

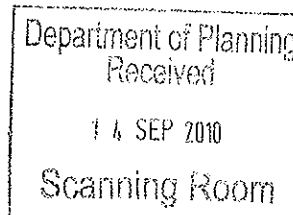


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Rebecca Newman
Senior Environmental Planning Officer - Infrastructure Projects
NSW Planning
GPO Box 39
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Dear Ms Newman,

PORT TERMINAL FACILITIES AT MAYFIELD (MP09_0096)

I refer to your letter dated 29 July 2010 regarding the Environmental Assessment (EA) report for the development of port terminal facilities at Mayfield by the Newcastle Port Corporation. Transport NSW appreciates the opportunity to provide comment on this matter.

Transport NSW has reviewed the EA report and the appended Transport Assessment, and provides the following comments for consideration by NSW Planning in its assessment of the Concept Application:

Strategic Context

The Port of Newcastle is Australia's largest coal export port, and is one of the three major ports in NSW. The growth in capacity of Newcastle Port is therefore crucial to the NSW and Australian economies.

Transport NSW is currently preparing the NSW Freight Strategy. A potential outcome of the strategy may involve investigation of a rail mode share target for containers out of the Port. Given this, the stated likely mode share for rail out of the Port of Newcastle in the EA of 20% needs to be reassessed in conjunction with Transport NSW and its operating entities (RailCorp and the RTA), and this has not occurred.

In parallel with this process, NSW Maritime is currently updating the NSW Ports Growth Plan. It is the view of Transport NSW that such a substantial development of the port facilities at Newcastle should be consistent with this revised document.

Both these documents are anticipated to be released late in 2010, subject to Cabinet approval.

Northern Sydney Freight Corridor

The EA references capacity on the Main North Railway Line, which connects Newcastle with Sydney. This line provides the sole rail connection between the Port and Sydney,

which the EA states will be the source and destination of all trade, except coal. The line is operated by RailCorp, and is shared with CityRail passenger services from Newcastle and the Central Coast, CountryLink passenger services, and bulk and intermodal freight trains.

Operation of freight services during peak passenger hours is substantially restricted due to insufficient capacity on the line during the higher frequency operation of the passenger peak. Further to this, the line forms part of the North-South freight corridor between Brisbane, Sydney and Melbourne and as such it is substantially utilised by freight trains at present, and is approaching practical capacity for freight services.

As referenced in the EA, the Commonwealth and NSW Governments are working towards construction of the Northern Sydney Freight Corridor Project to provide additional freight capacity on the line. Funding for stage 1 of the project has been committed by the Commonwealth Government.

As the lead NSW Government agency for this project Transport NSW advises that the train capacity referenced in the EA of 80 freight services per day provided by the Northern Sydney Freight Corridor is substantially beyond the current estimates for the committed stage 1 works. Additionally, the assertion that freight services would be able to operate unrestricted concurrently with peak passenger operations is incorrect. Strategic planning for stages 2 and 3, which will deliver further freight capacity beyond stage 1 is underway, however Transport NSW is not currently in a position to provide definitive capacity numbers for these future stages, nor has there been substantive funding committed to these stages at this point in time.

Transport NSW also questions the statement in the EA that trains of 1,244m in length cannot operate over the Cowan Bank. The North-South corridor, including the Main North Line, currently supports 1500m intermodal freight trains.

Road Network Issues

Transport NSW notes the submission provided by the Roads and Traffic Authority (RTA) to NSW Planning in relation to this EA, which also requests revision of the Transport Assessment.

Transport NSW requests that the proponent gives due consideration to the issues raised in the RTA submission to the proposal, and that the Transport Assessment is revised accordingly.

Rail Network Issues

In addition to the advice provided above by Transport NSW in relation to the Northern Sydney Freight Corridor, RailCorp has supplied advice regarding impacts of the development on its network.

In particular, RailCorp has raised the issue of the assumed availability of current capacity on the rail network, which does not factor in additional growth from other passenger and freight traffic currently in the corridor.

Furthermore, RailCorp has advised that the proposal to utilise the Broadmeadow yard or any other part of the RailCorp network for the purposes of consolidation of trains for

their journey to Sydney would not be supported.

Transport NSW has attached a more detailed summary of the advice it has received from RailCorp (Tab A), and requests that these issues are also addressed by the proponent.

I trust that these comments are of assistance. Should you wish to discuss this matter further, please contact Andrew Fattal on 9268 2895 or via andrew.fattal@transport.nsw.gov.au.

