

14 November 2019

Our Ref: N-18047

David Gibson

Team Leader, Social Infrastructure
Department of Planning, Industry & Environment
320 Pitt Street
Sydney NSW 2000

Transmission via email: Megan.Fu@planning.nsw.gov.au

Dear David,

RE: NIHON UNIVERSITY NEWCASTLE CAMPUS (SSD-9787) - RESPONSE TO INFORMATION REQUEST

I refer to your letter dated 15 October 2019 requesting additional information be provided to assist in assessment of the above State Significant Development Application (SSDA). Your letter refers to advice provided by City of Newcastle (CoN) on 10 October 2019 in relation to service vehicle access and contamination.

To respond to the matters raised, the project team has provided additional or revised information and a site auditor has been engaged. Minor changes to the proposed servicing arrangements have also been undertaken. These amendments are indicated on the revised plans and outlined in Sections 1 and 2 of this letter.

The revised information from the project team and the interim advice from the site auditor have been outlined below and are attached to this letter for your detailed consideration. Together, we feel the information provided should satisfy all concerns raised.

This additional information has resulted in minor changes to the Table of Commitments, contained in Section 10 of the submitted Environmental Impact Statement (dated 8 May 2019). Section 6 of this letter outlines these minor changes.

Responses to DPIE's information request is provided below.

1. AMENDMENTS TO PROPOSED DEVELOPMENT

Amendments have been made to the design of the service delivery access arrangements and the waste collection procedures. All proposed physical changes, as well as the changes in vehicle movements through the site, are clearly shown on the relevant Architectural Plans and are discussed in more detail in Section 2 of this letter. The key physical changes are as follows:

Plan / Drawing	Changes (as clouded)	Appendix
A-101 Car Circulation Diagram & Services (Rev 02, dated 30/10/19)	<ul style="list-style-type: none"> New Service Vehicle Deliveries Zone between Church Street and the Residential Building New additional driveway crossover at Church Street Minor relocation of Fire Hydrant and booster wall 	1a
A-107 Site Plan (Rev 02, dated 30/10/19)	<ul style="list-style-type: none"> New Service Vehicle Deliveries Zone between Church Street and the Residential Building New additional driveway crossover at Church Street Minor relocation of Fire Hydrant and booster wall 	1b
A-108 First Floor Plan (Rev 02, dated 30/10/19)	<ul style="list-style-type: none"> New Service Vehicle Deliveries Zone between Church Street and the Residential Building New additional driveway crossover at Church Street Minor relocation of Fire Hydrant and booster wall 	1c
A-114 North and South Elevation (Rev 01, dated 30/10/19)	<ul style="list-style-type: none"> Minor relocation of Fire Hydrant and booster wall 	1d
SS01 (Rev A, dated 23/10/19)	<ul style="list-style-type: none"> New drawing by SEC Solution showing the swept path for a 10.5m Rear Loading Waste Vehicle using the new Service Vehicle Deliveries Zone 	2

2. SERVICE VEHICLE ACCESS

In its letter of 10 October 2019, CoN advised that the proposed kerbside loading zone in Church Street was not supported and that all service activity associated with the development would need to occur within the site. CoN recommended that the design of the development provide the following:

- A minimum 6.5m wide two-way service road*
- On-site service bay (loading dock) area complying with Australian Standard AS 2890.2*
- All service vehicles entering and existing the site in a forward direction*
- Garbage collection (servicing of bins) occurring from within the site. Garbage bins are not to be presented to the street.*

Following a meeting between the project team and CoN officers on 29 October 2019, and subsequent email correspondence, the design has been amended as follows:

- Introduction of a Service Vehicle Deliveries Zone between Church Street and the Residential Building to cater for waste collection;
- Introduction of an additional driveway crossover at Church Street, adjacent to the former Courthouse building, to provide egress from the Service Vehicle Deliveries Zone; and

- Conversion of the previous vehicular service delivery access driveway adjacent to the eastern boundary to an at-grade internal access way, to be used by people egressing the building and to transport garbage bins to/from the Garbage storage rooms.

The two existing driveway crossovers will remain. As demonstrated by the 'Car Circulation Diagram & Services' plan at Attachment 1a, no amendments to existing on-street parking arrangements are required as a result of the proposed amendments.

Garbage collection will be undertaken by a private contractor utilising a standard 10.5m rear-lift garbage truck. Collection will occur fully within the site, with no bins presented to the street. Bins will be wheeled along the internal access way, from the on-site Garbage storage rooms, and held within the site prior to the garbage truck entering the Service Vehicle Deliveries Zone. These bins will then be wheeled to the rear of the garbage truck, emptied, and returned to the Garbage storage rooms via the internal access way. This process will be managed by the on-site staff and coordinated with the private waste contractor.

