

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0833
<b>Proposed development:</b>	Other - Demolition and Associated Earth Works
<b>Property address:</b>	53 - 59 Christie Street, ST MARYS NSW 2760
<b>Property description:</b>	Lot 136 DP 31912
<b>Date received:</b>	10 July 2014
<b>Assessing officer</b>	Aimee Lee
<b>Zoning:</b>	IN1 General Industrial - LEP 2010
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Approve

## Executive Summary

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In December 2013, Council received Development Application No. 13/1444 for the demolition of an existing concrete batching plant and construction of a light industrial development/warehouse at No. 53-59 Christie Street, St Marys. RMS and Council's Property Section raised concern regarding the likely impact associated with the construction of the future Dunheved Link Road along the western boundary including the construction of an intersection at the southwestern corner of the site. In view of the impact, the applicant was advised to withdraw his application. DA13/1444 was formally withdrawn on 27 February 2014.

The applicant has recently lodged a new development application for the demolition of existing structures and facilities associated with a disused concrete batching plant and carry out earthworks to facilitate future development for a light industrial/warehouse facility. The proposal is defined as environmental protection works which 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.*

The site is zoned IN1 General Industrial under the provisions of the Penrith Local Environmental Plan 2010 (LEP 2010). The proposal is permitted in the zone with consent.

The current Development Application is supported by the following documents :

- Architectural drawings
- Hydraulic plans
- Imported Fill Specifications
- Geotechnical Report
- Soil Supplemented Stage 1 Preliminary Site Investigation
- Flora and Fauna Assessment Report
- Waste Management Plan

At Council's request, the applicant has submitted additional information in relation to the underground storage tanks and unauthorised/uncontrolled fill on the site. The additional information has satisfactorily addressed Council's concern. Appropriate conditions have been recommended to ensure the uncontrolled fill is suitable for the intended use of the site and compliance with the Unexpected Finds Protocol submitted with the application.

The application was exhibited and notified to adjoining properties between 17 July and 31 July 2014. Council has not received any submissions objecting to the proposal.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken. The application has demonstrated that the objectives of LEP 2010 and DCP 2010 can be achieved. Therefore the application is recommended for approval subject to recommended conditions.

## Site & Surrounds

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The site is situated on the northern side of Christie Street, St Marys. It is approximately 780m to the west of the intersection of Christie Street and Glossop Street. Leeholm Road is directly situated to the southwest. A disused railway is located to the north. Developments in the area are predominantly industrial.

The site has a total area of 1.07 hectares. It falls about 3m from north to south. The site is affected by an easement for water pipe of 3.05m in the northwest. Existing improvements on the site include buildings and infrastructures associated with a disused concrete batching plant. There is existing vegetation located to the north of the site. Council's records show that the existing vegetation contains remnants of Shale/Gravel Transition Forest. Council also hold environmental reports in relation to contamination status of the property.

# Proposal

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The proposed development involves:

- Demolition of existing structures and facilities associated with a previous concrete batching plant
- Carry out earthworks for the purposes of benching for a future light industrial/warehouse facility

## Plans that apply

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- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### Section 79C(1)(a)(i) The provisions of any environmental planning instrument

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

#### **Local Environmental Plan 2010 (Stage 1 LEP)**

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.3 Permissibility	Complies
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	Complies
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A

Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	N/A
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	N/A
Clause 6.6 Servicing	N/A
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A

Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

### **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

The draft Stage 2 of the Penrith Local Environmental Plan 2010 applies to the site. The site will continue to be zoned IN1 General Industrial under the draft LEP and the proposed environmental protection works will be permitted in the IN1 zone of the draft LEP.

