

COUNCIL ASSESSMENT REPORT

Panel Reference	2018STH013
DA Number	DA/0276/1718
LGA	Goulburn Mulwaree Council
Proposed Development	Remediation of contaminated soil and groundwater and demolition of structures on the former Goulburn Gasworks site & adjacent foreshore area
Street Address	1 Blackshaw Road, Goulburn NSW 2580
Applicant/Owner	Jemena Gas Networks (NSW) Ltd
Date of DA lodgement	23 February 2018
Number of Submissions	0
Recommendation	Conditional Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>Council related development over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million if:</p> <p>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</p> <p>(b) the council is the owner of any land on which the development is to be carried out, or</p> <p>(c) the development is to be carried out by the council, or</p> <p>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</p>
List of all relevant s4.15(1)(a) matters	<p>Acts of legislation:</p> <ul style="list-style-type: none"> ▪ Environmental Planning and Assessment 1979, ▪ Contaminated Land Management Act 1997. <p>Environmental Planning Instruments:</p> <ul style="list-style-type: none"> ▪ State Environmental Planning Policy (State and Regional Development) 2011, ▪ State Environmental Planning Policy No 55- Remediation of Land, ▪ State Environmental Planning Policy (Infrastructure) 2007, ▪ State Environmental Policy (Sydney Drinking Water Catchment) 2011, ▪ Goulburn Mulwaree Local Environmental Plan 2009, ▪ Draft Goulburn Mulwaree Local Environmental Plan 2009-Amendment No. 8 & 10

	<ul style="list-style-type: none"> ▪ Draft Goulburn Mulwaree Local Environmental Plan 2009 (150-170 Lansdowne Street Goulburn & 1 Racecourse Drive Goulburn) <p>Relevant development control plan:</p> <ul style="list-style-type: none"> ▪ Goulburn Mulwaree Development Control Plan 2009. <p>Relevant regulations:</p> <ul style="list-style-type: none"> ▪ Environmental Planning and Assessment Regulations 2000.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> ▪ Remediation of the former Goulburn Gasworks Site Statement of Environmental Effects, prepared by GHD, dated 16/02/2018 (accessed via Council's Objective Connect document access system) ▪ Figure 2-1 - Existing site context and lot boundaries (attached to email sent with report to JRPP) ▪ Figure 3-1 - Indicative remediation zones (attached to email sent with report to JRPP) ▪ Figure 5-9 REV A - Trees potentially requiring removal (attached to email sent with report to JRPP) ▪ Stormwater concepts plans 21-25081-C001 and C002 (attached to email sent with report to JRPP) ▪ Development Application No. DA/0276/1718 - Supporting Information, prepared by Jemena, dated 21/05/2018 (attached to email sent with report to JRPP) ▪ Water treatment and beneficial re-use of water, prepared by Jemena, dated 24/04/2018 (attached to email sent with report to JRPP) ▪ Remediation of former Goulburn Gasworks: Aboriginal Cultural Heritage Due Diligence Assessment, prepared by Biosis, dated 14/05/2018 ▪ Heritage Referral Response- Development Application No. DA/0276/1718, prepared by Jemena, dated 26/03/2018 ▪ Former Goulburn Gasworks Remediation Action Plan Final, prepared by GHD, dated 30/11/2017 ▪ Statement of Heritage Impact – the former city of Goulburn gas and coke works, 1 Blackshaw Road Goulburn NSW, prepared by JCIS Consultants, dated 18/01/2018 ▪ Remediation of the former Goulburn gasworks Aboricultural Assessment, prepared by GHD, dated 16/02/2018 ▪ Appendix G Demolition of Structures, prepared by Jemena, dated 23/02/2018
Report prepared by	<p>Co-authored</p> <p>Dialina Day- Senior Development Assessment Officer</p> <p>Chris Hargood – Senior Development assessment Officer</p>
Report date	27 July 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

DA/0276/1718, 1 Blackshaw Road Goulburn, Remediation of contaminated soil and groundwater and demolition of structures on the former Goulburn Gasworks site & adjacent foreshore area

Executive Summary

A development application has been lodged with Goulburn Mulwaree Council for the remediation of contaminated soil and groundwater at 1 Blackshaw Road Goulburn and the adjacent foreshore land owned by Council. The Capital Investment Value of the proposal is \$12,597,207.51 (Excluding GST).

