

Planning Proposal



60-80 Sandgate Road, Wallsend

March 2013

CONTENTS

SUMMARY OF PROPOSAL	ii
BACKGROUND.....	ii
SITE.....	iii
PART 1 - OBJECTIVES OR INTENDED OUTCOMES	1
PART 2 - EXPLANATION OF PROVISIONS	1
PART 3 – JUSTIFICATION	2
Section A - Need for the planning proposal	2
Section B - Relationship to strategic planning framework	3
Section C - Environmental, social, and economic impact	9
Section D - State and Commonwealth interests.....	10
PART 4 – MAPPING	11
PART 5 – COMMUNITY CONSULTATION.....	18
PART 6 – PROJECT TIMELINE.....	19
 ATTACHMENT A	
Letter to applicant from NSW Environment Protection Authority regarding contamination of land at 64 - 80 Sandgate Road, Wallsend	20

60-80 SANDGATE ROAD, WALLSEND

Summary of Proposal

Proposal	Rezone part of 60-80 Sandgate Road, Wallsend to Zone R2 Low Density Residential	
Property Details	60-80 Sandgate Road, Wallsend	Lot 2 DP 608814 and Lot 111 DP 541783
Applicant Details	One Steel Recycling Pty Ltd	

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable low density residential development.

The land is zoned E2 Environmental Conservation zone and E3 Environmental Management zone under Newcastle LEP 2012. Residential development is prohibited within these zones.

The land was previously zoned 7(c) Environmental Investigation under Newcastle LEP 2003. Under this zoning housing for seniors and housing for persons with a disability were permitted with consent through State Environmental Planning Policy (Housing for seniors or people with a disability) 2004.

Generally land zoned 7(c) under the 2003 LEP was converted to an E4 Environmental Living with the Newcastle LEP 2012, however as this site was formerly used for metal recycling the use of the site is restricted until a remediation plan has been prepared.

The applicant lodged a development application (DA 2010/1763) for a Seniors Living Development including 29 x 2 bed, 17 x 3 bed dwellings and community hall (staged development) on the site. Although this application was lodged under Newcastle LEP 2003, Council at its meeting of 19 March 2012 resolved to refuse the application for reasons listed below:

- 1 The site of the proposed development is not suitable for the proposed development due to contamination [Section 79C(1)(c) Environmental Planning and Assessment Act 1979].
- 2 The site of the proposed development is not suitable for the proposed development due to flooding [Section 79C(1)(c) Environmental Planning and Assessment Act 1979].
- 3 Submissions received in response to public notification of the development application have raised issues of a nature and extent that establish that the proposed development will have unreasonable impacts [Section 79C(1)(d) Environmental Planning and Assessment Act 1979], and
- 4 The proposed development is contrary to the public interest [Section 79C(1)(e) Environmental Planning and Assessment Act 1979].

This refusal is the subject of an ongoing appeal in the Land and Environment Court.

Site

The site comprises land at 64-80 Sandgate Road, Wallsend described as Lot 2 DP 608814 and Lot 111 DP 541783. The site has a total area of 9.778 hectares, however the area subject to which this planning proposal comprises is only a portion of this area, being 1.55 hectares.

Sandgate Road runs along the southern boundary of the site, and Dark Creek is located within the site along the northern boundary. In this regard, the site currently drains to this creek, or through a small drainage channel through the centre of the site. Further north is the Greyhound Racing Track and vacant land, which eventually connects to the Hexham Swamp Nature Reserve. Directly to the west of the site and the opposite side of Sandgate Road contains existing lower density residential development (see **Figure 1: Local Context of Site**).

The previous use of the site was a scrap metal and recycling operation. This industrial activity ceased in 1999, and the buildings associated with this use were demolished to slab level in 2008. Since the closure of the metals recycling facility, the site has remained vacant, and has been occasionally used for overflow parking for the adjacent Greyhound Racing Track.

The site does contain some native vegetation, mainly limited to the creek line and street frontage. In addition there is a row of planted trees in the centre of the site running north-south (see **Figure 2: Air Photo of Site**).



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastral

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary

WALLSEND

BIRMINGHAM GARDENS

JESMOND



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable low density residential development on the subject land at 60 – 80 Sandgate Road Wallsend.

