

Future City: WKW
Phone: 4974 2777

29 July 2011

Ms Belinda Scott
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Dear Ms Scott

**Exhibition of Environmental Assessment for Newcastle Gas Storage Facility (10_0133)
– Newcastle City Council Comments**

I refer to your letter of 14 June 2011 concerning the above matter.

The submitted documentation has been reviewed by Council officers and the following comments and recommended consent conditions are forwarded for your consideration of the application. These comments and recommended conditions relate to the Hexham Receiving Station (HRS), which is the only component located within the Newcastle LGA.

It is noted that significant aspects of the final design of the HRS are not known and the following comments are therefore limited to what is currently known.

Noise

The acoustic report states that there is the potential for operational noise from the HRS to exceed residential guidelines for evening/night time periods at 217 Old Maitland Road by 3-7dB without any acoustic attenuation being implemented. This premises is however located on land zoned 4(b) Port and Industry Zone and is approved as a Church so that use of residential criteria may be considered overly conservative.

The acoustic report states that the HRS design will be site specific and dependant on final operational specifications. Noise control requirements will need to be determined during the detailed design phase in order to satisfy the project noise goals and to comply with any pending approval conditions. A Noise Management Plan (NMP) is recommended by the consultant to document measures to manage environmental construction and operational noise impacts.

Contamination

A preliminary contamination report has been carried out at 235 Old Maitland Road where the HRS is proposed to be located. The site has been found to contain imported fill consisting of coal washery reject material. The limited soil sampling indicated the samples tested met the guidelines for the proposed industrial landuse. The report recommends that further soil and groundwater sampling may be required depending on site redevelopment requirements. Therefore the report does not conclusively state that the site is suitable for the proposed development without further investigation and/or remediation.

SEPP 55 and the associated Contaminated Land Planning Guidelines require a site to be adequately investigated in regards to potential contamination, and where required, a Remedial Action Plan prepared for assessment by the consent authority, prior to the granting of development consent.

This is to allow the consent authority to be assured that the site is suitable (or will be made suitable following remediation) for the proposed landuse prior to determination. As the scope of the proposed development works at the HRS site is not known at this stage, and further investigation/remediation may be required, strict adherence to the legal requirements of SEPP 55 by a consent authority in relation to development assessment may be difficult to achieve.

Acid sulphate soils

The contamination report states that a detailed acid sulphate soil assessment should be carried out and an acid sulphate soil management plan implemented prior to works commencing in accordance with Clause 25 of the Newcastle LEP 2003.

Council notes that Clause 25 states that where a preliminary assessment indicates that an acid sulphate soil management plan is required, then the consent authority shall not grant consent unless it has considered the adequacy of an acid sulphate soils management plan prepared in accordance with the *Acid Sulphate Soils Manual*.

Flooding

The HRS site is flood prone and the proposal has been supported by a flood impact assessment. It is noted the proposal does not include any habitable buildings therefore there would not be a requirement for construction works to be suitably protected from the 100 year ARI unless it was an operational issue for AGL.

The flood study assumes the HRS will be constructed on a platform 500mm above the 100 year ARI flood level thus allowing flood flows under the platform. No objection is raised to this proposal particularly given that modelling indicates it will have minimal, if any, impact on flooding. A consent condition is recommended to ensure materials below the FPL are flood compatible and to ensure a Flood Emergency Response Plan is prepared.

Stormwater Management

A concept stormwater management plan has been provided in the assessment but it concentrates on the storage facility site at Tomago and does not include the HRS site.

Stormwater impact at the HRS site is likely to be minimal; however there will be an increase in impervious areas and additional discharge controls will be required in accordance with Element 4.5 of Newcastle DCP 2005. The additional impervious area will be minor and it is likely that a suitable solution utilising onsite drainage swales could be provided. A consent condition is recommended to ensure this requirement is adequately addressed.

Traffic

Whilst the main facility will generate additional traffic once operational, the HRS will generate very little (mainly maintenance vehicles infrequently visiting the site) on completion. It is therefore unlikely that the HRS will adversely impact on the local traffic network around the site (i.e. Old Maitland Road).

There will, however, be a major impact on the local road network as a result of construction works and the proposal to prepare and supply a Construction Traffic Management Plan is supported. A condition is recommended to ensure this plan is prepared to the road authority's requirements.

As the construction impacts will be short term and the intersection controls in the vicinity of the site are of a high standard (i.e. signals), it is considered that the local road network can cater for the additional construction traffic.