Yours sincerely

 *2/02/10*

David Hartmann

A/ Senior Manager

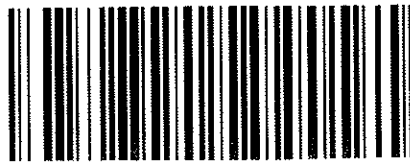
Centre for Transport Planning and Product Development

CD10/05938

Summary of RailCorp Advice regarding Mayfield Port Terminal Facilities

- The transport analysis identifies that there “may currently be 4 available train paths per day” on the Newcastle-Sydney rail corridor. It should not be assumed that these paths can be dedicated to rail traffic to/from this development and that they will still be available in 2024 when Stage 1 of the development comes on line. There are substantial factors competing for capacity on the line, including capacity for through Melbourne-Sydney-Brisbane trains, coal supplies to Central Coast power stations, coal shipments from Central Coast mines to Newcastle, grain from the upper Hunter Valley, and possible increases in the level of passenger services between Newcastle, Wyong and Sydney.
- The analysis also assumes that the Northern Sydney Freight Corridor (NSFC) will provide unlimited freight train paths between Sydney and Newcastle. The NSFC is not a single item of infrastructure dedicated to freight trains, but rather the progressive development of a series of infrastructure enhancements to the RailCorp multi-user network which will progressively increase corridor capacity as demand increases and funds are available.
- As the demand for train paths on the RailCorp North corridor grows, efficiency of operation can be expected to assume even greater importance, including factors relevant to this proposed development, such as:
 - Trains to operate at the maximum length able to be accommodated on the corridor; and
 - Freight trains to operate with power-to-weight ratios and braking performance which improve their ability to take their place on a mixed traffic multi-user corridor.
- RailCorp notes that the concept of an off-site location where trains from the new port facility are consolidated into 1500m super freighters for the trip to Sydney was raised briefly in the Transport Analysis. RailCorp would not support the use of Broadmeadow yard or any other part of the RailCorp network for this purpose, and would prefer trains to enter its network with the maximum efficient train length and with more than the current bare minimum acceleration and braking performance.
- While the proposed rail terminal facility would be within the rail network controlled by ARTC, and therefore is not subject to RailCorp concurrence, on the basis of its experience RailCorp suggests that the configuration of the rail facilities within the new port area is sub-optimal for a modern rail terminal:
 - The proposed configuration of the new terminal, with its short sidings and consequent reliance on shunting of trains, would appear to be building-in inefficiencies, potential operational conflicts with other rail operators, capacity limitations and rail network delays.
 - Serious consideration should be given to a revised site configuration that allows the efficient uni-directional operation of maximum length trains with minimised shunting and no amalgamation and division requirements. Such a configuration is likely to maximise throughput capacity, and minimise the potential for train and infrastructure failures, operational delays and conflicts between rail users.

Future City:GM:BC
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PCU014559

10 September 2010



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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.

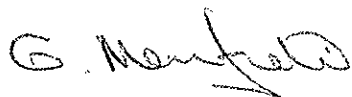
It is recommended that clarification be sought from NPC how services will be delivered through the future IIP, as is suggested in the Environmental Assessment, when the details of the IIP site are yet to be known.

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

A handwritten signature in black ink, appearing to read 'G. Mansfield', with a stylized flourish at the end.

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



**Environment,
Climate Change
& Water**

Your reference: S09/00444; MP09_0096
Our reference: DOC10/34459 LIC09/520
Contact: Rebecca Scrivener,
4908 6830

Mr Glenn Snow
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

16 SEP 2010

Dear Mr Snow

**Port Terminal Facilities at Mayfield (MP09_0096) – Exhibition of Environmental Assessment –
Concept Approval Application**

I refer to your letter dated 29 July 2010 seeking written submissions from the Department of Environment, Climate Change and Water (DECCW) on the above proposal. I refer also to the document 'Environmental Assessment - Mayfield Site Port-Related Activities Concept Plan – Volume 1-5' prepared by AECOM and dated July 2010 ('the EA').

DECCW understands that the concept approval application submitted by Newcastle Port Corporation is for the proposed development of port-related activities on a portion of the former BHP Steelworks site located along the South Arm of the Hunter River in Mayfield, Newcastle. The proposed development identifies five key land-based operational precincts which would be developed and operated through to 2034. The five proposed operational precincts include:

- Newcastle Port Corporation Operations Precinct including office, storage shed, vehicle and marine equipment, Newcastle Port Corporation dredging vessel, pilot cutters and helipad;
- Bulk and General Precinct capable of handling non-hazardous dry bulk products including grain, briquettes and coke cargoes;
- General Purpose Precinct a flexible facility to handle and store cargo containers, heavy machinery, Roll On/Roll Off and break bulk cargo, including the existing general cargo berth known as Mayfield No.4 Berth;
- Container Terminal Precinct with a trade volume of 1 million twenty foot equivalent units per annum at final development; and
- Bulk Liquid Precinct used for storage, blending and distribution of high quality fuels and biofuels.