As demonstrated in the swept path analysis at Attachment 2, the Service Vehicle Deliveries Zone will allow forward entry and exist for a standard 10.5m rear-lift garbage truck. Other large service vehicles (typically 6.4m small rigid trucks and 8.8m medium rigid trucks) will also use the Service Vehicle Deliveries Zone, including for food deliveries and general building servicing supplies.

To minimise potential pedestrian conflict, operation of the new Service Vehicle Deliveries Zone will be limited to the following times:

- Monday to Friday: 7am to 8am and 7pm to 8pm
- Saturdays: 7am to 8am
- No access on Sundays or Public Holidays

Removable bollards will be placed across the entry and exit of the Service Vehicle Deliveries Zone to prevent use of this area outside of the hours nominated above. These bollards will be managed by the on-site staff.

Smaller vehicle servicing, such as food and courier deliveries, general building servicing supplies and building maintenance vehicles, will be undertaken within the underground carpark beneath the Education Building, at all hours of the day. The carpark's layout and available head room of 2.2m enables smaller service vehicles, such as Toyota HiAce type vans (B99 vehicle), to enter and exit the carpark in a forward direction.

In email advice of 5 November 2019, CoN's Senior Development Officer (Engineering), David Ryner, has provided 'in principle' support for the proposed service vehicle access arrangements (see Attachment 3).

3. CONTAMINATION

CoN's letter recommended that, prior to determination, interim site auditor advice be obtained to confirm that the proposed approach outlined in the *Conceptual Remediation Action Plan* (cRAP) prepared by Cardno (dated 28 May 2019) is appropriate for the site and that the site can be made suitable for the proposed use.

Accredited Site Auditor Ian Gregson of GHD has been engaged to undertake a site audit under the provisions of the *Contaminated Land Management Act 1997* in relation to assessment and remediation of contamination at the site. To satisfy CoN's recommendation, the Auditor prepared an *Interim Advice* (dated 12 November 2019) to confirm the appropriateness (or otherwise) of the proposed remediation strategy for the site, based on the information available at the time of writing (see Attachment 4).

In summary, given current constraints to comprehensive investigation of the site, the Auditor considers that:

- the proposed approach regarding contamination documented in the cRAP (Cardno 2019), which involves undertaking further investigations and preparing a detailed RAP on the basis of those investigations, is appropriate for the site;
- the site can be made suitable for the proposed use by implementation of the cRAP, including the proposed detailed investigations and subsequent detailed RAP; and
- demolition works have the potential to impact the site condition, and investigations and validation following demolition should further consider any such impacts.

At Section 5.2 of the *Interim Advice*, the Auditor provides recommended conditions of consent which have been included in the updated Table of Commitments at Section 6 of this letter.

Following a meeting between the project team and CoN's Environmental Health Coordinator, Paul McMurray, on 12 November 2019, a copy of the *Interim Advice* was provided to Mr McMurray. In an email of 13 November 2019, Mr McMurray advised that the *Interim Advice* 'addresses Council's comments, confirming the documentation on contamination is appropriate for the site' (see Attachment 5). In relation to the recommended conditions of consent included in the *Interim Advice*, Mr McMurray provided the following comments:

Condition 3

The DPIE will need to consider how the consent covers remediation works that have not yet been specified – ie so that the issue of consent for any works is appropriately addressed. (This relates to Council's earlier comments regarding category 1 or 2 remediation works and consideration of a staged approval process).

Council provides some guidance on remediation in our DCP Technical manual, but the main guidance documents for remediation are EPA approved guidelines and consent conditions should reference those guidelines.

Condition 5

The SAS certifying suitability of the site for the proposed use would need to state that this is subject to implementation of a specific LTEMP (if that is the outcome of the remediation). The DPIE will need to consider how a consent condition could address this potential outcome.

The SAS and any LTEMP would need to be provided to Council for notation on the section 10.7 certificate.

It is considered that the above comments can be incorporated into relevant conditions of consent, as required. Having regard to the findings of the *Interim Advice*, it is considered that DPIE, as the consent authority, can be satisfied with respect to Clause 7 of *State Environmental Planning Policy No 55 - Remediation of Land*.

