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DA 09/X007  
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Dear Ms Newman

**PART 3A MAJOR PROJECT EXHIBITION (MP09\_0096)  
MAYFIELD SITE PORT RELATED ACTIVITIES CONCEPT PLAN**

I refer to your letter dated 29 July 2010 inviting Council to comment on the Environmental Assessment of the Concept Plan developed by Newcastle Port Corporation (NPC) for proposed port related facilities and activities on a portion of the former BHP Steelworks site at Mayfield North. I also refer to the agreement with Ms Chan of your office to a one week extension to the notification period in order for Council to provide such comment.

It is understood that this Concept Plan will be assessed under Part 3A of the *Environmental Planning & Assessment Act, 1979* (NSW) and that the Minister is the consent authority.

Council officers have reviewed the documentation provided and the following comments are made in regards to the proposal:

**1. Traffic & Transport**

**1.1 Traffic Impact**

It is considered that the submitted Environmental Assessment does not satisfactorily address the Director General's Requirements with regard to assessing and mitigating the impact of traffic and transport.

It is a matter of concern that the transport assessment has focussed only on the two existing intersections intended for access and egress from the subject land and the submitted assessment makes no assumptions for the future transport requirements of the neighbouring Intertrade Industrial Park (IIP).

The transport assessment makes assumptions regarding modal split and distribution, but stops short of identifying the most probable destinations for the cargo and the associated haulage routes. The resulting heavy vehicle traffic and will obviously have an adverse impact on the wider road network beyond the frontage of the development site.

The background traffic growth adopted in the assessment is based on older RTA counts and would not account for recent or future traffic growth associated with the following growth areas:

- a) The existing Steel River Industrial Estate;
- b) The new coal loaders and other significant operations recently commenced or planned on Kooragang Island;
- c) Other existing port related land in Mayfield East, Mayfield North, Tighes Hill and Maryville;
- d) The Newcastle Airport;
- e) The Williamstown Defence and Airport Related Employment Zone (DAREZ);
- f) The land subject of *SEPP (Major Development) - Three Ports*; and
- g) Other residential developments and industrial developments identified in the Lower Hunter Regional Strategy (Department of Planning, 2006).

Each of these growth areas will contribute to an incremental and cumulative increase in vehicles numbers entering the city via Industrial Drive and other roads to be relied on by the NPC and IIP proposals.

It is considered imperative that the cumulative impact that all the abovementioned developments will have on Industrial Drive and the surrounding road network is known before any determination is made in respect of the NPC Concept Plan.

In this regard, it is strongly recommended that the transport assessment consider the impacts of haulage to and from the proposed NPC and IIP developments on the wider road network, including, but not limited to the following:

- 1. Industrial Drive / Tourle Street intersection;
- 2. Pacific Highway / Industrial Drive intersection;
- 3. Intersections along Newcastle Road, Thomas Street and the F3 Link Road from Jesmond to the F3 Freeway; and
- 4. The capacity and current condition of other classified and local roads in the vicinity of the site that might reasonably be used for haulage.

It is also recommended that the transport assessment have regard to the approved RTA projects for Highway 23 (H23) from Jesmond to Sandgate, the Hunter Expressway, the RTA's current *F3 to Newcastle Route Study* and consider the potential rail freight corridor identified in the *Freight Hub Hunter Part 1 – Executive Summary Report, October 2008* (NSW Department of Premier and Cabinet).

The submitted transport study contains what appear to be false assumptions that may significantly alter the anticipated degree of impact on the surrounding road network. For example, container truck generation rates are based on all trucks having a capacity of 2 TEU, yet the assessment assumes a standard truck length of only 12.5m. It is unclear how such a vehicle is expected to carry such a load and it is more likely that trucks will be articulated trucks having a significantly longer length of between 19.5m and 25m. Accordingly, the queue lengths calculated at both the existing intersections, as well as the queuing at the rail crossings, has obviously been significantly under estimated.



The author of the transport assessment should be asked to confirm the traffic generation rates adopted based on existing known data for similar sites, such as Port Botany. There also appears to be errors in the calculation of traffic generation rates associated with bulk liquid haulage.

## **1.2 Future Transport Infrastructure**

On numerous occasions within the submitted documentation, reference is made to a need to construct an internal link road to provide a better, more controlled, spread of heavy vehicle movements between the two intended access points on Industrial Drive. However, the reports do not give any indication as to the required timeframe for delivery of this road, a commitment to the roads construction nor does it assign responsibility for the construction or identify the future owner(s) of this road and how individual site security will be managed for each precinct.

It is also unclear how the NPC propose to determine who will be responsible for the construction of this road, any necessary upgrades to existing intersections or roads, the recommended grade separation of rail and road transport or how cost sharing for all these works is to be proportioned to the future individual Projects.

The proposed mitigation measures relating to the separation of rail and road transport is supported; however, there appears to be no strong commitment to the delivery of such infrastructure nor does NPC identify who is to be responsible for delivery of this infrastructure or when it will be required.

