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URBAN

# STATEMENT OF ENVIRONMENTAL EFFECTS

MASTERS EMPIRE CONSTRUCTIONS  
PTY LTD

859-869 MAMRE ROAD  
KEMPS CREEK

# STATEMENT OF ENVIRONMENTAL EFFECTS



859-869 MAMRE ROAD, KEMPS CREEK

## CATEGORY 1 REMEDIATION WORKS

PREPARED FOR  
MASTERS EMPIRE CONSTRUCTIONS PTY LTD

PREPARED BY




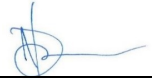
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# 1 INTRODUCTION

## 1.1 THE CLIENT

This Statement of Environmental Effects (SEE) has been prepared for Masters Empire Constructions Pty Ltd to accompany a Development Application (DA) for Category 1 Remediation Works within the Penrith City Council area. The application relates to the land known as 859-869 Mamre Road, Kemps Creek (the Site).

## 1.2 THE REGULATIONS

This report addresses Schedule 1 (2) (4) of the *Environmental Planning & Assessment Regulation 2000* (the Regulations) and therefore includes only what a 'Statement of Environmental Effects' accompanying a DA needs to include (in the case of development other than designated development or State significant development).

Schedule 1 (2) (4) of the Regulations states that:

*A statement of environmental effects must indicate the following matters:*

- (a) *the environmental impacts of the development,*
- (b) *how the environmental impacts of the development have been identified,*
- (c) *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- (d) *any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause.*

## 1.3 THIS REPORT

This SEE is divided into the following sections that address matters (a) to (d) above.

- Section 1 This introduction.
- Section 2 A description of the proposal in detail.
- Section 3 A description of the site and its surrounds.
- Section 4 An assessment of the proposal in accordance with the relevant matters for consideration prescribed by Clause 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).
- Section 5 The conclusion to the assessment.



## 1.4 BACKGROUND

The Site appears to have largely been unoccupied and unused or possibly for grazing purposes since Federation up to the late 1990's. Kemps Creek used to flow through the western portion of the Site however it appears that it was dammed sometime in the 1970's. The high voltage overhead power lines that traverse the Site also appear to have been erected between 1970 and 1986. Records indicate that the Site was used for market gardens from the 1990's until the 2000's where the use ceased for some years before recommencing, continuing to the present day. A detached single storey dwelling was erected on the Site in 1998 and remains occupied.

DA19/0866 was submitted to Council on 13 December 2019 seeking consent for the remediation of the Site. Council subsequently rejected the lodgement of this application by way of a letter dated 20 December 2019 on the basis that it did not contain a list of documents submitted with the application, a Statement of Environmental Effects or a Site Plan.

The application has come about as contamination was detected during a due diligence process that was conducted in relation to the Site. In this regard, a Detailed Site Investigation, prepared by EI Australia Pty Ltd and dated 25 November 2019, identified several areas of concern with respect to contamination. These include:

- Concentrations of zinc above the relevant ecological and site-specific investigation levels in Boreholes 1, 15, 21, 22, 62 and 110.
- Asbestos containing material fragments located in the central portion of the Site.
- Areas in the western portion of the Site within former creek alignments that contain uncontrolled fill.

The Report also notes that in order to facilitate future development objectives and the relevant statutory controls, the Site requires remediation. Accordingly, development consent is now sought for the remediation of the Site.



## 2 THE PROPOSAL

### 2.1 REMEDIATION WORKS

The application seeks to undertake remediation works to remove potential contaminants on the northeastern section of the Site, so that the relevant environmental controls have been achieved and any adverse environmental and human risk factors have been mitigated. Put simply, the application proposes to excavate and remove potential contaminants from the Site to appropriately licensed waste facilities and replace it with clean imported fill material to facilitate future development.

To this end, a Remediation Action Plan (RAP) has been prepared by EI Australia Pty Ltd and dated 20 February 2020. It is noted that this RAP deals with other elements of works that will eventually be undertaken on the Site (subject to the relevant approvals), but are not included in this Development Application. These include demolition of all structures and the removal of uncontrolled fill in the south western portion of the Site. Section 8.1 of the RAP outlines the sequencing of works into six phases, generally as follows:

