

3 August 2012



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Dear Ms Ilias

**SECTION 75W MODIFICATION REQUEST (MP06_0009 MOD 2) - PROPOSED
GRADE SEPARATION OF THE NORTHERN RAIL SPUR AND ASSOCIATED
INFRASTRUCTURE**

I refer to your letter of 10 July, 2012 seeking Council's comments on the above Modification Request to modify the terms of development consent pursuant to section 75W of the *Environmental Planning and Assessment Act, 1979* (the Act). I also refer to the Environmental Assessment document, dated June, 2012 prepared by Newcastle Coal Infrastructure Group submitted in support of the Modification Request.

The above document has been reviewed by Council Officers and the following comments are submitted for your consideration in the assessment of the Request:

1. State Environmental Planning Policy No14 (Coastal Wetlands).

According to the submitted Environmental Assessment (EA), the inbound (western) track of the proposed Rail Flyover will encroach approximately 15 metres into the adjacent SEPP 14 wetland. The EA is silent on the applicability of section 7(3) of the Policy to the modified project.

2. Loss of habitat

The Environmental Assessment notes the proposed rail infrastructure modification will result in the removal of an additional 2.6 hectares of habitat. Included within the habitat removal are two endangered ecological communities (EEC), freshwater wetlands and salt marsh. While the EA relates that the proposed removal is minor in nature, the resultant reduction continues the incremental loss of habitat, including EEC's, within the Kooragang area. Therefore, it is considered further review of the potential impacts of additional loss of habitat should be undertaken. The EA notes compensatory habitat will be undertaken as a result of the removal of EEC's. The potential compensatory habitat should be defined in the assessment.

The EA indicates the outbound track will traverse the current Kooragang Island waste emplacement facility (KIWEF). Further information should be provided regarding how the proposed development will interact with the contamination remedial strategy for the KIWEF and how the requirements of the remediation strategy will be met.

3. Traffic

A review of EA confirms that traffic generation will be confined to the construction period. In this regard, the estimated traffic flows for the transportation of fill during Stage 2F and the construction of the rail flyover will be approximately 106 truck movements per day. This represents a 60% reduction in movements when compared with the peak filling period that occurred during the Stage 2AA.

Under Stage 2AA and in accordance with conditions 2.21, 7.2 (f) and 7.3 (d) of MP 06_0009 a Construction Traffic Management Plan (CTMP) was approved by both Council and Roads and Maritime Services (RMS). The rail flyover will be constructed under Stage 2F and the proponent intends to update the approved CTMP for Stage 2AA to reflect the changes to vehicle movements associated with the rail flyover construction. This updated CTMP will require the approval of both Council and RMS.

It is accepted that it is unlikely that any construction traffic associated with the proposed PWCS T4 expansion would align with the construction period for Stage 2F and the rail flyover; hence the cumulative impacts have not been considered with this proposal. The nominated haulage routes within the Newcastle LGA being the New England Highway, Pacific Highway, Industrial Drive, Tourle Street and Cormorant Drive are considered acceptable.

The principal points of access to the site are the Delta Access Road (north of the Tourle Street Bridge) and under '*exceptional circumstances*' the Pacific National Access Road. Both accesses are considered suitable for entry/exit to the site and adequately controlled through the existing consent conditions under MP 06_0009.

A revised construction traffic management plan is to be submitted to Council and RMS for approval prior to the commencement of Stage 2F and any future stages. Accordingly the following amended conditions are recommended for this application.

Amended Conditions

2.21 Prior to the commencement of *each respective stage* of construction of the project, including fill/preload activities, the Proponent shall develop and submit for the approval of the RMS and Council, construction traffic control measures to be implemented for the project. The construction traffic control measures shall include measures to ensure that project traffic does not adversely affect traffic movements on Tourle Street and Cormorant Road during peak traffic times.

7.3 d) a **Construction Traffic Management Protocol** to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. In addition to approval from the Director-General, the Construction Traffic Management Protocol shall be submitted for the approval of the RMS and Council *prior to the commencement of each respective stage of construction of the project.*

All other traffic related matters are considered to be adequately addressed through existing conditions of consent.

Should you require clarification of any aspect of the above advice, please contact me on 02 4974 2767.

Yours faithfully



Geof Mansfield

TEAM COORDINATOR DEVELOPMENT ASSESSMENT TEAM