Sent:	29/09/2017 2:16:38 PM
Subject:	EPA Response - Northern Beaches Council - Public Exhibition of Planning Proposal - 9, 11, 12, 13 Fern Creek Road Warriewood - PP0002 16
Attachments:	EPA Response - Northern Beaches Council - Public Exhibition of Planning Proposal - 9, 11, 12, 13 Fern Creek Road Warriewood - PP0002 16.pdf;

(Attention: Sylvania Mok)

Please find attached the EPA's response to the above planning proposal.

Regards, Maureen

Illawarra Section

Metropolitan Branch, NSW Environment Protection Authority

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Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

DOC17/488733-05:PW
PP0002/16

General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Dear Sir/Madam

Public Exhibition (Statutory) of Planning Proposal for
9, 11, 12 and 13 Fern Creek Road, Warriewood (PP0002/16)

I am writing to provide comments on the above planning proposal received by the Environment Protection Authority (EPA) on 26 September 2017.

The EPA has attached information **(Attachment)** to assist Council in the development of suitable planning controls. This information relates to:

- Air Quality
- Noise
- Land Use Conflict
- Water Quality
- Contaminated Land Management
- Waste Management.

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

Yours sincerely

29/09/17

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Contact officer: PAUL WEARNE
(02) 4224 4100

Attachment

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ATTACHMENT A

1. Air Quality

To protect air quality and human health, complementary planning approaches are required to address new sources of air emissions and reduce exposure of populations to air pollution. The Greater Sydney Commission's (GSC) Draft District Plans recognise the need to plan for and enhance the District's liveability, as our population grows, by planning for safe and healthy places.

The following air quality matters should be considered:

- Requiring developments along high traffic corridors to meet the air quality siting and design measures in the *Development Near Rail Corridors and Busy Roads—Interim Guideline,* and referring to the *Infrastructure SEPP*.
- Applying design approaches for housing next to busy roads such as the *Parramatta Road Corridor Urban Transformation Strategy*. These include:
  - Using architectural and design approaches that provide separation from major roads and ensuring habitable rooms of future developments are oriented away from busy roads.
  - Where development includes mechanical ventilation (such as air conditioning), ensuring that the air intakes for the ventilation are situated away from pollution sources.

  A copy of these measures can be obtained at: *http://www.urbangrowth.nsw.gov.au/assets/Projects/Parramatta-Road/Publications-161109/Strategy-Documents/6.-Implementation-Tool-Kit-Planning-and-Design-Guidelines-November-2016.pdf*.
- There has been interest in adoption of distributed power generation, including cogeneration and back-up power generation in Sydney. These technologies usually employ combustion of gas or diesel fuel. Gas-fired cogeneration can be one of the most greenhouse-friendly forms of electricity generation using fossil fuels. However, gas and liquid fired distributed generation has the potential to adversely affect local and regional air quality as it can emit significant amounts of NOx. Guidance can be found in the following EPA guideline: *http://www.epa.nsw.gov.au/air/cogentrigen.htm*.
- Wood heaters are the major human-made source contributing to elevated particle levels in Sydney in winter. Approaches undertaken in Sydney's Growth Centres have included restricting installation of wood heaters and open fire places and this approach is recommended in new urban developments.
- Diesel and gas powered equipment used in construction can cause air pollution, which can be mitigated by requiring best management practices at the construction stage. Please refer to information available on the EPA website at: *http://www.epa.nsw.gov.au/air/managenonroaddiesel.htm*.
- The Methodology for Valuing the Health Impacts of Changes in Particle Emissions, supported by an Air Quality Appraisal Tool, can be used to estimate the increased health impacts, as a result of either increased population (hence exposure) or increased air pollution emissions. The tool is designed for application in assessing the impacts and costs of new land use and transport proposals. The Methodology and Appraisal Tool is available at: *http://www.epa.nsw.gov.au/air/costcurves.htm*.

2. Noise

Implementing noise control at a strategic planning level provides the most effective means of minimising noise impacts on communities. This is best achieved by applying the following hierarchical approach to noise control:

1. Spatial separation of incompatible land use through appropriate zoning and placement of activities to minimise noise-related land use conflicts.
2. Minimising noise emissions at source through best practice selection, design, siting, construction and operation as appropriate.
3. Reducing noise impacts at receivers through best practice design, siting and construction.

A range of noise mitigation strategies can be implemented at the planning stage to manage unavoidable noise impacts. Careful design and location of development offers the greatest opportunity. Noise generating activities and noise sensitive areas should be separated where practicable. Noise control measures can be applied into the building design to ensure internal noise levels are acceptable. Retrospective control options are usually limited and more expensive.

Guidelines including the *NSW Road Noise Policy* (DECCW, 2011) and the *Rail Infrastructure Noise Guideline* (EPA, 2013) provide planning guidance to manage road and rail noise respectively to minimise noise impacts on the community. In addition, the requirements in the *SEPP (Infrastructure)* 2007 and supporting *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning, 2008) should be satisfied. This guideline recognises the need for judicious land use planning, architectural design, building orientation and good internal layout to achieve acceptable acoustic amenity. Further advice is also provided in *Noise Guide for Local Government* (EPA, 2013).

Detailed acoustic design input into the Subdivision Plans, Construction Certificate Plans and Specifications should be considered. Validation should 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.

3. Land Use Conflict

The proposal involves the integration of both residential and commercial uses and increases in residential densities at the proposed site. It is important that adequate planning controls are in place to manage any potential noise and air related environmental issues, to prevent land use conflict. For example, commercial activities can produce a range of noise related impacts. These noise sources can include mechanical ventilation, refrigeration, hotel/live music event noise, sirens and for shopping centres, night time cleaning/blowers/truck movements.