The land is formally declared as significantly contaminated and is currently the subject of a Voluntary Management Proposal (VMP) with the owner and the Environment Protection Authority.

All relevant matters of consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* have been addressed to the satisfaction of Council. The proposal is considered to have acceptable and positive environmental outcomes. Moreover, as the subject area of remediation works are on land that is within the Sydney Drinking Water Catchment area the proposal is considered to have neutral or beneficial impacts on the catchment area.

The contaminated land on the former gasworks site is predominantly contained to Zone E, accordingly Zone E is where the most extensive remediation works will be undertaken. Zone E also includes established vegetation in the form of a number of mature trees including the large Dutch Elm, grasses, regrowth and weeds. To facilitate the effective remediation of the contaminated land all the vegetation within Zone E will be removed. The application has also earmarked trees for removal in Zone D. Zone D adjoins Zone E and due to the extensive nature of the excavations required vegetation in this zone maybe required to be removed if tree root systems are impacted. Vegetation identified on the flat area of Zone B will be removed to facilitate the remediation works. Refer to Figure 5-9 Rev A – trees potentially requiring removal. While a loss of vegetation is regrettable the environmental outcomes of removing source contamination and remediating the contaminated land outweigh the proposed vegetation loss.

Following the primary assessment of the development application, the proposal is considered to have positive environmental impacts, subject to the recommended conditions of consent; accordingly, the application is supported for conditional approval as the principal objective is to remediate a significantly contaminated area of land within the Sydney drinking water catchment area. The remediation work will once completed ensure that the formal declaration of the land as ‘significantly contaminated’ can be withdrawn.

The application is referred to the Southern JRPP for determination as the consent authority under section 4.5 of the *Environmental Planning and Assessment Act 1979*.

The proposal warrants the support of the consent authority due to the significant environmental benefits it offers to both the future users of the site and the wider community. It is, therefore, recommended that the development application be approved subject to conditions provided under separate cover.

Background

A Development Application was lodged with Council on 23 February 2018 for remediation works to be carried out at the former Goulburn Gasworks site and adjacent foreshore area that is owned by Council.

The application was received after detailed consultation with Council staff through a pre-lodgement meeting held on 31 January 2018.

The site was declared in July 2013 as Significantly Contaminated by virtue of section 11 of the *Contaminated Land Management Act 1997*. A Voluntary Management Proposal (VMP) by the development proponent has resulted in the need to lodge a development application seeking consent for the remediation of soil and groundwater on the former Goulburn Gasworks Site and adjacent Council foreshore area. The VMP was approved by the NSW Environmental Protection Authority (EPA) on the 30th May 2018.

Proposed Development

Development application DA/0276/1718 is for the remediation of contaminated soil and groundwater on the former Goulburn Gasworks site known as 1 Blackshaw Road, Goulburn Lot 1 DP 986690, Lot 1 DP 743211, Lot 2 DP 168412 and Lots 1, 2, 4, 5 & 6, Section 21A, DP 758468 and the adjacent foreshore area. Refer to Figure 2-1 Existing site context and lot boundaries.



Location of development site and adjacent Council owned foreshore land (source: NSW Department of Finance, Services and Innovation (DFS) Spatial Services Division, April 2014).

The contamination and, therefore, the remediation works extend into southern section of the adjacent foreshore area located to the east of the former gasworks site which in turn adjoins the Mulwaree River. The foreshore land is classified as a public road, being a former crown road that was transferred to Council

in July 2012. Part of this land contains Alfred Street, which provides access to Council's water infrastructure. Refer to Figure 3-1 Indicative remediation zones.

