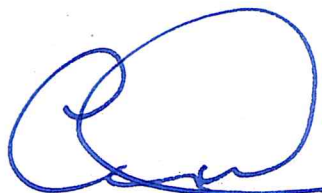


Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

29 AUGUST

2012

SCHEDULE 1

Development consent

The consent for the Mayfield West Remediation Project (Lot 223) granted by the Minister for Planning on 2 August 2002 (DA No. 381-12-2001-i).

SCHEDULE 2

1. In the list of definitions delete:

DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or her delegate
Minister	Minister for Planning
RTA	Roads and Traffic Authority

and insert in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
Minister	Minister for Planning and Infrastructure
MOD 3	The remediation of the areas described as Lot 223 West Stage 1A and Lot 223 South and East Stage 3 on Figure 2 in Appendix 1. In addition MOD 3 relates to the two small areas shown on Figure 3 in Appendix 1.
RMS	Roads and Maritime Services

2. Replace all references to DECCW with EPA.

3. Replace all references to RTA with RMS.

4. In condition 2 of Schedule 2, delete all words after "dated February 2010" and insert:

- (f) modification application 381-12-2001-1 MOD 3 and accompanying Environmental Assessment titled *Lot 223, Industrial Drive Mayfield, Section 75W Modification Request* prepared by AECOM and dated 17 May 2012;

- (g) letter from BHPB dated 27 June 2012 and document titled *Lot 223 Modification – Addendum 1*; and
 - (h) conditions of this consent.
- 5. Delete the two conditions under the heading 'Staging of Remediation Works' and insert conditions 4A and 4B:
 - 4A. Remediation of the site shall be undertaken in four stages as depicted by Figures 2 & 3 in Appendix 1 as follows:
 - (a) **Stage 1** – that part of the site being described as Lot 223 West, and capped with CWR in accordance with the original consent;
 - (b) **Stage 1A** – that part of the site being described as Lot 223 West and capped in accordance with MOD 3;
 - (b) **Stage 2** – the area described as Lot 223 South, Lot 223 North & Lots 11 and 2, remediated in accordance with MOD 2; and
 - (c) **Stage 3** – the area described as Lot 223 South and East; and the areas adjacent to the substation (Figure 3), and remediated in accordance with MOD 3.
 - 4B. To avoid any doubt, where a condition of this consent applies to the entire development, that condition shall be taken to apply to Stages 1, 1A and 3 separate to Stage 2.
- 6. Replace Condition 13 with the following:
 - 13. The Applicant must prepare and implement a Capping Maintenance Plan⁴ for the site prior to the completion of remediation of each Stage as defined by Condition 4A. This plan must:
 - (a) Describe the procedures that would be implemented to ensure the integrity of the cap is maintained over time, notwithstanding any proposal to either redevelop the site or leave it vacant; and
 - (b) Describe the procedures that would be implemented to ensure that any part of the cap that is disturbed during any activities on the site is reinstated and maintained to comply with the requirements in Condition 8.
- 7. Replace Condition 14 with the following:
 - 14. Unless otherwise agreed to by the EPA in writing, the Applicant must conduct regular groundwater monitoring on the site to determine:
 - (a) Groundwater flow paths and changing groundwater gradients;
 - (b) Groundwater contamination levels across the site; and
 - (c) The concentration of contaminants in the groundwater migrating off the site⁵.
- 8. Replace Condition 16 with the following:
 - 16. The Applicant must prepare and implement a detailed Groundwater Monitoring Plan for the site, unless otherwise agreed to by the EPA in writing. This plan must:
 - (a) describe the proposed groundwater monitoring network in detail, including the relevant details for each bore such as ground level, depth of monitoring bore, bore log, level of top of casing, piezometer materials, screened interval and grid coordinates;
 - (b) demonstrate that the proposed network would be able to record watertable levels during "drought" conditions;
 - (c) demonstrate that the proposed network would comply with the industry standards in *"Minimum Construction requirements for Water Bores in Australia"*, ARMCANZ;
 - (d) identify the proposed parameters for monitoring contaminants on the site with reference to Table 20.1 in Volume 1 of the EIS; and
 - (e) describe how the monitoring would be conducted, recorded and reported to the Department, EPA, and NOW.
- 9. Replace Condition 23 with the following:
 - 23. The Applicant shall prepare and implement a detailed Soil and Water Management Plan¹¹ for each Stage of remediation (as defined by Condition 4A) in consultation with Council, prior to the completion of remediation of that Stage. This plan must:
 - (a) Accurately establish the likely volume, velocity, and general quality, of stormwater flows leaving the site during a 100 year flood event;
 - (b) Ensure that the integrity of Council's easements on the site is maintained;

