

# Environment Protection Authority

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Our Ref: D24-270069



ENVIRONMENT PROTECTION AUTHORITY

7 January 2025

Indra Boss, Strategic Planner  
Clarence City Council  
38 Bligh Street  
ROSNY PARK TAS 7018

By Email Only: [iboss@ccc.tas.gov.au](mailto:iboss@ccc.tas.gov.au)

Dear Indra Boss

## **PDPSPAMEND-2024/048902 - 471 CAMBRIDGE ROAD, MORNINGTON ET AL - DRAFT LPS AMENDMENT & SUBDIVISION - 16 DEC 2024**

I write in response to refer to your email of 16 December 2024 requesting comment from the Environment Protection Authority (EPA) about an application for:

- a planning scheme amendment in relation to 471 Cambridge Road, Mornington and 528 and 540 Pass Road, Cambridge; and
- a subdivision in relation to 471 Cambridge Road, Mornington and 540 Pass Road, Cambridge.

I note that a similar proposal has been referred to the EPA previously for comment; the EPA's letters to Council of 19 September 2023 and 8 March 2024 are attached for reference.

The south-western corner of the site referenced in the planning scheme amendment is within the attenuation area of several EPA-regulated activities located at 126 Mornington Park Road, Mornington. The Stage 1 subdivision is also within the attenuation area of EPA-regulated activities. The activities regulated by the EPA at the Mornington Park Development site include quarrying, composting, and waste depots. The quarry ceased operation in 2022 (with the mining lease also expiring in 2022) but continues to be regulated by the EPA until rehabilitation has been completed.

Since the EPA's advice dated 19 September 2023, Mornington Park Development Pty Ltd has lodged an Environmental Effects Report (EER) with the EPA that will accompany an application to Council for increased hydrovac treatment (25,000 wet tonnes per year) as well as treatment or remediation of 5,000 tonnes per year of acid sulphate and contaminated soil. The location of the hydrovac and soil treatment bays is greater than 500m from the south-western corner of the site referenced in the planning scheme amendment. The EER considers the potential for air quality and noise impacts on sensitive receptors, including houses adjacent to the proposed subdivision, and concludes the proposal is unlikely to impact these receptors given these are located at least 530m from the facility. Further information is being sought from the proponent to support these claims in relation to air emissions. The subdivision itself is not considered in the EER and the EPA will not consider this in our assessment of the proposal until the subdivision and planning amendment have been approved.

The planning report provided to the EPA with the current proposal (dated October 2024) relates to the planning scheme amendment and subdivision and includes a noise assessment by Noise Vibration Consulting. The noise assessment, dated 26 January 2024, does not appear to address the comments provided by the EPA in our letter dated 8 March 2024.

The EPA's previous advice provided in September 2023 and March 2024 (see Attachments) discussing noise, odour and dust remain relevant to the current proposal; I recommend Council consider this advice prior to finalising Council's assessment of the proposal.

If you have any queries regarding the above, please contact Jacqui Allan on 0472 541 257.

Yours sincerely



Mary Gibbs

**PRINCIPAL ASSESSMENT OFFICER, ENVIRONMENT PROTECTION AUTHORITY**

**Attachments:**

- Att 1 - Letter EPA to Clarence City Council – Planning Scheme Amendment – Request for Advice – March 2024.pdf
- Att 2 – Signed – 19-9-2023 - Letter – D23-245017 – BOSS Indra - Planning Scheme Amendment – PDPSAMEND.pdf

# Environment Protection Authority

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Our Ref: D23-245017



8 March 2024

Indra Boss  
Strategic Planner  
Clarence City Council  
38 Bligh Street  
ROSNY PARK TAS 7018

By Email Only: [iboss@ccc.tas.gov.au](mailto:iboss@ccc.tas.gov.au)

Dear Indra Boss

## **PDPSAMEND – 2023/038187 – PLANNING SCHEME AMENDMENT – 471 CAMBRIDGE ROAD, MORNINGTON AND 528 & 540 PASS ROAD, CAMBRIDGE – EPA COMMENT**

I refer to our letter of 19 September 2023 and to your email of 9 February 2024 requesting further comment from the Environment Protection Authority (**EPA**) about an application for a planning scheme amendment (**the Application**) in relation to 471 Cambridge Road, Mornington and 528 and 540 Pass Road, Cambridge (**the Land**). I also acknowledge receipt of the response to Clarence City Council's (**Council**) request for further information including a Noise Assessment by Noise Vibration Consulting (**NVC**).

I understand that the proposed planning scheme amendment would facilitate the submission of a subsequent planning application for the construction of high-density residential dwellings and the establishment of public open space on the Land. I also understand that the south-western corner of the Land is within the attenuation area of several EPA-regulated activities located at 126 Mornington Park Road, Mornington.

