

Catherine Hill Bay

Objection to the Variation of License requested by Solo Water Pty Ltd

From: [REDACTED]

8 May 2018

Should the licence be granted then Catherine Hill Bay will have:

- A lagoon (currently mostly just damp ground) and creek that will be constantly submersed in partly treated sewerage (photos as at 8 May 2018 will have 1 million litres of partly treated sewerage added)
- Downgraded treated sewer flowing along the boundaries of properties
- A creek continually flowing partially treated sewer or untreated in the case of a system failure across the beach near the surf club and flagged swimming area
- Increased health risk eg significant increase of mosquito population etc
- A threat to tourism and beach usage
- Downgraded heritage status
- No compensation or offer of improvements for the beach or Heritage community



Clarification request and objections:

- Why no environmental Impact Study and justification for downgrade of sewerage treatment? R/A conducted is not independent so lacks credibility as such an independent R/A is essential?
- As a minimum mosquito population etc increase would be obvious, how would this be managed?
- Why should downgraded sewerage be dispersed into a heritage village that already have to pay for pump out services?
- Why is this now required when the developer and Solo Water were aware of the issues years ago? Lake Macquarie Council raised this in the early stages.

- Application has far too many “N/A”s and “Commercial in confidence” statements plus unable to view Appendixes
- If the downgraded sewerage does not require an EIS then why not disperse into the ‘Beaches’ development - in other words keep the waste in the area that generates the waste.
- Examples of experience eg Nepean River are not similar to this application. The following document indicates monitoring issues and long term issues: <http://www.environment.nsw.gov.au/resources/water/09112hnrempfintechrpt.pdf> Sydney Water still has a long way to go as indicated in: https://www.sydneywater.com.au/web/groups/publicwebcontent/documents/document/zgrf/mdq0/-edisp/dd_044145.pdf
- History indicates all systems fail in varying degrees over time from minor to catastrophic – what planning and funding is guaranteed for the life of the proposed licence modification ie just not short term funding?
- Applicant keeps repeating “not significantly different” this is obviously to down play the significance of their departure. The current licence is known however the proposed downgrade is lower quality waste into a completely different location and environment with a significant environmental and heritage community impact.
- Conflict in maintaining the significance of the Heritage status, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=5061182>
- Application is in conflict with many Government bodies, see examples below

The current licence states that “All wastewater produced in the scheme is managed onsite within the footprint of the approved residential subdivision by a combination of non-potable reuse at individual lots and via controlled irrigation of public space.

This development has been planned, discussed and actioned over the past 10 -15 years – Rose Corporation have been well aware of the issue of effluent but only now, when 300 houses are under construction, do they apply for a variation to the original license.

Government Bodies - Environmental policies etc

The request for the downgraded licence is in conflict with various Government Bodies and/or fails to provide information on how it meets requirements eg:

Note: The following should be read in conjunction with the complete details on each website.

<https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/licensing-policy-cross-industry-review-of-ipart-compliance-and-enforcement-policy-2017/ipart-compliance-and-enforcement-policy-december-2017.pdf>

IPART

Table 3.1 Likelihood of non-compliance descriptors Descriptor	
Certain	100% likelihood or expected to occur in most circumstances
Likely (My comment: History indicates all systems fail at some point in their life)	75% to 99% likelihood or will probably occur in most circumstances –
Table 3.2 Consequence descriptors Major (My Comment: System failure would impact on tourism, health, environmental damage etc Beach would need to be closed etc.)	<p>Actual or potential fatality, severe injury/illness to a person requiring life support, greater than 250 days off work or of incapacity of an individual.</p> <p>s of public or private properties (multiple owners) totalling greater than \$1 million.</p> <p>espread, long term environmental harm, loss of amenity or cultural heritage.</p> <p>e-spread customer impact, including extensive shutdowns or extended disruptions to services.</p> <p>espread fraud, criminal activity or financial loss for a small number of NSW consumers.</p>

Lake Macquarie Council

2.2 Our Goal

Our goal is to sustain an environment that is diverse and inspiring, minimally polluted, and supportive of the city's economic and social needs. We aim to contribute equitably to local and global environmental sustainability.

Hunter Water

4. Hunter Water is committed to “Undertaking measures to prevent pollution and minimise or mitigate any adverse impacts operational activities may have on the environment

About the NSW EPA - Our organisation

The NSW Environment Protection Authority (EPA) is the primary environmental regulator for New South Wales. We partner with business, government and the community to reduce pollution and waste, protect human health, **and prevent degradation of the environment.**

Policies, Guidelines and Programs - Risk-based framework for considering waterway health in strategic land-use planning

When these changes are not well planned and managed they can lead to algal blooms and excessive aquatic weed growth resulting in degraded waterways that the community cannot always use for desired uses such as recreation, commercial activities and for healthy aquatic ecosystems.

Planning and Environment Department - Coastal management

<http://www.environment.nsw.gov.au/topics/water/coasts/coastal-management>

<https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/licensing-policy-cross-industry-review-of-ipart-compliance-and-enforcement-policy-2017/ipart-compliance-and-enforcement-policy-december-2017.pdf>

We support councils and communities in managing the open coast, estuaries and coastal lakes.

The NSW Government's vision is for thriving and resilient communities living and working on a healthy coast, now and into the future.

The NSW Government has established a new coastal management framework to manage the coastal environment in an ecologically sustainable way, for the social, cultural and economic **well-being of the people of New South Wales.**

What is understandable

It is understandable Companies are in business to make money and continually push the limits of rules and regulations for increased profits. It is not acceptable morally, environmentally, community health risk wise etc to send downgraded sewer off their development site to another residential area protecting their own investment. Put bluntly 'Do not throw your rubbish in my back yard'

The value of properties on the boarder of the proposed disposal of downgraded sewerage will suffer financially and health wise from time to time.

