

Statement of Environmental Effects - Remediation Works (3-15 North St, Penrith)

1 Introduction

1.1 Application Details

This Statement of Environmental Effects has been prepared by Kumar Rethnasamy, Major Projects Coordinator at Penrith City Council.

1.2 Description of the Development

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council in support of a Development Application (DA) for lots 3-15 North St, Penrith (site).

The development seeks to remediate the contaminated site.

1.2.1 Background

The main project is to construct a temporary at grade carpark for the community. Under Division 2 Schedule 1 "Exempt Development Part 2, Division 4, clause 20.1 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP – Infrastructure), at grade car parks in schedule 1 are considered to be exempt development.

Upon doing preliminary geotechnical investigations, the land was found to be contaminated with asbestos. Before the carpark can be constructed, remediation of the land is first required.

Under Clause 9 (d) Category 1 remediation work – work needing consent of State Environmental Planning Policy 55 – Remediation of Land (SEPP55), the remediation works are classified as category 1 due to the works being in the locality of State Regional Environmental Plan 20 – Hawkesbury-Nepean River (SREP20). And under Part 3 clause 11, section 4 of SREP 20, for the purposes of remediation of contaminated land, consent is required.

For the purpose of this DA only the remediation the site is to be considered.

1.3 Current Usage

The land is currently vacant and is unused. The purpose of the DA is to remediate the lots as it is a risk to the public in its present state. In the intermediary, the site has been temporarily fenced off to stop vehicles driving on the land and causing further disturbance to it.

2 Site Analysis

2.1 Description of the Site

The site is located at the Northern end of Penrith CBD bounded by the North St and Evan St Overpass.



The site consists of 12 adjacent blocks which currently have no buildings and only remnant vegetation from when the houses that were previously on the site.



2.2 Surrounding Land Uses

The land surrounding the site is bound by the following:

- **North** – To the North the lots are bounded by North St (Great Western Highway) and the Railway line

- **South** – To the South, there are 2 empty lots (behind 15-8 North St) and 4 occupied lots (behind 7-3 North St). The occupied lots consist of the following small businesses:
 - Elegance Carwash
 - Battery World
 - Midas Mechanics
 - Penrith City Tyres
 - Spring Forward Family Centre
- **West** – To the West of 15 North St is Evan St Bridge embankment
- **East** – To the East is a vacant nature strip

3 Proposed Development

3.1 Objective

The objective of the DA is primarily to remediate the site to remove the risk to the public in its present state.

