

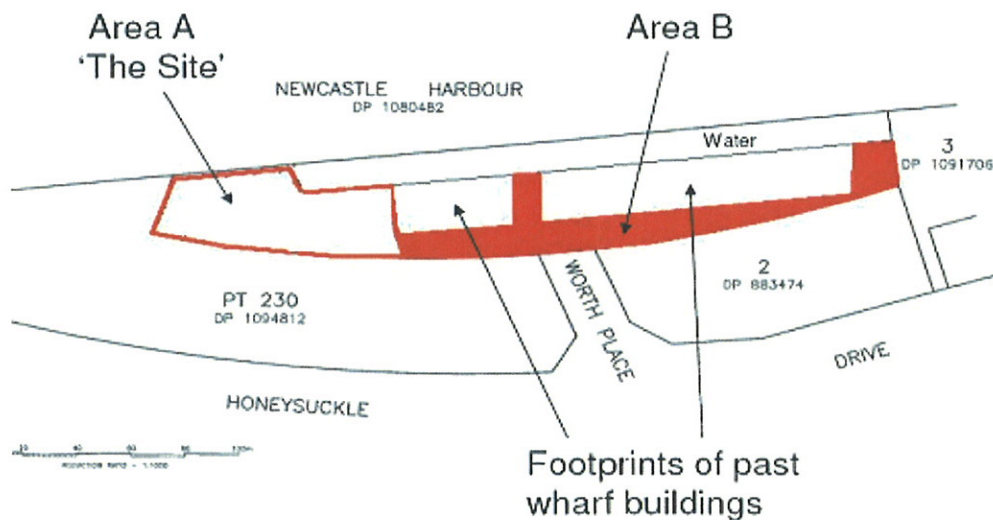


Figure 3: Worth Place Park Layout

2. STATUTORY CONTEXT

2.1 Major Project

The project is classified as a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development within the area identified on Map 3 of Schedule 2 (Newcastle – Honeysuckle) for the purpose of remediation of contaminated land and therefore triggers the criteria in Schedule 2, Clause 5 (b) of *State Environmental Planning Policy (Major Projects) 2005*.

Consequently, the Minister is the approval authority for the project.

2.2 Permissibility

Under Section 75J(3) of the EP&A Act, the Minister cannot approve the carrying out of a project that would be wholly prohibited under an environmental planning instrument.

The site is zoned RE 1 Open Space and Recreation under the *Newcastle City Centre Local Environmental Plan 2008*, and the proposed remedial works are permissible with consent in this zone.

Consequently, the Minister may approve the project.

2.3 Public Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment of a project publicly available for at least 30 days.

After accepting the EA for the project, the Department:

- made it publicly available from Thursday 2 October 2008 until Monday 3 November 2008:
 - on the Department's website;
 - at the Department's Information Centre;
 - at the Newcastle City Council's Offices; and
 - at the Nature Conservation Council Offices in Sydney;
- notified relevant State government authorities and Newcastle City Council by letter;
- notified landowners in the vicinity of the site about the exhibition period by letter; and
- advertised the exhibition period in the Newcastle Herald.

This satisfies the requirements in Section 75H(3) of the EP&A Act.

2.4 Environmental Planning Instruments

Under Section 75I of the EP&A Act, the Director-General's report is required to include a copy of or reference to the provisions of environmental planning instruments that substantially govern the carrying out of the project.

The Department has assessed the proposal against the provisions of relevant environmental planning instruments and is satisfied that none of these instruments substantially govern the carrying out of the project (see Appendix E).

2.5 Objects of the Environmental Planning and Assessment Act, 1979

The Minister's consideration and determination of the application must be consistent with the relevant provisions of the EP&A Act, including the objects set out in the Act's section 5. The objects of most relevance to the Minister's decision on whether or not to approve the proposed project are found in section 5(a)(i), (ii), (iv), (vi) and (vii). They are:

'The objects of this Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iv) the provision of land for public purposes,*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development".*

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. The assessment integrates all significant economic and environmental considerations and seeks to avoid any potential serious or irreversible damage to the environment. Hunter Development Corporation has also considered a number of alternatives to the proposed project (including the alternative of not proceeding), and considered the project in the light of the principles of ESD.

The Department is satisfied that the project is consistent with the objects of the EP&A Act.

2.6 Statement of Compliance

Under Section 75I of the EP&A Act, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements for the project.

The Department is satisfied that the environmental assessment requirements have been complied with.