DECCW notes that the proposed site is subject to a current development consent issued in 2001 for the remediation of soil and groundwater at the site as well as the construction of port related uses such as Mayfield No.4 Berth. DECCW understands that should the current concept application be granted approval, the former consent may need to be modified or may be superseded by the concept approval.

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Page 2

DECCW has reviewed the information provided. Details of DECCW's review are contained in Attachment A. Based on this review, DECCW has determined that it is able to recommend conditions of approval contained in Attachment B.

The recommended conditions of approval relate to the development as proposed in the documents and information currently provided to DECCW. In providing this advice, DECCW notes that the Department of Planning will address generic construction and operation management requirements. Consequently, recommended conditions focus on key environmental matters specific to this proposal.

Please note that this submission does not include comments on matters that fall under the responsibility of the DECCW's Office of Water.

DECCW would appreciate receiving a copy of the submissions received by the Department of Planning (or a report summarising these submissions) in response to the exhibition of the EA. This will enable DECCW to review the appropriateness of, and determine the need for any amendments to, recommended conditions of approval.

If you have any questions, or wish to discuss this matter further, please contact Rebecca Scrivener on 4908 6830.

Yours sincerely



MITCHELL BENNETT
Head Major Industries Unit - Hunter Region
Environment Protection and Regulation

Enl: Attachment A and Attachment B

ATTACHMENT A

**DECCW COMMENTS ON ENVIRONMENTAL ASSESSMENT
MAYFIELD SITE PORT-RELATED ACTIVITIES CONCEPT PLAN (MP09-0096)**

1. GENERAL

The proposed precincts, activities undertaken are likely to require an Environment Protection Licence issued under the provisions of the *Protection of the Environment Operations Act 1997*. Given the current application is for a concept approval, rather than project approval, DECCW is unable to provide specific conditions relating to each individual, scheduled activity that may potentially occur at the site once developed.

DECCW understands that should concept approval be granted, individual proponents will apply for project approval and subsequent licensing. DECCW will provide specific, site related conditions that may apply to Environment Protection Licences at that point in time. However, the conditions of the Environment Protection Licence issued for Mayfield No.4 Berth (EPL 13181) provide an indication of the types of conditions that may be applied.

2. AIR

The Air Quality Impact Assessment predicts compliance with DECCW's impact assessment criteria for all pollutants assessed except 24 hour average PM_{10} . Exceedences of the 24 hour average PM_{10} impact assessment criterion of $50\mu g/m^3$ was predicted at all sensitive receptors however this was due to assuming a worst case background concentration of $65.6\mu g/m^3$. A more refined assessment of background PM_{10} concentrations (i.e a contemporaneous assessment) was not undertaken.

The Air Quality Impact Assessment indicates the port development is unlikely to significantly increase 24 hour average PM_{10} concentrations in the surrounding area. The maximum 24 hour average PM_{10} concentration increment predicted at a nearest sensitive receptor is $5.4\mu g/m^3$.

The Air Quality Impact Assessment proposes mitigation measures for the construction and operational phases of the proposed concept. In particular:

- i) incorporation of 'best practice' dust mitigation measures into the Air Quality Management Plan for the construction and operational phases of the proposal; and
- ii) berth design to allow for alternative marine power for vessels while at berth

DECCW supports the implementation of best practice dust mitigation measures for the construction and operational phase of the proposal.

Recommended Conditions of Approval - DECCW has provided recommended conditions of approval in Attachment B. Specifically, DECCW recommends that the conditions of approval formalises the commitment that berth design will include the allowance for alternative marine power for vessels while at berth.

3. GREENHOUSE GAS EMISSIONS

The proponent has not provided a detailed assessment of greenhouse gas emissions and energy use for the proposed port related facility and acknowledges the commitment that individual operators would be required to conduct greenhouse gas emission inventories as part of future, individual project applications. DECCW is agreeable to this approach.

The EA identifies a number of strategies to be adopted by the precinct development which includes the use of renewable energy and sustainable design of buildings to reduce energy consumption.