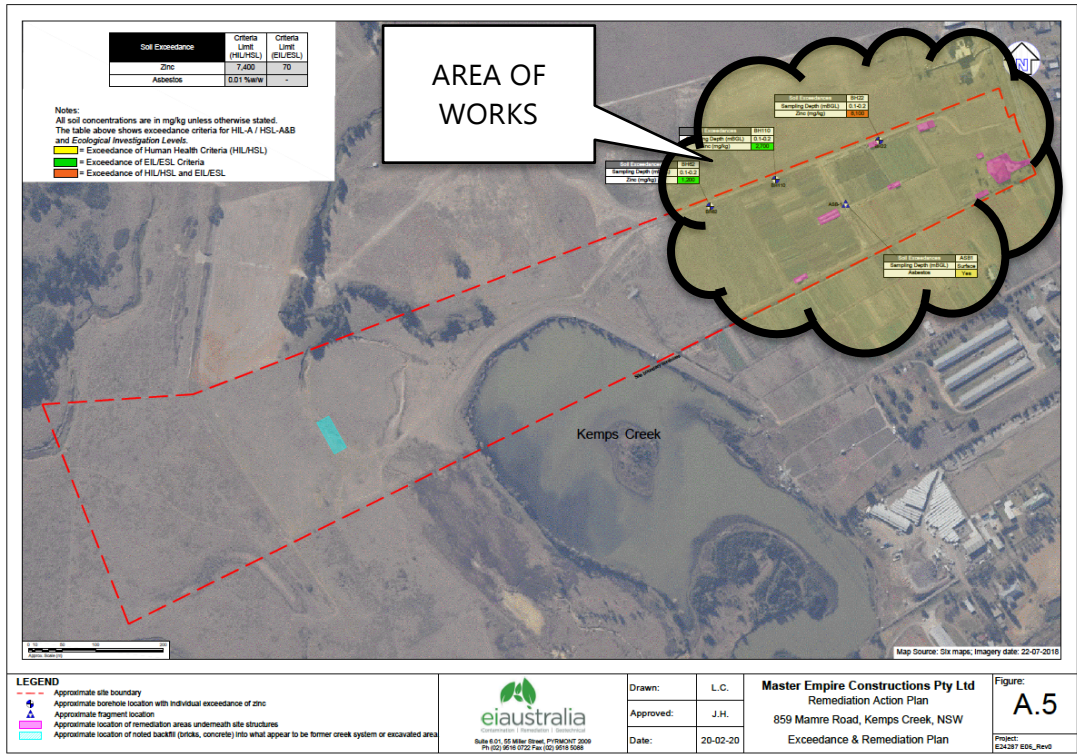
- Establish site pollution and monitoring devices.
- Remedial works to remove impacted soils and separation of waste streams.
- Validation of remediated areas.
- Importation of clean fill to reinstate removed material and reinstatement of Site surface levels.

### 2.2 EXTENT OF PROPOSED WORKS

The overall extent of the works is relatively limited across the Site, as shown in Figure 1 below. In spatial terms, the area of the works will not exceed 3 Ha. As noted above, this application does not seek approval for any works on the south western portion of the Site (shown blue in Figure 1) or for the demolition of any structures. The area of the proposed works correlates to that part of the Site that lies within the proposed Mamre Road Precinct identified in a draft amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009.



FIGURE 1 | SITE PLAN



SOURCE: EI AUSTRALIA PTY LTD 2020



## 3 LOCALITY AND THE SITE

### 3.1 SITE DESCRIPTION

The Site is known as 859-869 Mamre Road, Kemps Creek and is legally defined as Lot 30 in DP 258414. It is slightly irregular in shape and generally has a northeast - southwest orientation. The front boundary to Mamre Road has an approximate length of 133m while the rear boundary has an approximate length of 342m. The northern and southern boundaries are approximately 1510m and 1506m respectively. The total Site area is approximately 31.01 hectares. An overview of the Site is provided in Figure 2 below.

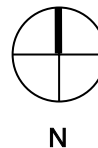
FIGURE 2 | AERIAL PHOTO OF SUBJECT SITE



SOURCE: SIX MAPS 2020



SUBJECT SITE: 859-869 MAMRE ROAD, KEMPS CREEK



### 3.2 THE LOCALITY

The suburb of Kemps Creek is predominantly rural in nature and falls within the Local Government Areas of both Penrith City Council (north of Elizabeth Drive) and Liverpool City Council (south of Elizabeth Drive). It is located approximately 39 km west of the Sydney CBD. It forms part of the Greater Western Sydney Region. Figure 3 provides an aerial image of the Kemps Creek locality. The area is dominated by market gardens and grazing land, with associated dwellings, outbuildings and ancillary rural enterprises. Mamre Road bisects the northern part of the suburb and provides an important link between Southern and Western Sydney.

The properties along Mamre Road typically consist of single storey dwellings towards the front of large allotments. There are several farm related businesses that operate in the area.

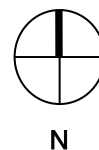
FIGURE 3 | LOCALITY AERIAL VIEW



SOURCE: SIX MAPS 2020



SUBJECT SITE: 859-869 MAMRE ROAD, KEMPS CREEK



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## 4 ENVIRONMENTAL ASSESSMENT

### 4.1 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

This report considers the environmental consequences of the development as required under Schedule 1 (2) (4) of the Environmental Planning & Assessment Regulation 2000 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below; review of the site and its surrounds and review of other related documents. Our assessment of the proposal, against the planning instruments, concludes that environmental impacts, as a result of the development, are reasonable given the constraints of the Site and surrounding environmental context.

