

09505
24 April 2013

Heather Warton
Director – Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2000

Attention: Ben Eveleigh

Dear Heather

WET N WILD SYDNEY (10_0190)
MODIFICATION 1 - RESPONSE TO SUBMISSIONS

I refer to your correspondence of 14 March 2013 in relation to the Wet n Wild – Modification Application No. 1, within which you requested a response to issues raised in submissions on the Modification Application.

In addition to the issues raised by the Department, submissions were received from the following agencies.

- Blacktown Council – a response to the issues raised by Council is provided below.
- NSW Environment Protection Authority – the EPA provided General Terms of Approval which it proposes to use as conditions of the Environment Protection Licence.
- Sydney Water – a response to the issues raised by Sydney Water is provided below.
- Office of Environment and Heritage – the OEHL had no comments and raised no issues.
- NSW Office of Water – NOW had no comments and raised no issues.

1.0 DEPARTMENT OF INFRASTRUCTURE AND PLANNING

The issues raised by the Department and the proponents response is provided in the table below.

Issue	Response
Site Auditor	
Provide a Site Audit as part of the Response to Submissions	Attachment 1 is a letter from the Site Auditor (Rowena Salmon – Environ) demonstrating her involvement in the development of the RAP. A Part B Site Audit Statement is currently being prepared and will be submitted in due course. It is suggested that the Department condition the submission of the Part B Site Audit Statement prior to the carrying out of remediation. A Part A Site Audit Statement will be completed at the completion of remediation works.

Issue	Response
SEPP 55	
Confirm that the remediation constitutes Category 1 Remediation, as defined by SEPP 55.	For the purposes of this application the proponent accepts the Department's categorisation of the remediation as Category 1. However, it is noted that remediation is an in-nominate use under State Environmental Planning Policy (Western Sydney Parklands) 2009 and it was unlikely to be the intent of SEPP 55 to capture as Category 1 all in-nominate remediation works.
Containment Cell	
Relocate the containment cell to an area outside of the areas of remnant vegetation and regenerated Cumberland Plain Woodland on the site.	It is proposed that the containment cell will be located underneath the car park, and not within the area of regenerated Cumberland Plain Woodland vegetation. An updated plan showing the proposed location of the containment cells is provided in Attachment 2.
Construction Management	
The existing Construction Management Plan must be updated to reflect all mitigation and management measures detailed in the Modification Application and the RAP for the management of the remediation works.	The Construction Management Plan is being updated and will be available in due course. If considered necessary the Department can condition the submission of the updated Construction Management Plan prior to the carrying out of remediation.
A specific schedule of all proposed mitigation and management measures for the remediation should be prepared which can form an addendum to the existing Construction Management Plan.	Section 13 (pages 37–40) of the RAP constitutes a full schedule of the environmental mitigation and management measures that will be incorporated, as appropriate, into the Construction Management Plan. This schedule is provided in Attachment 3.

2.0 BLACKTOWN COUNCIL

The issues raised by Blacktown Council and the proponent's response is provided in the table below.

Issue	Response
Heritage	
It is requested archaeological monitoring of the asbestos removal within 30 metres radius of the Policeman's Cottage, and an Archaeological notification process be put in place for the remainder of the site.	Project Approval permits the carrying out of earthworks for the purposes of landscaping around the former Policeman's Cottage without the need for archaeological monitoring or a notification process, other than the application of Condition D14. Works have already been carried out in the vicinity of the Policeman's Cottage and no archaeological artefacts were discovered.
Environmental Health	
Prior to Commencement of work an application for a Waste Disposal Licence must be lodged with the EPA if the contaminated stockpile exceeds 30,000 cubic metres.	An Environment Protection Licence (EPL) is in the process of being prepared. Further, the EPA has issued General Terms of Approval which will form the conditions of the EPL.

Issue	Response
During Construction Hours of work are not to extend beyond time limits 7am to 5pm Monday to Friday and 8am to 1pm Saturday. The Noise Limits outlined in Appendix I, Director General's Report Section 5.2 must be adhered to.	Hours of work will accord with the Project Approval, and noise limits specified in the Project Approval will be complied with.
Prior to Occupation Certificate an independent, EPA accredited site auditor is to review the work of contaminated site consultants. The site auditor is to determine whether the land has been remediated to an extent that it is considered to be both suitable and appropriate for the proposed use as a Recreation area. The Site Audit Statement shall be submitted to Council.	A Part A Site Audit Statement will be prepared and submitted to all relevant authorities (including Council) at the completion of remediation, to demonstrate that the site is suitable for its intended use.
Town Planning	
All site remediation and site validation is to be undertaken in accordance with the requirements of State Environmental Planning Policy No. 55- Remediation of Land and Blacktown development Control Part Q - Contaminated Land Guidelines.	The purpose of the Modification Application and the preparation and implementation of a Remedial Action Plan is to ensure that the project complies with SEPP 55.
The site remediation be undertaken in accordance with the requirements of Work cover Authority of NSW and the EPA.	This a legal requirement that the proponent must comply with at all times.

3.0 ENVIRONMENT PROTECTION AUTHORITY

The EPA has issued General Terms of Approval which will form the basis for an Environment Protection Licence (EPL). The proponent has no concerns with the proposed terms of the EPL provided by the EPA.

4.0 SYDNEY WATER

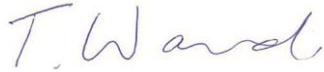
Sydney Water request that the proponent:

- Adheres to all NSW safety and environmental requirements relating to management and remediation of asbestos; and
- Advises Sydney Water of any contamination issues that may impact its assets, employees or contractors.

The proponent will ensure that these requirements are met. It is not expected that the remediation will impact on any Sydney Water assets, employees or contractors.

I trust that the responses provided are sufficient for the Department to continue with its assessment of the Modification Application. Should you have any queries about this matter, please do not hesitate to contact James Harrison on 9956 6962 or jharrison@jbaplanning.com.au.

Yours faithfully

A handwritten signature in blue ink that reads "T. Ward". The signature is written in a cursive, flowing style.

Tim Ward
Associate

Attachments:

1. Letter from the Site Auditor (Environ)
2. Updated Appendix H for RAP being plan showing the proposed location of the containment cells (Brown). (Note this also amends Appendix B of the S75W EAR)
3. Schedule of Mitigation and Management Measures to Addend/Incorporate to the Construction Management Plan