Recommended Conditions of Approval - DECCW does not propose any specific recommended conditions of approval relating to greenhouse gas emissions for the proposal.

4. NOISE

DECCW has conducted a detailed review of the EA with a focus on the EA's consistency with the *NSW Industrial Noise Policy* (EPA, 2000) and DECCW's environmental assessment requirements.

4.1 Acoustic Environment

The ambient acoustic environment of the area within which the development is proposed has had numerous studies carried out over the last ten years. The Mayfield/Carrington area was measured for a multi purpose terminal proposal in 2000 (Development of a Multipurpose Terminal and Remediation of the Closure Area, BHP Newcastle Steel Works – EIS; Development Application DA293-08-00) and has been measured a number of times since for other proposals in the area, including for the Newcastle Coal Infrastructure Group Coal Loader and for the Port Waratah Coal Services Kooragang Increase in Throughput proposal. The data and the derivation of appropriate noise criteria for these projects have been scrutinised by noise experts sitting on Independent Hearing and Assessment Panels, commented on by DECCW and others, and the outcomes articulated in the associated Department of Planning's Director-General's Assessment Reports.

The relatively limited data set presented in the EA for the current concept approval is not supplemented by data from other previous, but recent, assessments mentioned above, nor does the EA Noise Impact Assessment reference relevant outcomes, such as are apparent in Department of Planning's Conditions of Approvals for other recent proposals in the area. This level of detail should have been presented and considered in the EA and would assist in developing an appropriate noise goal to be applied to the entire Mayfield site.

4.2 Rating Background Levels and Amenity Criteria

Noise levels presented in the Noise Impact Assessment were not measured at Stockton and DECCW is reluctant therefore to accept the Rating Background Levels (RBLs), and derived criteria, proposed for Stockton in the Noise Impact Assessment and EA. Similarly, evening and night time RBLs higher than day time RBLs (for example, Table 9-39 of the EA) need to be addressed in accordance with DECCW'S Application Notes for the NSW Industrial Noise Policy.

The noise graphs in Appendix B of the Noise Impact Assessment for Carrington suggest a day time noise source was influencing logger measurements between Monday and Saturday. The effect of this on derived criteria needs to be considered.

DECCW does not necessarily accept the proposed Amenity criteria, which are based on "Urban" as the Indicative Noise Amenity Area, for Stockton. The Department of Planning and Newcastle City Council agreed with DECCW in categorising Stockton as "Suburban" for the Newcastle Coal Infrastructure Group Coal Loader development application. This categorisation was agreed by the noise expert (Mr Neil Gross) on the Independent Hearing and Assessment Panel for the Newcastle Coal Infrastructure Group Coal Loader project.

Similarly, it is not demonstrated in the Noise Impact Assessment that the categorisation of 32 Elizabeth Street Carrington as "Urban / Industrial Interface" is justified by being within an area that extends out to where the existing industrial noise from the source has fallen by 5dB.

These issues should be addressed by the proponent, potentially through a staged approval process.

4.3 Environment Protection Licence and Project Specific Noise Criteria

As noted in the EA, the proposal does not in itself require an Environment Protection Licence, however, future individual operators are likely to require Environment Protection Licences for specific operations at the site. This type of situation is considered in Section 2.2.4 of the NSW government's Industrial Noise Policy, which notes, amongst other things, that where several developments are proposed for an area, these are to be assessed as a group. Section 2.2.4 then goes on to suggest an appropriate approach is to determine amenity criteria for the most sensitive receivers, and then determine project specific noise levels to be achieved by each development so as not to exceed the amenity level.

The EA appears to have partly adopted this approach, however it is not clear whether amenity criteria have been derived from the measured ambient levels, or from estimates of the existing contribution from industry (the correct approach). Assessment criteria in the Noise Impact Assessment appear to be for intrusive noise (LAeq,15minutes) rather than based on the amenity level (LAeq,day/evening/night).

Chapter 11.5 of the EA does propose Precinct Criteria (sound power levels specified for each precinct area) in Table 11-5. This approach does appear to be in accordance with Section 2.2.4 of the Industrial Noise Policy, and the approach is supported by DECCW, although, as noted above, the method of deriving the numbers may not be in accordance with the Industrial Noise Policy.

4.4 Noise Model and Noise Goal for Mayfield Site

In order to ensure cumulative noise impacts are effectively managed at the Mayfield site, DECCW believes it is appropriate that the proponent develop and maintain a computer-based noise predication model for the site, similar to that used in the EA, to facilitate the assessment of noise impacts for individual projects at the time each approval is sought.

