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Department of Planning, Housing and Infrastructure

Via email: Andrew.Watson@planning.nsw.gov.au

22 October 2024

**EPA response – Exhibition – Residential Subdivision – Modification 2 (MP 05-0199 MOD 2)
George Bass Drive, Rosedale**

Dear Mr Watson,

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to comment on a modification of an approved Concept Plan that permits residential development at George Bass Drive, Rosedale (the 'Modification').

The EPA understands that the residential subdivision at George Bass Drive, Rosedale was approved in 2008 and the proposed Modification moves the location of zones and lots sizes within the Concept Plan Approval boundary. From our review, the proposed Modification may increase the number of residential lots and enable additional sensitive land uses such as a childcare centre near to Tomakin Sewage Treatment Plant (STP).

Sewage management and odour

Tomakin STP is a facility managed by Eurobodalla Shire Council (Council) and regulated by the EPA under environment protection licence 2851 (EPL 2851). We understand an odour or air quality assessment was not completed as part of the original Concept Plan Approval, as housing would not be located within the public infrastructure 'buffer' zone as defined within the *Eurobodalla Local Environment Plan 2012* (ELEP 2012). The 'buffer' zone within ELEP 2012 aims to restrict future development from encroaching on public infrastructure that is noisy or odorous such as STPs.

The EPA also understands that no odour or air quality impact assessment has been completed as part of this Modification as the above mentioned 'buffer' remains. The EPA emphasises that the separation of sensitive land uses to odour generating activities such as the STP is important strategic planning.

The population within the Eurobodalla Shire area is growing, and Council has earmarked an upgrade to the Tomakin STP. This includes the construction of two new pumping stations to handle additional flows across the catchment. The EPA is responsible for regulating Tomakin STP and is required to consider human health impacts and the surrounding environment before approving any upgrade to Tomakin STP and associated sewerage reticulation, including pumping stations.

Accordingly, the EPA recommends that Council be made aware of the potential impact this development (with or without this Modification) may have on the future capacity of the STP. Noting, as part of the licence variation application process for Tomakin STP, the EPA may require the completion of an air quality, odour, noise and water pollution discharge impact assessment/s to

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determine environmental and human impacts. Further information on what the EPA considers for licensing can be found on our website and [EPA's Guide to Licensing \(2022\)](#).

If assessments for the expected upgrade show that pollution on the environment and sensitive human receivers (including future residents within this development) is not below EPA policy and guideline limits the STP upgrade may not proceed.

Contaminated land

The Detailed Site Investigation (DSI) completed for the proposed Modification recommends that asbestos containing materials identified in Area of Environmental Concern 3 and 4 is remediated to ensure the site is suitable for the proposed use. However, no Remedial Action Plan (RAP) was provided with the Modification application.

The EPA recommends the following be accommodated in any future consent:

- Asbestos containing materials identified in Area of Environmental Concern (AEC 3 and 4) within *Detailed Site Investigation – Bevan Road, Rosedale, NSW* (Lanterra Consulting, 26 April 2024) must be remediated to ensure the site is suitable for the proposed use.
- Before any remediation is undertaken at the site, a Remedial Action Plan (RAP) must first be developed. Remediation must then be completed in compliance with the RAP.
- Following completion of the remediation, a site validation report must also be prepared.
- The RAP and site validation report must be written in accordance with the *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* (EPA, 2020) and any other relevant guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997*.
- An Unexpected Finds Protocol (UFP) must be developed for the site to outline procedures to follow if unexpected contamination is found during development works at the site.
- The RAP, site validation report and UFP must be written by, or reviewed and approved by, a consultant certified under either the Environment 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.

If you have any further questions about this issue, please contact Kim Stuart, Environmental Planning & Assessment Officer, Strategic Planning Unit on 02 6659 8292 or environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely



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