The submitted documentation also makes various references to an intention to develop Workplace Travel Plans intended to promote access to the site by walking, cycling and public transport. In this regard, it is noted that neither Selwyn Street or the access road of Ingall Street currently provide a suitable configuration or the necessary infrastructure to accommodate such alternate means of transport. In particular, part of Selwyn Street consists of only a 6m carriageway, generally unlit, with no provisions for parking or pedestrian or cycle activity. It will be necessary for the proponent to upgrade or reconstruct Selwyn Street and Ingall Street to a standard considered by Council to be sufficient to accommodate these alternate means of access.

Local Area Traffic Management (LATM) works are likely to be required. The nexus between development and required road works needs to be clearly defined. Currently, the full extent of development and concomitant traffic works are undetermined. Council seeks assurance that NPC will commit to providing of LATM controls or that funding will be provided to Council by NPC to implement works as required.

As mentioned above, the Environmental Assessment is silent on the impact of traffic generated from the Concept Plan on the existing local road network. Ingall Street is now catering for around 4,000 vehicles per day of which a high number are assumed to not have destinations on Ingall Street. It is recommended that, as a minimum, NPC are conditioned in any approval issued to provide the following LATM devices and also any other road improvements considered necessary resulting from the further studying of the likely full impacts of traffic on the surrounding road networks, as discussed above.

1. A roundabout at the Ingall Street and George Street intersection to slow traffic along the length of Ingall Street.
2. Four traffic calming devices, such as speed humps or chicanes, along Ingall Street between Industrial Drive and Maitland Road to maintain residential amenity and to discourage bypassing traffic.
3. Five traffic calming devices, such as speed humps or chicanes, along Crebert Street between Bull Street and Industrial Drive to reduce traffic speed.
4. Two traffic calming devices, such as speed humps or chicanes, along George Street between Industrial Drive and Ingall Street.

NPC, through its traffic consultant and with consultation with Council, should be required to carry out all community consultation with the affected residents on the proposed traffic management devices.

Depending on the results of the further investigations into increased heavy vehicle traffic using local roads, it is possible that light traffic thoroughfare zones will be introduced within the Mayfield area. Any recommendation from the Newcastle City Traffic Committee for signposting and linemarking are to be met by NPC.

### **1.3 Upgrading Freight Rail Network and Level Crossings**

Council seeks confirmation of the status of works on the Northern Sydney Freight Corridor Project, the scope and timing of works. It is recommended that greater certainty over completion of the upgrading of the North Sydney Freight Corridor is known before assumptions are made on capacity of the freight network (p105).

The report anticipates three trains per day from Sydney running to the site as part of the initial operations scenario. The Environmental Assessment does not adequately address the likely impact these additional trains will have on local traffic that uses the level crossings at Glebe Road, Adamstown and Clyde Street, Islington. The level crossing at Adamstown is currently subject to excessive delays.

The *Lower Hunter Regional Strategy* reiterated the need to investigate a rail freight bypass for Newcastle, which, if implemented would remove some freight movements from suburban Newcastle and reduce the freight-passenger conflict within the Newcastle rail network. Removal of freight trains from the urban passenger network would enable more efficient operation of the current level crossing near Adamstown Station, which is currently subject to excessive delays. Identification and reservation of the corridor is required in the short term.

This project has been advocated by Council and various other transport stakeholders, including the Hunter Business Chamber, which listed the project as high priority in its *Hunter Integrated Transport Strategy* (<http://www.hunterbusinesschamber.com/>), to remove freight traffic from the domestic rail corridor in inner Newcastle suburbs and provide enhanced access to the Port.



## **2. Flooding, Stormwater and Water Quality Management**

The Environmental Assessment states that a Stormwater Management Concept would be prepared in accordance with a number of Council Development Control Plans (DCP's) that were, however, repealed by Council upon adoption of the consolidated Newcastle DCP in 2005 (NDCP2005). Element 4.5 of NDCP2005 now applies to stormwater and it is recommended that the objectives and water quality targets specified by NDCP2005 are adopted for this proposal. The NPC proposal, being a major development, would require the preparation of a comprehensive water cycle management plan and many of the principles identified within the report would be acceptable within the water cycle management plan with stormwater harvesting off roof areas for re-use and water quality controls considered important areas within the plan.

As a capped site the site would be similar to the Steel River Industrial estate. The requirements of Element 4.5 NDCP2005 have not been applied to individual development lots within Steel River Estate as it is desirable to avoid the use of underground retention or infiltration trenches within the subdivision due to the likelihood of recontamination by ground contaminants.

As the site lies adjacent to the Hunter River and at the bottom of the Hunter River catchment there is little value in retaining flows and such a strategy could in fact increase flooding in the area by detaining peak flows to coincide with peak flows from further up the catchment. Retention of stormwater flows should only be seen as a water quality control rather than a water quantity control.

The water cycle management plan should clearly define who will be responsible for the delivery, timing and funding of each element of the plan to ensure sufficient and appropriate controls are present on site at all times during the phased development of the site.

All water quantity and quality controls identified within the water cycle management plan are to be retained in the ownership of the respective developments and, under no circumstances, should they be transferred to the ownership of The City of Newcastle.

