicted 99th percentile odour contour plots have been provided in Figure 1 and Figure 2 below.</p> <p>In Figure 1 the contour plot is based emission rates consistent with the AQIA 2023 report. From the contour plot the predicted maximum onsite 99.9th percentile concentration (located on the eastern boundary) is less than 0.2 OU, well below the EPA criterion of 2.0 OU, with some receptors on the western boundary of the Town Centre predicted to experience odour concentrations of around 0.1 OU as discussed in the AQIA 2023 report. No material odour amenity impacts from the Proposed Breen Facility operations are predicted for the Quibray Boat Harbour and Bate Bay precincts. Furthermore, the proposed setback distance from the Breen Facility for the Town Centre further mitigates any potential odour amenity impacts from the Proposed Breen Facility at sensitive receptors located within the North and South Town Centre precincts.</p> <p>In Figure 2 the contour plot is based on a peak-to-mean adjustment factor of 2.5 applied post modelling to predicted 99th percentile odour concentrations at gridded and discrete receptors from the AQIA 2023 report. The</p>

EPA Comment	Response
	<p>figure shows that predicted maximum onsite 99th percentile concentrations within the Besmaw site is 0.4 OU which is well below the EPA criterion of 2.0 OU. Additionally with the exception to open space areas and some of the western most receptors within the proposed Town Centre; the majority of receptors within the Town Centre and Quibray precincts are predicted to experience 99th percentile concentrations of less than 10 percent of EPA odour criterion. Furthermore, no material impacts in odour amenity were predicted for the Boat Harbour and Bate Bay precincts.</p>

Figure 1 Predicted Maximum 99.9th Percentile Odour Concentration



Source: AECOM

Figure 2 Predicted Maximum 99.9th Percentile Odour Concentration (Peak to Mean 2.5x)

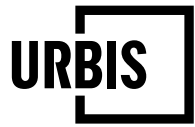


Source: AECOM

We trust that the information provided in this letter and the supporting documentation satisfactorily responds to the EPA's Odour RFI and enables Council to finalise the assessment of odour related matters for PP-2023-2828.

Yours sincerely,

Patrick Jones
 Assistant Planner
 +61 2 8233 9999
 pjones@urbis.com.au



APPENDIX A

NSW EPA CORRESPONDENCE DATED 18 AUGUST 2023

From: [Justin Hillis](#)
To: [Jade Hoskins](#); [Robin Ward](#)
Cc: [Jacqueline Ingham](#)
Subject: Kurnell Scoping Proposal - EPA Opinion and Analysis Following 2 August Meeting
Date: Friday, 18 August 2023 4:14:15 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[RPIA-EPP-OUT-LETTER- Kurnell Scoping Proposal Council Submission.pdf](#)

Hi Jade and Robin,

Further to our meeting on 2 August with Besmaw and Urbis, I have reviewed our previous response and advice. This advice (**attached**) was provided to both DPE and Council, when the Scoping Proposal (*Kurnell Peninsula Scoping Proposal*, Urbis, May 2023) was released for comment.

As that advice noted, the EPA's primary concern regarding this proposal was the potential land use conflict between the Breen SSD-10412 and the Besmaw proposal. The EPA's concerns related to human health impacts from dust, odour and noise at the proposed Besmaw dwellings and the resulting regulatory burden on the EPA. However, the *Response to Submissions* document prepared by Ethos Urban (16 December 2022) states that Breen is willing to enclose their proposed development site. Further, Besmaw is considering staged development so the western portion of the mixed use development is completed at the end of the project. If these steps were taken, the land use conflict risks the EPA previously identified would be substantially mitigated.

The attached advice on the Scoping Proposal was based on a scenario in which the Breen SSD proceeded with the original proposal (which did not include an enclosure) and the Besmaw site building residential dwellings on the western boundary of the development in a short time frame. There was a significant risk of dust, odour and noise complaints that were highlighted in our advice.