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objective of this planning proposal is achieved by the following amendments to Newcastle LEP 2012 in relation to the subject land:

1. Amend the Zone Map from part E2 Environmental Conservation zone and part E3 Environmental Management zone to part R2 Low Density Residential zone, and maintain the current zoning of the residual land.
2. Amend the height of building map for part of the land to show a maximum building height of 8.5m.
3. Amend the Floor Space Ratio Map for part of the land to reflect a maximum floor space ratio of 0.6.
4. Amend the Minimum Lot Size Map to show a minimum lot size of 450m² over the subject land.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No; the planning proposal is a result of a request by the applicant to enable the redevelopment of the land to part residential whilst maintaining the current zoning on the residual of the land.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes the planning proposal is the best means of enabling low density residential development on part of the land.

Other options including the use of Schedule 1 Additional Permitted Uses, or amending the list of permissible uses within the zone, and were both considered unsuitable.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The proposal will contribute to generating additional housing opportunities and is therefore considered consistent with this aim.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy (NUS) is the major strategic land use study for the Newcastle local government area.

The NUS identifies Wallsend as a sub-regional centre within the Newcastle local government area.

The proposal is consistent with the objectives of the NUS for Wallsend. In particular the proposal will facilitate greater housing choice in Wallsend, which will allow elderly people to remain in Wallsend.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	
State Environmental Planning Policy No 21—Caravan Parks	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes, there are no known records of koalas on site.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 47—Moore Park Showground	No	
State Environmental Planning Policy No 50—Canal Estate Development	No	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	Yes, The site was previously filled with materials including slag from the former Pasminco Smelter at Cockle Creek.	Yes, from the information provided by the applicant as part of DA 10/1763 Council is satisfied that the contamination identified on the site can be remediated to enable the intended uses of the proposed zoning. A letter to the applicant from the NSW Environmental Protection Authority dated 14/2/2012 confirmed the above position. This letter is included as Attachment A of this planning proposal.
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	No	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	No

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	No	
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes, the proposal will reduce the environmental protection standards that apply to the land due to the change in zone and development standards including a reduction in minimum lot size.	Yes, the site does not contain environmentally sensitive areas that will be adversely impacted by the proposal. On the contrary, the riparian zone that runs between Dark Creek and the site would be vastly improved from works resulting from development which may occur if the land were rezoned.
2.2 Coastal Protection	No	

S117 Direction	Applicable	Consistent
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes, works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	Yes, the land subject to this planning proposal is identified as flood prone land but is not located in a floodway. Consultants BMT WBM Pty Ltd advised <i>"that the proposed development on Sandgate Road is expected to have minimal impact on local Dark Creek flood behaviour, or on regional flood behaviour associated with the Hunter River and the immense flood storage provided by Hexham Swamp."</i> Furthermore they advised that <i>"the site once filled will not be affected by flash flooding in Dark Creek and will be higher than 100 year flood level in Hunter River / Hexham Swamp"</i> .
4.4 Planning for Bushfire Protection	Yes	A Bushfire Protection Assessment has been prepared by Australian Bushfire Protection Planners (ABPP), which concluded that the vegetation across the greater site consists of grazed grassland which is not deemed to be bushfire prone. While it is still the intention that this land continues to be grazed, an Evacuation Plan for the development is required. The management strategies included in the Bushfire Assessment will be adopted as part of the construction documentation for future residential development. Council will consult with the Commissioner of the NSW Rural Fire Service prior to community consultation.

S117 Direction	Applicable	Consistent
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is cleared and does not contain any significant vegetation, hence no threatened species, critical habitat, ecological communities or their habitat are identified on the land.

A Flora and Fauna Assessment undertaken by RPS HSO confirmed that no threatened or endangered flora or fauna species have been located within the subject land.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Bushfire

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Traffic Impacts and Vehicular and Pedestrian Access

The site is accessible to Sandgate Road. Any likely impacts on local traffic generated from future development may be addressed at the DA stage.

9. Has the planning proposal adequately addressed any social and economic effects?

No items of European or Aboriginal cultural heritage have been identified on the land.

The planning proposal will enable an extension of the adjoining residential land use. Furthermore, the proposal will provide opportunities for a greater choice in housing and will contribute to the local economy of Wallsend Commercial Centre.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes, the site is adequately serviced with infrastructure. Availability of water and sewer was confirmed with Hunter Water as part of the previous DA for seniors living development.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The applicant has consulted with the NSW Environmental Protection Authority regarding contamination on the land. A copy of this correspondence is included as **Attachment A** of this planning proposal.