3. ISSUES RAISED IN SUBMISSIONS

During the exhibition period, the Department received 5 submissions on the proposal (see Appendix C), all from public authorities (Department of Water and Energy, Newcastle City Council, Roads and Traffic Authority, NSW Maritime, and Newcastle Port Corporation).

None of these submissions objected to the project, nor did they raise any concerns with it, however they have provided recommended conditions of approval.

The Department has considered the general recommendations of the various agencies, and where necessary, incorporated them into the recommended conditions of approval.

4. ASSESSMENT

The Department has assessed the merits of the project, and is satisfied that the impacts of the project are relatively minor and can be suitably managed to ensure an acceptable level of environmental performance. A summary of the Department's assessment is presented in Table 2.

Table 2: Assessment of Impacts

Aspect	Consideration	Recommended Conditions
Remedial Works	- The Department considers that the cap and contain remediation strategy is appropriate as the contaminants in the soil are generally immobile with low potential for leaching as a result of ground or surface water flow. - The cap and contain remediation strategy would minimise human health and environmental risks by minimising exposure of PAHs. - The Department considers that the proposed remediation strategy would achieve acceptable remediation outcomes for the future land use.	- The Department has recommended conditions that would require Hunter Development Corporation to: - undertake the remediation works in accordance with the project Remedial Action Plan; and - commission an accredited site auditor to prepare a site audit statement and site audit report certifying that the remediated site is suitable for its intended use.
Soil and Water	- The main potential impacts relate to erosion and sedimentation during remedial works, and potential use of contaminated fill. - The site is predominantly flat and its catchment is restricted to its own area and it has no designated drainage routes to the receiving Newcastle Harbour. - Previous remedial works have identified groundwater at approximately 2.0m below ground level. The groundwater quality is consistent with the quality of the receiving Newcastle Harbour water. - Hunter Development Corporation proposes a number of measures to minimise impacts, including use of erosion and sediment controls, and use of Virgin Excavated Natural Material as fill. - The Department considers that the recommended conditions together with Hunter Development Corporation's commitments would ensure any potential soil and water impacts are minimised and managed.	- The Department has recommended conditions that would require Hunter Development Corporation to: - not pollute nearby waters; - implement erosion and sediment controls in accordance with the Department of Housing and Landcom's <i>Managing Urban Stormwater: Soils and Construction</i>; - use only Virgin Excavated Natural Material for imported fill; and - store imported fill material away from stormwater lines and any natural runoff flows.
Air Quality	- Dust could be potentially generated due to use of imported fill material for capping purposes. - Hunter Development Corporation proposes to use dust suppression measures as required. - The Department considers that air impacts would be minimal provided trucks and stockpiles are covered/managed.	- The Department has recommended conditions that would require Hunter Development Corporation to: - minimise dust emissions; - cover truck loads and prevent dust tracking onto public roads; and - manage stockpiles to minimise emissions.
Odour	- Odour could be potentially generated due to exposure of contaminated soil. - Hunter Development Corporation has committed to cover contaminated soil and/or use a surfactant to minimise any odour emissions. - The Department considers that odour impacts would be minimal, and can be effectively managed.	- The Department has recommended conditions that would require Hunter Development Corporation to: - prevent offensive odour emissions; - ensure that an odour suppressant is available on site during the works, for use if required.

Aspect	Consideration	Recommended Conditions
Noise	- Remedial works would require use of delivery trucks and an excavator. - Remedial works would be undertaken between the hours of 7am to 6pm on weekdays and from 8am to 1pm on Saturdays. No work would be undertaken on Sundays and Public Holidays. - As the works would be short-term, and during day-time hours, the Department considers that noise impacts would be minimal.	- The Department has recommended conditions that would require Hunter Development Corporation to: - comply with the specified hours of operation; and - minimise nuisance noise emissions.
Traffic	- The remedial works are expected to generate 70 trucks over a two week period, equating to about one truck every 45-60 minutes. - The surrounding road network has sufficient capacity to accommodate the traffic generated by the project. - The Department considers that traffic impacts would be minimal.	The Department has recommended a condition that would require Hunter Development Corporation to ensure that no trucks queue or park on the public road network.
Waste	- The remedial works would not involve any off-site material disposal. - The Department therefore considers that waste impacts would be minimal.	The Department has recommended a condition that would require Hunter Development Corporation to classify any waste in accordance with the DECC's <i>Environmental Guidelines: Waste Classification Guidelines</i>, and dispose it to a facility that may lawfully accept the waste.
Flora and Fauna / Final Landform	- The site is cleared as a result of previous remedial works. - There would be minimal change to the landform as a result of the proposed remedial works and the area would be landscaped in accordance with existing approvals for the area.	None required

5. RECOMMENDED CONDITIONS OF APPROVAL

The Department has prepared recommended conditions of approval for the project which are summarised in Appendix A and attached in Appendix B.

