



DOC20/941699-1

The Proper Office
Central Coast Council
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Email: Bruce.Ronan@centralcoast.nsw.gov.au

8 December 2020

Dear Mr Ronan

Planning Proposal in respect of 49 Lots at Glenworth Valley and Calga to allow Additional Permitted Uses on the Land

I am writing to provide comments on the above Planning Proposal received by the Environment Protection Authority (EPA) via email on 12 November 2020 in response to a Gateway Determination, your reference (PP 38/2013).

The EPA has attached information to assist Council in their assessment of the planning proposal. This information relates to:

- Water Quality
- Noise
- Contaminated Land Management
- Waste Management

If you have any questions about this request, please contact Environment Line on 131 555 and quote the above reference number.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Beaman'.

STEVE BEAMAN PSM
Executive Director Regulatory Operations
Environment Protection Authority

Att.

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Attachment

Water Quality

The *NSW Water Quality Objectives* (WQO) provide a framework and benchmarks for the community uses and values of waterways and the water quality that is needed to support these uses and values. They were developed using the *Australian and New Zealand guidelines for fresh and marine water quality* (ANZECC Guidelines 2000) and are the NSW Government endorsed environmental values and long-term goals for NSW's surface waters.

It appears the Planning Proposal is located in a sensitive area with Endangered Ecological Communities (EEC) and adjoins the Popran National Park. It also appears the site forms part of the Popran Creek catchment which flows into the Hawkesbury River.

The Planning Proposal should deliver a sustainable development outcome that not only supports on-going improvement in the health of waterways but also allows the WQO (including Aquatic Ecosystem, Primary and Secondary Contact etc) to be met over time for the Hawkesbury Nepean River system, where they are not currently being achieved. In this regard the proposal should deliver the following environmental principles:

- Promote development that maintains, improves or restores water quality and waterway health to support the community's environmental values and uses of waterways.
- Provides integrated water cycle management that includes sustainable water supply, wastewater and stormwater management and reuse and recycling initiatives where it is safe and practicable to do so and provides the best environmental outcome.

A key issue in relation to wastewater management will be the difficulty of delivering performance of a system with such variable hydraulic load due to the irregular nature of activities proposed at the site. This includes small and large festival events, functions and tourist activities. It also appears that there is an existing onsite wastewater management system that involves the land application of treated effluent via sub-surface and spray irrigation which will be increased.

Due to the sensitivity of the receiving environment, the proposal would benefit a review of the existing and proposed additional area of land identified for the application of treated effluent against the *EPA Use of Effluent by Irrigation guideline (DEC 2004)*. This would provide an opportunity to assess the performance of the existing system against contemporary requirements and whether the system is adequate or requires upgrade. In addition, Council should also consult NSW Health especially with a proposal that involves outdoor events and the land application of treated effluent.

It also appears that there is a Council approved management plan for the pump out and off-site removal of excess wastewater if the hydraulic load exceeds the capacity of the system during large events. While this approach is supported, it is important that details of such an approach is also documented in the planning proposal to ensure that any such activities are being undertaken lawfully.

Noise

It appears that the rezoning proposal is seeking a range of additional permitted uses including eco-tourist facility, recreation facility (outdoor), function centred and entertainment facilities. It is noted that the supporting information highlights that festivals with 5,000 people are also being planned for the site (see additional Wastewater Management paragraph). There appears to be a history of music festivals at the site with a past event involving approximately 15,000 people.

The planning proposal would benefit a noise study prepared by a fully qualified acoustical consultant to help guide Council on the suitability of the above uses (including festivals) at the above site. This should include approaches to best manage noise (including low frequency noise impacts) and road traffic management during festival events to help structure any supporting development controls.

The planning proposal is also in the vicinity of the Hanson's Calga Sands operations which is an extractive industry and licenced by the EPA (EPL 11295). These activities have the potential to produce noise and air quality impacts and require separation from sensitive land uses. However, it appears that development has already been approved in the vicinity of this operation for a motel comprising a three-unit motel and five caravan park sites.

It is important that the planning proposal demonstrate how land use conflict can be avoided in relation to the proposed additional uses. 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, as resolving land-use conflicts post development can be challenging.

Contaminated Land Management

A high-level review of the supporting Preliminary Contaminated Site Assessments revealed that the assessments had been prepared in 2013 and 2014. Council should seek a contemporary assessment prepared by a suitably qualified contaminated land consultant certified under either the Environmental Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

With a planning proposal planning seeking a range of additional sensitive permitted uses including recreational facilities, function centres and entertainment facilities, it is important that the measures are in place to ensure that the processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) is followed.

Contamination management will need to be considered holistically across the entire area covered by the planning proposal. Hence, detailed contemporary contamination assessments are recommended prior to development and use of the land.

Prior to approval Council may wish to seek a Section B5 Site Audit Statement or an interim audit advice certifying that the land (subject to the planning proposal) can be made suitable for the proposed use. This should be prepared by a Site Auditor and accepted by Council. Site auditors can provide increased certainty to planning authorities of the nature and extent of contamination and the suitability of a site for a specific use.

Given that the preliminary site contamination report provided to the EPA included high level information only and could not provide certainty that all areas of environmental concern have been identified, it is unlikely that prior to approval of the planning proposal, a Site Auditor will be able to issue a Section A Site Audit Statement certifying that the areas (subject to this planning proposal) are suitable for the proposed use, unless further assessment of contamination and remediation has been conducted.

Alternatively, Council may want to ensure that planning controls are in place to ensure that suitability of land for a specific proposed use is certified by a site auditor. For example, the Development Control Plan could require that as part of development consent conditions a 'Section A1 Site Audit Statement' or a 'Section A2 Site Audit Statement' (accompanied by an Environmental Management Plan) and the accompanying Site Audit Report prepared by a NSW EPA accredited Site Auditor must be submitted to the Consent Authority before the site is occupied/used.

Waste Management

The planning proposal does not discuss the management of waste nor how the site will be serviced as the proposed additional uses have the potential to generate significant quantities of waste and if not done correctly can impact the environment and public health. The planning proposal should be

demonstrating that any existing approaches for the management of waste including resource recovery can manage any additional waste generated as a result of any additional permitted uses and is done in a manner that is safe, efficient and does not negatively impact on the environment. Council should also explore the adequacy of any planning controls in relation to development that could arise from new permitted uses. Council should consult the *Waste Not Development Control Plan Guideline (EPA 2008)*. 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. In particular, these provisions should include but not be limited to:

- All waste generated must be assessed and classified in accordance with the latest version of the EPA's Waste Classification Guidelines
- All waste must be transported to a facility that can lawfully receive that type of waste
- Any asbestos contaminated waste must be handled in accordance with the requirements in Part 7 of the Protection of the Environment Operations (Waste) Regulation 2014.

In addition a range of guidelines are available at the *EPA Web Site* to assist in waste management planning and should be consulted.