No other State or Commonwealth public authorities were consulted in preparing this planning proposal. However such consultation will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Min Lot Size Map
- **Figure 8:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

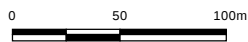
-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Zone

-  B1 Neighbourhood Centre
-  B2 Local Centre
-  B3 Commercial Core
-  B4 Mixed Use
-  B5 Business Development
-  E1 National Parks and Nature Reserves
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living
-  IN1 General Industrial
-  IN2 Light Industrial
-  IN3 Heavy Industrial
-  R2 Low Density Residential
-  R3 Medium Density Residential
-  R4 High Density Residential
-  RE1 Public Recreation
-  RE2 Private Recreation
-  SP1 Special Activities
-  SP2 Infrastructure
-  W2 Recreational Waterways
-  UL Unzoned Land

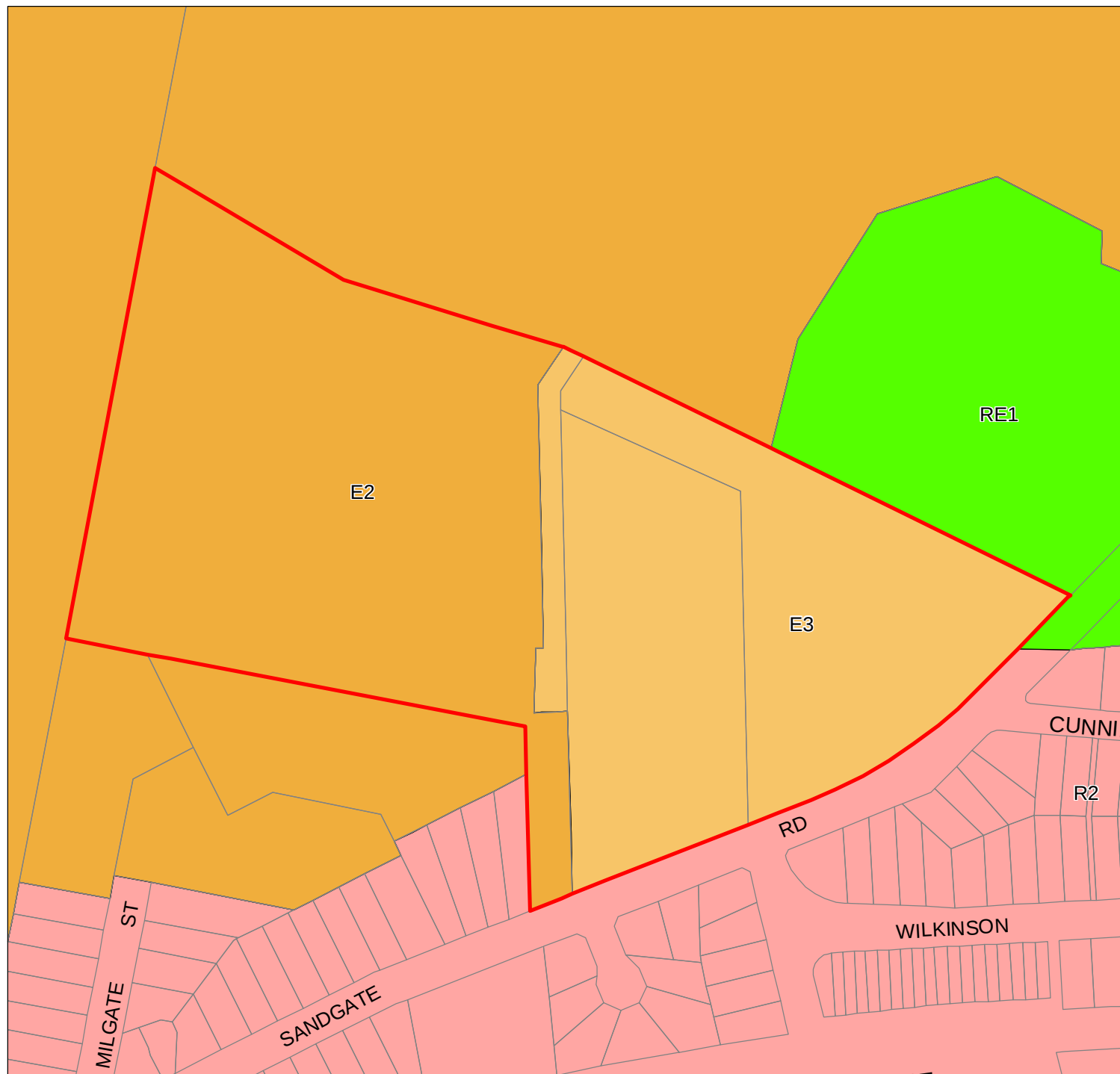


Projection GDA 1994
Zone 56



Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastrre

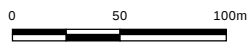
-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

