

Future City.G.Mansfield.
Reference: 4146868
Phone: 02 49742767
Email: gmansfield@ncc.nsw.gov.au



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

8 April 2013

Mr Chris Ritchie
Manager-Industry
Major Project Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Ashley Cheong

Dear Mr Ritchie

**PROPOSED CEMENT AND GROUND SLAG RECEIVAL AND DISPATCH
TERMINAL PROJECT, LOT 333, DP 1176879, MAYFIELD NORTH (MP08_0198)**

I refer to the Department's letter of 26 February, 2013 inviting Council to comment on the Environmental Assessment (EA) submitted in support of the application by Independent Cement and Lime Pty Ltd for the above proposal.

Council officers have examined the EA and the following comments are submitted for consideration by the Department in the assessment of the application:

1. Mayfield Site Port-Related Activities Concept Plan

The Mayfield Site Port-Related Activities Concept Plan (09_0096), approved by the Minister for Planning and Infrastructure on 16 July 2012, outlines the development objectives and environmental assessment requirements for future port-related industrial activities on the former BHP Newcastle Steelworks site. In essence, the Concept Plan Approval seeks to set up an 'environmental envelope' for the entire former BHP Closure area with each future development being required to demonstrate compliance with traffic, noise, air quality, stormwater and monitoring requirements.

According to the Concept Plan Approval, future applications for development within the area of the Mayfield Concept Plan would be assessed and determined under Part 4 or Part 5 of the *Environmental Planning and Assessment (EP&A) Act, 1979*.

According to the EA, the construction and operation of the terminal is to be assessed as a transitional Part 3A project under Schedule 6A of the EP&A Act, 1979. It is understood that, while the proposed terminal is located within the boundaries of the Mayfield Concept Plan, as a 'stand-alone project' (which pre-dates the approval of the Plan) it is not legally bound by the requirements of the Plan.

It is recommended that the proponent be requested to provide further information which clarifies the legal relationship between the Mayfield Concept Plan and the proposed development.

Notwithstanding the above, it is noted that the Director-General's Requirements for the preparation of the EA required that the EA must include:

'A clear demonstration that the project is consistent with the Mayfield Port-Related Activities Concept Plan (09_0096)(if approved) and that the project is capable of being constructed and operated before permanent services and infrastructure are provided on the Mayfield site.'

While Table 3.3 of the EA has addressed the 'concept plan broad parameters and environmental performance criteria' it has not discussed the preconditions imposed on the proponent of the Mayfield Concept Plan the Newcastle Port Corporation.

Some of the conditions imposed in Schedule 3 of the Concept Plan Approval require the Corporation to prepare and implement a multitude of different reports including environmental monitoring, management plans, mitigation strategies, as well as infrastructure works to be undertaken 'prior to the commencement of operations for any project associated with this Concept Plan approval' or 'prior to commencement of construction of any project associated with this Concept Plan approval', and in some instances 'prior to the lodgement or consideration of any project associated with this Concept Plan approval'. It is noted that in some cases the timing for compliance with these conditions may be varied if 'otherwise agreed by the Director-General'.

It is requested that proponent be requested to provide additional information which addresses the above matter.

2. Noise

Condition 2.17 of the Concept Plan Approval outlines noise goals for the overall development of the site. The Noise Impact Assessment prepared by Umwelt (Australia) Pty Ltd dated February 2013 states the proposed development, as a standalone development, is not subject to the noise goals outlined in the Concept Plan Approval. As indicated above, the Environmental Assessment is required to demonstrate the proposed development is consistent with the noise goals as outlined in condition 2.17 of 09_0096.

The Noise Impact Assessment provides project specific noise criteria that generally coincide with the noise goals outlined in the Concept Plan Approval. Furthermore, the Noise Impact Assessment modelling demonstrates the operational noise from the proposed development, as a standalone development, will not exceed the project specific noise criteria, and subsequently the noise goals outlined in 09_0096. However, due to the proposed development occupying a substantial percentage of the noise goal concerns are raised regarding the feasibility of future development within the Concept Plan Approval footprint to meet the noise goals outlined in condition 2.17 of 09_0096. Therefore, it is recommended an environmental management system, including noise goal criteria, be implemented for the overall site approved under the Concept Plan Approval.

3. Air quality

As the proposed development is located within the footprint of the approved Concept Plan, the project should be subject to the conditions of approval associated with the Concept Plan. Therefore, assessment of potential air quality impacts should be conducted with reference to the Site Air Quality Model of the Concept Plan Approval (Condition 2.12). Furthermore, the proposed development should be subject to the environmental management system contained within the conditions of consent for the overall site approved under the Concept Plan Approval.

4. Infrastructure

Condition 2.22 of Concept Plan Approval requires the preparation of a utilities infrastructure plan for the Concept Plan footprint. It is recommended the proponent be requested to provide further information regarding how the proposed development will fit into the utilities infrastructure plan. Of particular interest to Council is the connection of the proposed development to a reticulated sewer system.

5. Contamination

The remediation of the area proposed for the construction of the cement terminal is well advanced and procedures effectively implemented through both conditions outlined in DA 293-08-00 and the Voluntary Remediation Agreement (VRA) with The Department of Environment and Climate Change. Therefore, the remediation framework should be implemented through the preparation of a project-specific Construction Environmental Management Plan. The remediation works will also be reviewed and signed off by an accredited Site Auditor.

If you have any questions concerning the matters canvassed in this letter, please contact me on the details listed above.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G. Mansfield', written in a cursive style.

Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)