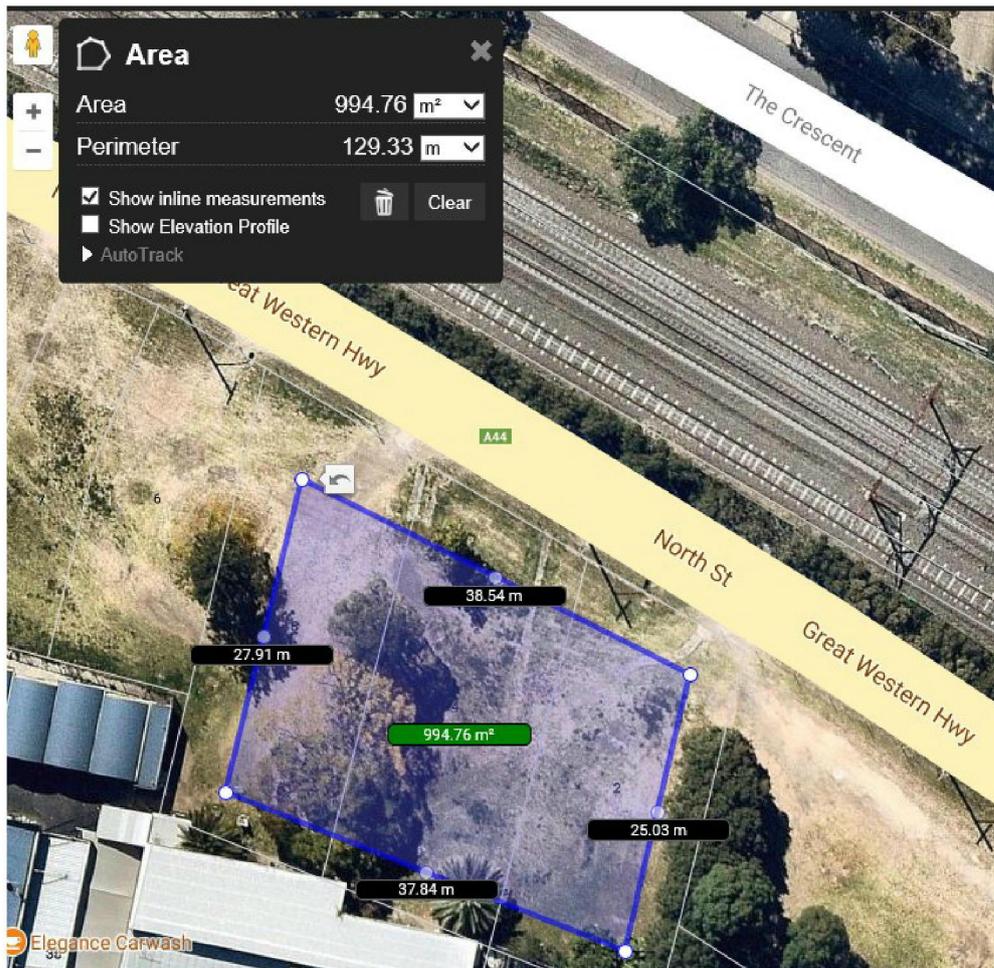
3.2 Overview

The DA seeks consent for carrying out remediation works on the site in accordance with Remedial Action Plan (RAP) prepared by Geoenviro and is included in the DA. The works proposed are to:

- Clear the site
- Strip the contaminated fill/topsoil material
- Stockpile the contaminated material into piles
- Assess the piles for contaminations
- Sort and reuse the clean fill onsite
- Excavate, contain and cap the contaminated material

To remediate the site, the remediation strategy in the RAP details the excavation of a 2000m³ (approx. dimensions 20m long by 50m wide and 2.5m deep) encapsulation cell to contain contaminated material from across the site.

Lots 3,4,5 North St have been nominated to construct the encapsulation cell as the lots are similarly sized and combine to an area of 1738m² which is greater than the 1000m² required to create a 20m x 50m encapsulation cell. Should the extent of contamination be less than expected this, the encapsulation cell can be reduced to lots 3 & 4 which is just over 1033m². All lots are flat and will reduce the handling movement of contaminated materials and their lot size and shape will minimise the number of lots impacted for any future developments.



3.3 Staging of Remediation Works

The remediation will be carried out as per the details in the RAP

Stage 1 - Approvals, licenses, notifications & site establishment

Stage 2 – Implement Remediation Action Plan (detailed in the section 5 of the RAP)

Remediation and validation works of known areas of contamination will be undertaken. On completion of the remediation and validation works, a qualified and experienced environmental consultant will provide a validation report documenting all remediation and validation works conducted. The report will confirm that the site is suitable for future development.

3.4 Timeframe to Complete Remediation

The remediation will take approximately 2.5 months to complete:

- Install erosion, sediment controls & clear site – 1 week
- Strip and stockpile the contaminated fill/topsoil material
- Excavate containment cell – 2 weeks
- Excavate, contain and cap contaminated material – 2 weeks
- Validation of site – 3 weeks

4 Assessment of Planning Issues

Under Section 79C (1) of the EP&A Act, in determining a development application the consent authority has to take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

4.1 SEPP 55 – Remediation of Land

This falls under clause 7 – “Contamination and remediation to be considered in determining development application”. The works proposed are to clean up the site fit for open space.

The remediation associated with the subject DA is classified as Category 2 remediation works under SEPP 55. Due to the requirements of Sydney Regional Environmental Plan No.20 - Hawkesbury- Nepean River (refer to Section 4.2) consent is sought for any remediation works which may be required on the site. This includes remediation works associated with unexpected finds.