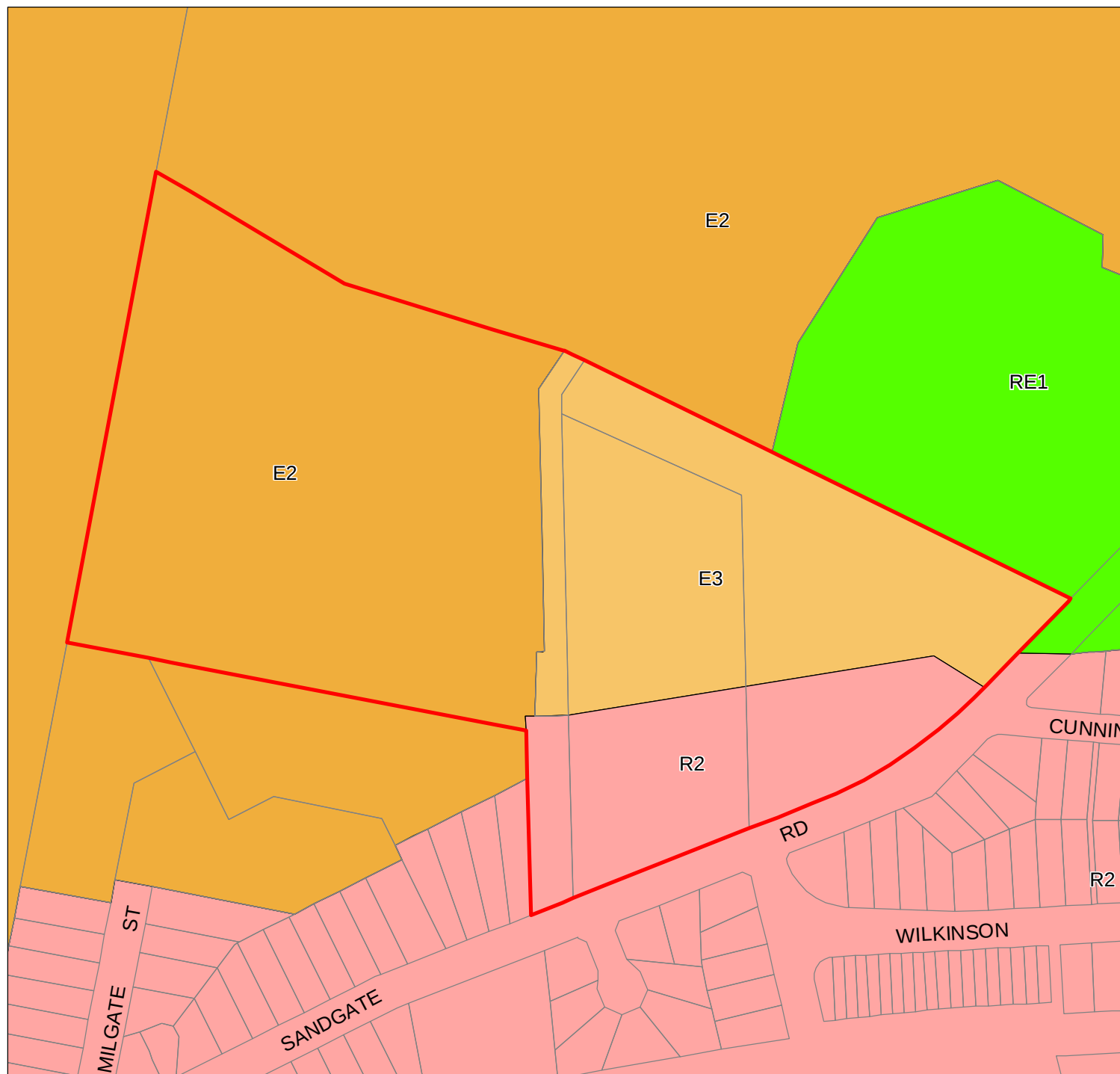


Projection GDA 1994
Zone 56



Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

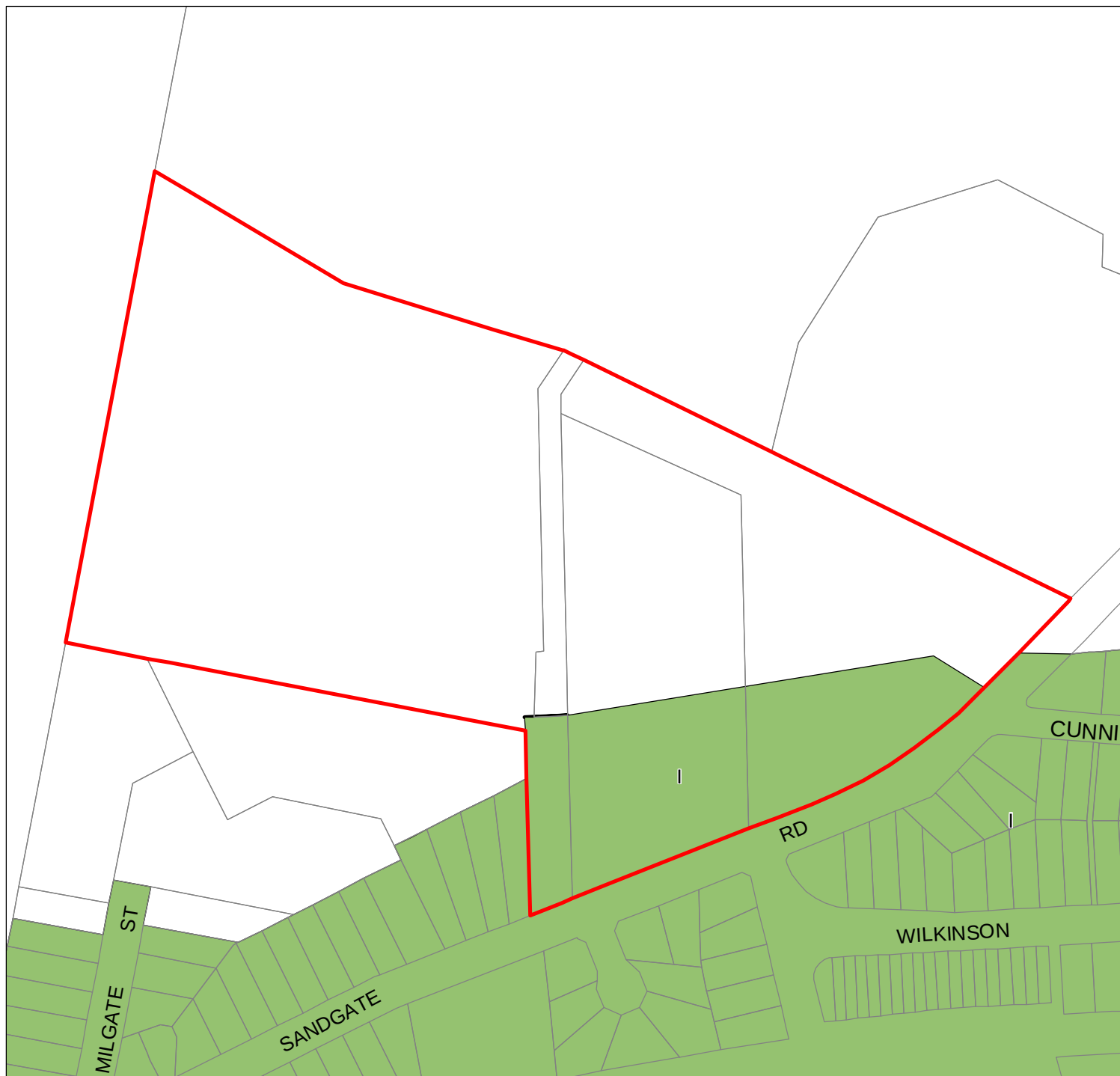