### **Section 79C(1)(a)(iii) The provisions of any development control plan**

#### **Development Control Plan 2010**

<b>Provision</b>	<b>Compliance</b>
Part B - DCP Principles	Complies - see Appendix - Development Control Plan Compliance
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	Complies - see Appendix - Development Control Plan Compliance
Part C3 - Water management	Complies
Part C4 - Land management	Complies - see Appendix - Development Control Plan Compliance
Part C5 - Waste management	Complies
Part C6 - Landscape design	N/A
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	Complies
Part C9 - Advertising and signage	N/A
Part C10 - Transport, access and parking	N/A
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies
Part C13 - Infrastructure and services	N/A
Part D4 - Industrial development	Complies - see Appendix - Development Control Plan Compliance

## **Section 79C(1)(b)The likely impacts of the development**

Likely impacts of the proposed development as identified throughout the assessment process include:

### *Context and Setting*

The proposed demolition and earthworks are permissible in IN1 zone. It will have no impact on the established industrial character of the locality. Its approval will facilitate future development of the site for industrial purposes.

### *Access, traffic and transportation impacts*

The proposal will utilise the existing access. The traffic to be generated by the proposal can be accommodated by the local road network.

### *Heritage conservation*

The property is not identified as having heritage significance. However No. 50 Christie Street, located to the southeast, is identified as a heritage item under the provisions of LEP 2010. The proposed demolition and earthworks will have minimal impact on the heritage significance of No. 50 Christie Street.

### *Natural resources and systems eg. Air, water, soil*

A special condition has been recommended for further soil sampling and analysis of the uncontrolled fill to ensure compliance with the Contaminated Land Guidelines.

### *Flora and fauna and threatened species*

The above assessment has demonstrated that the proposed demolition and earthworks would not result in a significant impact on the threatened species and community and the value for their retention will be reduced by the proposed Dunheved Link Road.

### *Noise and vibration*

As stated earlier in the report, the hours of work will be restricted by way of condition to maintain the amenity and acoustic privacy of the surrounding developments.

### *Socio-economic impacts*

The proposal will facilitate future industrial development which will promote efficient use of industrial land and create employment opportunities in Penrith.

## **Section 79C(1)(c)The suitability of the site for the development**

The site is suitable for the following reasons:

- The proposed demolition and earthworks are permitted with consent in IN1 General Industrial zone under the provisions of LEP 2010.
- The proposal has demonstrated that the objectives of DCP in relation to land management and industrial development can be achieved.
- The proposal will facilitate future industrial development which will be compatible with established industrial developments in the vicinity.
- The finished ground levels of the proposed earthworks is compatible with the surrounding land form.
- The proposal would have a negligible impact on the natural and built environment.

## **Section 79C(1)(d) Any Submissions**

### **Referrals**

The application was referred to the following stakeholders and their comments have formed part of the assessment:

<b>Referral Body</b>	<b>Comments Received</b>
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions

### **Section 79C(1)(e)The public interest**

The proposed development will not generate any significant issues of public interest.

### **Conclusion**

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The proposed development is appropriately located within IN1 (General Industrial) zone under LEP 2010 and is consistent with the aims and objectives of LEP 2010 and DCP 2010 particularly in relation to facilitate future industrial development and providing employment opportunities . Furthermore, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to minimising the likely impacts upon surrounding properties associated with contamination. Consequently, the proposal is supported from an environmental planning perspective.

### **Recommendation**

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1. That DA14/0833 for demolition and associated earthworks at 53--59 Christie Street, St Marys, be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Date
Cover Page, Location Plan, Schedules	DAD 1.01 Rev A	Nicholas Associates Architects Pty Ltd	09.07.14
Existing/Demolition Site Plan	DAD 1.02 Rev A	Nicholas Associates Architects Pty Ltd	09.07.14
External Works/Site Plan	DAD 1.03 Rev A	Nicholas Associates Architects Pty Ltd	09.07.14
Elevations & Sections	DAD 1.04 Rev A	Nicholas Associates Architects Pty Ltd	09.07.14
Plan of Details and Levels	5052-DET1 Sheet No. 1	Mepstead	11/07/13
Hydraulic Services Street Location Plan	HDA01/P1	AJ Whipps Consulting Group	30.06.14
Hydraulic Services Site Plan	HDA02/P1	AJ Whipps Consulting Group	30.06.14
Statement of Environmental Effects	Document No. 1778 SEE	Nicholas Associates Architects Pty Ltd	July 2014 Revision A