The development proponent is intending to remediate the land to ensure that the land is capable of being used for purposes which are permissible in the approved land zoning.

The remediation works involve the treatment of contaminated soil and groundwater on-site and within the confines of the former gasworks site to remove and/or bind the contaminants and to prevent the leaching of contaminants into the surrounding environment when the treated soil is returned to ground. Upon completion of the remediation works the former topography of the gasworks site will be restored and the area capped with an asphalt pavement to prevent and reduce the potential for stormwater absorption into the remediated areas. The area of new asphalt and concrete pavement are shown on drawing 21-25081-C001 and C002 concept stormwater plans.

The proposed remediation works will involve the installation of subsoil in-ground retaining wall structures along the eastern boundary of the former gasworks site to stabilise the existing embankment and to reduce the potential for migration of contaminated groundwater to the foreshore of the Mulwaree River. Specifically, no remediation works are proposed to be undertaken to the embankment, this will remain intact; works to the foreshore area will be contained to the lower flat regions.

The remediation works within the foreshore area will remove all contaminated soil and replace it with Virgin Excavated Natural Material (VENM). Completion of the remediation work within the foreshore area will result in the footpaths and grassed areas being reinstated to the same former levels. The proposed works within the foreshore area will take place within 40 metres of the Mulwaree River, a Controlled Activity Approval will be required from Department of Primary Industries Water and this is being sought as part of this Development Application.

The proposed remediation to the foreshore area is a public space and used by members of the public for leisurely walks or runs. The proposed work will mean that this area will be temporarily removed from public uses for a short period of time. The remediation works to the foreshore area are stated to take approximately four weeks to complete, this timeframe is assessed as being reasonable given that there is the added burden of electricity infrastructure (power lines) that traverses the remediation area that will need to be relocated.

The proposed excavation works have the potential to result in ground water seepage into the excavation areas; such water ingress is to be treated as contaminated waste water that will require collection and treatment through the onsite water treatment plant. The treated waste is to be disposed onto private land with the prior consent of the landholder (Golf club). An application has been made to Council to dispose of a quantity of the treated water to Council's sewer via a trade waste approval. To assist in mitigating water seepage and flooding risks it is proposed that the remediation works would be carried out during the drier months.

The proposal will implement mitigation strategies to alleviate potential impacts from the proposed remediation, such as odour and air quality impacts, noise impacts from machinery undertaking works, dust control of stockpiles, waste management, impacts from flooding, traffic/pedestrian control, sediment and erosion control, emission control devices for machinery and hours of work.

The gasworks site contains several buildings and other free standing open structures; one of the principal buildings is of heritage significance, this building is to be afforded protection and monitoring during the works. The remediation works will require the demolition of the open free standing structures located in Zone E and the building located in Zone A immediately adjacent to Zone E.

The development has a Capital Investment Value of over \$5 million (\$12,597,207.51) with Goulburn Mulwaree Council being the owner of part of the contaminated land on which the remediation work is proposed to be carried out. The development proposal is classified as Regional Development and the Southern Joint Regional Planning Panel (JRPP) is the determining authority.

Site Context

The land being the former gasworks is irregularly shaped and located between the Goulburn-Sydney railway line to the north-west and the Mulwaree River to the south-east. The land is accessed directly off Blackshaw Road. The land slopes from north-west to south-east and particularly towards the south eastern boundary. The land contains various buildings and ancillary structures and was formerly used for the production of gas. The land has remained unused since gas production ceased due to its contaminated state.

The foreshore area is relatively flat up to the banks of the Mulwaree River and is used for passive recreation by members of the public and for vehicular access to Council's water infrastructure via Alfred Street.

The contaminated land is surrounded by commercial development to the west, industrial development to the south, residential development and Council infrastructure to the north and the golf course to the east.