4. EPA General Term of Approval

5. EPA General Term of Approval

11. EPA General Term of Approval

- (c) Specify the standards and performance criteria for the proposed stormwater management system;
 - (d) Describe the detailed design of this system, including any pollution control devices;
 - (e) Describe the proposed staging of these works;
 - (f) Demonstrate that this design, including any existing stormwater infrastructure on the site, would satisfy the relevant standards and criteria for the system until the site is redeveloped;
 - (g) Describe how the effectiveness of this system would be monitored until the site is redeveloped, clearly indicating who would conduct this monitoring, how often this monitoring would be conducted, how the results of this monitoring would be conducted and reported to the Director-General; and if any non-compliance is detected
 - (h) Describe what procedures would be followed to ensure compliance; and
 - (i) Describe procedures would be implemented to ensure this system is maintained until the site is redeveloped.
10. Replace Condition 24B with the following:
- 24B. The Applicant must conduct odour monitoring at the site boundary for the duration of the Stage 2 remediation works.
11. Insert new condition 25A
- 25A The Applicant shall take all practical measures to minimise the air quality impacts of the remediation activities, to the satisfaction of the Director-General. The Applicant shall regularly assess the predictive meteorological forecasting data and through the monitoring proposed as part of the MOD 3 application, relocate, modify and/or stop operations on site to ensure no adverse impacts occur at nearby sensitive receptors.
12. Replace condition 27 with the following:
- 27 The Applicant must conduct ambient air quality monitoring for Stage 2 as follows:
- (a) Continuous real-time ambient monitoring of TSP and PM10 concentrations at the site boundary;
 - (b) Ambient air quality monitoring for TSP, PM10, and dust deposition rates at the nearest sensitive receptor(s), or an alternative location(s) approved in writing by the EPA¹⁵.
13. Replace condition 48 with the following:
48. The Applicant shall use the following route to transport demolition waste to the Summerhill Waste Management Centre: Tourle Street (Stage 1)/ Ingall Street, Industrial Drive, Pacific Highway, Wallsend Road, Sandgate Road, Newcastle Inner City Bypass, Newcastle Road, Longworth Avenue and Minmi Road route. Other licenced waste facilities can be used to receive demolition and other wastes.
14. Replace condition 49 with the following:
49. The Applicant must prepare and implement a Construction Traffic Management Plan prior to the commencement of each Stage of the development (as defined by Condition 4A) to the satisfaction of RMS. This plan must:
- (a) identify the construction traffic routes for all aspects of the proposed works;
 - (b) describe what measures would be implemented to ensure that the drivers of heavy vehicles servicing the site are made aware of, and comply with, these construction traffic routes;
 - (c) describe the parking arrangements during the proposed works; and
 - (d) be submitted to the Director-General when approved by RMS.
15. Replace condition 53 with the following:
53. The Applicant shall prepare and implement a Construction Management Plan for each Stage of the remediation works as defined by Condition 4A. This plan must:
- (a) Describe the proposed works;
 - (b) Outline the proposed work program;
 - (c) Identify all the relevant statutory requirements and conditions of consent that apply to these works;
 - (d) Establish detailed procedures for receiving, handling, and recording any complaints about the proposed works;