These conditions are required to:

- prevent, minimise, and/or offset adverse impacts of the project;
- set standards and performance measures for acceptable environmental performance;
- ensure regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Hunter Development Corporation does not object to the imposition of the recommended conditions.

6. CONCLUSION

The Department has assessed the merits of the project having regard to the objects of the EP&A Act, and the principles of ecologically sustainable development, and where necessary conditions of approval were recommended to address any residual concerns.

With the implementation of the recommended conditions of approval, the Department is satisfied that the impacts of the project can be mitigated and/or managed to ensure an acceptable level of environmental performance.

The Department is also satisfied that the project would reduce the risk of harm to human health and the environment, and it would assist with the delivery of the Honeysuckle development, including valuable public open space.

Consequently, the Department believes that the project is in the public interest, and should be approved subject to conditions.

7. RECOMMENDATION

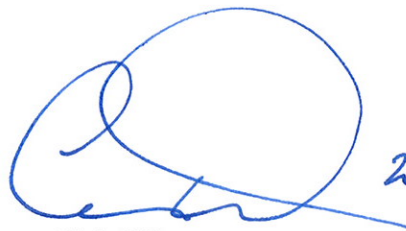
It is RECOMMENDED that the Minister:

- consider the findings and recommendations of this report;
- approve the project subject to conditions; and
- sign the instrument of approval (see Appendix B).



25/11/08

David Kitto
Director
Major Development Assessment



26.11.08

Chris Wilson
Executive Director
Major Project Assessment



Sam Haddad
Director-General

26/11/2008.

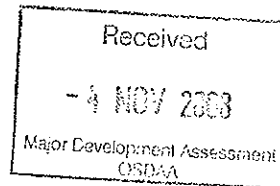
APPENDIX A – SUMMARY OF CONDITIONS OF APPROVAL

<i>Aspect</i>	<i>Condition</i>	<i>Requirement</i>
Schedule 2: Administrative Conditions		
Commencement of Works	4	Requires certified Remedial Action Plan.
Completion of Works	5	Requires a Site Audit Statement and a Summary Site Audit Report.
Schedule 2: Specific Environmental Conditions		
Air	8-10	Requires dust minimisation.
Odour	11-12	Requires compliance with Section 129 of the <i>Protection of the Environment Operations Act 1997</i> and use of odour suppressant, if necessary.
Noise	13-15	Provides working hours for construction, noise limits for operation and monitoring of compliance.
Soil and Water	16-19	Requires compliance with Section 129 of the <i>Protection of the Environment Operations Act 1997</i> , validation of imported fill and erosion and sedimentation measures.
Transport	20	Prohibits vehicles queuing on public roads.
Waste	21	Requires classification of all waste generated on site in accordance with the DECC's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i> and disposed of to a facility that may lawfully accept the waste.
Site Security	22	Requires an installation of a fence around the remediation area.
Schedule 2: Environmental Reporting		
Incident Reporting	23	Provides incident reporting requirements.

APPENDIX B – CONDITIONS OF APPROVAL

APPENDIX C – SUBMISSIONS

SP&D:GD
DA 08/X012
Phone 4974 2728



30 October 2008

Kerry Hamann
Environmental Planning Officer
Department of Planning
GPO Box 39
SYDNEY NSW 2001



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au

Dear Sir/Madam

**MP 07_0003: WORTH PLACE REMEDIATION PROJECT
PROPERTY: 16 WORTH PLACE NEWCASTLE**

I refer to your letter of 26 September 2008 advising of the public exhibition of the major project application "MP 07_0003" and accompanying Environmental Assessment (EA) under Part 3A of the Environmental Planning and Assessment Act 1979.

Council officers have reviewed the submitted documentation and, if an approval is to be granted to the proposal, it is recommended that the following conditions be imposed:

- Works that generate noise that is audible at residential premises being restricted to the following times:
 - Monday to Friday, 7:00 am to 6:00 pm;
 - Saturday, 8:00 am to 1:00 pm;

With no noise from works to be generated on Sundays or Public Holidays.