4.2 SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)

SREP 20 contains planning objectives, principles and provisions to control development within the Greater Western Sydney metropolitan area. The proposed remediation detailed in the RAP is consistent with the objectives outlined in the SREP20 as it will allow for development to occur and make the site safe.

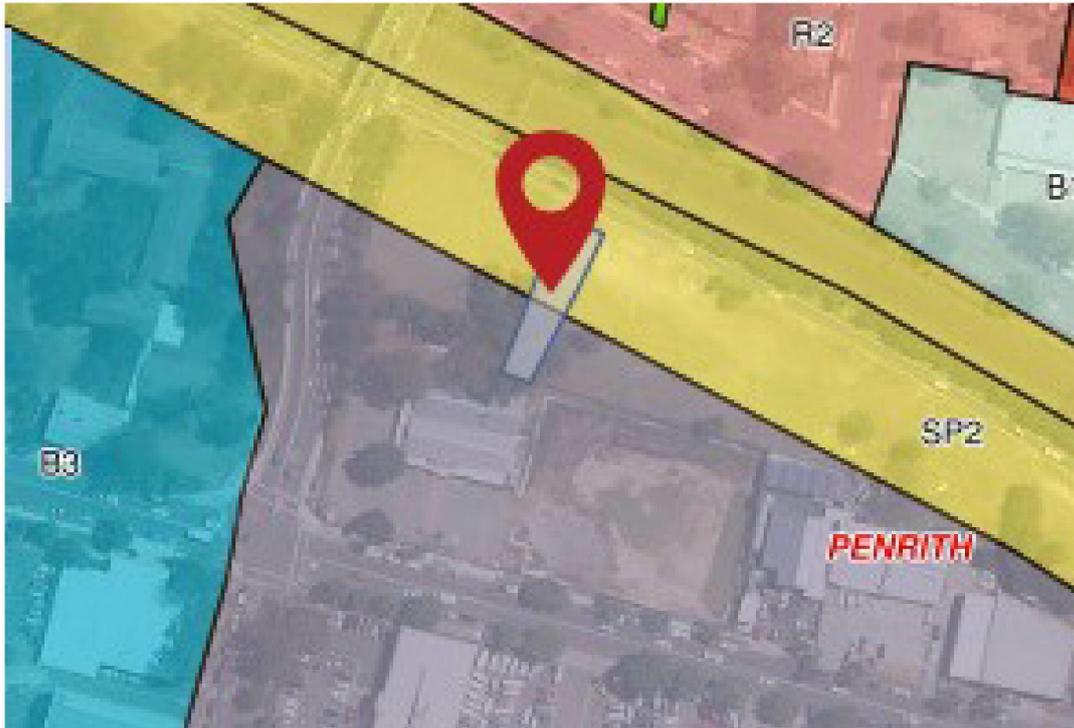
The site does not fall within any other areas of significance (e.g. wetlands, cultural heritage sites, or national parks and nature reserves). SREP 20 requires that remediation of contaminated land requires consent, and as such this DA seeks remediation works to cover the site.

4.3 Penrith Local Environmental Plan 2010

The principle planning instrument applicable to the site is the Penrith Local Environmental Plan 2010 (Penrith LEP 2010). An assessment of the proposed remediation works against the relevant controls is provided in the following sections.

4.3.1 Zoning and Permissibility (Clause 2.3)

The site is zoned B4 Mixed Use & SP2 Infrastructure. Remediation works are not expressly prohibited in Penrith LEP 2010 and are therefore permissible with development consent. The proposed remediation works are consistent with the objectives of each zone (as applicable). The proposed works will ensure the appropriate remediation of the site. This will facilitate the future development of the site.



4.3.2 Preservation of Trees and Vegetation (Clause 5.9)

The proposed remediation works will require the removal of the existing trees and vegetation on site. An assessment of the impact on trees and vegetation has been undertaken by Penrith City Council Tree Management Officer Evan Rowse.

