CESSNOCK
CITY COUNCIL

23 September 2016

NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Contact: Ms Janine McCarthy
Our Ref: AD2016/029803
Your Ref: SSD14/6666

Dear Sir or Madam

SSD 14/6666 - Hart Road, Dickson Road and Bishops Bridge Road, Loxford

Thank you for your invitation to provide comments on the abovementioned proposal and I apologise for the slight delay in our response. As you will be aware, Council has previously provided comments on this matter by letter dated 12 September 2014, being a response to the preparation of the Environmental Impact Statement (EIS).

Unfortunately, due to the timing of the exhibition period and the local government elections, the elected Council has had no opportunity to consider or provide comments on this stage of the proposal. The site of the proposed development is of significant strategic importance for the future of the Cessnock City Local Government Area and the Hunter Region. In that regard, it is not considered unreasonable for us to request that a further opportunity be provided for the newly elected Council to be consulted on this proposal in order for their position to be considered in the process.

Council maintains that there are significant environmental benefits that can stem from the remediation of the site and the management of waste associated with the smelter demolition, given that there is evidence of environmental impacts stemming from stored waste on the site and that remediation is the best available way to address those impacts.

The proposal, including the associated EIS, has been reviewed by Council officers and the following comments are offered for your consideration:

Soil contamination

All contaminated soils and contaminated waste should be contained with consideration given to the following issues:

- Potential escape of contaminated waste during relocation to the proposed new containment cell or from the waste stockpile;
- Potential escape of contaminated waste from recycled materials or transportation of hazardous materials from the site; and
- Any contamination of sediments in all dams on site should be identified and treated and/or contained into the proposed containment cell.

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Water contamination

- The safe re-use, treatment and storage of potentially contaminated stormwater and runoff water, along with the volume and nature of truck movements and truck washing should considered further by the NSW Environment Protection Authority;
- A groundwater monitoring program should be considered as an ongoing management action.
- A management plan/action for the proposed Containment Cell leachate sump may need to be considered to incorporate more active inspection and monitoring. Currently, it appears that the proposed sump will rely on visually inspection on a pre-determined basis or after extreme events such as heavy rainfall or earthquake.

Air pollution

- Specific measures should be considered to control dust and airborne pollutants from recycled waste trucks leaving the site and from dedicated hazardous waste removal vehicles transporting waste to approved disposal facilities;
- The explosive demolition of structures on the site (including exhaust/chimney stacks and the water tower), including any resulting dust, noise, vibration and flying debris should be managed in accordance with strict requirements of Safework NSW (WorkCover NSW) and the NSW EPA. Council would like to see that the community would be safely protected and that suitable notification and consultation measures are employed to ensure adjoining landowners and the community is aware of proposed actions.
- The use of four dust monitors proposed during works should also be considered by the above agencies. It is considered given the size and nature of the site and proposed works, more monitors may be required at various distances from the work site area; and
- In terms of monitoring gas emissions generated from the proposed Containment Cell, Council suggests more details on detection, treatment, prevention and safety protocols (apart from breathing apparatus for workers) on offer for affected persons should be considered by the above agencies.

In terms of the above items identified in the EIS, it is suggested that more detail would be beneficial as to how these issues will be addressed. Section 24.2.1 outlines that there are a number of management plans to be developed which will become part of the works operations. These management plans should address these issues in greater detail and to the satisfaction of the approving authority.

The Management Plans referred to in the above commentary are:

- Air Quality Management Plan;
- Noise and Vibration Management Plan;
- Soil and Water Management Plan;
- Traffic Management Plan;
- Waste Management Plan; and
- Works Environmental Management Plan (8.1.1).

Additional issues identified requiring more detailed information or development of an action plan should consider:

- Development of a Communication and Engagement Plan for the community with a view to minimising concern and to advising of significant events in the operations being carried out on site for example:

    1. Prior warning of explosions during demolition of stacks and the water tower;
    2. Possibility of dust cloud after explosive demolition;
    3. Continued noise associated with heavy equipment used in controlled demolition of structures;
    4. Development of a plan or strategy to deal with noise complaints or general complaints; and
    5. Advising of increased traffic movements, especially trucks, to and from the site. Advising of frequently used truck routes on local roads.

- Investigation and testing the suitability of the clay sourced from the Clay Borrow Pit to be used as a base and capping for the Containment Cell and to ensure compliance with the relevant standard for this material use.

- Development and implementation of an Ongoing Maintenance and Management Plan for the Containment Cell. The plan should:

    1. Stipulate an automated pump system with float switches to be installed in the leachate sump of the Containment Cell. The leachate level should not rely on a visual inspection on a pre-determined basis or in cases of extreme events, for example major storms, earthquake;
    2. Ensure unsuitable vegetation does not propagate on the clay capping which could result in the failure of the capping and subsequent ingress of stormwater into the Containment Cell;
    3. Stipulate regular and frequent checking and testing for the emission of hazardous gases from the Containment Cell;
    4. Stipulate regular and frequent checking of the Containment Cell to ensure the integrity of the cell is intact and not in danger of failure; and
    5. The dam water should be tested and checked for hazardous materials or heavy metals. Contaminated dam water should be disposed of at an approved waste disposal facility.

Containment Cell

It is noted that the area the subject of the EIS corresponds to the industrial areas (IN1 General Industrial and IN3 Heavy Industrial) identified in the Planning Proposal currently under consideration by Council.