Reason: To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- No works being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday.

Reason: To safeguard the amenity of the neighbourhood.

- Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with NSW DECC guidelines.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

- The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirements of the Managing Urban

Stormwater: Soils and Construction 4th Edition - Vol. 1 (the "Blue Book") published by Landcom, 2004.

Reason: To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- All soil stockpiles, excavation areas and unsealed areas being adequately managed to ensure mitigation of potential wind/rain erosion and dust problems. All soil stockpiles must be situated away from drainage areas where possible and must be adequately covered and fenced/bunded.

Reason: To prevent environmental pollution.

- Any fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Documentation that certifies that the fill is not contaminated, based upon the known past history of the site where the material was obtained or analysis of the material in accordance with NSW DECC guidelines must be retained on site and made available to authorised officers upon request.

Reason: To safeguard human health and the environment of the locality.

- The proposed remediation works being carried out in accordance with the recommendations set out in the submitted report: *Contaminant Delineation and Remedial Action Plan* prepared by RCA Australia, February 2006, the requirements of the appointed NSW DECC (EPA) Accredited Site Auditor and the conditions of this consent.

Reason: To ensure the site is suitable for the intended use and to comply with public health standards.

- A Validation Report and a Site Audit Statement certifying the land is suitable for the intended use being submitted to Newcastle City Council upon completion of validation and prior to use of the site for recreational open space purposes.

Reason: To ensure the site is suitable for the intended use and to comply with public health standards.

This advice has been prepared by Council officers and has not been considered by Councillors. A copy of this submission has been forwarded to the Lord Mayor and all Councillors and further submissions may be forthcoming.

Should you wish to discuss the contents of this submission, please contact me on telephone 4974 2728.

Yours faithfully



Geoffrey Douglass
Development & Building Co-ordinator (East)



NSW Government

DEPARTMENT OF WATER AND ENERGY

Your Ref: S07/00122
Our Ref: ER20308

Department of Planning
GPO Box 39
SYDNEY NSW 2001

22 October 2008

Attention: Kerry Hamann

Dear Madam

**MP07_0003 – Submission on Environmental Assessment
Proposed Worth Place Park Remediation Project
Part Lot 8 DP 883474 Worth Place (Honeysuckle) Newcastle – Newcastle LGA**

I refer to your letter of 26 September 2008 inviting a submission and recommended conditions of approval for the project proposal.

Whilst the Department of Water and Energy (DWE) has no conditions or approval requirements for the project, the following points are raised:

- The subject site has contamination issues with both soil and groundwater;
- The cap and contain remediation strategy is aimed at containing the existing contamination on-site by introducing a low permeability cap which should reduce water infiltration and thereby minimise further mobilisation of any soluble contaminants;
- The redevelopment of this site into a recreation parkland incorporating the cap and contain strategy as outlined in the Environmental Assessment (EA) is viewed as having a 'neutral or beneficial impact' on the existing groundwater condition; and
- The proposal is exempt from a controlled activity approval under the *Water Management Act 2000*.

In-principle, DWE has no objections with the project proposal as detailed in the EA.

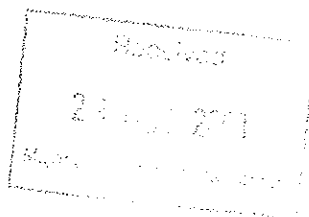
If you require further information please contact Peter Johns, Project Officer on 4904 2538 at this office.

Yours sincerely

Jeff Hunt
Acting Manager Major Projects, Mine Assessments and Planning
Newcastle



325DA183; 1
08/2107
AT



The Director, Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Kerry Hamann

PROPOSED REMEDIATION PROJECT, LOT 8 DP 883474, WORTH PLACE PARK

Dear Ms Hamann

I refer to your letter dated 26 September 2008 (Your reference: S07/00122), which was referred to the Roads and Traffic Authority (RTA) for comments.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Worth Place and Honeysuckle Drive are Unclassified Local Roads and Council is the roads authority for these road and all other public roads in the area.

The RTA has reviewed the information provided and has no objections to the proposed remediation work as it is not considered to have a significant impact on the classified road network.

Notwithstanding the above, Council should ensure that a Traffic Management Plan (TMP) for the proposed works is to be prepared and submitted to the Council for approval. All arrangements for the control of traffic shall be in accordance with the Roads and Traffic Authority's publication "Traffic Control at Work Sites."