In addition to the comments provided in our letter of 19 September 2023, it is noted that the Noise Assessment by NVC only references the recommended attenuation distance for a vibratory screen with reference to the existing EPA-regulated quarry operated by Mornington Park Development Pty Ltd. No mention is made in the Noise Assessment of the recommended attenuation distance (750m) for a crushing plant. In addition, the Noise Assessment only considers existing EPA-regulated activities and does not appear to address all potential noise emissions from level 1 activities that take place between the Land and the existing EPA-regulated activities.

The Noise Assessment is based on attended and unattended noise measurements, and while this may show the existing noise emissions at the property boundary, it is not clear whether the Noise Assessment has captured the worst-case scenario. For example, although the vibratory screener associated with one of the Level 1 activities appears to be located on high ground, it is behind stockpiles and for this reason the noise monitoring location is unlikely to have a line of sight to the vibratory screener as a source of noise emissions. However, future dwellings associated with the Application and any future planning application may have a direct line of sight.

I note that our letter of 19 September 2023 requested that the Noise Assessment:

- predicted noise impact at the outdoor living area and at each facade of each dwelling of the proposed subdivision;
- provided noise mitigation measures in the form noise barriers to protect amenity of each ground floor outdoor living area of each dwelling lot, and determined the height, length, and location of the required noise barriers; and

- determined acoustic treatment requirements for the external facades (external walls, glazing area and ceiling/roof) of each dwelling to meet the acceptable indoor design noise limit.

Notwithstanding this, the Noise Assessment does not discuss predictions at the outdoor living area and facades of each dwelling of the proposed subdivision, or noise mitigation measures in the form of noise barriers to protect the amenity of outdoor living area. If the location of future dwellings is not known at this stage, we recommend that the Noise Assessment is amended to include a noise contour map.

Our letter of 19 September 2023 also recommended that the owners of the dwellings should be informed about potential nuisance that they may experience. We recommend that the Noise Assessment be amended to include a noise propagation map to inform the owners about predicted noise levels and the potential nuisance. The Noise Assessment should also discuss whether the proposed outdoor area has potential to be affected by intrusive or dominant characteristics (tonality, impulsiveness, modulation and low frequency) and provide appropriate mitigation measures.

If you have any queries regarding the above, please contact Catherine Browning on 0472 552 681.

Yours sincerely



Mary Gibbs

**PRINCIPAL ASSESSMENT OFFICER, ENVIRONMENT PROTECTION AUTHORITY**

# Environment Protection Authority

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Our Ref: D23-245017



ENVIRONMENT PROTECTION AUTHORITY

19 September 2023

Indra Boss  
Strategic Planner  
Clarence City Council  
38 Bligh Street  
ROSNY PARK TAS 7018

By Email Only: [iboss@ccc.tas.gov.au](mailto:iboss@ccc.tas.gov.au)

Dear Indra Boss

## **PDPSAMEND – 2023/038187 – PLANNING SCHEME AMENDMENT – 471 CAMBRIDGE ROAD, MORNINGTON AND 528 & 540 PASS ROAD, CAMBRIDGE – EPA COMMENT**

I acknowledge receipt of your email dated 22 August 2023, requesting comment from the Environment Protection Authority (**EPA**) about an application for a planning scheme amendment (the Application) in relation to 471 Cambridge Road, Mornington and 528 and 540 Pass Road, Cambridge (the Land). I also acknowledge receipt of the following documents in relation to the Application:

- Site and Folio Plans;
- Concept Services Report;
- Aboriginal Heritage Search Record;
- Example Floor Plans;
- Master Plan;
- Landscape Concept Presentation;
- Natural Values Assessment;
- Planning Report;
- Traffic Impact Assessment; and
- Rezoning Plan.

I understand that the proposed planning scheme amendment would facilitate the submission of a subsequent planning application for the construction of high-density residential dwellings and the establishment of public open space on the Land. As noted in your email of 22 August 2023, the south-western corner of the Land is within the attenuation area of several EPA-regulated activities located at 126 Mornington Park Road, Mornington.

Specifically, Mornington Park Development Pty Ltd is authorised to operate a quarry and crusher in accordance with Permit No. 3598 (former Licence to Operate Scheduled Premises) as varied by Environment Protection Notice (EPN) 9401/1. I note that in 2022, the EPA was notified by Mornington Park Development Pty Ltd that operations at this quarry had ceased and the site is currently being rehabilitated in accordance with relevant Permit and EPN conditions, as well as the obligations in the *Quarry Code of Practice*. I therefore advise that the sensitive uses proposed as a result of the Application and any subsequent planning application are unlikely to interfere with or constrain the existing EPA-regulated quarry.