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

	F	0.6
	I	0.75
	L	0.9
	N	1
	S	1.5
	T	2
	U	2.5
	V	3
	X	4
	Z	5
	AA	6
	AB	7
	AC	8

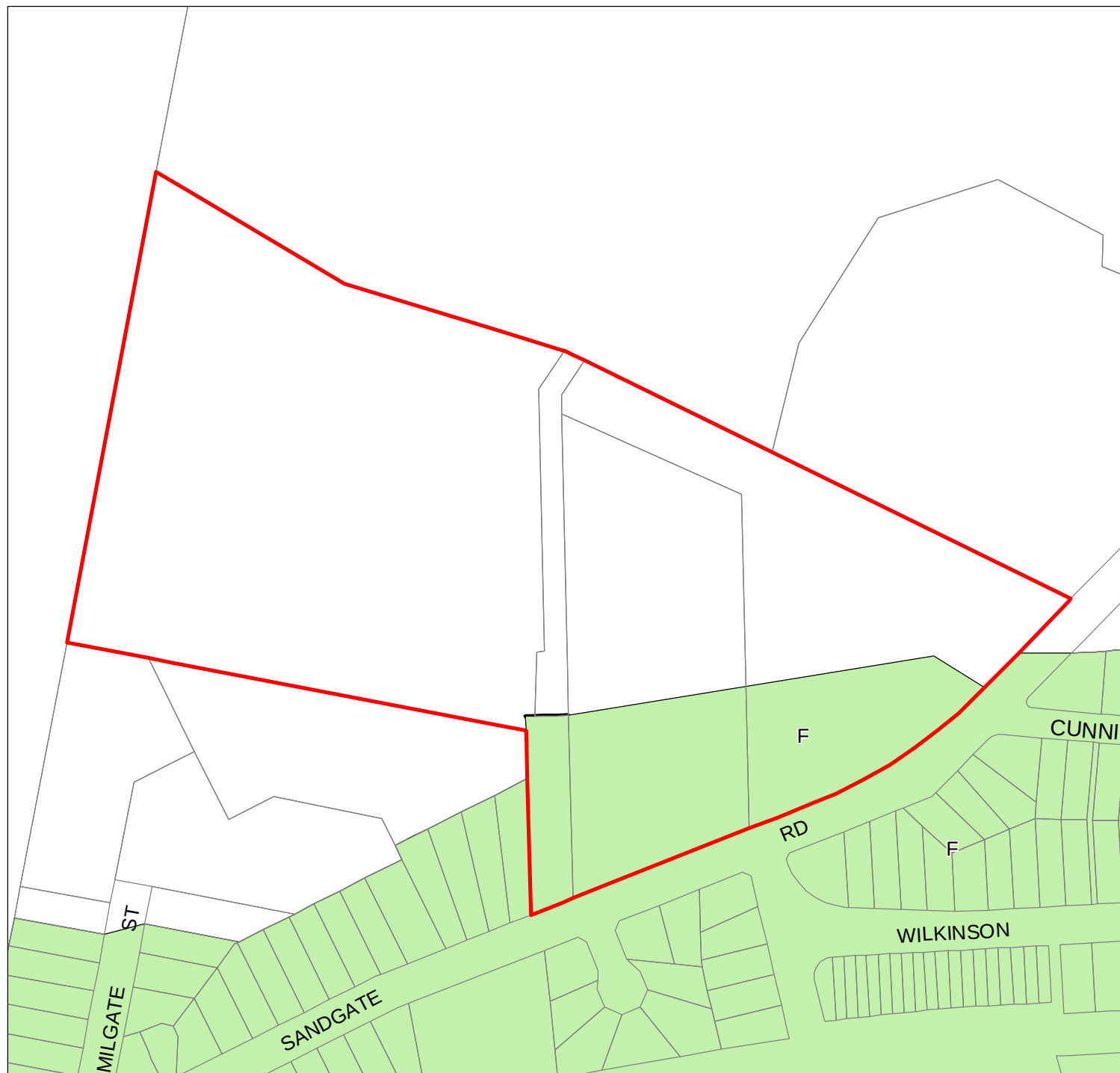


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Max Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