Should you require any further advice please contact the undersigned on Phone: (02) 4924 0240.

Yours sincerely

John Farrell
A/Manager, Land Use Development
Hunter Operations and Engineering Services

27 October 2008

Georgia Ivancevic - Worth Place Park

From: "Young, Allan" <Allan.Young@maritime.nsw.gov.au>
To: <Georgia.Ivancevic@planning.nsw.gov.au>
Date: 19/11/2008 4:06 PM
Subject: Worth Place Park
CC: "Campanelli, Maryanne" <Maryanne.Campanelli@maritime.nsw.gov.au>

Dear Ms Ivancevic,

Thank you for inviting NSW Maritime to comment on the proposed remediation work at Worth Place Park in the Honeysuckle Precinct, Newcastle.

NSW Maritime has no in principle objection to the proposed works.

Regards

Allan

Allan Young
Manager Property Planning
Maritime Property Division
NSW Maritime

Serving our Boating Community - Safe Waterways and Support for the Maritime Community

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Views expressed in this message are those of the sender rather than NSW Maritime unless the content of the message indicates to the contrary.



12 November 2008

Kerry Hamann
Environmental Planning Officer
Rural and Manufacturing Industries
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Kerry,

RE: Worth Place Remediation Project, Newcastle – MP 07-0003

Newcastle Port Corporation (NPC) has reviewed the Environmental Assessment (EA) Worth Place Park produced by Hunter Development Corporation, October 2008.

It is understood that the proposal is classified as a Major Project under SEPP (Major Projects) 2005 and will therefore be assessed and determined by the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979.

NPC are supportive of the proposed remedial activity subject to compliance with applicable legislation, standards and/or guidelines. Further NPC support Newcastle City Council's requirements for a Site Audit Statement validating successful remediation of the subject site.

In accordance with The Management of Waters and Waterside Lands Regulations NSW 1972, NPC and the Harbour Master reserved the right to require additional amendments if deemed necessary.

Yours sincerely

Michael Rayner
DEVELOPMENT MANAGER

APPENDIX D – ENVIRONMENTAL ASSESSMENT

APPENDIX E – CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Section 75I of the *Environmental Planning and Assessment Act 1979* requires that reference be made to the provisions of any environmental planning instrument that would (but for Part 3A of the Act) substantially govern the carrying out of the project. Consideration of the project in the context of the objectives and provisions of the relevant environmental planning instruments is provided below.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to ensure that potential contamination issues are considered in the determination of a development application. The project involves remediation of known contamination. In accordance with SEPP 55, Hunter Development Corporation would notify the Department and Council prior to commencement of works and on completion of works. The Department is satisfied with the consideration of SEPP 55 in the EA.

State Environmental Planning Policy No. 71 – Coastal Protection

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) applies to the site as it is within the coastal zone. SEPP 71 aims to protect and manage the NSW coast through improving public access, protecting Aboriginal cultural heritage, protecting visual amenity and coastal habitats and managing the scale, bulk and height of development along the coast.

The Department is satisfied that the proposed development is broadly consistent with the aims and other matters for consideration in the SEPP 71. The project once finalised would improve public access to the Newcastle Harbour area. It would have a negligible impact on scenic qualities and water quality protection measures would ensure that adequate protection is provided for aquatic flora and fauna including the Newcastle Harbour. The site is unlikely to contain any Aboriginal sites and does not contain other items of heritage/historic significance.

Hunter Regional Environmental Plan 1989

The site is located in the area to which the *Hunter Regional Environmental Plan 1989* applies. The Department is satisfied the proposal is consistent with the aims and objectives of the plan. Worth Place Park forms part of the Honeysuckle Redevelopment Project which began in 1993 and which is transforming ex-industrial/contaminated land on the Newcastle Harbour into mixed land use that encourages the growth and public use of the harbour area.

Newcastle City Centre Local Environmental Plan 2008

Newcastle City Centre Local Environmental Plan 2008 (LEP) provides development controls for development in the Newcastle local government area. The proposed site is zoned RE 1 Open Space and Recreation. The objectives of the zone are to enable land to be used for public open space or recreational purposes; provide a range of recreational settings and activities and compatible land uses; and protect and enhance the natural environment for recreational purposes. The Department is satisfied that the proposed project is consistent with the objectives of the zone.