Parking

The submitted traffic study does not address on-site parking. The proposed HRS is unlikely to generate a full-time on-site parking demand with most visits being by single maintenance and operational vehicles. On this basis it is considered that a single on-site parking space be provided for a service / maintenance vehicle. No such space has been identified on the submitted plans and a condition is recommended to ensure this space is provided.

Access

The submitted traffic study has not addressed access to the HRS site. It is considered that the existing site access or access to the adjoining Jemena transfer station facility will be suitable for accessing the site, provided legal rights of access are provided (if necessary). A condition is recommended to address access to the HRS site.

Recommended conditions

A schedule of recommended conditions is attached to this letter.

Should you require further clarification or advice regarding any of the above matters, please contact me on 4974 2777 or email wwilson@ncc.nsw.gov.au.

Yours faithfully



Wesley Wilson
Senior Development Officer (Planning)
DEVELOPMENT ASSESSMENT TEAM

Encl.

Schedule of Recommended Conditions

- Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) *'Waste Classification Guidelines Part 1: Classifying Waste'*.

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

- Any fill material imported into the site being Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- Appropriate erosion protection and soil stabilisation measures being designed and implemented during site works in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the "Blue Book") published by Landcom, 2004. Full details are to be included in documentation for a Construction Certificate application.

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

- A commercial type vehicular crossing being constructed across the public footway at the proposed driveway entrance/exit to the Hexham Receiving Station at no cost to Council and in accordance with Council's A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

Reason: To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

- Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

Reason: To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

- Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

Reason: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

- A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

Reason: To ensure public safety and protection of public assets.

- On-site parking accommodation being provided for 1 service / maintenance vehicle. Such facilities being set out generally in accordance with the minimum parking layout standards indicated in Australian Standard AS 2890.1-2004 "Parking facilities – Part 1 Off street car parking", Australian Standard AS 2890.2-2002 "Parking facilities – Part 2 commercial vehicle facilities" and Element 4.1 of Council's Newcastle DCP 2005. These spaces are not to impede traffic flow through the site. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- All proposed driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. All driveways and manoeuvring areas are to be designed in accordance with Australian Standards AS 2890.1 – 2004 "Parking facilities – Off-street car parking". Full details are to be included in documentation for a Construction Certificate application.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2m in the 5 metre by 2 metre splay within the property boundary each side of the driveway entrance; full details to be included in documentation for a Construction Certificate application.

Reason: To ensure adequate sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footway.

- Any proposed work within the public road, including pipe or vehicular crossings, being the subject of the separate approval of Council prior to commencement.

Note: The required approval can be obtained by telephoning Council's Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

Reason: To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

- Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties.

Reason: To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- The whole of the proposed structures associated with the Hexham Receiving Station below known flood planning level (i.e. RL 4.4 metres AHD) being constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters, all in accordance with the provisions of the NSW Flood Plain Development Manual. Full details are to be included in documentation for a Construction Certificate application.

Reason: To minimise the extent of property damage and the risk of injury in the event of flooding and/or tidal inundation of the site.

- An appropriate flood emergency response plan being prepared by independent consulting engineers experienced in flood management and put in place by the proponent prior to occupation of the Hexham Receiving Station site. Such plan to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. The flood emergency response plan should describe the following components:
 - a) Likely flood behaviour
 - b) Flood warning systems
 - c) Education awareness program
 - d) Evacuation and evasion procedures
 - e) Evacuation routes and flood refuges
 - f) Flood preparedness and awareness procedures for staff and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan should be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

Reason: To adequately manage the risk of life, property and all potential adverse flood impacts within the flood environment.

- All new impervious surfaces, including driveways and paved areas being drained to the nominated discharge controls. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure that surface water from impervious areas is appropriately managed in accordance with Council's requirements for stormwater management.

- All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of any damage is to be carried out to Council's satisfaction prior to the issue of any Occupation Certificate for the Hexham Receiving Station.

Reason: To ensure that safe conditions are maintained on the site during construction and that the required restoration is undertaken to acceptable standards, without demand on public sector resources.

- Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor's Act.

Reason: To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

- Appropriate lighting being provided for the car parks and pedestrian pathways in accordance with Australian Standards AS-1158 – “Lighting” and AS 4282 – “Control of the Obtrusive Effects of Outdoor Lighting”, such being installed prior to the issue of any Occupation Certificate for the Hexham Receiving Station.

Reason: To ensure that adequate and appropriate lighting facilities are provided for the proposed development.

- Prior to commencement of site works the proponent is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Note: The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan is to be prepared in accordance with Australian Standard AS 1742.3 – 2002.

Reason: To control vehicular and pedestrian traffic movements in the public road reserve during the construction phase