

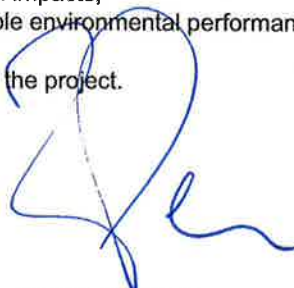
Project Approval

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

I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Richard Pearson
Deputy Director-General

Sydney

9 March

2012

SCHEDULE 1

Application No:	10_0040
Proponent:	Wagga Wagga City Council
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lots 3 and 4 DP 828377, Lot 1 DP 717828, Lot 10 Section 86 DP 759031 and Crown Land Lot 7305 DP132872
Project:	Tarcutta Street Former Gasworks Site Remediation Project

DEFINITIONS

Construction	Commencement of remediation works
Council	Wagga Wagga City Council
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or delegate)
EA	Environmental Assessment titled <i>Tarcutta Street Former Gasworks Site Remediation</i> , dated April 2011
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure
EPA	Environmental Protection Authority
Operation	Recommencement of operation of the car park
Project	Tarcutta Street Former Gasworks Site Remediation Project (as described in the EA)
Proponent	Wagga Wagga City Council
RAP	Remedial Action Plan titled <i>Remedial Action Plan for the Former Gasworks Site on the Corner of Tarcutta and Cross Streets in Wagga Wagga NSW</i> , dated August 2009 or any amendments approved by the site auditor
Reasonable and feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Remediation work	Remediation works as described in the EA and the RAP
RMS	Roads and Maritime Services
Site	Land to which the project application applies
Site audit report	As defined in the <i>Contaminated Land Management Act 1997</i>
Site audit statement	As defined in the <i>Contaminated Land Management Act 1997</i>
Site auditor	As defined in the <i>Contaminated Land Management Act 1997</i>
Statement of Commitments	The proponent's commitments in the EA
VENM	Virgin Excavated Natural Material, as defined in the <i>Protection of the Environment Operations Act 1997</i>

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Project.

Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
 - a) EA;
 - b) RAP;
 - c) site plans (see Appendix1);
 - d) statement of commitments (see Appendix 2); and
 - e) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. Amendments to the approved Remedial Action Plan, required as a result of further site investigations, must be prepared by a suitably qualified and experienced expert and approved by the site auditor.
5. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Commencement of Works

6. Prior to the commencement of construction, the Proponent shall demonstrate to the satisfaction of the Director-General:
 - a) that the RAP has been certified by an accredited site auditor; and
 - b) that a suitable location and method for the treatment of the contaminated material has been identified.
7. The Proponent shall undertake the remediation works in accordance with the Remedial Action Plan.

Completion of Remediation Works

8. Upon completion of the project, the Proponent shall demonstrate to the satisfaction of the Director-General that the accredited site auditor has prepared a site audit statement and summary site audit report and that the site is suitable for its intended use(s).
9. Upon completion of the project the site shall be managed in accordance with the Post Remediation EMP required by Condition 17 of Schedule 3.

Operation of Plant and Equipment

10. The Proponent shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant Australian Standards.

DEMOLITION

11. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN and STAGING

1. The Proponent shall prepare and implement a Construction Environment Management Plan for the site in consultation with the EPA and NSW Health to the satisfaction of the Director-General. This Plan must: be submitted for approval prior to commencement of construction, and include:
 - a Sediment and Erosion Control Plan;
 - Dust, odour and vapour management plan that:
 - includes a monitoring regime;
 - includes contingency measures that could be implemented if required by the EPA, such as construction of a negative pressure enclosure; and
 - aims to prevent visible emissions of dust from the site.
 - Noise and Vibration Management Plan;
 - Traffic Management Plan, prepared in consultation with the RMS and Council;
 - Community consultation plan (or similar);
 - Water Management Plan; and
 - Waste management plan.
2. The Proponent shall prepare and implement a Staging Plan for the Project to the satisfaction of the Director General. The Staging Plan must be submitted for approval prior to commencement of construction and demonstrate how the Project is to be staged to limit the amount of contaminated material exposed at one time.

AIR QUALITY

Dust Emissions

3. The Proponent shall ensure that dust generated by the Project does not cause additional exceedances of the criteria listed in Tables 1, 2 and 3.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

4. During construction works, excavation faces and stockpiles are to be covered with a synthetic barrier at all times when not in use.

Odour

5. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.
6. The Proponent shall undertake all reasonable and feasible measures to minimise odour emissions from the site, to the satisfaction of the EPA.

NOISE and VIBRATION

7. The Proponent shall comply with the construction hours in Table 1, unless otherwise agreed by the Director-General.

*Table 1 Construction Hours for the Project**

Activity	Day	Time
Remedial Works	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 5:00pm
	Sunday and Public Holidays	Nil

Note This condition does not apply under direction from a relevant authority for safety reasons, or in the event of an emergency where works are required to avoid the loss of lives, property and/or to prevent environmental harm.