### 2 A special BLANK

**Prior to the commencement of work**, further detailed and representative analysis, including soil sampling and analysis, of the uncontrolled fill material present on site is required. The detailed investigation of the fill material existing on the site is:

- to be carried out by an appropriately qualified person (as defined in the Penrith City Council Contaminated Land Development Control Plan) in accordance with all relevant Contaminated Land guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation
- to provide details of the volume of fill material and include appropriate soil sampling and analysis that is representative of the volume of fill present, in accordance with relevant Contaminated Land guidelines, to determine whether the fill material is suitable for its intended purpose and land use
- to determine whether the fill material is suitable for its intended purpose and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

A report of the investigation of the fill is required to be prepared by the appropriately qualified person and submitted to Council for consideration and approval, prior to the commencement of works, to ensure that the fill material existing on the site and proposed to be used, is suitable for the intended purpose. A copy of Council's approval of this report, is to be provided to the Principal Certifying Authority, if Council is not the Principal Certifying Authority.

Should the further investigation and analysis of the uncontrolled fill material find that the fill is not suitable for the proposed use, the fill material is to be removed from the site and disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful transportation and disposal of the contaminated material. No contaminated soil is to be retained on site.

### 3 [A special BLANK](#)

The "Unexpected Finds Protocol" in Attachment 1 of "Soil Supplemented Stage 1 Preliminary Site Investigation: 53-59 Christie Street, St Marys NSW 2760" prepared by DLA Environmental dated August 2013 (Ref. DL3136\_S000872) is to be complied with at all times during all demolition and site works.

All remediation works in the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should remediation works be found to be required as a result of complying with the "Unexpected Finds Protocol" then development consent is to be sought from Penrith City Council before the remediation works commence.

## Demolition

### 4 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

### 5 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

**Prior to commencement of demolition works on site**, a portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

### 6 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition and site development works to reduce any potential nuisances to surrounding properties.

### 7 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

### 8 [B006 - Hours of work](#)

Demolition and site works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition or site work is permitted on Sundays and Public Holidays.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

## Environmental Matters

9 **D001 - Implement approved sediment& erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the demolition and site development works until the land, that was subject to the works, has been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during demolition and site works and shall ensure that the loss of soil through dust does not occur during, nor upon completion, of the site development works.

10 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

11 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

12 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

13 **D Special BLANK**

The removal of any underground petroleum storage tanks is to be undertaken in accordance with the relevant legislation, guideline documents, technical notes and Australian Standards, including the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008, the Guidelines for Implementing the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 and the UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS.

The person responsible for an underground petroleum storage system at the time of decommissioning must ensure that the site is investigated for contamination and a validation report prepared. [Guidelines For Implementing the POEO (Underground Petroleum Storage Systems) Regulation 2008].

**A Validation Report** prepared by an appropriately qualified and experienced person is to be submitted to Council within sixty (60) days of the removal of any underground petroleum storage system. The validation report is to be prepared in accordance with relevant technical notes and EPA guidelines and is to be submitted to Council in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008. Soil sampling and analysis is required to be undertaken as part of the validation process and shall be in accordance with relevant NSW EPA guidelines. Should site contamination be identified during or upon removal of the underground petroleum storage tanks and should remediation be required, then development consent is to be sought from Penrith City Council before the remediation works commence. All remediation works in the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55 - Remediation of Land.

The decommissioned underground petroleum storage tanks are to be disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful disposal of the tanks with the submission of the Validation report.

14 **D Special BLANK**

No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those on the approved External Works/Site Plan (drawing number: DAD1.03) prepared by Nicholas Associates Architects Pty. Ltd. dated 09/07/14) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

15 **D Special BLANK**

No fill, machinery, or materials are to be placed or stored within the drip line of any tree. Tree protection measures are to be implemented as outlined in the Australian Standard AS 4970-2009 'Protection of trees on development sites'.

16 **D Special BLANK**

Sediment control measures are to be in place at all times. No sediment, wastewater, building or demolition waste, or other materials associated with the development activities are to enter into the vegetation surrounding the site.