New developments should be planned to avoid 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. The potential to address noise and odour issues retrospectively following development can be challenging and expensive and can lead to community complaint.

4. Water Quality

The *NSW Water Quality Objectives* (WQOs) provide a framework and benchmarks for the community uses and values of waterways and the water quality that is needed to support these. 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.

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 WQOs to be met over time, where they are not currently being achieved. 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.
- Promotes 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.

These above principles underpin key sustainability priorities in the GSC District Plans, in particular, "*Maintain and improve water quality and waterway health*". These Plans should be consulted in the development of the planning proposal. This should include exploring opportunities to develop controls that help deliver *"The Liveability Framework"* and key sustainability priorities detailed in the Plan. This should also include opportunities that help deliver the above environmental principles.

Contemporary approaches such as integrated water cycle management should also be encouraged as they can provide a least cost approach to:

- meet waterway health and community urban amenity needs
- reduce and safely convey local flood waters
- increase potable demand reductions through the using of innovative lot and/or precinct scale alternative sources, including effluent recycling and stormwater harvesting and use.

Water management techniques are reliant on effective and ongoing maintenance and monitoring. Council should explore opportunities through Section 94 contributions or a Special Infrastructure Contribution to secure any management arrangements, financial contributions and accountable parties. This will ensure that the integrated system will have an effective funded governance structure in place to ensure these measures are maintained in perpetuity and will continue to meet the expected environmental performance outcomes into the future.

Sewage Management

Infrastructure planning should include clear direction for the provision of sewage treatment services. It should consider whether proposed growth will result in increased loads of sewage pollution on the receiving environment and identify what practical and cost effective measures can be taken to maintain or restore the community's uses and values of waterways and protect public health. This would include consideration of impacts from sewage overflows from sewerage reticulation systems (for example, sewer pipes and pumping stations) and discharges from any sewage treatment plants (STPs).

The planning proposal should deliver the following environmental outcomes specific to sewage management:

- For existing sewage treatment systems:
  - utilisation of all reasonable and feasible measures (for example, wastewater reuse and recycling in line with the Growth Centres SEPP) to minimise additional sewage effluent loads from STPs to waters
  - no increase to existing levels (that is, frequency and volume) of pollution of waters, as a result of sewage overflows from the reticulation network during dry weather or wet weather.

- For new sewage treatment systems:
  - no discharge of sewage effluent to inland waters, estuaries or ocean shorelines from STPs during average and dry weather conditions, and only during wet conditions as a last resort.
  - no pollution of waters, as a result of sewage overflows from the reticulation system during dry weather.
  - avoidance of sewage overflows during wet weather from the reticulation system wherever reasonably practicable.

5. Contaminated Land Management

The planning proposal should deliver the following environmental principles:

- To ensure land contamination is assessed and managed so that land is suitable for its proposed use and that the contamination does not present an unacceptable risk to human health or any other aspect of the environment.

Land should not be rezoned or developed until the requirements of SEPP 55 are satisfied. SEPP 55 states that as part of the development process the following key considerations should be addressed when preparing an environmental planning instrument:

- Whether the land is contaminated.
- If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used.
- If the land requires remediation, will be made suitable for any purpose for which the land will be used.

In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *State Environmental Planning Policy 55 – Remediation of Land.*

Where uncertainty remains in relation to the suitability of land for its intended use, then an Auditor accredited under the Contaminated Land Management Act should be engaged. The Auditor could provide greater certainty for planning authorities and the community through the independent review of contaminated site assessment and remediation reports, and reports that validate the successful completion of the assessment or remediation.

6. Waste Management

The following guiding waste principles should be used to help inform future waste and resource recovery systems. These approaches would help deliver the *NSW Waste Avoidance and Resource Recovery (WARR) Strategy* 2014-2021.

1: Environmental sustainability and best practice

Developments will meet requirements for long-term environmental sustainability and best practice when:

- systems are designed to maximise waste separation and resource recovery.
- innovative and best practice waste management collection systems and technologies are considered and supported where appropriate.
- flexibility in design allows for future changes in waste generation rates, materials collected and methods of collection.

2: Effective waste and resource management

Developments will achieve effective waste and resource management when:

- waste services are provided in a seamless and timely manner.
- collection points, street widths and street configurations, especially in new subdivisions and precinct developments, allow for waste to be removed safely and conveniently.
- the distance residents must travel to dispose of waste is minimised and access is safe and easy for all residents.
- functional and convenient storage spaces are provided for waste and recycling, including temporary storage areas for bulky materials like cardboard boxes and bulky household waste.

3: Clean, safe and healthy living environments

Developments will protect and enhance the quality of life for the community when:

- negative impacts on amenity for residents, neighbours and the public, such as visually unpleasant waste storage areas, noise from waste collection including traffic noise and bad odours, are minimised.
- illegal dumping and litter from bins are minimised through good planning and installation of adequate storage and waste recovery infrastructure.
- safe and easy access to waste and recycling storage areas is provided for residents, tenants, building managers and collection contractors.

4: Affordability

Developments will provide affordable living and working when:

- careful design and construction prevents costly retrofits.
- operational waste management is cost-effective for residents and tenants.

There are a range of waste management guidelines and information available to assist in delivering the above principles. These can be obtained at: *http://www.epa.nsw.gov.au/waste/index.htm*.

The NSW Government's Container Deposit Scheme will roll out across NSW from 1 December 2017. The planning proposal may provide an opportunity to identify and plan for any infrastructure needs such as collection points to compliment this initiative.