### 4.2 SEPP PROVISIONS

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND (SEPP 55)

Clause 7(1) of SEPP 55 requires the consent authority to consider whether the land is contaminated. If the land is contaminated, the consent authority must be satisfied the land will be suitable in its contaminated state, or will be suitable after remediation, for the purpose for which development is proposed. Clause 7(2) requires the consent authority to consider a report prepared in accordance with the contaminated land planning guidelines that specifies the findings of a preliminary investigation of the land concerned. A detailed assessment may then be prepared in accordance with subclause (3).

In this regard, the application is accompanied by a Detailed Site Investigation, prepared by EI Australia Pty Ltd and dated 25 November 2019. We note that this report identifies several areas of concern with respect to contamination. These include:

- Concentrations of zinc above the relevant ecological and site-specific investigation levels in Boreholes 1, 15, 21, 22, 62 and 110.
- Asbestos containing material fragments located in the central portion of the Site.
- Areas in the western portion of the Site within former creek alignments that contain uncontrolled fill. Note is made that this area is not necessarily contaminated, but is outside the zone of works.



We also note the Recommendations made in the report that include the preparation of a Remediation Action Plan (RAP) and subsequent remediation of the affected areas of the Site.

Clause 8 of SEPP 55 permits remediation works, although Council's consent is required for those works classified as a Category 1 Remediation Work. A Category 1 Remediation Work is defined in Clause 9 of the SEPP as follows:

- 9 Category 1 remediation work: work needing consent*  
*For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14(b) applies) that is—*
- (a) designated development, or*
  - (b) carried out or to be carried out on land declared to be a critical habitat, or*
  - (c) likely to have a significant effect on a critical habitat or a threatened species, population or ecological community, or*
  - (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or*
  - (e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument—*
    - (i) coastal protection,*
    - (ii) conservation or heritage conservation,*
    - (iii) habitat area, habitat protection area, habitat or wildlife corridor,*
    - (iv) environment protection,*
    - (v) escarpment, escarpment protection or escarpment preservation,*
    - (vi) floodway,*
    - (vii) littoral rainforest,*
    - (viii) nature reserve,*
    - (ix) scenic area or scenic protection,*
    - (x) wetland, or*
  - (f) carried out or to be carried out on any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated (or if the land is within the unincorporated area, the Minister).*

In this instance, the Site triggers Clause 9(e)(ix) as it is classified under the Penrith Local Environmental Plan 2010 (PLEP) as containing a scenic protection area, as shown in Figure 4 below. Additionally, under the Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No.2 - 1997) (SREP20), the Site contains a Scenic Protection planning layer of Regional Significance, as shown in Figure 5 below.