17 **D Special BLANK**

Only native seed stock of local provenance and suitable to the Shale Gravel Transition Forest vegetation community is to be used for site stabilisation purposes and any future landscaping works.

## **Construction**

## 18 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site can be issued for the approved development.

The waste management plan shall be prepared in accordance with Chapter C5 Waste Management of the Penrith Development Control Plan 2010, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

## Payment of Fees

### 19 P001 - Costs

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

### 20 P002 - Fees associated with Council land (Applies to all works & add K019)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

### 21 Q001 - Notice of Commencement & Appointment of PCA1

Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

#### Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2010

### Part B - Principles

The proposed demolition of the existing structures and earthworks will prepare the site for future industrial development which in turn will generate employment opportunities and promote long term economic and social security.

### Part C - Controls applying to all land uses

#### *C2 Vegetation Management*

In accordance with the Flora and Fauna Assessment Report, the site contains some degraded Share Gravel Transition Forest, a Critically Endangered Ecological Community under both the Threatened Species Conservation Act 1995 (TSC Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). Given the degraded condition of the Shale Gravel Transition Forest, it does not meet the criteria for the EPBC Act status. The site also supports approximately 60 *Grevillea juniperina* plants. It is listed as a vulnerable threatened species under the TSC Act.

It is considered that the proposed Dunheved Link Road will reduce the value of retaining the existing vegetation. Therefore no objection is raised to the removal of all of the existing vegetation as part of the proposed demolition and earthworks. No objection is raised to the findings of the Flora and Fauna Assessment report which states the loss of vegetation and *Grevillea juniperina* would not result in a significant impact on the threatened species and community.

#### *C4 Land Management*

The applicant has incorporated details of sediment and erosion control measures in the hydraulic services plans to minimise land degradation, maintain soil and water quality and protect amenity. The submitted plan will form part of the approval.

In a letter dated 1 August 2014 Council requested the applicant to submit additional information in relation to the underground storage tank and detailed analysis of the existing fill including the railway embankment. The applicant in response provided the following information:

- It is assumed that the underground storage tanks are still present and they will be removed in accordance with the appropriate environmental guidelines.
- If contaminants are found during the removal process, Council's consent will be sought for remediation.
- The Preliminary Site Investigation and the number of samples are prepared in accordance with EPA guidelines.
- The rubbish (car bodies, concrete, car tyres, metal, plastic etc) present within the existing fill material will be removed and the fill re-worked and compacted. The Geotechnical Report will be amended accordingly.
- There will be minimal disturbance to the railway embankment. The finished level of the building pads will be above the current ground levels in the area. Therefore further sampling of the embankment is considered not necessary.

To ensure compliance with the Contaminated Land Guidelines a special condition has been recommended for further sampling and analysis of the uncontrolled fill materials. In addition the applicant is required to comply with the Unexpected Finds Protocol submitted with the application.

Subject to compliance with the recommended conditions, the following objectives of the DCP can be achieved:

- Minimise the risk of contamination of land and any associated impacts or harm from any such contamination.
- Enable Council to more adequately identify, record and manage known and potentially contaminated land;
- Assist Council in the discharge of its functions and responsibilities in relation to existing and potential contaminated land and minimise potential risk to

- both public health and the environment
- Inform the community, particularly those interested or involved in the planning and development process, of Council's procedures relating to existing or potential contaminated land.
- Ensure that all stakeholders are aware of their responsibilities for the ongoing management of contaminated land.

#### *C5 Waste Management*

Although the applicant has identified the various type of waste to be generated through demolition and earthworks for recycling, re-use on site and disposal off site, the information does not meet the requirement of the DCP. Therefore the standard condition for the submission of a waste management plan is recommended.

#### *C12 Noise and Vibration*

To ensure the noise or vibration arising from the demolition and earthwork would not adversely affect the amenity of surrounding land uses the standard condition restricting the hours of works is recommended.

### **D4 - Industrial development**

The proposed demolition and earthworks will ensure future industrial development can operate in a safe and environmentally friendly manner.