The gasworks site is zoned B4 Mixed Use. The foreshore area is zoned RE1 Public Recreation. The proposed development is classified as Environmental Protection Works, being:

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

Environmental Protection Works are a permissible use with consent in the B4 Mixed Use and RE1 Public Recreation zones.

Consultation and Submissions made in accordance with Act or Regulations

Public Submissions

The proposal is considered to be advertised development under clause 13 of State Environmental Planning Policy No. 55- Remediation of Land. The proposed development was advertised in the local newspaper (Goulburn Post) for 30 days and advertised on Council's website for the same period. A site notice was also placed at the subject site for the same period.

The proposed development is also 'advertised development' (nominated integrated development) under clause 5 of the *Environmental Planning and Assessment Regulation 2000* as the development proposal is integrated development and requires an approval under the *Water Management Act 2000*. The period for public notification is 30 days.

The proposal was also notified to sixteen (16) adjoining/adjacent property owners.

Following the advertised period, no submissions were received.

External Referrals

The development proposal was referred to the following external agencies:

Department of Primary Industries (DPI) Water under section 91 of the *Water Management Act 2000*. This classifies the proposal as Integrated development as proposed remediation work is to take place within 40 metres of the Mulwaree River. An approval has been obtained and the General Terms of Approval (GTA) have been included in the recommended conditions of consent.

NSW Environmental Protection Authority (EPA) have been consulted and the following recommendations will be included in the conditions of consent:

- The development proponent shall engage a site auditor, accredited under the *Contaminated Land Management Act 1997*. The site auditor must review the adequacy of assessments, unexpected finds protocol, any remedial works and Long Term Environmental Management Plan (LTEMP) required and/or confirm that remediation objectives have been met and the suitability of land use.
- All environmental reports shall comply with the requirements of the *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant. Reference shall be made to EPA's Contaminated Land Consultant Certification Policy.
- All contamination assessment and remediation works at the site shall be carried out in accordance with the requirements of the following guidelines:
 - o Guidelines for the NSW Site Auditor Scheme (3rd Edition) 2017
 - o Guidelines for Consultants Reporting on contaminated sites, 2011
 - o Guidelines for the Assessment and Management of Groundwater contamination; NSW Department of Environment and Conservation (DEC) 2007
 - o The National Environment Protection (assessment of contamination) measures 2013 as amended.
 - o Information for the Assessment of Former Gasworks Sites, NSW DEC, July 2005
 - o Managing Land Contamination – Planning Guidelines (1998)
- The remedial works, validation report and LTEMP shall be carried out in accordance with the current Voluntary Management Proposal (VMP) approved by the Environment Protection Authority (EPA).
- Transportation of waste shall be carried out in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
- A Site Audit Statement shall be issued by an accredited Site Auditor upon the completion of the development, in accordance with the timeframe specified in the Voluntary Management Proposal (VMP) approved by the EPA, certifying that the site has been remediated to be suitable for commercial and light industrial land uses.
- In accordance with clause 17 of *State Environmental Planning Policy No 55- Remediation of Land*, the development proponent is required to submit to Council a notice of completion of remediation work within 30 days after the completion of the remediation work. The notice of completion shall be in accordance with clause 18 of this Policy.

Australian Rail Track Corporation (ARTC) under subdivision 2 of Division 15 of Part 3 of *State Environmental Planning Policy (Infrastructure) 2007*. No objection was given to the development proposal subject to a condition requiring that if there is any excavation to a depth exceeding 2 metres within 25 metres of the location of the railway corridor, further consultation will be required with the ARTC.

The proposed plans indicate that the remediation work will occur a minimum distance of 30 metres from the railway corridor. As the nature of the proposed remediation work may result in unknowns regarding the vertical and lateral extent of excavation as outlined in the SEE, it is recommended that this condition is included.

