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DA 01/X008  
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13 June 2012

Ms Emma Barnet  
Environmental Planning Officer  
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Dear Ms Barnet

**SECTION 75W MODIFICATION REQUEST- PROPOSED REMEDIATION AND SITE PREPARATION OF LOT 223, INDUSTRIAL DRIVE, MAYFIELD**

I refer to your letter of 22 May, 2012 seeking Council's comments on the above Request to modify the terms of development consent pursuant to section 75W of the *Environmental Planning and Assessment Act, 1979*. I also refer to the environmental assessment document, dated 17 May, 2012 prepared by AECOM Australia Pty Ltd in support of the Request.

Council officers have reviewed the submitted documentation and make the following comments in regard to each proposed modified condition:

- 6A – Amendment not supported.** The wording of the existing condition addresses all remediation works approved on the site and it should not be amended to the exclusion of Stage 1 or other remediation work.
- 14 – Amendment supported.**
- 16 – Amendment supported**
- 23 – Amendment not supported.** It seems that the applicants are under the false impression that this condition relates to construction activity. As is clearly evident by the heading of the condition '*Stormwater / Sediment Control - Post Remediation*' the intent of this condition is to ensure that stormwater and sediment discharge from the entire site post remediation is appropriately controlled and managed. Whether or not the works are done in a piecemeal fashion is irrelevant; in fact clause (e) of the condition deals with staging of the work. Each stage of remediation should be undertaken so as to conform to the overarching objectives intended to be specified by this Plan. This condition should have already been addressed so as to permit the remedial works already undertaken and should continue to remain in force.
- 53 – Suggested amendment.** Further to the comments in respect of condition 23 above, condition 53 requires the applicant to '*...prepare and implement a Construction Management Plan for these works.*' Work must not be carried out unless the Director -General has approved the Plan. In this regard, it is reasonable to amend the text of this condition to require the applicant to '*...prepare and implement a Construction Management Plan for each stage of these works.*'
- 27 – Amendment not supported.** The applicants, again, seems to be considering this condition only in relation to the remediation of Lot 223 (west) and Lot 223 (south) areas and not the whole of site remediation covered by the approval. The applicants may be correct in their assumption that this condition was imposed on

the basis that all remediation would occur as one project. Therefore, it is up to the Environmental Protection Authority to decide if it may be more appropriate to alter the text of the condition to require monitoring for each individual stage or area being remediated and thereby not requiring monitoring during periods when there is no remediation activity on site. The fact that the remediation has been broken up into smaller areas may reduce the overall impact at that point in time, but it may also mean that the dust impacts occur for a longer period of time. The areas being remediated are significant and involve substantial earthworks.

- 48 – Amendment supported.** Condition 49 requires the preparation and implementation of a Construction Traffic Management Plan for all aspects of the work. This Plan must include Council's required route to and from Council's Summerhill Waste Management Facility and also permit the identification of haulage routes to be used to access any other waste facilities intended to be used.
- 56 – Amendment supported.** No comment (other than that the applicants have misquoted the existing condition). Condition 57 suggests that the Site Management Plan (SMP) is a live document to be reviewed and updated regularly, even post remediation.
- 58 – Amendment not supported.** If there is no Community Consultative Committee (CCC), as is proposed, how will the local community know that the SMP is available or from where to obtain a copy of it, particularly given this Modification Request has not been publicly exhibited or previously discussed with the members of the CCC for this project.
- 59 – Amendment not supported.** This condition required the Community Consultation Committee (CCC) to be established and meet prior to the remediation works already completed. The condition does not provide for the absolving of the CCC, hence it is assumed the CCC, will exist for the duration of the approved development (as amended). Simply because the applicant is undertaking the work in a piecemeal fashion does not alter the total remediation works to be done and the role of the Committee to '*oversee the environmental performance*' of doing such works.
- 63 – Amendment not supported.** This is a complete change to the intention of the original condition and limits its scope significantly. The use of NSW site auditor for part of the works is not excluded by the original condition and it is appropriate in addition to the broader audit function referred to in the original condition.
- 64 – Amendment supported.**

Should you require clarification of any aspect of the above advice, please contact me on 02 4974 2767.

Yours faithfully



Geof Mansfield  
COORDINATOR DEVELOPMENT ASSESSMENT TEAM