The existing trees are (from east to west) 2 Brushbox (8 & 10m) 7 Bottlebrush in a row (5-6m), a small umbrella tree, 2x Camphor laurel (5&8m), 2x Jacaranda (8m), silky oak (8m), jacaranda (5m), silky oak (9m), camphor laurel (10m) a group of privet and camphor laurels (5m), a group of Casuarina suckers (4-8m) and bottle brush and casuarina with poor vigour on the Evan street bridge embankment.

The trees and vegetation (with the exception of the brushbox and bottle brush) on site have little retention value are weed species or have been damaged. A Tree Protection Zone (TPZ) of 5m radius (minimum) from all trees is required. The remediation works proposed will disturb the shallow roots on site and significantly impact on the TPZ. It would be difficult to remediate the site without damaging trees. The carpark development will encroach further into the TPZ. The trees on the embankment should be removed and soil improvements and fewer trees more groundcovers planted.

The Large Spotted gum trees in the old caryard site to the south are significant and TPZ must be adopted to protect these trees. The western most spotted gum is close to proposed stormwater works and alternatives to excavation for these works should be considered. Trees removed must be replaced with the same number of trees in more suitable locations.

Remediation will improve the site by removing heavily compacted fill and will allow for future plantings into clean uncompacted soil.

4.3.3 Flood planning (Clause 6.3)

Parts of the site are affected by 1 in 100-year flood events. The lots proposed for encapsulation are flat which would reduce the effects of floodwater scouring. Additionally, the depth of encapsulation would ensure that material would remain undisturbed in a flood event.

4.4 Penrith Development Control Plan 2014

Penrith DCP 2014 provides controls and design criteria to achieve desirable development outcomes in line with Council's vision for the wider Penrith local government area. An assessment of the proposal against the key provisions of the Penrith DCP 2014 is provided at below in Table 7.

4.4.1 C2 Vegetation Management

See 4.3.2 Preservation of Trees and Vegetation (Clause 5.9)

4.4.2 C4 Land Management

The successful Contractor will be required to provide an Environmental Management Plan (EMP) in line with the objectives of the DCP, outlining their processes for erosion and sediment control during the construction works, site protection and site restoration at completion of works.

Part 4.4 Contaminated Lands details the criteria for land remediation, in particular 4.4.3 Stages of Contamination Investigation which has been carried as per the RAP and the staging for remediation procedures which will be followed upon consent of the DA.

5 Assessment of Environmental Impacts

5.1 Traffic Impacts

This proposal will not create any significant traffic impacts as uncontaminated material will be reused on site and contaminated material will be stored onsite.

5.2 Air & Noise Pollution

The proposed remediation works will require excavation works to occur which may introduce air quality and noise impacts. This proposal will not create any significant additional noise or vibration, other than during remediation. Hours of work will be limited to daytime 7am to 5pm.

While remediation works are occurring, the site will be monitored for Asbestos Fibres and site will be watered down to reduce airborne dust.

5.3 Soil & Water Pollution

Excavation of soil for the purposes of remediation has the potential to introduce impacts to soil and water, through the use of machinery or the leaching of contaminants (if liquid). The RAP identifies that groundwater will not be impacted.

Appropriate site management measures have been implemented through the bulk earthworks process which involve sediment and erosion control measures to appropriately manage any potential impacts. The remediation works will involve physical removal of contaminated materials.

5.4 Submissions

In accordance with Section 79C 1(d) public exhibition of the proposal will occur in accordance with the requirements of the EP&A Act. Comments raised during the exhibition process will be reviewed and a response prepared for council consideration.

5.5 Site Suitability & Public Interest

The site is suitable for the development for the reasons outlined below and detailed in the SEE:

- The proposed development is permissible with development consent.
- The proposed remediation works is consistent with the DCP.
- The remediation will facilitate the development of land for future purposes, ensuring that the council owned land is made suitable for future development.

6 Conclusion

It is concluded that the proposed remediation at 3-15 North St, located within the land zoning SP2 (Infrastructure) and B4 (Mixed Use) under Penrith Development Control Plan 2014, is an appropriate form of development when assessed under headings of consideration of S.79C of the Environmental Planning and Assessment Act 1979.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, it is recommended that Penrith City Council approve the proposed remediation subject to standard conditions appropriate for this form of development.