FIGURE 4 | PLEP SCENIC PROTECTION AREA

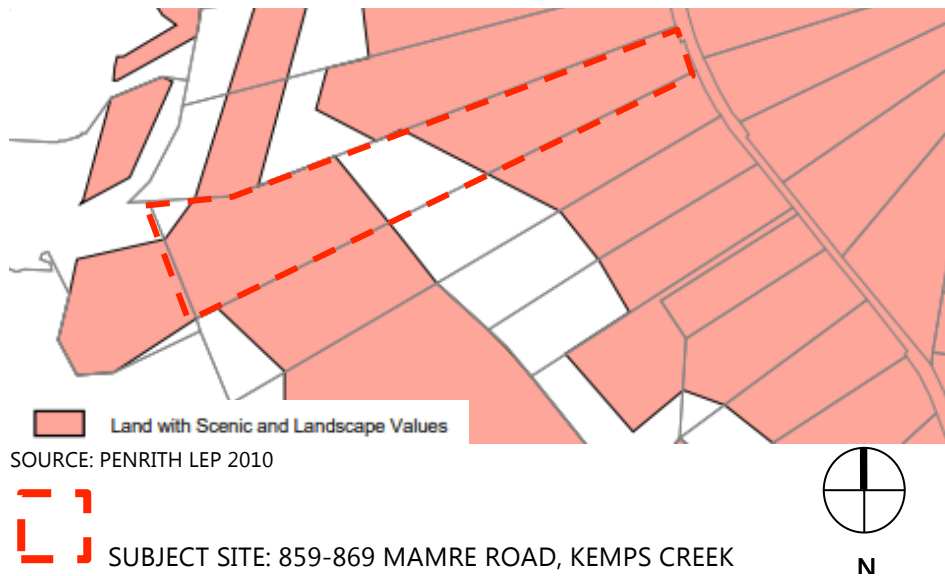
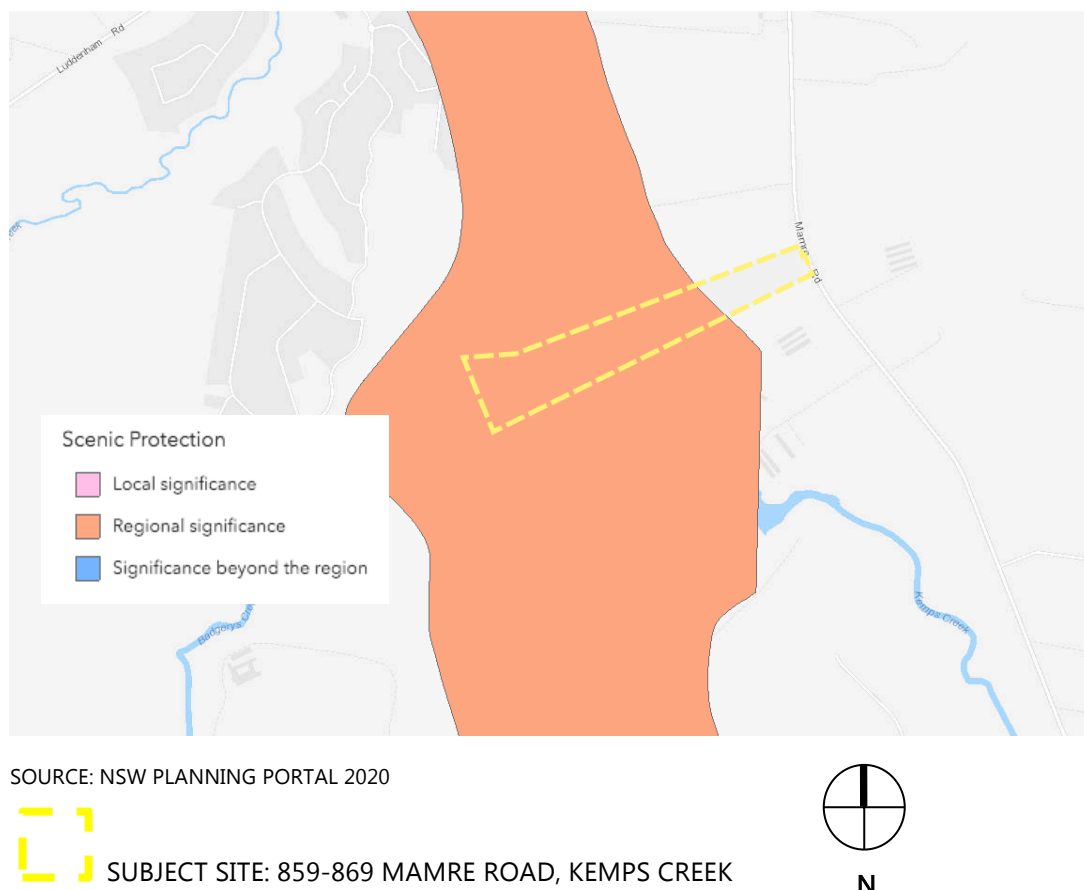


FIGURE 5 | SREP20 SCENIC PROTECTION AREA



Clause 17 of SEPP 55 also requires that remediation activities be carried out in accordance with the contaminated land planning guidelines and, in the case of a



Category 1 Remediation Work, an approved RAP. In this regard, we note that an RAP has been prepared by EI Australia Pty Ltd and dated 20 February 2020. The RAP is provided under separate cover with the DA.

There are no other relevant provisions within SEPP 55 relative to the assessment of the subject DA.

#### STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY EMPLOYMENT AREA) 2009 (WSEA SEPP)

The Site is located within the Land Application area of the WSEA SEPP. The Western Sydney Employment Area was established to supply employment land close to major road transport and provide jobs for Western Sydney, including the planned new Western Sydney (Nancy-Bird Walton) International Airport. The WSEA SEPP does not presently contain any relevant provisions, as the Site is not within any of the established precincts. The Site is however within the draft Mamre Road Precinct, which is discussed below in Section 4.3 of this report.

#### SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 - HAWKESBURY-NEPEAN RIVER (NO.2 - 1997) (SREP20)

The Sydney Regional Environmental Plan No. 20 (SREP 20) applies to the entire Hawkesbury-Nepean River catchment and sets out the policy framework to protect the environmental significance of the catchment. As shown in Figure 5 above, the Site is subject to the provisions of the SREP as it is affected by the Regional Significance Scenic Protection planning layer.

The SREP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposal, which seeks to remove identified contaminants, will achieve this stated aim.