Essential Energy under clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*. The proposed remedial works within the Council foreshore land will take place beneath existing powerlines which run parallel to the north-west side of the Mulwaree River. Essential Energy provided a referral response, indicating the process that the development proponent is required to follow. A condition will be recommended that requires consultation with the electricity supply authority seeking approval to undertake remedial works in the immediate vicinity of powerlines, prior to the commencement of work to ensure that all requirements are met.

WaterNSW concurrence is required for the proposed development under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. Conditional concurrence has been obtained. All conditions have been imposed in the recommended conditions of consent.

PEJAR Local Aboriginal Land Council as the proposed development may have potential impacts on aboriginal heritage. The applicant advised that an inspection was carried out by PEJAR staff, however no formal referral response was provided to Council.

The applicant has submitted an Aboriginal Cultural Heritage Due Diligence Assessment (Appendix J) and is considered to adequately address any potential impacts to potential aboriginal heritage.

Internal Referrals

Internal referrals were required to be made to the following officers:

Development Engineer: no concerns were raised regarding the development proposal.

Utilities Officer: no concerns were raised although a condition of consent is recommended requiring the application for a 305 certificate and the issue of a 306 notice of requirements issued prior to the issue of a Construction Certificate.

Building Officer: no concerns were raised subject to conditions of consent.

Heritage Advisor: the application was referred to Council's heritage advisor who raised concerns regarding the future intentions of a heritage significant internal fence within the site and the heritage significant store building within the site, particularly with regards to its integrity during the remedial works. The development proponent has committed to construction and installation of retaining walls adjacent to the building to protect its foundations, pre and post remediation surveys, temporary barriers installed to provide physical separation and vibration monitoring during the installation of sheet piling and undertaking of excavation near the store building. The heritage advisor supports the mitigation measures proposed.

Landscape Officer: the application was referred to Council's landscape officer. This followed initial consultation with conservation officers from the Office of Environment and Heritage who recommended that local riparian species should be used given the site location. Council's landscape officer has recommended that a selection of species is planted in those areas where existing vegetation will be removed for the required remedial works. The list is contained within the appendix of the Goulburn Mulwaree Development Control Plan (DCP) 2009.

Assessment against Legislation and Policies

- **Contaminated land Management Act 1997**

The Environmental Protection Authority (EPA) has approved a Voluntary Management Proposal (VMP) for the development proponent to manage the land. Following referral of this development proposal to the EPA, conditions were recommended to ensure that the requirements of this legislation are met. This has been considered above.

- **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

The site is located within the Sydney Drinking Water Catchment and requires the concurrence of WaterNSW. The proposal has been assessed as having a neutral or beneficial impact on water quality. Conditional concurrence has been granted.

- **State Environmental Planning Policy No 55- Remediation of Land**

The proposed remediation work is considered Category 1 remediation work under clause 9 of the above policy as the proposed work will be carried out within a Heritage Conservation Area and floodway. Development consent is required for this type of remediation work.

Considering clause 12 of this Policy, it is considered that the proposed development will result in improved site conditions as the site will be remediated to a suitable environmental standard. The proposal requires the concurrence of WaterNSW and this has been obtained. Therefore the proposal must not be refused by the consent authority.

Category 1 remediation work is advertised development. The development proposal has been advertised for a period of 30 days in accordance with this clause.

The development proponent has prepared a remediation action plan and is to the satisfaction of EPA.

Clause 17 of this Policy requires that all remediation work must be carried out in accordance with the contaminated land planning guidelines and other guidelines prescribed under the Contaminated Land Management Act 1997. A Remediation Action Plan is also required to be prepared and this has been submitted by the development proponent.

Clause 17 also requires a notice of completion of remediation to be provided to Council within 30 days after the completion of the work. The notice of completion must be in accordance with clause 18. This will be included as a recommended condition of consent.

NSW Planning and Environment exhibited an Explanation of Intended Effect (EIE) and draft guidelines for a new Remediation of Land SEPP between the 25th January 2018 and 13th April 2018. The proposed development does not contradict the intent of the new policy. The provisions relating to category 1

remediation work will remain largely unchanged, with the exception of an additional requirement for an environmental management plan to be submitted to the consent authority.