One of the main considerations of the Planning Proposal in this area (and a significant feature of the EIS) is the construction and ongoing management of the Containment Cell. The Gateway issued by the Department of Planning and Environment on 23 March 2016 notes that the zoning of the containment cell will be resolved through the demolition and remediation of the former Hydro Aluminium Smelter.

At this stage it is proposed to rezone this area IN3 – Heavy Industrial, noting that the Gateway seeks to have a final zone determined post EIS wither pre or post exhibition of the Planning Proposal.

It is noted that the proposed containment cell is currently designed to be located above the 1% AEP. Consideration should be given to whether this level is satisfactory or whether the probable maximum flood (PMF) event level should be applied to the proposal.

Heritage

The EIS could address the issues of non-indigenous heritage in more detail. It is not clear that the appropriate investigations have been undertaken across the site. An assessment of the heritage significance of the site should have been undertaken to determine what, if any, industrial heritage should be preserved on site.

The subject site has a significant cultural and social significance to the region that should be considered by the proposal. In addressing the SEARs, the EIS should provide more thorough examination of the heritage significance of the site and aim to retain some of the valuable social fabric that the former smelter represented.

It is noted that the EIS includes a Heritage Management Plan, although it does not include a cultural heritage assessment. It is considered that in order to assess the impact of the proposed demolition on the Smelter, a cultural heritage assessment should be included. A cultural heritage assessment should, include photographs (from construction, operation and demolition) and be made available to interested historical groups. It should be prepared by a suitably qualified and experienced heritage consultant and be consistent with the Heritage Office 'Photographic Recording of Heritage Items Using Film or Digital Capture'.

It is acknowledged that the proponent proposes to work with the community on how to recognise the history of the Smelter as a heritage mitigation measure, however the aforementioned assessment would provide greater detail for effective consideration.

Ecology

The SEARs requirements listed in Table 1 of the Ecological Assessment state that the survey must be in accordance with the Threatened Biodiversity Survey and Assessment Guidelines for Development and Activities - Working Draft. The survey effort met the requirements for plant quadrats and for some of the fauna survey. The following fauna survey does not appear to have been carried out:

- Terrestrial or arboreal mammal trapping or pitfall trapping, although it is noted that trapping has previously been conducted during the survey by CENwest in 2003;
- Bat trapping. No trapping was reported to have occurred in the summaries provided for other surveys; and
- No information was provided on the diurnal fauna survey for most species except birds. It is unclear whether diurnal fauna survey was conducted in accordance with the guidelines. Extensive annual bird surveys were conducted by CENwest between 2006 and 2010.

Details were not provided on what hollow-bearing trees were recorded in the project site. Section 5.2 of the Ecological Assessment stated that few hollow bearing trees were recorded and the assessments of significance for several species in Appendix D stated that the action is part of the key threatening process 'Loss of hollow bearing trees'. No stag watching was performed however as it is unclear whether any hollow bearing trees are present in the project site, it is not possible to assess whether this could have been performed.

The Likelihood of Occurrence Table is missing consideration of several species (pages 69 to 73).

Traffic

The Traffic Impact Assessment prepared by Hyder does not provide a reasonable estimate for traffic volumes generated by the development (inconsistent with the EIS, does not have sufficient regard for the overlap of construction activities). Furthermore the following should be noted:

- Traffic volumes shown for Hart Road are from Feb 2015, after height and load limit restrictions were placed on Frame Drive Bridge. This bridge was subsequently closed to traffic in April 2015. With planned re-opening of this bridge in December 2016, as the shortest and preferred route from Cessnock to the Hunter Expressway, traffic is expected to increase significantly;

- Data for traffic volumes for AM and PM peak periods is given, but times of those peaks is not mentioned;

- Traffic on Hart Road turning onto and from the Hunter Expressway using the Loxford Interchange have a high risk of conflict with trucks turning right to access the Smelter site from the Expressway, particularly during peak periods; and

- The existing Loxford interchange on ramp to Hunter Expressway is substandard, in that its acceleration / merge length is shared and inadequate in length for heavy vehicles to achieve the posted speed limit for the Expressway. This is likely to worsen during periods of high traffic, as fewer opportunities for gaps would occur, tending to result in a road safety risk from the large speed difference of all traffic entering the Expressway from Loxford Interchange to traffic already on the Expressway. The Assessment should include mitigation of this risk, by limiting heavy vehicle movement from Loxford interchange to Hunter Expressway during the AM and PM peak.

Stormwater Management

A stormwater management plan addressing the quantity and quality of stormwater runoff needs to be prepared, prior to approval of the development, in accordance with The Secretary's Environmental Assessment Requirements (SEARs) Item 9 – Soil and Water.

Request for further consultation

Council thanks you for the opportunity to provide comment on the proposed development.

As indicated earlier in the comments, the newly elected Council has not had an opportunity to consider the proposal given conflicting times between the exhibition and the local government elections. Any extension of time or additional opportunity for the full Council to provide a considered position on the proposal for this strategically important site would be appreciated.

If you require any further information, or would like to discuss any aspect of our submission please do not hesitate to contact myself directly on 02 4993 4194 or Council's Development Services Manager, Janine McCarthy on telephone 02 4993 4254 during business hours

Yours faithfully

Gareth Curtis
Director Planning and Environment