Part 2 of the SREP contains a range of General and Specific planning policies and recommended strategies that must be taken into account by the Consent Authority when determining an application on land that is subject to the SREP. The nature of the proposal is such that the following is noted:

- The works will not have an adverse impact on the management of the surrounding water catchment or require referral to adjoining downstream Councils;
- The works are not adjacent to any environmentally sensitive areas or riparian zones and can be contained so as erosion and sedimentation of Kemps Creek can be easily contained through standard erosion control techniques;



- There will be no adverse impacts on water quality – standard erosion control practices can easily be applied by way of conditions of approval;
- The works will not have an adverse impact on surface or ground water quality or quantity;
- While there are not anticipated to be any adverse impacts on cultural heritage places or objects, adequate conditions can be imposed in the event of unexpected finds;
- Flora and fauna will not be impacted given that the Site is a working market garden;
- The Site does not contain any wetlands;
- The works are at ground level and will not adversely affect the riverine scenic quality of the locality;
- The works will facilitate the ongoing agricultural activities on the Site and will not impact rural residential or urban development in the area;
- There will be no adverse impact on recreational or tourism activities and opportunities; and
- Remediation of land is consistent with the key strategic planning documents for the area.

Part 3 of the SREP identifies the permissibility (or otherwise) of a range of specific land uses and activities, including the remediation of contaminated land. Clause 11 (4) confirms that development consent is required, which is sought by the current DA. Likewise, the filling of land (greater than 1m in depth or an area exceeding 100m<sup>2</sup>) requires development consent pursuant to subclause 11(7).

Although the Site is within a riverine scenic area, the proposal is not one of the four nominated activities identified by subclause 11(16) and accordingly, there are no relevant provisions.

#### 4.3 DRAFT PLANNING INSTRUMENTS

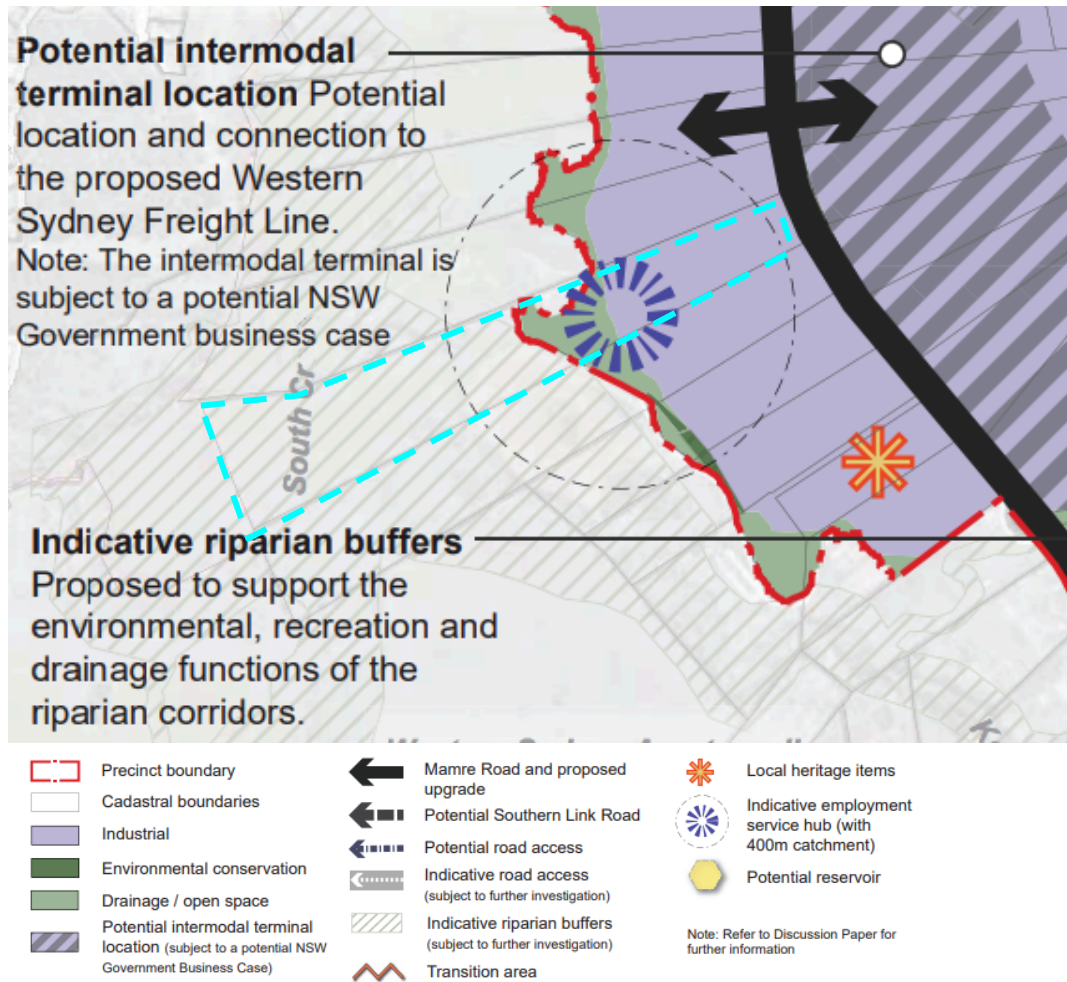
##### DRAFT MAMRE ROAD PRECINCT AMENDMENT - STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY EMPLOYMENT AREA) 2009 (WSEA SEPP)