As these draft documents do not constitute a draft Environmental Planning Instrument, these are not legally required to be considered in the development assessment process under section 79C of the *Environmental Planning and Assessment Act 1979*.

- **State Environmental Planning Policy (Infrastructure) 2007**

The application was referred to the rail authority (Australian Rail Track Corporation) under Subdivision 2 of Division 15 of Part 3 of this Policy. A referral response was obtained and has been considered above.

The application was referred to the electricity supply authority under clause 45 of this Policy and a referral response has been obtained. This has been considered above.

- **State Environmental Planning Policy (State and Regional Development) 2011**

The proposed development is considered Regionally Significant Development as the proposed development has a Capital Investment Value (CIV) of over \$5 million and Council is the owner of part of the land on which the proposed remediation work is to be carried out. Therefore, the proposal must be determined by the JRPP.

- **Draft Goulburn Mulwaree Local Environmental Plan 2009- Amendment No. 8**

The proposed development will not have any impacts on this proposed instrument.

- **Draft Goulburn Mulwaree Local Environmental Plan 2009- Amendment No. 9**

The proposed development will not have any impacts on this proposed instrument.

- **Draft Goulburn Mulwaree Local Environmental Plan 2009- Amendment No. 10**

The proposed development will not have any impacts on this proposed instrument.

- **Draft Goulburn Mulwaree Local Environmental Plan 2009 (150-170 Lansdowne Street Goulburn)**

The proposed development will not have any impacts on this proposed instrument.

- **Draft Goulburn Mulwaree Local Environmental Plan 2009 (1 Racecourse Drive Goulburn)**

The proposed development will not have any impacts on this proposed instrument.

- **Goulburn Mulwaree Local Environmental Plan 2009**

The proposed development meets the aims of the LEP. The development proposal alleviates the significant environmental hazard left over from currently exposed on the land due to past land uses associated with gas production that have resulted in the site being classified as significantly contaminated.

The proposed development will ensure that the site is remediated to a standard to ensure that risk to human health and the environment is acceptable.

Clause 2.7: Proposed is the demolition of various structures including 4 steel shed structures, decommissioned gas infrastructure compound and brick storage building. The SEE includes a plan of the structures to be demolished. These structures are considered to have no heritage significance and their removal is supported. Appropriate demolition conditions will be imposed in the consent.

Land Use Table – B4 Mixed Use (Jemena Site) and RE1 Public Recreation (Council owned foreshore area)

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To maintain and reinforce the role and function of the Goulburn central business district as a major regional centre.
- To protect the amenity of the areas surrounding the commercial core from encroachment by commercial and retail development, which should be located within the commercial core because of the demand generated by such development for parking and public infrastructure.

The proposed development is not considered to have any detrimental impacts on the objectives of the B4 zone. The proposed remedial works will make the site suitable for commercial or light industrial uses.

The objectives of the RE1 Public Recreation zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposed development is not considered to have any detrimental impacts on the objectives of the RE1 zone. The proposal remedial works will ensure that the existing foreshore area can continue to be utilised as a recreational space for members of the community.

The proposed development is defined as Environmental Protection works, i.e.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

Clause 5.10: the land is located within the Heritage Conservation Area. The nature of the proposed development (involving deep excavations) has the potential to result in the discovery of or damage or destruction to a relic. The development proponent has applied to the NSW Heritage Council for an excavation permit under section 140 of the *Heritage Act 1977*. In consideration of that application an exception from the need for an excavation permit has been endorsed in accordance with section 139(4) and includes some conditions. A copy of the conditional exemption has been provided to Council and the conditions will form part of the recommended consent.

An Aboriginal Cultural Heritage Due Diligence Assessment was submitted by the applicant. The assessment concludes that the development site has low archaeological value due to the disturbed

state of the land. Despite this, some recommendations have been made that will alleviate any potential impacts. These shall be complied with and will form part of the recommended conditions of consent.