4.5 Noise Impacts

The EA concludes that the proposal will result in noise criteria exceedences of up to 7 dBA during the night period at Mayfield and Stockton. Application of the suburban amenity noise criteria for Stockton could result in even greater exceedences. To deal with these exceedences, the EA recommends further detailed assessments at the Project application stage including identification of all reasonable and feasible mitigation measures.

The Department of Planning appears to have two options in dealing with the predicted exceedences in the absence of detailed modelling to demonstrate that feasible and reasonable mitigation measures will be effective. The Department of Planning could require further detailed analysis of likely noise impacts prior to further consideration of the concept approval, or, a staged approval process could require detailed noise modelling to be submitted prior to any specific development of the site.

If either of these options is chosen, DECCW will require the following information in order to provide further advice on noise impacts:

- i) Confirm the derivation of criteria in accordance with the Industrial Noise Policy, having regard to the amenity categories, and the noise measurement results, in recent proposals for other developments in the area, and based on the existing level of industrial noise;
- ii) Confirmation of the precinct criteria in Table 11-5, based on the results of i);
- iii) Application of a computer-based noise prediction model for the site, such as used in the EA, incorporating all feasible and reasonable mitigation measures. The model should be updated with details of each individual operator at the project application stage and used to assess performance against the precinct criteria in Table 11-5 of the EA and the derived criteria for the site as a whole, based on outcomes of i) and ii); and
- iv) Develop a program of routine monitoring and assessment of the monitoring results against the model predictions.

DECCW is agreeable to reviewing information outlined above and will provide comment on the final noise goal proposed for the Mayfield site. Similarly, DECCW would provide specific advice regarding site specific project noise levels generated by individual proponents/occupiers of lots within the multi purpose terminal precinct if/when individual project applications are received.

4.6 Rail and Truck Noise

DECCW recommends Department of Planning include a condition in any concept approval, if issued, for the proponent to only use a rail service provider who will contract to use best practice rolling stock including only locomotives that have received an approval to operate on the NSW rail network in accordance with the noise limits L6.1 to L6.4 in RailCorp and ARTC's Environment Protection Licences. Such a condition was included on the Port Waratah (Kooragang) Coal Loader's consent for an increase in throughput to 144Mtpa.

On-road truck traffic noise associated with the proposal has the potential to generate significant noise impacts on the residences surrounding the proposed multi purpose terminal. DECCW will be unable to regulate via an Environment Protection Licence if the proposal is approved because vehicles

entering and leaving the site will be travelling on public roads. Consequently, traffic noise is an issue that will need to be carefully considered in deciding whether to grant approval for the proposal.

Recommended Conditions of Approval - DECCW has provided recommended conditions of approval relating to noise for the proposed precinct assuming that a Staged development approval approach will be adopted.

5. CONTAMINATED LAND

DECCW advises that the land that is the subject of the proposed concept approval application was declared as a remediation site under the *Contaminated Land Management Act 1997* in June 2001 and is regulated under a Voluntary Management Proposal dated 14 September 2005 with Hunter Development Corporation (HDC).

The remediation undertaken on the site has been based on a strategy of containment of contaminants and is being undertaken in stages, known as Stage 1 and Stage 2(a). Stage 1 consisted of capping and re-contouring and installation of an in-situ barrier wall in the more contaminated portion of the site, known as Area 1. The Stage 1 work was carried out throughout 2008/2009 and is now considered to be complete.

Stage 2(a) works involve re-contouring and installation of a low permeability cap over the (remaining) less contaminated portion of the site, known as the Area 2 (a) – Port Lands in the VMP. The Stage 2(a) works have commenced and are intended to be undertaken synergistically with the proposed port redevelopment and the capital works are targeted for completion in 2012.

DECCW intends to regulate the ongoing maintenance of the site cap, barrier wall and groundwater monitoring under an ongoing maintenance order issued under section 28 or section 29 of the *Contaminated Land Management Act 1997*.

5.1 Low Permeability Capping and Contouring of the site

There is potential for damage to the previously contoured and capped surface of Area 1 (being the area of the site within the barrier wall) as a result of the proposed development (Volume 1, section 9.6.3). Area 2 will also be contoured and capped as part of the proposed development (Volume 1, section 9.6.3). Capping and contouring may affect the groundwater recharge into the contaminated fill by way of ponding and infiltration of waters through the capped surface.