The Site is located within the Draft Mamre Road Precinct that has been identified in proposed changes to *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*. The intent of the draft amendment to the WSEA SEPP is to facilitate industrial development in the Mamre Road Precinct. The



draft rezoning package was placed on exhibition between 20 November and 18 December 2019 and included a draft structure plan, discussion paper and draft zoning maps.

FIGURE 6 | EXTRACT OF THE MAMRE ROAD PRECINCT DRAFT STRUCTURE PLAN



SOURCE: NSW PLANNING INDUSTRY AND ENVIRONMENT 2019

The Precinct does not apply to the entire Site, rather it appears to follow the 1:100 year flood level with a portion of the site (of unknown dimensions) proposed to be zoned RE1 Public Recreation and the northeastern portion zoned for IN1 General Industrial purposes. The frontage to Mamre Road would also be zoned SP2 Infrastructure to allow for widening of the road corridor. The Structure Plan also nominates the Site as containing an indicative employment service hub. The proposed works are contained within that part of the Site within the draft precinct boundaries.

The Draft amendment does not contain any specific controls, however Section 3.10 – Contamination highlights the approach to the identification and remediation of contamination at the rezoning and development stages in accordance with SEPP

55. Noting this, and notwithstanding the draft Precinct Plan, the proposal would not be inconsistent with the draft Amendment to the WSEA SEPP.

There are no other applicable draft planning instruments currently under preparation that are relevant to the Site or the proposal.

#### 4.4 PLANNING AGREEMENTS

There are no voluntary planning agreements that apply to the proposal.

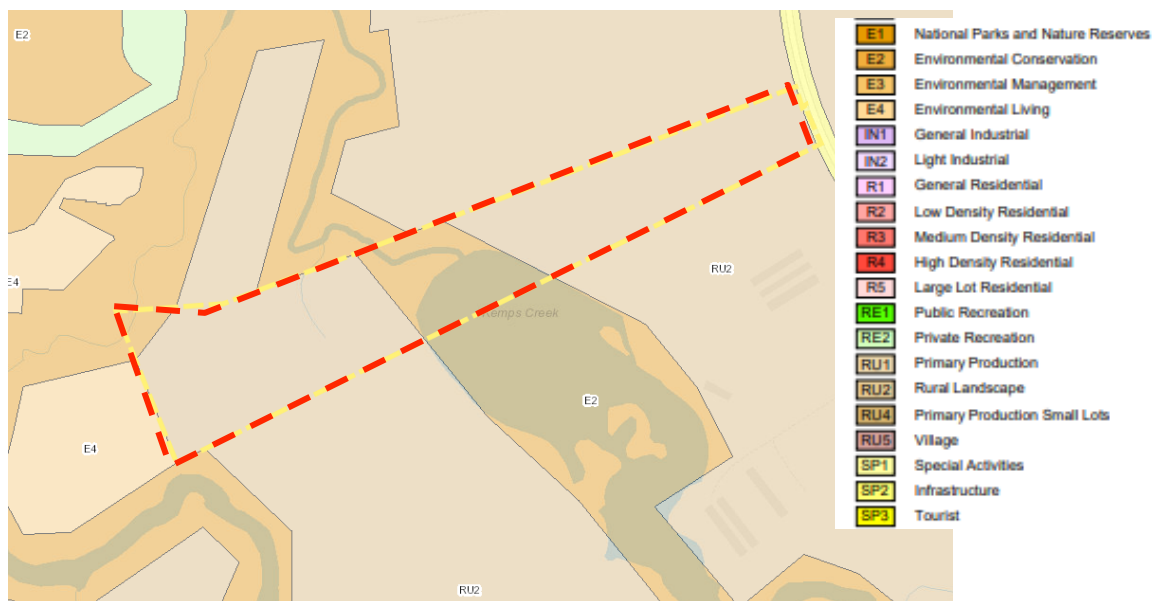
#### 4.5 LEP PROVISIONS

##### PENRITH LOCAL ENVIRONMENTAL PLAN 2010

##### Zoning and Permissibility

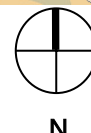
The Site is zoned part E2 – Environmental Conservation, part RU2 – Rural Landscape and part SP2 – Infrastructure, under the Penrith Local Environmental Plan 2010 (PLEP), as shown in Figure 7 below. The remediation works will be undertaken over that part of the Site that is zoned RU2 – Rural Landscape. The proposal is not in conflict with the objectives for the zone as it will allow the existing rural landscape character to remain following remediation, will enable the existing extensive agricultural practices (market gardening) to continue and the removal of contaminants follows appropriate land management practices that will improve the biophysical environment.