- (e) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;
 - (f) Describe what measures would be implemented to protect the occupational health and safety of workers on the site; and
 - (g) Include the following detailed plans:
 - Contaminated Site Remediation Management Plan;
 - Groundwater Monitoring Plan;
 - Erosion and Sediment Control Plan;
 - Construction Air Quality Management Plan;
 - Construction Noise Management Plan;
 - Construction Waste Management Plan.
16. Insert new condition 56 following Condition 55:
56. The Applicant shall submit the Site Maintenance Plan for Stage 2 of the development (as defined under condition 4A. of this consent), to the Director-General for approval prior to the commencement of works for that Stage.
17. Insert new condition 56A following Condition 56:
- 56A. The Applicant shall submit the Site Maintenance Plan for the areas defined as Stages 1A and 3, in accordance with the requirements of Condition 55, to an EPA accredited Site Auditor for approval, prior to the commencement of work. This report shall be submitted to the Director-General and Council for record keeping purposes.
18. Replace condition 58 with the following:
58. The Applicant shall ensure that a copy of the Site Maintenance Plan is made publicly available upon request.
19. Insert new condition 58A:
- 58A. Prior to the commencement of remediation of Stages 1A and 3, the Applicant shall place signs on the access gates to Lot 223 on Tourle Street, Mayfield and on the Industrial Drive frontage of Lot 223 which identify the site and general activities (i.e. remediation). The sign shall also include a contact phone number for any community complaints or enquiries.
20. In Condition 59 insert before the words 'the Applicant must' the following:
59. For Stage 2 remediation
21. Insert new condition 61A following condition 61:
- 61A The Applicant shall prepare and implement a Community Consultation Plan for Stages 1A and 3 to the satisfaction of the Director-General. This Plan must:
- (a) be submitted to the Director-General for approval prior to the commencement of remediation;
 - (b) include a newsletter for the local community which details the:
 - remaining remediation activities and the expected duration of works;
 - a general summary of the environmental management proposed for the remaining works;
 - telephone number for taking complaints or enquiries in relation to the activities and details on obtaining copies of the Site Maintenance Plan;
 - (c) describe the distribution area for the newsletter (at a minimum all residents within 2 km from the site boundary), prepared in consultation with Council;
 - (d) include procedures for handling and monitoring all complaints received; and
 - (e) detail what management and/or contingency actions will be taken if complaints are received.
22. Replace Condition 63 with the following:
63. Within six months of the completion of Stage 2 of the development (as defined under condition 4A. of this consent), and then as directed by the Director-General until the site is redeveloped, the Applicant must commission and pay the full cost of an Independent Environmental Audit of Stage 2 of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;

- (b) be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;
- (c) assess whether the proposed works have been carried out in accordance with this consent;
- (d) assess whether that the development is complying with the relevant standards, performance measures, and statutory requirements;
- (e) review the adequacy of the Applicant's Site Maintenance Plan; and, if necessary,
- (f) recommend measures or actions to improve the environmental performance of the development, and/or its environmental management and monitoring systems.

23. Insert new Condition 63A:

- 63A Within 3 months of completing Stages 1A and 3 of the development as defined by Condition 4A, and then as directed by the Director-General, the Applicant must commission and pay the full cost of an EPA accredited independent Site Auditor to review whether the remediation outcomes have been met (as specified in Condition 8) and whether appropriate long term management measures are in place (as specified by condition 55). This Site Auditor's report(s) shall be provided to the Director-General and Council.

24. Insert new Condition 64:

64. Within 2 months of commissioning the reports required by 63 and 63A, the Applicant must submit a copy of the audit report to the Director-General, along with a detailed response from the Applicant to any of the recommendations contained in the audit report.

SITE SETTING
LOT 11 & LOT 223
NEWCASTLE

CLIENT Koppers Coal Tar Products	DRAWN BY MC	SCALE As Shown	PROJECT N° 65003	REVISION 4	DATE 12/10/09	OFFICE NEWCASTLE
			AFFIRMED BY PN	DATE 12/10/09	OFFICE NEWCASTLE	