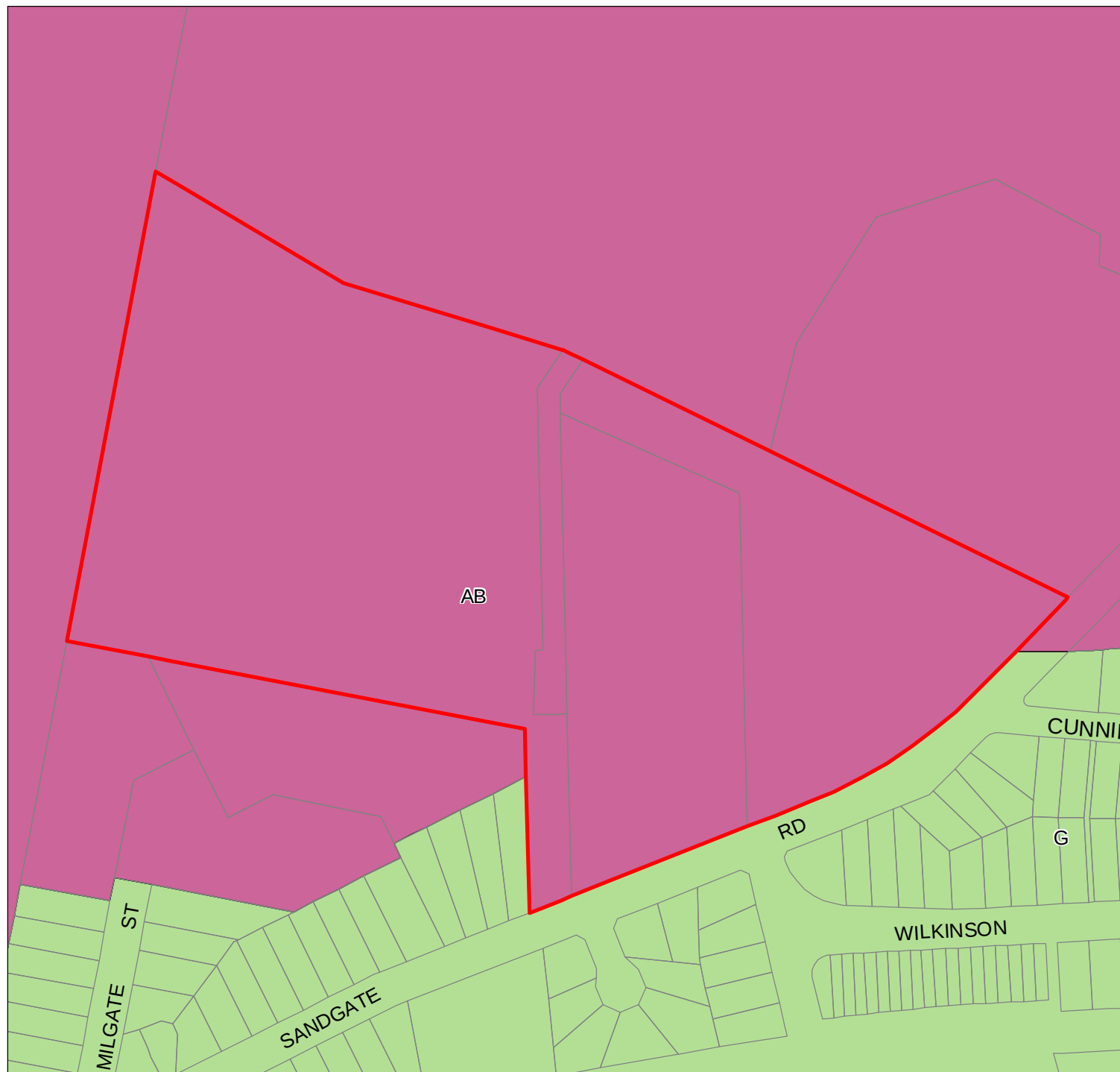


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Existing Min Lot Size Map





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

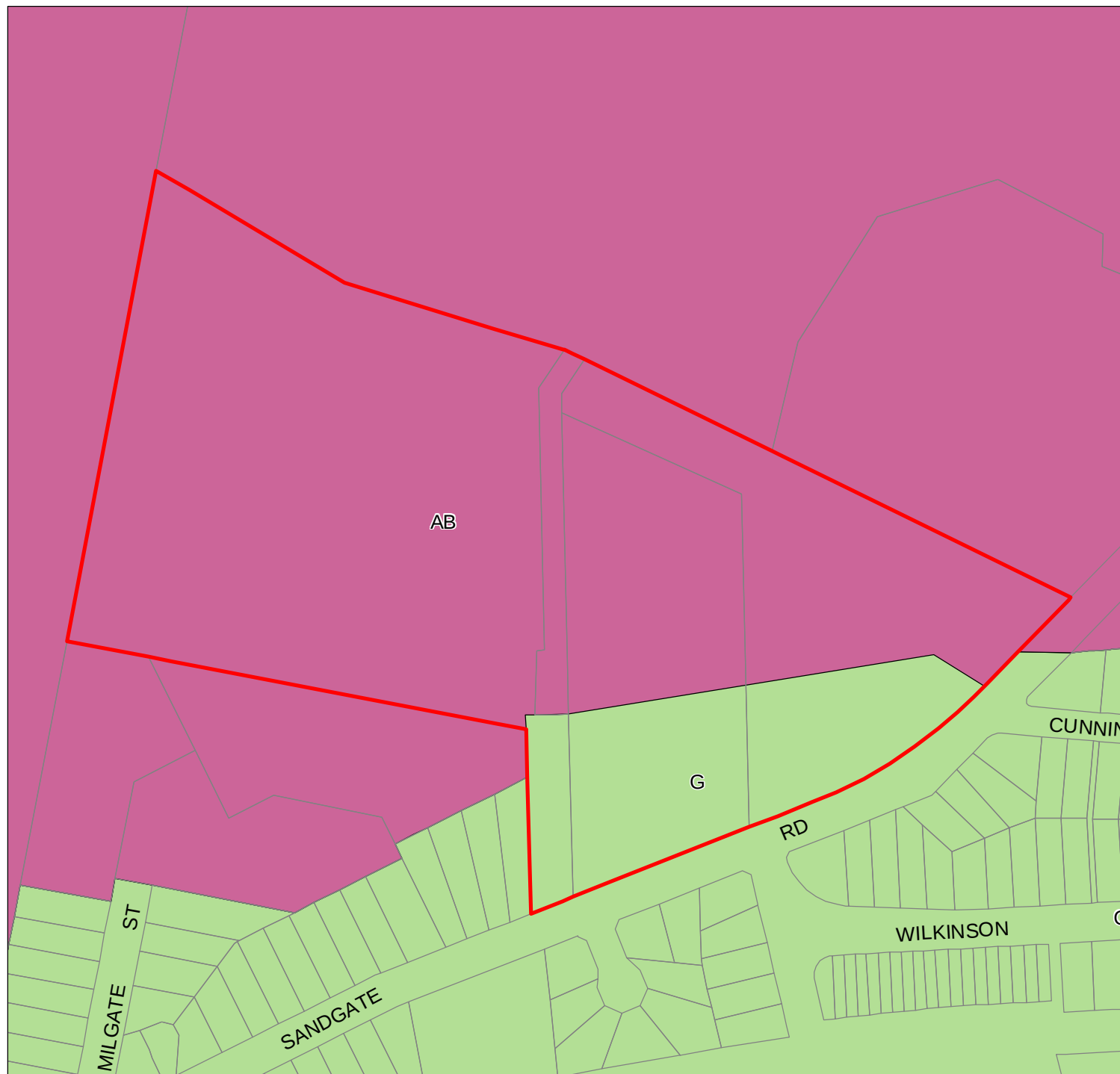


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Min Lot Size Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- Roads and Maritime Services
- Rural Fire Service

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within seven months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Attachment A

Letter to applicant from NSW Environment Protection Authority regarding contamination of land at 64 - 80 Sandgate Road, Wallsend.

Your reference: none
Our reference: FIL07/8910-02 :DOC12/3267
Contact: E Wilson 02 9995 5615

Attn. Gregor Riese
Property & Risk Manager - Recycling
OneSteel Recycling Holdings Pty Ltd
Level 10, 124 Walker Street
NORTH SYDNEY NSW 2060

Dear Mr ~~Riese~~ *Gregor*

**Section 12 Assessment
Former OneSteel Recycling Yard,
64-80 Sandgate Road, Wallsend**

Thank you for forwarding the updated groundwater data as requested. We have assessed the data in light of previous reports and concluded that the reported background groundwater conditions are most likely naturally occurring (BHe42).

The data indicates that groundwater levels have been rising and that the very low pH conditions recorded were most likely due to acidification and scalding during the recent drought. On the basis of available information there does not appear to be an up-gradient source of contamination

We are still of the view that there are no reasons to believe the contamination at the site is significant enough to warrant regulation under the Act for the following reasons:

- direct human exposure to the contamination is prevented by the site fencing; and
- fill material on the site has low leaching characteristics and does not appear to impact groundwater quality.

It is still considered that risks posed by the residual contamination that may arise on future changes in use, or on development of the site, can be appropriately managed under the planning process and implementation of State Environmental Planning Policy (SEPP) No. 55. We concur with the proposed capping of the fill and implementation of the Environmental Management Plan. We also recommend implementation of appropriate OH&S protocols for workers undertaking excavations at the site.

If you have any questions on this matter, please contact Ean Wilson on (02) 9995 5615.

Yours sincerely

NJL 14/2/12

NIALL JOHNSTON
Manager Contaminated Sites
Environment Protection Authority
CC Newcastle City Council