Again Put bluntly ' Who would buy a property with downgraded sewer dispersed along the border of a property and onto a main beach'

System failure examples

Hunter Water identifies times when their system does not meet requirements and when unsafe and raw sewerage is discharged - Solo Water will NOT be able to guarantee their system will not break down and raw sewerage is discharged onto Catherine Hill Bay beach.

At Nords Wharf the system fails from time to time at Baxter Park with effluent flooding the park.

The applicant is requesting approval to DOWNGRADE it's process for treating sewerage and it is inevitable that raw sewerage /faecal matter will be discharged making the impact on public health, public safety and the environment disastrous.

Another prime example here is Burwood Beach with raw sewerage during heavy rain and storms.

Assessing the downgraded licence and EIS requirements.

I have conducted a small amount of research based on the assessment requirement of the licence review. Please advise how the application can be granted a downgraded licence based on the following and much more as per all regulations.

I acknowledge that a risk assessment was conducted but this was not an independent risk assessment and as such there needs to be an independent risk assessment for credibility.

The original application showed no discharge of any liquid of any kind to the environment outside the residential development area. The licence was granted on this basis.

Now the operator is seeking a variation which will allow them to discharge more than 162,000 litres a day into the environment **outside** of the development area. The discharge will be in a different catchment area to the process plant, into a "wetland" and stream that ends up on the beach at Catherine Hill Bay. And yet the applicant states that, "The additional flows due to SDRW release are unlikely to be significant under the proposed release management system."

<https://legislation.nsw.gov.au/#/view/act/2006/104/part2/div2/sec10>

Water Industry Competition Act 2006 No 104

10 Determination of applications

(4) A licence may not be granted unless the Minister is satisfied as to each of the following:

- (a) that the applicant has, and will continue to have, the capacity (including technical, financial and organisational capacity) to carry out the activities that the licence (if granted) would authorise,
- (b) that the applicant has the capacity to carry out those activities in a manner that does not present a risk to public health,
- (c) that the applicant has made, and will continue to maintain, appropriate arrangements with respect to insurance,
- (d) in the case of an application for a licence to supply water, that, if such a licence is granted, sufficient quantities of the water supplied by the licensee will have been obtained otherwise than from a public water utility,
- (e) such matters as are prescribed by the regulations,

(f) such other matters as the Minister considers relevant, having regard to the public interest.

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/sewerage-systems-eis-guideline-1996-10.ashx>

1.3. When is an EIS required?

An EIS must be prepared for proposals which have the potential to significantly affect the environment.

Part 4 and Part 5 of the *Environmental Planning & Assessment (EP&A) Act 1979* specify the legal requirements for environmental impact assessment.

The assessment and approval process is summarised in the flow chart in Appendix 2

(My comment – Should the wetland (nowhere is this officially a wetland and is mostly just a damp gully) have the addition of over 1 million litres per week of sewerage not be a significant change in the environment.

a) EIA under Part 4

Under Part 4 of the EP&A Act, sewerage proposals or components of the proposal may require development consent under the provisions of a local environmental plan or other environmental planning instruments. If this is the case, then Schedule 3 of the EP&A Regulation 1994 applies.

Schedule 3 introduces designation thresholds based on the volume of sewage, biosolids or effluent to be handled, the sensitivity of the affected environment, and whether the sewage or sewage products are incinerated (See Appendix 6 for full designation).guideline.

<https://www.legislation.nsw.gov.au/#/view/act/1979/203/part5/div5.1/subdiv3>

Environmental Planning and Assessment Act 1979 No 203

Current version for 3 April 2018 to date (accessed 27 April 2018 at 11:53)

[Part 5 Division 5.1 Subdivision 3](#)

5.4 Exemptions for certain activities

(cf previous s 110E)

Comment: an exemption must not be granted as disposal location and level of sewerage treatment is completely different to the current license

Subdivision 3 Activities for which EIS required

5.7 Decision of determining authority in relation to certain activities

(cf previous s 112)

<https://www.legislation.nsw.gov.au/#/view/EPI/1985/532/cl7>

State Environmental Planning Policy No 14—Coastal Wetlands

2 Aims, objectives etc

The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

7 Restriction on development of certain land

(1) In respect of land to which this policy applies, a person shall not:

- (a) clear that land,
- (b) construct a levee on that land,
- (c) drain that land, or
- (d) fill that land,

except with the consent of the council and the concurrence of the Director.

(2) In considering whether to grant concurrence under subclause (1), the Director shall take into consideration:

(a) the environmental effects of the proposed development, including the effect of the proposed development on:

(i) the growth of native plant communities,

(ii) the survival of native wildlife populations,

(iii) the provision and quality of habitats for both indigenous and migratory species,

(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including salinity and water quality,

(b) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment,

(c) whether carrying out the development would be consistent with the aim of this policy,

(d) the objectives and major goals of the "National Conservation Strategy for Australia" (as set forth in the second edition of a paper prepared by the Commonwealth Department of Home Affairs and Environment for comment at the National Conference on Conservation held in June, 1983, and published in 1984 by the Australian Government Publishing Service) in so far as they relate to wetlands and the conservation of "living resources" generally, copies of which are deposited in the office of the Department,

(e) whether consideration has been given to establish whether any feasible alternatives exist to the carrying out of the proposed development (either on other land or by other methods) and if so, the reasons given for choosing the proposed development,

(f) any representations made by the Director of National Parks and Wildlife in relation to the development application, and

(g) any wetlands surrounding the land to which the development application relates and appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetlands.

I look forward to the refusal of the downgraded licence submission with a direction that the minimum standards of the current sewer treatment remain and disposal be trucked away and/or kept within the current area of the development.

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