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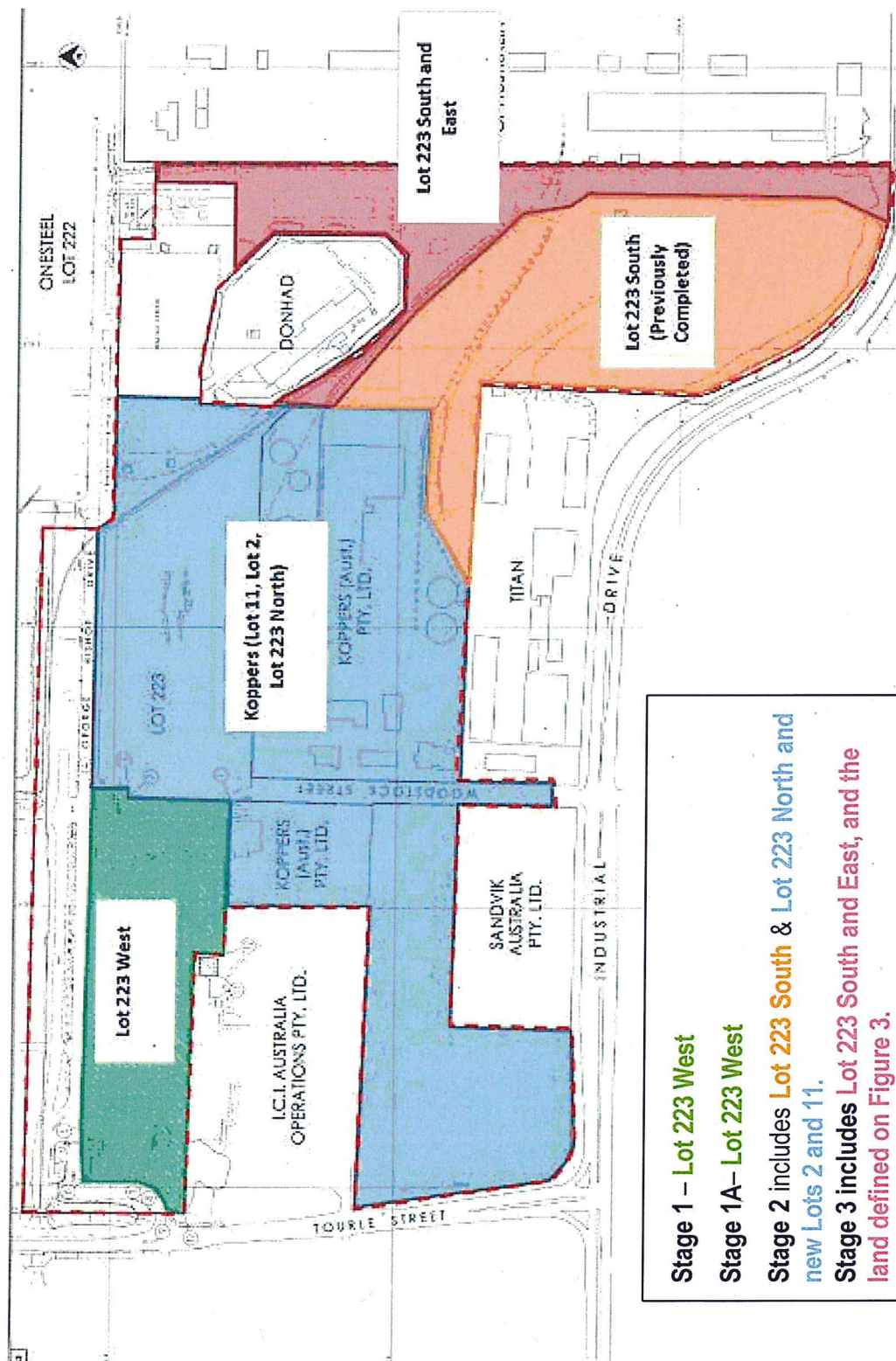


Figure 2: Stages of remediation

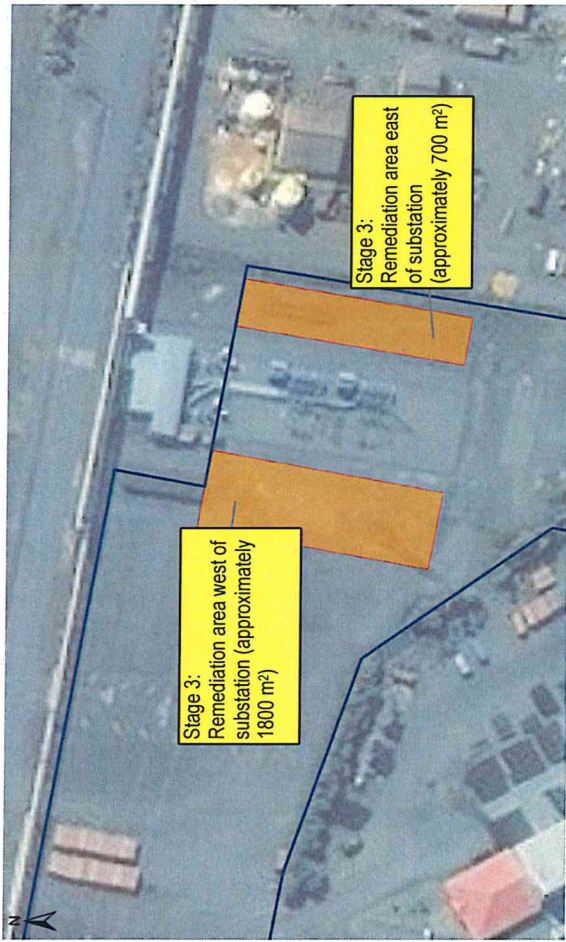


Figure 3: Additional land to be included in Stage 3.