A Statement of Heritage Impact was submitted for non-indigenous heritage and makes recommendations, including the implementation of a Construction Environmental Management Plan (CEMP). Additional information was sought to clarify how the heritage significant building will be protected during and after the remediation works. These shall be included as recommended conditions.

Clause 7.1: Part of the land is identified as flood prone. A large majority of the Council owned foreshore land is flood prone. The proposed development is considered to result in minimal environmental impacts considering that the development proposal is for site remediation and that the site topography will be restored to the current site levels, following the remediation works. The impact the proposed development will have on flood behaviour will be negligible.

The impacts the site presents with regards to a flood event will be improved after the proposed development. The site will be remediated to a suitable environmental state which will avoid any contaminated material from being displaced from the subject land to another location. Some locations of the site where sedimentation is likely to occur to drainage gullies will have retaining walls installed to replace the dry packed walls of remnant concrete and brick material that currently support that area. This will ensure the future structural integrity of this gully and reduce the likelihood of sedimentation or erosion.

The development proponent has put forward that the proposed remediation within the Council owned foreshore land will take place within 4 weeks and will be planned *in accordance with long range weather forecast to avoid any periods of heavy rainfall*.

Clause 7.1A: The proposed remediation work involves the extraction of soil from the ground, its treatment in a temporary covered structure within the site, and its return to the same location to an acceptable environmental standard. This is the method for all extracted contaminated material within the Jemena land. It may be the case that some extracted soil will not be able to return to the ground because the soil is to an unsuitable standard. Should this be the case, the soil will need to be disposed of to an appropriately licensed facility.

Within the foreshore area, soil to be extracted will not be returned to the soil but replaced with Virgin Excavated Natural Material (VENM). This will enable the remedial works to be carried out within a quicker timeframe which is important considering the flooding risk within the foreshore area. The extracted soil will be conveyed to an appropriately licensed facility.

The proposed excavation will replace topography in the foreshore area like for like and therefore the proposal presents no additional risk regarding drainage patterns, and wider environmental impacts.

- Goulburn Mulwaree Development Control Plan 2009

1.7 - Public Participation

The Development Application was notified to all adjoining property occupiers. The application was also advertised for a period of 30 days. No submissions were received.

3.1 European Heritage Conservation & 3.2 Indigenous Heritage & Archaeology

This has been considered earlier in this report.

3.3 – Landscaping

The proposed development involves the removal of vegetation to various locations throughout the site although it is unclear as to the exact extent of vegetation removal, including that within the foreshore. This is primarily due to the nature of the proposed development as the extent of landscaping that will require removal can only be ascertained when the remediation work is being carried out. The final landscape form will alter from that of the existing arrangement, partly due to the need to provide a suitable hardstandings surface for the remediation works to occur and further the provision of an asphalt capping over the main remediated area. The asphalt capping will also aid in controlling stormwater runoff away from the remediated area. Outside of these areas all disturbed and removed vegetation will require reinstatement. The hardstanding areas will promote the redevelopment and reuse of the site in accordance with the site classification.

It is reasonable to recommend a condition requiring the current landscaped areas where not superseded by capping works to be re-vegetated to the same density as existing, incorporating local riparian species, following the remediation work. The species to be planted shall be selected from the list contained within the Goulburn Mulwaree Development Control Plan (DCP) 2009, Appendix B 'preferred planting species in the Goulburn Mulwaree Local Government Area'. This condition shall be satisfied within 2 weeks of the completion of the remediation work to ensure that the ground is adequately stabilised. The requirement for a maintenance schedule shall also be included to ensure that the landscaping has long term impacts.

3.4 – Vehicular access & parking

The proposed remedial works will require light and heavy vehicles to visit the site. Given that the development proposal is temporary in nature the provision for permanent on-site car parking is considered unnecessary.