8. The Proponent shall minimise construction noise and vibration emissions from equipment operated on the site in relation to the Project by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms with alternative silent measures, such as flashing lights. In addition the Proponent shall utilise equipment less likely to cause vibration, wherever feasible.

SOIL AND WATER

9. The Proponent shall ensure that section 120 of the Protection of the Environment Operations Act 1997 (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the Project.
10. The Proponent shall ensure that all imported fill is VENM or other material approved by the accredited Site Auditor.
11. All temporary stockpiles must be stored away from stormwater lines and any natural runoff flows.
12. If required by the EPA, the Proponent shall remediate the groundwater in accordance with the RAP and the Post Remediation Management Plan.

WASTE

13. The Proponent shall ensure that all waste generated on the site during the project is classified in accordance with the DECCW's *Waste Classification Guidelines* and transported to a facility that may lawfully accept the waste.
14. Contaminated material encountered during construction work intended for off-site disposal at an appropriate EPA licensed facility shall be:
- segregated and stored in a dedicated area on site until removal;
 - removed within 48 hours of classification, unless otherwise agreed by the Director-General.
- To the satisfaction of the EPA.

SITE SECURITY

15. Prior to the commencement of construction, the Proponent shall install a fence around the proposed remediation area, which upon completion of remedial works shall be removed.

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

16. The Proponent shall prepare and implement a community consultation strategy in consultation with the EPA and to the satisfaction of the Director-General, the plan shall be approved by the Director-General prior to commencement of construction.

ENVIRONMENTAL REPORTING

Post Remediation Environmental Management Plan

17. The Proponent shall prepare and implement a Post Remediation Environmental Management Plan in consultation with the Site Auditor, the plan shall:
- be approved by the Director-General prior to the reinstatement of the car park surface;
 - include provisions to manage and monitor any remaining contamination;
 - include a groundwater monitoring program;

- d) include mechanisms to report results to relevant agencies;
- e) identify triggers that would indicate further groundwater remediation is required;
- f) include details of any contingency measures that the Proponent would carry out to address any ongoing groundwater contamination.

Incident Reporting

18. The Proponent shall notify the Director-General of incidents causing or threatening material harm to the environment as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General with a written report on the incident.

REGISTRATION OF PREMP

19. The final and endorsed PREMP must be submitted to Council to ensure the requirements for site management, as outlined in the PREMP, are recorded on the Section 149 certificate for the site.

APPENDIX 1
PROPONENT'S STATEMENT OF COMMITMENTS



4. Statement of Commitments

Table 4-1 below is a revised set of statement of the commitments. These form the Statements of Commitments for approval under Part 3A of the EP&A Act.

Table 4-1 Statement of commitments

Issue	Commitments
General management plans	▶ Preparation and implementation of a construction environmental management plan prior to commencement of construction ▶ Preparation and implementation of an operation environmental management plan prior to commencement of construction
Air quality and odour	The following odour control measures would be implemented during construction to minimise potential impacts from odour and volatile organic compounds: ▶ All construction vehicles, mobile plant and machinery would be maintained and operated in accordance with the manufacturers' specifications to minimise exhaust emissions ▶ Disturbance of contaminated soil surfaces would be minimised ▶ Contaminated excavation faces or stockpiles would be covered with synthetic barriers at all times when not in use ▶ Odour neutralising/suppressant sprays would be used on exposed odorous surfaces if onsite dust and odour monitoring renders it necessary ▶ If strong odour is noticed off site, work would cease if required and odour sources would be covered until odour dissipates (if possible) ▶ Minimised exposure of stockpiles ▶ Transfer of contaminated soils between areas of the site would be done in a controlled manner The following management measures are proposed to minimise potential dust impacts: ▶ Site managers would be provided with daily weather updates ▶ Earthmoving activities would be minimised during high winds, particularly when prevailing winds are directed towards sensitive receptors ▶ Physical barriers would be constructed to act as windbreaks for the site or for stockpile areas



Issue	Commitments
	▶ Dust screens would be installed on construction site boundaries that are adjacent to sensitive receptors ▶ Size of storage piles would be minimised where possible and placed in wind protected areas. Stockpiles would be water sprayed regularly and dry material stockpiles would be covered overnight. Stockpiles would not remain on site for any extended period of time ▶ Clearing of land would be minimised where possible to reduce fugitive dust emissions ▶ All trucks hauling material to and from the site would be covered ▶ The area of exposed contaminated material at any one time should be minimised through the staging of the Project. ▶ The construction environmental management plan would to include the requirements for monitoring air quality before and during remediation work.
Soil and erosion	A soil and water management plan would be prepared as part of a remedial works specification and implemented during the proposed remediation works. In addition, the following management measures would also be implemented: ▶ Design the works and use construction techniques to minimise scope of excavation of contaminated soils. This would include excavation undertaken in a staged approach (refer to Section 2.1) ▶ Investigate and mark out, before excavation, the nature and extent of soil contamination at all excavation areas ▶ For each excavation area, design excavation processes that segregate to the extent practicable the contamination, and wastes into their various categories (see list below) – Overburden – Clean soil – Liquid tar, oil and liquor – Liquid tar, oil and liquor impacted soil and fill material – Solid tar – Ash, coke and coal ▶ All stockpiled odorous soil and odorous excavation faces should be covered as much as practicable with a proprietary odour suppressant and/or organic material to minimise