## **3. Contaminated Land**

It is understood that remediation works at the Closure Area approved in 2001 by DIPNR are continuing in accordance with a 2005 Voluntary Remediation Agreement (VRA) with the NSW Department of Environment, Climate Change & Water (DECCW). Remediation works in relation to stage 1 have been completed; however stage 1(b) and stage 2 are scheduled to be completed by 2012. Further investigation, remediation, validation and site auditor assessment is required in accordance with the VRA.

The following contamination documentation has been provided as part of the Concept Plan:

- Report: Contaminated Site Management Plan, Intertrade Industrial Park (Incomplete extract, no appendices included)
- DECCW Voluntary Remediation Agreement letter.
- Report: Closure Area, Former BHP Steelworks, Mayfield Remediation and Validation Report. Prepared by Coffey Environments Pty Ltd 30 June 2008.

Copies of the following documents referenced in the Environmental Assessment have not been provided for review:

- Detailed contamination investigation reports
- The Remediation Action Plan (completed in 2004)
- Any site audit statements/reports which may have been completed to date.

Electronic copies of the above referenced contamination reports should be provided to Council for inclusion on the property's Planning Controls. This will allow Council to maintain a complete record of contamination information relating to the property and assist in the assessment of future Project Applications or Development Applications for the site.

### **3.1 Potential dedication of contaminated assets to Council**

A key principle of Element 4.2 - Contaminated Land Management of DCP2005 (a policy of the Council adopted in accordance with the *Contaminated Land Planning Guidelines* notified under section 145C of the *Environmental Planning and Assessment Act 1979*) states that remediation of land should:

*"Not place a public agency in a position where it may have to become involved in any future management or monitoring of contaminated land. In this regard, any ongoing management and monitoring requirements need to be clearly and legally assigned to the proprietors of newly created lots. It will need to be demonstrated, to the satisfaction of Council, that any further remediation required as a result of ongoing management or monitoring requirements can be legally and practically enforced."*

Future roads, stormwater infrastructure, footpaths or other assets affected by contamination are not to be dedicated to Council unless the objectives and requirements of Element 4.2.3 DCP2005 are fully considered and met in their entirety.

### **3.2 Environmental Commitments and Performance**

The Environmental Assessment indicates that potential impacts (such as noise, water and air quality) could affect nearby environments and residential amenity should appropriate environmental mitigation and management measures not be implemented as part of the construction and operation of the proposal.

It is considered appropriate that the proponent be required to revisit the potential for exceedances of traffic noise criteria having regard to the likely impact the additional heavy vehicle numbers will have on residences other than those with an immediate frontage of the development site as discussed above in Section 2.1.

Section 11 of the Environmental Assessment outlines Environmental Commitments and Performance Criteria proposed to apply to future project applications. These criteria have been designed to be used in determining project specific Statement of Commitments for assessing future major projects to ensure overall environmental impacts of the site are appropriately mitigated.



Concern is expressed as to how these criteria will be practically integrated into a future development assessment process should it eventuate that individual Development/Project Applications are required to be approved within the NPC proposal and/or the proposed IIP. Similar type management strategies for ensuring environmental performance for large scale development have in some instances proven to be problematic in terms of being overly onerous when applied to smaller development applications within an industrial estate.

As the NPC Concept Plan purports individual Project Applications being lodged for each separate precinct, it is not clear who will be made responsible for the planning, cost sharing, delivery, monitoring and reporting of all of the recommended mitigations measures. An example of this is the proposal to mitigate noise impacts by undertaking improvements to affected receivers. Will the proponent of the first development approved on site be responsible for these mitigation measures or will the responsibility rest with the majority noise generator? And what if the majority noise generator is the last to develop on site, will installation of the mitigation measures be deferred until that development is commenced?

It is recommended that the NPC be made responsible for delivery and monitoring of all proposed mitigation measures via appropriate conditions imposed under any approval issued by the Minister in respect of the current Concept Plan.

It is also recommended that the existing Air Quality study be expanded to include a Greenhouse Gas Assessment having regard to the significant future heavy vehicle numbers associated with the proposal.

#### **4. Provision of Services**

The Environmental Assessment gives no indication as to when, where or by whom public utility services are to be provided to the NPC site. Delivery, capacity and staging of the individual services needs to be planned in detail to ensure services are available to each precinct of the site as required.

It is recommended that clarification be sought from NPC how services will be delivered through the future IIP, as is suggested in the Environmental Assessment, when the details of the IIP site are yet to be known.

#### **5. Section 94A**

The Environmental Assessment fails to address payment to Council of appropriate Section 94A contributions. In this regard, it is requested that a condition be imposed in any approval issued by the Minister in regards the subject NPC Concept Plan requiring the current proponent or proponents of individual developments within the Concept Plan to make full payment of their respective contributions in accordance with Council's adopted Section 94A Development Contributions Plan 2006.

Should you require further clarification of any of the matters raised in this letter please contact myself on 49742767 or Senior Development Officer Brian Cameron, on 4974 2637, respectively.

Yours faithfully



**Geof Mansfield**  
**DEVELOPMENT AND BUILDING SERVICES CO-ORDINATOR**  
**CITY WEST TEAM**