



Your reference:

Our reference: DOC12/38044, LIC10/12424

Contact Kyle Finlay; 0249086827

Manager – Industry  
Mining and Industry Projects  
GPO Box 39  
Sydney NSW 2001

Attention: Mr Chris Ritchie

Dear Mr Ritchie

**NORTHBANK ENTERPRISE HUB PTY LTD (MP 10\_0185)  
PROPOSED INDUSTRIAL & BUSINESS PARK**

Reference is made to your letter to the Environment Protection Authority (EPA) dated 10 September 2012 requesting a review and detailed submission on the report titled "*Environmental Assessment Report: Northbank Enterprise Hub Pty Ltd*" (EA) dated 24 August 2012.

As you are aware, a previous version of the draft EA, dated 15 December 2010, was reviewed by the EPA for adequacy and comments were provided to the NSW Department of Planning and Infrastructure (Planning) in correspondence dated 3 February 2011. Additionally prior to this an earlier draft EA, dated October 2011, was reviewed by the EPA for adequacy and comments were provided to Planning in correspondence dated 27 January 2012.

EPA has reviewed the current EA and makes submissions with regard to:

- Fill and Earthworks Activities;
- Stormwater Management;
- Noise and Vibration Impacts; and
- Air Quality

In summary, the EPA requires further detail and information in order to properly assess some aspects of the proposal. These issues are discussed in **Attachment A**.

If you require any further information regarding this matter please contact Kyle Finlay on telephone (02) 4908 6827.

Yours sincerely

**PETER JAMIESON**  
**Head Regional Operations Unit – Hunter**  
**Environment Protection Authority**

ATTACHMENT A – Northbank Enterprise hub Pty Ltd (MP 10\_0185) – Proposed Business and Industrial Park

## **ATTACHMENT 1**

### **ENVIRONMENT PROTECTION AUTHORITY NORTHBANK ENTERPRISE HUB PTY LTD (MP 10\_0185) PROPOSED INDUSTRIAL & BUSINESS PARK**

#### **FILL AND EARTHWORKS ACTIVITIES**

The EPA has reviewed the EA and Appendix H report titled '*Infrastructure Servicing Report for Lot 1001 DP 1127780 at Northbank Enterprise Hub Pty Ltd, Tomago Road, Tomago*' (infrastructure report), dated August 2012, prepared by ADW Johnson Pty Limited, in relation to the proposed fill and earthworks activities for the site.

The EA notes an estimated 3.7 million cubic metres of construction fill is proposed to be imported to the site for fill and earthworks. The current EA and infrastructure report provides some information stating that Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM) will be used for the purpose of filling the site. Please note the definition of waste within *the Protection of the Environment Operations Act 2007* includes ENM. The EA addresses that the use of ENM as fill is required to comply with the *Protection of the Environment Operations (Waste) Regulation 2005*. The Act and Regulations provide, in the form of Resource Recovery Exemptions (General and Specific Exemptions), the provision for reuse of types of waste that are fit for purpose for that reuse.

EPA suggests the following conditions, should approval be considered:

#### **Waste**

- 1** The proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- 2** The above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an Environment Protection Licence.
- 3** Any waste (as defined within the *Protection of the Environment Operations Act 2007*) imported to the site must be managed strictly in accordance with the *Protection of the Environment Operations Act 2007* and all requirements of any applicable Resource Recovery Exemptions, including any classification and quality control procedures for acceptance of the waste.

The EA and infrastructure report does not provide any comment or assessment to determine if an Environment Protection Licence (EPL) will be required for any extraction of material from the site. EPA requests that additional information be provided to address any extraction of material from the site. Under Schedule 1 of the *Protection of the Environment Operations Act 1997* it states that land based extractive activity that involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive material is required to be licensed by the EPA.

#### **STORMWATER MANAGEMENT**

The EPA has reviewed the EA and Appendix G titled '*Northbank Enterprise Hub Business and Industrial Park – Stormwater Assessment*' (Stormwater Assessment), dated August 2012, for stormwater and runoff management issues.

Figure 19 of the EA (Figure 6.6 of the Stormwater Assessment) shows flow diversion structures directing stormwater into a Area 4A (which EPA understands is now part of a negotiated ecological offset for the site) and also fresh water diversion into the premises south of the site. The EPA is concerned that there are no discernable directions of where the stormwater will flow as the diversions suggest that the water will be directed offsite and onto other sites. The figure also does not show where water flows will enter the Hunter River. This matter needs to be clarified and resolved before further consideration should be given to the proposal.

EPA notes the proponents commitment to conducting works in accordance with the '*Managing Urban Stormwater – Soils and Construction Volume 1*' (Landcom, 2004) document. EPA also notes the commitment to prepare a Soil and Water Management Plan at the detailed design stage of each new stage of the development. Development of an Acid Sulphate Soil Management Plan is also committed to. Each of these commitments should be formalised as conditions of consent, should consent be considered.

In addition to the above conditions in regard to management plans, the following condition in relation to bunding should be applied:

- 1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

The bunding and/or spill containment systems must be properly designed, engineered, and constructed to be suitable for the material types and quantities stored therein in accordance with all appropriate standards, including Australian Standards (AS)1940 and AS1596.

## **NOISE AND VIBRATION IMPACTS**

The EPA has reviewed the EA and Appendix Q titled '*Noise Impact Assessment – Northbank Enterprise Hub Tomago, NSW*', dated July 2012 and prepared by Spectrum Acoustics, for noise and vibration issues.

Issues highlighted in adequacy review correspondence submitted to Planning in February 2011 and January 2012 have still not been adequately addressed. Table 5 on page 16 of Appendix Q show that the construction noise management level of 50dB(A) will be exceeded when activities are close to residences. Despite previous requests, no specific noise management measures (apart from the standard construction hours, which should be included as conditions) have been described to assist in reducing noise impacts on nearby residences.

The EPA suggests that inclusion of a noise bund and/or noise barrier on the northern side of the site will mitigate noise during construction and also provide an additional noise mitigating measure for future industrial operations in the subdivision. Given the historic significance of Tomago House (Noise Receiver R8) and Tomago Road being a main arterial route to Port Stephens, such an acoustic barrier might also have benefits for aesthetic considerations. EPA recommends that an assessment be undertaken to determine the appropriate size of a bund and/or barrier to reduce construction and future operational noise from the site and then this bund/barrier be required as condition of consent.

## **AIR QUALITY**

Previous correspondence dated 15 October 2010, 3 February 2011 and 27 January 2012 highlight the importance of sulphur dioxide (SO<sub>2</sub>) in the local airshed. The site is wholly within the Tomago Aluminium Company (TAC) declared "buffer zone", which has been applied in development consents with regard to fluoride emissions from TAC. The local airshed is currently at/near capacity for SO<sub>2</sub> and Fluoride emissions and therefore potential users of the land need to be made aware of this constraint for future use of the land. EPA recommends notation of section 149 certificates and/or notation on title to the effect that a constraint for use of the land is that occupiers may be significantly restricted in regard to SO<sub>2</sub> and fluoride emissions from their operations.

Control of dust from this site, which necessitates importation of large volumes of construction fill, will be challenging. Regular use of a water cart will be essential, along with completion of areas in stages with stabilisation of surfaces prior to moving to the next stage. EPA recommends the following conditions of consent, should approval be considered.

- 1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- 2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- 3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- 4 Vehicles leaving the premises must be treated as is necessary to prevent drag out of mud and other debris onto public roads.

**Environment Protection Authority  
October 2012**