DECCW concurs with the commitment in the EA to ensure development of the site would be carried out in accordance with the *Contaminated Site Management Plan (CSMP)*, prepared by HDC dated 2009, for the capping and contouring of Area 2 and reinstatement of any damaged capping in Area 1 in order to prevent disturbance of the contamination at the site. It is noted that the cap across Area 2 is to be of a uniform 0.5 metre thickness of permeability $K=10^{-7}$ as per DECCW correspondence to HDC dated 1 July 2010.

5.2 Protection of the Integrity of the Barrier Wall

Construction activities have the potential to impact on the integrity of the barrier wall (Volume 1, section 9.6.3). This may affect groundwater flow through the barrier wall into the contaminated fill in Area 1. DECCW concurs with the proposal that all construction works and operations in the vicinity of the barrier wall be undertaken in accordance with the CSMP prepared by HDC dated 2009 (section 11.11.2).

5.3 Construction of Buildings and Services

The EA identifies that buildings and service pits will be constructed on the site (Volume 1, section 9.6.4). All construction on the site must be undertaken in accordance with the requirements of the CSMP prepared by HDC dated 2009 which specifies that assessment of the risks to human health posed by the ingress of volatile vapours into buildings and confined spaces is required prior to commencement of construction of buildings and structures (including service pits) at the site (Appendix L, section 14).

5.4 Excavated Material Management

Excavated spoil material is anticipated to be generated during construction of the proposed concept. It is proposed to re-use this material on site as road/rail base or fill where possible (Volume 1, section 9.13.2). Excavated material (spoil) is not considered to meet the requirements for pre-classification General Solid Waste (Non Putrescible) in the *Waste Classification Guidelines* and the material should instead be classified in accordance with the *Waste Classification Guidelines* and managed in accordance with the CSMP.

5.5 Groundwater Monitoring

The EA does not provide any comment or commitment to groundwater monitoring to be undertaken as part of the development proposal. DECCW advises that the Voluntary Management Proposal requires groundwater monitoring is to be undertaken on the site until the EPA (DECCW) is satisfied the contamination at the site is no longer significant enough to warrant regulation or until there is equilibrium in groundwater conditions, at which time, the declaration of the site under the *Contaminated Land Management Act 1997* will be lifted. DECCW advises that HDC are currently carrying out the groundwater monitoring program in accordance with the Voluntary Management Proposal.

DECCW advises that once the declaration is lifted, longer term groundwater monitoring will be required at the site as part of an ongoing management order issued under s28 or s29 of the *Contaminated Land Management Act 1997*.

5.6 Drainage

The preliminary design stormwater strategy identifies that trunk drainage infrastructure as well as road and lot drainage would be undertaken synergistically with future individual developments within the site (Volume 1, section 9.6.2). While this is not incompatible with the Voluntary Management Proposal, DECCW considers that it would be preferable to have the drainage infrastructure installed in advance of any development of the site in order to ensure the drainage infrastructure is integrated and adequate.

5.7 Underground Storage Tanks

An on-site underground diesel fuel storage tank (approximately 10,000 litres) and an underground unleaded petrol tank (approximately 5,000 litres) and bowser are intended to be installed at the site (Volume 1, section 9.5.3 and 9.6.3). The EA identifies that underground fuel storage tanks will be constructed in accordance with the CSMP. DECCW recommends that the construction comply with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.

Recommended Conditions of Approval - DECCW has provided recommended conditions of approval in Attachment B reflecting commitments made in the EA and ensuring the implementation of the Voluntary Management Proposal occurs synergistically with the proposed development.

6. WATER QUALITY

The EA focuses on surface water management at the site and, as mentioned above, states that the final design and arrangement of stormwater drainage features would be developed as part of the individual project applications. The impact assessment indicates that all surface water generated at the site will be treated through standard stormwater treatment devices and would be directed to the western and eastern drains for discharge to the Hunter River.

DECCW acknowledges a number of stormwater monitoring locations have been identified across the site and that the proponent will develop a number of management plans to manage and effectively treat stormwater prior to discharge to the Hunter River during construction and operational phases of the project.

DECCW re-iterates comments made above regarding drainage and recommends drainage infrastructure be installed in advance of any individual lot development at the site to ensure the drainage system is adequately designed to treat all stormwater generated at the site and that remediation works are not compromised.

Recommended Conditions of Approval - DECCW has recommended that standard conditions of approval relating to water pollution (section 120 of the *Protection of the Environment Operations Act 1997*) apply to this proposal.

5. ABORIGINAL CULTURAL HERITAGE

DECCW acknowledges the site has been highly disturbed through past industrial land-use and concurs with the assessment provided.