The proposed staging of the Besmaw site, with the western portion of the site developed as the last stage, will allow Breen to complete the enclosure of the site prior to residential receivers being in close proximity to the Breen site. We note that this proposed staging of the Besmaw site was mentioned in the meeting on 2 August but does not yet form part of the Scoping Proposal.

We would be broadly supportive of both of the above actions by Breen and Besmaw. However, we reiterate our previous advice that the Breen development may be subject to future complaint from the Besmaw site, and potential non-compliance under the POEO Act, if the controls at the Breen site are not implemented correctly.

We encourage the strategic planning portion of DPE to liaise with the team assessing the Breen SSD to ensure that any proposed staging and mitigation measures are implemented correctly.

I trust this meets with your requirements. If you have any questions, please let me know.

Kind regards,

Justin Hillis

Senior Policy and Programs Officer
Strategic Planning Unit
NSW Environment Protection Authority
D 02 9995 6695

My work days are Tuesday through Friday



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Justin Hillis

Sent: Thursday, 8 June 2023 4:17 PM

To: Laura Featherstone <LFeatherstone@ssc.nsw.gov.au>

Subject: HPE CM: RE: Kurnell Scoping Proposal - External Agency Referral - EPA

Hi Laura,

Please find attached the response from the EPA regarding the Kurnell Scoping proposal.

If you have any questions or would like to arrange a meeting, please let me know.

Kind regards,

Justin Hillis

A/Unit Head
Strategic Planning Unit
NSW Environment Protection Authority
D 02 9995 6695

My work days are Tuesday through Friday



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Laura Featherstone <LFeatherstone@ssc.nsw.gov.au>

Sent: Wednesday, 17 May 2023 11:29 AM

To: INFOEnvironment <info@environment.nsw.gov.au>; Jacqueline Ingham

<Jacqueline.Ingham@epa.nsw.gov.au>; Justin Hillis <Justin.Hillis@epa.nsw.gov.au>

Cc: Robin Ward <robin.ward@planning.nsw.gov.au>; Jade Hoskins

<jade.hoskins@dpie.nsw.gov.au>

Subject: Kurnell Scoping Proposal - External Agency Referral - EPA

Good morning,

Sutherland Shire Council has received a scoping proposal in relation to Nos. 251, 278 and 280-282 Captain Cook Drive, Kurnell. Council is seeking feedback on this scoping proposal from external agencies.

DPE has prepared the attached the template for feedback, and a link is provided below to the submitted scoping proposal documents. We understand that some agencies have provided feedback on these documents prior to the lodgement of the scoping proposal with Council. If there has been prior feedback and it remains unchanged please feel free to send through previous feedback. We note that there are some newer documents included in the below link, such as the Bus Shuttle Strategy and Draft Public Benefits Schedule.

Urbis has also advised *“The site audit statement will be ready for submission to EPA on the 23 June”*

Please note that the below link will only work for those email addresses included in this email. If access is required for others please let me know.

<https://sft.ssc.nsw.gov.au/w/f-1559d929-fdc4-4ace-b14c-695d15852f81>

The Local Environmental Plan Making Guideline specifies that agencies are encouraged to provide a response within 20 working days of referral, and any response would be appreciated by 9 June 2023.

Please do not hesitate to contact me if you have any questions.

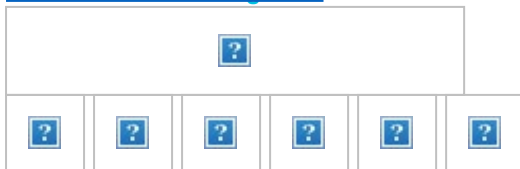
Kind regards

Laura Featherstone

Sutherland Shire Council | Strategic Planner | Strategic Planning

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We acknowledge the Dharawal people as the Traditional Custodians of the land within Sutherland Shire. We pay respect to the Elders and their families, past, present and emerging, and through them, to all Aboriginal and Torres Strait Islander peoples.

Aboriginal artwork from artist local to Sutherland Shire