Mornington Park Development Pty Ltd also operates a further two EPA-regulated activities at 126 Mornington Park Road, Mornington, namely, a Green Waste Composting Facility and a Hydrowater Treatment Facility. The current permit, including PCE 6275, for the Green Waste Composting Facility requires noise emissions from the activity, when measured at any domestic premises in other ownership and expressed as the equivalent A-weighted sound pressure level, not to exceed 50dB(A) between 0700 and 1700 hours (day time), 45dB(A) between 1700 and 2200 hours (evening time), and 40dB(A) between the hours of 2200 and 0700 (night time). PCE 6275 also requires fixed machinery to be located out of line-of-sight of residences in other ownership, restricts the hours during which green waste shredding and compost turning can occur, and prevents discharge from containment ponds across the boundary of the site.

Similarly, EPN 11568/1 for the Hydrowater Treatment Facility requires noise emissions from the activity, when measured at any noise sensitive premises in other ownership and expressed as the equivalent A-weighted sound pressure level, not to exceed 50dB(A) between 0800 and 1800 hours (day time), 45dB(A) between 1800 and 2200 hours (evening time), and 40dB(A) between the hours of 2200 and 0800 (night time). In addition, EPN 11568/1 requires estuarine sediments to be stored, treated and managed in such a way to prevent the occurrence of nuisance odour at any residence in other ownership, and for dust emissions from the site to be controlled to prevent environmental nuisance beyond the boundary of the site.

Please note that the above noise limits were applied to the Green Waste Composting Facility and Hydrowater Treatment Facility prior to further encroachment of sensitive uses. As such, the noise limits can reasonably be expected to be complied with, where the attenuation distance to sensitive uses can be applied. This means that where a new premises is built within these distances, the existing noise limits may not be enforceable as they relate to noise emissions measures at those new premises. Notwithstanding this, I note that the establishment of new sensitive uses within the attenuation area of existing EPA-regulated activities creates the potential for land use conflict.

As you are aware, Mornington Park Development Pty Ltd lodged a planning application with Clarence City Council in December 2022 to expand and upgrade the Hydrowater Treatment Facility. If approved, the proposed expansion and upgrade would allow for receipt, storage, treatment and disposal of up to 30,000 tonnes of material per year. The proposal also includes the establishment of a designated area for receipt, storage, treatment and disposal of up to 10,000 tonnes per year of 'project specific' material which may require special treatment or is known to contain Low Level Contaminated Soil (classified as Level 2 under the EPA Information Bulletin No. 105 – *Classification and Management of Contaminated Soil for Disposal*).

The potential impacts of the proposed expansion and upgrade of the Hydrowater Treatment Facility on surrounding land users and sensitive receptors will be addressed by Mornington Park Development Pty Ltd in an Environmental Effects Report. However, the EPA advises that under the current permit conditions, the sensitive uses proposed in the Application and any subsequent planning application may experience some level of odour, dust and noise emissions given that a number of the proposed high-density residential dwellings will be less than 500 metres away from the Green Waste Composting Facility and Hydrowater Treatment Facility.

After reviewing of the Application and associated documents, I advise that the following should be taken into account when considering the potential for the proposed high-density residential dwellings to interfere with or constrain the operation of the Green Waste Composting Facility and Hydrowater Treatment Facility:

- a noise report assessing impact from the Green Waste Composting Facility and Hydrowater Treatment Facility should be submitted with the Application and/or any subsequent planning application for the construction of high-density residential dwellings and the establishment of public open space on the Land. The report should discuss the following at a minimum:
  - predict noise impact at the outdoor living area and at each facade of each dwelling of the proposed subdivision;
  - provide noise mitigation measures in the form noise barriers to protect amenity of each ground floor outdoor living area of each dwelling lot, and determine the height, length, and location of the required noise barriers; and
  - determine acoustic treatment requirements for the external facades (external walls, glazing area and ceiling/roof) of each dwelling to meet the acceptable indoor design noise limit.
- the owners of the high-density residential dwellings should be informed about potential nuisance that they may experience; the associated planning application documents should clearly state the expected nuisance from the worst-case operation of the Green Waste Composting Facility and Hydrowater Treatment Facility and identify appropriate mitigation measures that may be required;

- due consideration should be given to local conditions like terrain and meteorology, including annual rainfall, and the direction and strength of prevailing winds, as these factors have a bearing on the potential for odour and dust related nuisance issues to occur in the vicinity of the proposed high-density residential dwellings; and
- due consideration should also be given to the cumulative impact of the operation of the Green Waste Composting Facility and Hydrowater Treatment Facility as well as other non-EPA regulated industrial activities in the vicinity of the proposed high-density residential dwellings.

If you have any queries regarding the above, please contact Catherine Browning on 6165 4542.

Yours sincerely

A black rectangular box used to redact the signature of Wes Ford.

Wes Ford

**DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY**