

2 December 2013

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Ms Kerry Hamann
Manager – Industry
NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ms Hamann

**Combined Remediation of Lot 2 in DP1127713 and Lot 1 in DP225720 –
Applications to Modify Major Project Planning Approvals 06_0184 and 08_0221**

1. INTRODUCTION

- 1.1 Thankyou for forwarding the submissions received by the Department following the public exhibition of the s.75W Modification application to Project Approval 06_0184, referred to above ('**MOD5**' and '**Project Approval**' respectively).
- 1.2 PCCS has considered the submissions from each the Environment Protection Authority (**EPA**) dated 25 November 2013, the Mines Subsidence Board (**MSB**) dated 21 November 2013 and Lake Macquarie City Council dated 21 November 2013 (**LMCC**).
- 1.3 PCCS's comments are set out below.

2. PCCS COMMENTS IN RELATION TO SUBMISSIONS

LMCC Submission

- 2.1 The LMCC submission indicates that LMCC has no objections to the proposed increase in height and volume of the cell provided that the capping layer conforms to the approved specification and or the agreed modification, which LMCC commented on in February 2012.
- 2.2 In PCCS's submission, the proposed capping layer will in fact conform to the conditions attaching to MOD3, which LMCC commented on in February 2012, and which was issued on 10 August 2012.
- 2.3 PCCS also notes that LMCC's comments of February 2012 were considered by the Department and were incorporated as necessary into the conditions attaching to MOD3.
- 2.4 Apart from the proposed increase in height and volume of the cell, no further changes to the design of the cell, or of the cell cap, are proposed. In particular, no changes are proposed in respect existing conditions 3.2A (which requires the preparation of a cap report and submission of that report to the EPA's satisfaction, prior to the commencement of construction of the cap) or condition 3.3A (which requires the cap report to be reviewed by a site auditor who shall issue a site audit statement and site audit report prior to the submission of the report to the EPA).

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- 2.5 Accordingly, PCCS submits that the LMCC's comments do not require the imposition of any condition of approval in addition to those which already form part of the Project Approval or which are identified at paragraph 4 below.

MSB Submission

- 2.6 The MSB submission indicates the MSB's approval to the proposed modification subject to the following conditions:

- "1. The submission of final design drawings containing certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of sch final drawings, will not be damaged by the following mine subsidence parameters:*
- (a) Maximum vertical subsidence of 200mm*
 - (b) Maximum tilt of 2mm/m*
- 2. On completion of building work, certification is required by a qualified structural engineer that all improvements have been constructed in compliance with the drawings approved by the Board. The certification, accompanied by appropriate evidence, is to be submitted to the Board."*

- 2.7 PCCS's agrees to the imposition of these conditions proposed by the MSB.

EPA Submission

- 2.8 The EPA submission indicates the EPA's support in principle to the proposed amendment.
- 2.9 The only matter raised by the EPA is a recommendation that '*...detail of the final design of the amended cell design are required to be submitted to the EPA for approval*'.
- 2.10 In relation to this matter, PCCS comments that the modification application provides detail of the final design of the cell as proposed to be modified.
- 2.11 PCCS also notes that no modifications are proposed in relation to the requirements of the conditions attaching to the Project Approval in relation to validation of remedial works under conditions 8.4 and 8.5, or the construction of the cell cap under conditions 3.2A or 3.3A. Those existing conditions already appropriately regulate design issues.
- 2.12 Accordingly, PCCS submits that no additional conditions are necessary.

3. PROPOSED MODIFICATION

- 3.1 Having regard to the limited scope of the modification and the submissions received by the Department in relation to it, PCCS submits that the following amendments be made to the Project PCCS Approval:

- (a) Amend the definition of '*Project, the*' to read:

'The remediation of the PCCS site and associated works the subject of Major Projects Application (06_0184), as modified by 06_0184 MOD 1, 06_0184 MOD 3, 06_0184 MOD 4 and 06_0184 MOD 5'

- (b) Insert a new definition of MOD 5 to read:

"The remediation of contaminated material from the PCCS site and from the Incitec site through emplacement in the PCCS containment cell constructed generally in accordance with the document titled " 'Environmental Assessment of the Combined Pasminco Cockle Creek Smelter Pty Ltd and Incitec Fertilisers Ltd Remediation Project' prepared by WSP, dated 22 October 2013."

- (c) Replace existing condition 1.1(g) to read:

'modification application 06_0184 MOD 5, accompanied by documentation including 'Environmental Assessment of the Combined Pasminco Cockle Creek Smelter Pty Ltd and Incitec Fertilisers Ltd Remediation Project' prepared by WSP, dated 23 October 2013'

- (d) Insert a new condition 1.1(h) to read:

'conditions of this approval'.

- (e) A new condition 3.4B be inserted to read::

"The submission of final design drawings containing certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of sch final drawings, will not be damaged by the following mine subsidence parameters:

(a) Maximum vertical subsidence of 200mm

(b) Maximum tilt of 2mm/m"

- (f) Insert a new condition 3.4C be inserted to read::

"On completion of building work, certification is required by a qualified structural engineer that all improvements have been constructed in compliance with the drawings approved by the Board. The certification, accompanied by appropriate evidence, is to be submitted to the Board."

3.2 No other changes are considered necessary.

4. CONCLUSION

4.1 If you require anything further in relation to the enclosed application, please contact the writer on (02) 9921 4502 in the first instance.

Yours faithfully

MINTER ELLISON



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Partner

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