Issue	Commitments
	offensive odours generated during the remediation ▶ All tar, oil and liquor impacted materials (soils, groundwater and NAPL) are classified as hazardous waste and need to be transported to a treatment site that is appropriately licensed to store and treat hazardous waste under the POEO Act ▶ Following excavation material should be transported offsite as quickly as possible to: – Reduce odours generated by the remediation – Minimise stockpiling requirements in the construction works areas – Enable all stockpiling, storing, handling and processing to be carried out under controlled conditions that will manage the environmental risks away from the construction work
Surface water	▶ Minimise exposed surfaces during the construction works. The existing ground surface should only be disturbed when excavation commences. The ground covering should be restored as soon as practicable. ▶ Provide bunds and channels to divert clean surface water around the site ▶ Control of on-site drainage water by intercepting and redirecting runoff in a manner which protects exposed areas from erosion ▶ The strategic location of stockpiles outside erosion hazard areas such as drainage paths ▶ General site practices and responsibilities, such as keeping surrounding roadways clean of any sediment transport off-site by construction vehicles, and ensuring that plant and machinery is well maintained and does not have oil or fuel leaks ▶ Stockpile and topsoil management practises to control erosion and sedimentation such as placing sediment control devices downstream of any exposed areas ▶ Monitoring the quality of discharges to the stormwater system ▶ Stockpiling spoil at the site would be kept to a minimum ▶ Sediment fencing would be installed to reduce the risk of sediment entering receiving waters through rainwater runoff ▶ Drip trays would be provided within the load-in/load-out gantries to capture spillages during the unloading and loading



Issue	Commitments
Groundwater	of bitumen to and from road tankers ▶ Removing temporary soil and water management structures only after the lands they are protecting are stabilised ▶ Bunding would be set up to conform to OEH's bunding and spill management guidelines and Australian Standard 1940. Any spillages collected by the bunds would be disposed of at an appropriately licensed facility ▶ Flood risks would be managed by: ▶ Maintaining and not impacting the existing flood defence levee ▶ Ensure site personnel are informed of flood evacuation procedures
	▶ Groundwater seepage would be initially dealt with by internal drainage and pumping out. Volumes extracted would also be recorded, and the extracted water would be securely contained, classified and dealt with in accordance with regulatory requirements. ▶ Inundation by rainfall and runoff would be minimised by preventing run-off from entering the excavation, and by internal drainage and pumping out as described above. ▶ Exposure or contact with potentially contaminated groundwater would be controlled by excavating in small depth increments and on avoidance of exposure, based on NSW occupational health and safety guidelines. The work site would also have provisions for a wash down bay in the unlikely event that direct exposure to contaminated groundwater occurs. ▶ In consultation with OEH and the NSW Office of Water, the groundwater use exclusion zone surrounding the site should be reinstated until monitored natural attenuation (following source remediation) has demonstrated that there is no unacceptable risk. ▶ Groundwater monitoring measures are detailed in Section 10.3 of the Environmental Assessment.
Noise	▶ Construction noise management measures that would be incorporated in the construction environmental management plan would include: – A temporary noise barrier would be installed around the site perimeter – All equipment would be selected to minimise noise emissions. Equipment would be fitted with appropriate



Issue	Commitments
	silencers and be in good working order. Machines found to produce excessive noise compared to normal industry expectations would be removed from the site or stood down until repairs or modifications can be made – To reduce the annoyance associated with reversing alarms, broadband reversing alarms (audible movement alarms) would be used for all site equipment • General construction activities would be limited to the recommended construction hours where feasible and reasonable • All site workers would be sensitised to the potential for noise impacts on local residents and encouraged to take practical and reasonable measures to minimise the impact during the course of their activities • In accordance with the interim construction noise guideline requirements, residents to the north of the Project would be informed of the nature of the works, the expected noise levels, duration of construction period and site contact details • The following community relation measures would be incorporated into the construction environmental management plan: – Contact would be made with residents affected by construction noise, who would be informed of the construction programme and progress on a regular basis, particularly when noisy or vibration generating activities are planned. Communication with the local community would be maintained throughout the construction period – A community liaison phone number would be provided, as well as a permanent site contact so that noise complaints can be received and addressed in a timely manner – Upon receipt of a noise complaint monitoring should be undertaken and reported as soon as possible. If exceedances are detected, the situation should be reviewed in order to identify means to attempt to reduce the impact to acceptable levels.
Waste	• Segregation and separation of recyclable and recoverable wastes, separate collection and resource recovery where appropriate and economic • Disposal of tar impacted soil and wastes that cannot remain on site to licensed landfills and treatment facilities

APPENDIX 2 SITE LAYOUT