FIGURE 7 | THE SITE



SOURCE: NSW PLANNING PORTAL 2020

 SUBJECT SITE: 859-869 MAMRE ROAD, KEMPS CREEK



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In terms of permissibility, the PLEP does not specifically identify remediation works as a discrete activity or land use, however they would generally be considered to ordinarily ancillary to a permissible use. Notwithstanding this, permissibility is granted by virtue of the provisions of Clause 8(1) of SEPP 55. The proposed activities will not hinder the existing and on-going agricultural use.

#### Aims of the PLEP

The proposal is consistent with the aims of the PLEP given that the removal of contamination will:

- facilitate the future orderly and economic development of the land;
- provide for enhanced environmental protection and healthy communities;
- not prevent the existing market gardening activities from continuing;
- minimise the risk to the community and environment without impacting on the existing water body on the Site;
- not expose the community to a greater level of bushfire risk; and
- continue to embody the principles of sustainable development by mitigating risks and removal of contaminants.

#### Heritage

The Site does not contain any heritage items and is not in a Conservation Area. The property to the south at 885(a) Mamre Road is however an item of local heritage significance, known as the Fleurs Radio Telescope site. The works are such that the item will not be adversely affected.

A search of the AHIMS Web Services database has not identified any Aboriginal sites or places of significance on the Site or the surrounding area.

#### Earthworks

Clause 7.1 establishes the objectives and provisions relevant to applications involving earthworks. Clause 7(3) provides a number of matters that the consent authority must take into account when assessing an application that involves earthworks. Given that the proposal involves excavating contaminated soil and importing material to reinstate the Site, Table 1 below addresses the relevant matters.





TABLE 1: CLAUSE 7(3) CONSIDERATIONS

REQUIREMENT	PROPOSAL	SATISFACTORY
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality	Given the extent of intrusive testing and the localised nature of the contamination, the areas of excavation and soil disturbance will be limited. Neither soil stability or drainage patterns are expected to change, bearing in mind Kemps Creek once flowed through the Site and was subsequently dammed.	Yes
(b) the effect of the proposed development on the likely future use or redevelopment of the land	The remedial works will allow the existing market gardening to continue, however in the event that redevelopment is posed at some future point in time, the proposed works will not present any significant limitations.	Yes
(c) the quality of the fill or the soil to be excavated, or both	All excavated materials will be classified and disposed of as per Section 9.3 of the RAP.	Yes
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties	The works will be localised and given the distance to adjoining residence, amenity can be protected using standard conditions regarding noise, hours of work, dust suppression and haulage vehicles.	Yes
(e) the source of any fill material and the destination of any excavated material	While the source of any replacement fill is not yet known, Council can easily impose suitable conditions on any consent to ensure that appropriately sourced clean fill (either VENM or ENM).	Yes
(f) the likelihood of disturbing relics	There are no known relics on the Site however suitable conditions can be imposed on any consent requiring a	Yes



REQUIREMENT	PROPOSAL	SATISFACTORY
	standard unexpected finds protocol be implemented.	
(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area	While the Site contain a waterbody, standard conditions can be imposed regarding the installation of erosion and sediment control devices. Coupled with the limited extent of any earthworks, would have no greater effect than the current agricultural practices on the Site	Yes
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Appropriate mitigation measures can be applied through the inclusion of Council's standard conditions of consent as well as the specific measures contained in the RAP.	Yes
(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area	As noted above, the Site does not contain any heritage items. The Site to the south at 885(a) Mamre Road is an item of local heritage significance however, it will not be affected by the proposed works.	Yes

#### Flooding

The western portion of the Site is identified as being flood-prone land, as shown in Figure 8 below.



FIGURE 8 | FLOOD-PRONE LAND MAP EXTRACT



SOURCE: PLEP 2010

The remedial works are generally located outside that part of the Site that is flood-prone. The proposed remediation works are not in direct conflict with the objectives. The removal of contaminants that could be exposed or moved during a flood event will however have a positive planning outcome that will not prevent future development from being undertaken in a safe and appropriate manner and that further erosion of the former creek bed will be prevented.