It is considered that there is sufficient area within the site to cater for required traffic and to facilitate forward entry and exit of vehicles associated with the proposed remedial work without causing a nuisance to public roads.

3.6- Crime Prevention

Currently the site in its contaminated state is unused and protected by permanent boundary fencing. However this has not prevented the site from becoming a target to vandalism, particularly to the buildings within the site.

The proposed remedial works will render the site useable which will increase natural surveillance opportunities and site ownership, i.e. increased maintenance of the site that presents to the public as a site that is cared for.

3.7- Flood Affected Lands

The proposed development does not involve the construction of any buildings, other than retaining wall/sheet pile structures.

The proposed excavation works will ensure that the existing site topography will be restored following the proposed remedial works.

The development proposal does not indicate that the site use will change as a result of the proposed remedial works. Therefore a flood emergency plan is not considered necessary.

Should there be a future change of use at the site this will be a consideration in that development proposal.

3.8- Tree & Vegetation Preservation

Tree removal is taking place with the Heritage Conservation Area. The assessing officer has consulted with the Office of Environment and Heritage regarding proposed tree removal and local riparian species have been recommended. To undertake the remediation works it will be necessary to remove all vegetation contained within Zone E and part of the vegetation contained in Zone B. Trees and vegetation requiring removal have been identified on Figure 5-9. While it is regrettable that vegetation will be removed, there is no alternative given the location of vegetation, identified contamination and the extensive nature of the remediation works required to remove and process the contaminated material. It is, therefore, considered that the loss of vegetation is an acceptable outcome to remediating the contaminated land within the Sydney drinking water catchment area. Where not superseded by required capping works and new hardstandings vegetation removed is to be replaced a proposed condition of consent to this effect has been included in the draft conditions of consent.

3.11- Groundwater

The proposed development has potential to impact on groundwater, particularly the remedial works to be carried out adjacent to the foreshore area. To alleviate further impacts some dewatering of excavations will occur from groundwater seepage into excavated areas. The water will be treated on site via a water treatment plant. The water treatment plant will also treat surface water via on-site drainage systems on hardstand areas and gravity collection.

Treated water will be conveyed to property from property owners that accept the water for non-potable purposes. A condition is recommended that requires the consent of the property owner prior to conveying water to the land.

3.15 – Impacts on drinking water catchments

The proposal has been considered by WaterNSW and the proposal is considered to have a neutral or beneficial impact on water quality, subject to conditions of consent. These will be imposed in the recommended consent.

Likely Impact of Proposed Development

Context and Setting:

The proposal will have minimal impacts on the streetscape as the proposal does not involve significant built development other than some demolition and construction of retaining walls.

Access, Transport and Traffic:

The proposed development is considered to have acceptable access, transport and traffic impacts.

The proposed remedial works will require the temporary closure of the foreshore area, which is a formal road reserve. Prior to the commencement of work, an application under section 138 of the *Roads Act 1993* will be required, to address all required works to be carried out.

Visual Amenity:

The proposal will not have any negative visual impacts. Conditions are recommended for removed landscaping to be replaced with local riparian species which will maintain a positive visual impact.

Social Impact on the Locality:

The proposed development will have positive social impacts. The proposed remediation works will ensure that the site is fit for use and does not remain unused which attracts anti-social behaviour.

Site Design and Internal Design:

The proposed development does not aim to alter the site layout.

Suitability of the Site for the Proposed Development

The proposed remedial works are appropriate and warranted for the sites concerned, due to the significantly contaminated status of the land. The proposal will improve the environmental state of the land and this will alleviate health risk to the public.

The proposed development is in the public interest.

Conclusion and Recommendation

The development proponent will have acceptable overall environmental impacts. The proposed remediation work will improve the environmental state of the land and approval is supported.

Financial Implications

Nil.

Legal Implications

The applicant is entitled to appeal the Council endorsed recommendation to the Land and Environment court within 6 months after the determination date of the Development Application.