Recommended Conditions of Approval - DECCW has recommended standard conditions of approval relating to actions to be taken, should any aboriginal items be uncovered during the project.

6. THREATENED SPECIES

DECCW acknowledges that the proposal is unlikely to have a significant impact on threatened species, particularly given the disturbed nature and previous land use of the site.

Recommended Conditions of Approval - DECCW has not proposed any specific recommended conditions of approval relating to threatened species for the proposal.

7. WASTE

Waste streams are listed in section 9.13 (Volume 1) of the EA which proposes waste management plans for the construction and operation phases of the project. The EA states that will be classified in accordance with DECCW's *Waste Classification Guidelines* and will be disposed of in a lawful manner.

Recommended Conditions of Approval - DECCW has recommended standard waste conditions of approval for consideration in Attachment B.

- End -

16 September 2010

ATTACHMENT B

**DECCW COMMENTS ON ENVIRONMENTAL ASSESSMENT
MAYFIELD SITE PORT-RELATED ACTIVITIES CONCEPT PLAN (MP09-0096)**

Note: Although the Environment Protection Authority is now a part of DECCW, certain statutory functions and powers continue to be exercised in the name of the EPA. This includes licensing functions under the *Protection of the Environment Operations Act 1997*. In these instances, reference is made to the EPA instead DECCW.

ADMINISTRATIVE CONDITIONS

Works to be undertaken in accordance with information supplied

1. Except as provided by these general terms of approval, the works and activities shall be undertaken in accordance with the proposal contained in:
 - (a) The major project application no. 09_0096 submitted to the Department of Planning;
 - (b) The document '*Environmental Assessment - Mayfield Site Port-Related Activities Concept Plan - Volume 1-5*' prepared by AECOM and dated July 2010;unless otherwise specified in these conditions of approval.

Obligation to Minimise Harm to the Environment

2. The proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, maintenance, decommissioning or rehabilitation of the project.

Maintenance of plant and equipment

3. All plant and equipment installed at the premises or used in connection with the proposal:
 - (a) shall be maintained in a proper and efficient condition; and
 - (b) shall be operated in a proper and efficient manner.

**Air
Dust**

4. The premises shall be maintained and operated in a condition which minimises or prevents the emission of dust from the premises.

Alternate Marine Berth Power Source

5. The proponent shall ensure that the berth design provides for the installation of shore side power.

NOISE

6. Prior to the occupation of individual lots at the Mayfield site, the proponent shall confirm, to the satisfaction of the Director-General, the derivation of criteria presented in the EA, in accordance with the Industrial Noise Policy, having regard to the amenity categories, and the noise measurement results in recent proposals for other developments in the area, and based on the existing level of industrial noise.
7. Prior to the occupation of individual lots at the Mayfield site, the proponent shall confirm, to the satisfaction of the Director-General, the precinct criteria presented in Table 11-5 of the EA, based on the results of condition 6.
8. The proponent shall develop and maintain a computer-based noise prediction model for the site, to the satisfaction of the Director-General. The model shall be updated with details of each individual operator at the project application stage and shall be used to assess performance against the precinct criteria and the derived criteria for the site as a whole, determined by conditions 6 and 7.

CONTAMINATED LAND

9. All construction and infrastructure works undertaken on the site shall be undertaken in accordance with the *Contaminated Site Management Plan (CSMP)* prepared by Hunter Development Corporation, dated 2009.
10. Assessment of the risks to human health posed by the ingress of vapours into buildings and confined spaces is required prior to the commencement of the construction of buildings and structures (including service pits) at the site as required in the CSMP. The vapour assessment must verify that the vapour intrusion risk in the proposed buildings and confined spaces will be acceptable prior to the construction and occupation/ use of the buildings and infrastructure.
11. As required in the CSMP, confirmation from a site auditor accredited under the *Contaminated Land Management Act 1997* shall be obtained:
 - i. to identify that the design of proposed Project Works includes suitable and appropriate remediation and risk management controls and complies with the requirements of the CSMP; and,
 - ii. prior to occupation or use of any project works to confirm that the project works have been carried out in such a manner that the site is suitable for the proposed use.

A Site Audit Statement must certify suitability for the proposed use, subject to a long term environmental management plan that is specific to the area to which the Site Audit Statement applies.
12. Classification of excavated material (spoil) should be undertaken in accordance with the *Waste Classification Guidelines* and the excavated material should be managed in accordance with the CSMP.
13. Construction of the Underground Storage Tanks shall comply with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.

