SUPPLEMENTARY ASSESSMENT MEMO

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
List all documents submitted with this report for the Panel's consideration	▪ NSW Environmental Protection Authority response to deferral request from JRPP Ref – DOC18/670053 (attached to email sent with report to JRPP) ▪ Senversa PTY LTD Independent NSW EPA Accredited Auditor response to deferral request from JRPP Ref – S16640_LET_REV0_SRPP (attached to email sent with report to JRPP) ▪ GHD PTY LTD response to deferral request from JRPP ref – 2127430-35600 (attached to email sent with report to JRPP)
Report prepared by	Chris Hargood – Senior Development Assessment Officer
Report date	18 September 2018

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

This supplementary assessment memo has been prepared in response to the following questions raised by the Joint Regional Planning Panel. The applicant has responded to the matters raised by the JRPP through the submission of three letters of justification and support for the current proposal received from, NSW Environmental Protection Authority, Senversa as independent NSW EPA Accredited Auditors and GHD on behalf of the Jemena owners of the site. The responses have been summarised and interpreted below.

1. **Revisit the extent of asphalt proposed to provide for a surface or some surface that could support some vegetation.**

   The site has been declared significantly contaminated by the Environmental Protection Authority (EPA) to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). The declaration facilitates the regulation of the remediation works by the EPA to ensure that the potential risks to human health and that of the surrounding environment are effectively managed. Regulation of the remediation work is achieved through an agreed Voluntary Management Proposal (VMP) with the proponent (Jemena) and the EPA. A requirement of the VMP and CLM Act is the appointment of an Independent Accredited Site Auditor to ensure that the objectives of the VMP are met. The EPA have advised that under the CLM Act Jemena must undertake the works in accordance with the VMP. The VMP is procured from the information and goals outlined within the Remedial Action Plan (RAP) for the gas works site.

   The advice from the Independent Site Auditor states that the installation of the capping layer is part of a combination of remedial measures proposed to meet the goals of the RAP. The capping component provides a long term barrier to ensure the protection of human health for any future use and occupation of the site. In addition, the low permeability of the capping material reduces the infiltration of rainwater, minimises the ability for water to pool over the contaminated areas with the ultimate goal of ensuring protection of the water quality within the Mulwaree River.

   The location and size of the asphalt capping is defined by the location of contaminants and is required to cover all areas disturbed within the contaminated zone E. Zone E is already significantly covered by hardstandings and other structures and while the proposed asphalt capping will increase this site coverage within Zone E it needs to be considered against the goals of the RAP.

   Reducing the size of the proposed asphalt capping would be seen to be counterproductive to the goals of the RAP and could give rise to a situation whereby the VMP is not complied with placing the owners of the site in breach of their obligations to remediate the site.

   The introduction of landscaping elements to the asphalt capping will give rise to a scenario whereby the capping is partly compromised; therefore, the asphalt capping layer will not be performing its intended and designed function. Furthermore, the introduction of vegetation would have the ability to degrade the asphalt capping through intrusive root growth, thus limiting its useful life span.

   In consideration of the above matter, it would be counterproductive to the goals of the RAP and that of the Long Term Environmental Management Plan to reduce the size of the asphalt covering and further to introduce vegetation into the asphalt capping area; such measures would likely create unsatisfactory environmental outcomes on a project that is designed to maximise environmental benefit.

2. **Review the relationship of an asphalt area to the vegetated embankment to provide a greater setback and potential surface that could support vegetation.**

   The location of the asphalt capping is directly related to the location of the Low Permeable Wall (LPW). The LPW must be constructed down the hydraulic gradient of the main sources of contamination. The LPW functions as an in ground support wall to the embankment during the course of the works and as a low permeable barrier to prevent migration of ground water through the site towards the Mulwaree River.

   To increase the setback distance of the asphalt capping from the embankment would require the relocation of the LPW proportionally with any reduced setback of the asphalt capping. Reducing the setback of the LPW to accommodate a reduced asphalt capping setback would create a situation whereby the site remediation works would not be undertaken to the fullest extent that could conceivable be undertaken if the LPW was located in its proposed location. The proposed location of the LPW is the eastern boundary of the site; therefore, the relocation of the LPW away from the eastern boundary would be counterproductive to the goals of the RAP and would lead to a situation whereby the VMP is not complied with placing the owners of the site in breach of their obligations to remediate the site.

   The proposed location of the LPW maximises the quantity of site contaminates that can be removed and remediated and is considered to be the best environmental outcome in this instance.

3. **Provide a Concept landscape plan that identifies areas for replacement landscape that respond to the potential land uses permitted under the zone – this is anticipated to mean that landscape space as likely to be in proximity to boundaries or buildings being retained that have heritage value.**

   The site is zoned B4 mixed use with the proposal being for remediation of site and demolition of structures. The remediation activities will require removal of site vegetation which owing to site constraints in relation to the location and extent of the asphalt capping required to achieve the desired environmental outcomes precludes new vegetation from being planted.

   The proposed works will result in the following vegetation cover remaining, the landscaping verge along the northwest boundary, vegetation to the northwest corner of the site and vegetation to the embankment.

   In recognition that the proposed landscaping options across the site are limited and that introducing landscaping into the asphalt capping area or reducing the asphalt capping area introduces unsatisfactory environmental outcomes that do not accord with the intent to remediate the site to the fullest extent possible; it is proposed to undertake additional tree and vegetation planting within the foreshore area to offset vegetation loss.

   The foreshore area is already subject to remediation works and will, therefore, be disturbed as part of those activities. The foreshore area is required upon completion of the remediation works to be returned to its original form and state. It is proposed to vary this to facilitate the addition of new trees and low level vegetation of varying densities throughout the foreshore area immediately adjacent to and within close proximity to the site. In this regard the applicant would be required to submit detailed landscape plan(s) to Council's Landscape Architect to be approved prior to works commencing on the foreshore area.

The conditions of consent have been amended to reflect the following proposed condition.

Prior to any remediation works commencing on Council land within the foreshore shore area, detailed landscape plan(s) shall be submitted to Council's Landscape Architect detailing the location of a broad spectrum of low, medium and high vegetation utilising species identified in Appendix B of the Goulburn Mulwaree Development Control Plan. The landscape plan shall include all land immediately adjacent to the gas works site within the foreshore area. The landscaping plan(s) shall demonstrate all required maintenance necessary to maintain and fully establish all new vegetation for a period of 12 months following planting out. All vegetation that dies or is subject to vandalism during the maintenance period shall be replaced by the developer within one month. Landscaping maintenance and ownership will revert to Council at the successful completion of the 12 month maintenance period. The landscape plans are to be prepared by a Landscape Architect and shall be approved by Council's Landscape Architect prior to any remediation works commencing on Council land.