With regard to the provisions contained in subclause (4), the following comments are made:

**TABLE 2: CLAUSE 7(3) CONSIDERATIONS**

REQUIREMENT	PROPOSAL	SATISFACTORY
(a) is compatible with the flood hazard of the land	Given the nature, limited extent and duration of the works, the remediation works are not incompatible with the flood hazard of the Site.	Yes
(b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway	The works are at the periphery of the flood affected area and given they will be below the ground surface level, will not impair the functioning of the flood zone. The timing of the works will be relatively short-lived.	Yes



REQUIREMENT	PROPOSAL	SATISFACTORY
(c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties	As above.	Yes
(d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment	As above.	Yes
(e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area	Any evacuations will have no need to go through the western portion of the Site.	Yes
(f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways	The removal of poor quality fill and contaminants will allow for the existing level of degradation to be reversed. The land will be reinstated so as to prevent further erosion and land degradation.	Yes
(g) is not likely to result in unsustainable social and economic costs to the community as a	The removal of contaminants is deemed to present a desirable planning and environmental outcome that will not have any adverse social or	Yes



REQUIREMENT	PROPOSAL	SATISFACTORY
consequence of flooding	economic costs to the community.	
(h) incorporates appropriate measures to manage risk to life from flood	The proposed works will have minimal risk to life from flooding due to the nature and expected duration of the works and likelihood of early detection and response to floodwaters.	Yes
(i) is consistent with any relevant floodplain risk management plan	The removal of contaminants and stabilisation of the affected area are considered to be positive outcomes that are consistent with the Hawkesbury-Nepean Valley Flood Risk Management Strategy.	Yes

#### Protection of Scenic Character and Landscape Values

Clause 7.5 aims to protect areas that have been identified as having particular scenic value and ensure that development in these areas is located and designed to minimise its visual impact. Given the nature of the proposed works, little permanent adverse visual impact on the Site's scenic values would eventuate. The works on the eastern portion of the Site may be temporarily visible from Mamre Road, however, given the extensive use of the property for market gardening and past modification of Kemps Creek, the impact is deemed to be negligible.

## 4.6 DCP PROVISIONS

### PENRITH DEVELOPMENT CONTROL PLAN 2014 (PDCP)

The relevant provisions of the PDCP are addressed below.

#### C1 Site Planning and Design Principles:

##### 1.1.2 Key Areas with Scenic and Landscape Values

Ordinarily, according to Table C1.2, a Level 1 Visual Impact Assessment would be required for "other minor development". Given the nature of the proposal and the current use of the Site for the purposes of market gardening where excavation and the tilling of the soil is part of the vernacular landscape, the proposed works will not trigger the need for any form of visual impact assessment.





## C2 Vegetation Management:

### 2.3 Bushfire Management

The Site is identified as being bushfire prone land (Vegetation Category 2), including the area occupied by a large water body. The nature of the proposed works is such that the remediation of land would not be in conflict with the objectives of Section 2.3 and that a Bushfire Assessment Report is not warranted in this instance.

## C3 Water Management:

### 3.3 Watercourses, Wetlands and Riparian Corridors

The Site contains land classified as "Waterfront Land", however the proposed works would be greater than 40m away from the top of bank and as such, a Controlled Activity Approval under the Water Management Act 2000 is not required. Accordingly, there are no relevant provisions within this section of the PDCP.

## C4 Land Management:

### 4.1 Site Stability and Earthworks

This is addressed in the consideration of the PLEP provisions. It is anticipated that any future industrial development on the Site in line with the aspirations of the Draft Mamre Road Precinct under the WSEA SEPP would not be hindered by the proposed remediation activities.

### 4.2 Landfill

Suitable conditions can be imposed on any consent to ensure the quality of any imported fill materials satisfies this Section of the PDCP. Given the small extent of works, large quantities of imported material are unlikely. The land surface will be reinstated to its pre-remediation condition (or better)

### 4.3 Erosion and Sedimentation

Suitable erosion and sediment control devices will be installed at each point where works will be undertaken. Council can impose its standard development conditions to ensure this occurs.

### 4.4 Contaminated Lands

Refer to the Assessment provided under SEPP 55 above and the RAP.



#### 4.7 SUBMISSIONS

The proponent requests the opportunity to respond to any submissions received as part of any public notification undertaken by Council.

#### 4.8 THE PUBLIC INTEREST

The proposed development will result in the removal of contaminants from the environment to facilitate both the current and future planned use of the Site. The remediation of the Site will have positive environmental impacts which are considered to be in the public interest.

#### 4.9 SUITABILITY OF THE SITE

The SEE has demonstrated in detail that the Site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development will respect the existing and desired future character of the immediate locality.
- Considerable compliance is achieved with the relevant non-statutory controls. In those minor instances where strict compliance with the numerical controls may not be achieved, it is considered that the relevant objectives have been satisfied.
- Likely impacts from the proposal are reasonable.



## 5 CONCLUSION

The development application is for Category 1 remediation works. The application has been assessed against the relevant matters for consideration under the Environment Planning & Assessment Act and has been shown to have minimal impact on the local environment.

This SEE also demonstrates the proposal is permissible with consent and satisfies the relevant statutory and non – statutory controls. Accordingly, the development application warrants development consent.