WATER QUALITY

14. Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* shall be complied with in connection with the carrying out of the development.
15. Soil and water management controls must be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).

ABORIGINAL CULTURAL HERITAGE

16. If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The NSW Police, the Aboriginal community and DECCW are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, DECCW should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by DECCW. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the NSW Police and DECCW.
17. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s) or are managed in accordance with an approved methodology. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by DECCW) and the management outcome for the site included in the information provided to the AHIMS.
18. An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with relevant local Aboriginal stakeholders.

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WASTE

19. Hazardous or industrial waste shall be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by DECCW.

-End-

16 September 2010



Office of Water



Infrastructure Projects
Department of Planning
PO Box 39
SYDNEY NSW 2001

23 August 2010

Attention: Lisa Chan

Department of Planning
Received
26 AUG 2010
Scanning Room

Contact: Jennifer Gerrard
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Our ref: MPER 20590
Your ref: MP 09_0096

Dear Lisa

Subject: Concept Plan for Port Terminal Facilities at Mayfield (MP 09_0096)

NOW has completed its review of the Environmental Assessment (EA) and supplementary information supplied for the proposed Port Terminal Facilities at Mayfield – Concept Plan. While the EA has been submitted for the concept plan, NOW is concerned that it has not addressed one of the key issues outlined in the Director General's Requirements for water issues outlined under both General Requirements and Key Issues – Water, which detailed consideration of waterfront structures. Attachment A provides comments on this issue.

Considering the extensive remediation that has been undertaken on site in preparation for this proposal, NOW finds that the EA provides adequate description of the environmental risks of the development in regards to surface water and groundwater (with the exception of waterfront structures). Therefore NOW provides general comments (Attachment A) in regards to the specific proposed precinct projects yet to be submitted for the Part 3A process.

While the Construction Environmental Management Plans (CEMPs) and Operational Environmental Management Plans (OEMPs) are not expected to be submitted until each specific precinct proposal is submitted for approval, NOW expects that groundwater and surface water monitoring will be included in the preparation of the CEMPs and OEMPs.

Please contact Jennifer Gerrard on 4904 2516 if you require any further information regarding this matter.

Yours sincerely

Mark Mignanelli
Manager Major Projects and Assessment

**NOW COMMENTS ON ENVIRONMENTAL ASSESSMENT
CONCEPT PLAN FOR PORT TERMINAL FACILITIES AT MAYFIELD (REFERENCE MP 09_0096)**

NSW Water Legislation

The *Water Management Act 2000* (WMA 2000) and the *Water Act 1912* allow for sustainable and integrated management of water sources of the State. Some activities detailed in the concept proposal will require dewatering such as installation of underground fuel storage tanks. While the dewatering may only take place over a short period of time, it is an activity that requires a licence under the *Water Act 1912*.

Riparian Protection

While the Environmental Assessment (EA) shows an existing sheet pile wall, there is no discussion as to the condition of the pile wall or what form the waterfront structures at the remainder of the berthing precincts will take. This information is required to ensure that bank stability will be retained. The Director Generals Requirements (DGR's) directed that the EA must provide "*consideration of the land and water interface and any proposed waterfront structures*". NOW's detailed recommended DGR's submitted to Department of Planning (DoP) stated the following:

"The assessment is required to consider the impact on riparian areas and provide the following in relation to *waterfront land* as defined in the WMA 2000:

- An evaluation of the proposed methods of excavation, construction and material placement.
- A detailed description of all potential environmental impacts of any proposed development in terms of vegetation, sediment movement, water quality and hydraulic regime.
- A description of the design features and measures to be incorporated into any proposed development to guard against long term actual and potential environmental disturbances.
- Details of the impact on water quality and remedial measures proposed to address any possible adverse effects."

Although Part 3A Major Projects are exempt from requiring a controlled activity approval (refer to section 75U of the *Environmental Planning and Assessment Act 1979*) the assessment is required to take into account the objectives and provisions of relevant legislation and guidelines.

Waterfront Structures

The assessment for the Berth Precinct is required to provide a detailed description of proposed waterfront structures including wharves, berthing facilities, foreshore reclamation and retaining walls and provide details of the impact of these structures on the waterbody environment including bed and bank stability and water flow and function.

Protection of Groundwater resources

The Proponent shall obtain a license for dewatering activities under the *Water Act 1912*.

Site Remediation Plan

The individual project applications should not impinge on the completion of remediation works, by allowing for appropriate timelines for completion of remediation and commencement of construction of the precincts.