4. ABORIGINAL CULTURAL HERITAGE

Your letter requests submission of a full Aboriginal Cultural Heritage Assessment (full ACHA), as recommended for preparation in the *Aboriginal Cultural Heritage Assessment* (ACHA) prepared by Archaeological Management and Consulting (AMAC) Group and Streat Archaeological Services Pty Ltd, dated July 2019.

City Plan's Garry Fielding sought clarification of this request during a phone conversation with DPIE's Megan Fu on 21 October 2019. During this conversation, Megan Fu indicated that DPIE's request was based on one of the recommendations contained in the submitted ACHA, namely that 'further assessment is required in the form of a full Aboriginal Cultural Heritage Assessment...' (p.8, ACHA, July 2019). Megan Fu further indicated that, should AMAC Group confirm that the submitted ACHA constitutes a 'full' ACHA, then DPIE's request would be adequately satisfied.

AMAC Group has revised the relevant recommendations contained in the submitted ACHA, confirming that the submitted ACHA constitutes a 'full' ACHA, as follows:

Further assessment was required in the form of a full Aboriginal Cultural Heritage Assessment, including full Aboriginal community consultation in accordance with Part 6; National Parks and Wildlife Act, Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010) AMAC have been commissioned to proceed with this has been undertaken and this document and appendices constitute this process. [refer Attachment 6, p.8]

Having regard to the above recommendation, it is considered that DPIE's request has been adequately satisfied.

It is noted that AMAC has been engaged by the proponent to commence the recommended Aboriginal Test Excavation process. The Heritage Office has been notified and it is understood that a s57 application approval is pending. The test excavation findings and finalisation of the report will not likely be completed until mid to late December 2019. As such, the Proponent has committed to the finalisation of the report prior to issue of the Construction Certificate (refer to updated Table of Commitments at Section 6 of this letter).

5. CAFETERIA

The Proponent has confirmed that the cafeteria would not be used by the public and is solely for the use of the building's occupants.

6. TABLE OF COMMITMENTS

The additional information submitted with this letter has resulted in the following minor changes to the Table of Commitments contained in Section 10 of the submitted EIS:

Issue	Recommendation	Original Action / Commitment	Revised Action / Commitment
Aboriginal Heritage	<ul style="list-style-type: none"> Avoid harm to Aboriginal objects or sites Respect Aboriginal cultural significance 	<p>Implement all recommendations outlined in the <i>Due Diligence Aboriginal Archaeological Assessment</i> prepared by AMAC, including (but not limited to):</p> <ul style="list-style-type: none"> Prepare an Aboriginal Cultural Heritage Assessment (ACHA), including full Aboriginal community consultation in 	<p>Implement all recommendations outlined in the <i>Aboriginal Archaeological Assessment</i> prepared by AMAC dated July 2019, including (but not limited to):</p> <ul style="list-style-type: none"> Undertake a program of systematic, sub surface archaeological test excavation

		<p>accordance with the Consultation Guidelines (currently underway at the time of writing)</p> <ul style="list-style-type: none"> Undertake a program of systematic, sub surface archaeological test excavation <p>Timing: An ACHA will be issued to DPE upon completion of the consultation process. Currently planned to be completed around July 2019.</p>	<p>Timing: Testing currently underway; report to be finalised prior to issue of the Construction Certificate</p>
Contamination	<ul style="list-style-type: none"> Ensure the site is suitable for the proposed development 	<p>Implement all recommendations outlined in the <i>Remediation Action Plan - Technical Note</i> prepared by Cardno, including (but not limited to):</p> <ul style="list-style-type: none"> Prepare a Remediation Action Plan in accordance with the proposed objectives and methodology outlined. <p>Timing: To be completed and submitted to the DPE within approximately 4-6 weeks of lodgment.</p>	<p>Implement all recommendations outlined in the Interim Advice prepared by Accredited Site Auditor Ian Gregson of GHD dated 12 November 2019, including (but not limited to):</p> <ul style="list-style-type: none"> Carrying out a detailed site investigation (DSI) following demolition works, to be reviewed by an accredited site auditor. If the DSI concludes remediation is required, preparation of a detailed RAP on the basis of the DSI, reviewed by an accredited site auditor and certified by way of Interim Advice. <p>Timing: Following building demolition, which can only occur once development consent is granted. Prior to release of the Construction Certificate.</p>

I trust that the above information and accompanying documentation satisfactorily addresses all of the matters raised in your letter of 15 October 2019. However, should you have any queries with regard to this response or wish to discuss any other matter related to the subject application, please do not hesitate to contact me directly.

Yours sincerely,



Garry Fielding

Director, Major Projects | Newcastle