



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
Remediation of the Former Tram Depot
Site, Leichhardt***

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

March 2006

© Crown copyright 2006
Published March 2006
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

The State Rail Authority proposes to remediate contaminated land at the former Tram Depot site in Leichhardt. The site is contaminated as a result of historical operations, with principal contaminants comprising petroleum hydrocarbons, polycyclic aromatic hydrocarbons, phenolic compounds and heavy metals. The contamination of soil has adversely impacted on local groundwater quality and currently prevents the development of the site for recreational and commercial uses. The site has also been declared to be a remediation site under the *Contaminated Land Management Act 1997* because it poses a 'significant risk of harm' to the environment and potential future occupants in its current contaminated state.

The Proponent seeks approval to excavate contaminated materials and dispose of these to a licensed landfill facility. The site would be backfilled with virgin excavated natural materials. The Proponent, through a Remediation Action Plan and Voluntary Remediation Agreement with the Department of Environment and Conservation, has developed a remediation approach and site-specific clean-up criteria reflective of the need to address on-going groundwater contamination and protect future occupants of the site.

The Department considers that the remediation approach put forward by the Proponent is appropriate and would achieve the intended remediation outcomes. This process will be assured through the oversight of an independent accredited site auditor under the *Contaminated Land Management Act 1997*. It is highlighted that the Department of Environment and Conservation in its submission on the application raised no objection to the proposed remediation.

Other submissions received in response to the exhibition of the application came from EnergyAustralia, the State Transit Authority and from the NSW Heritage Office. The State Transit Authority, as owner of part of the remediation site, was very supportive of the proposed remediation. EnergyAustralia was concerned to protect the health of its works, who may in future be required to excavate soils for installation or maintenance of its infrastructure. The Department is satisfied that the protection of workers has been considered in developing the site-specific clean-up criteria for the land.

The NSW Heritage Office was satisfied with the Proponent's intention not to directly impact on the two State significant heritage items on the site – the Cable Store and the Traffic Office. It considered that conservation and restoration works for those structures could be considered at a future time, as part of a planning application for development of those buildings for potential commercial or similar uses. The Office also suggested that if possible, retention of partially-buried tram lines on the site would further enhance the heritage interpretation of structures on the site. While the Department considers this a positive approach, the retention of the tram lines would conflict with the approved use of part of the site for a playing field for the local high school. The tram lines themselves are not considered of significant heritage value.

The Department is satisfied that the proposed remediation represents a positive environmental planning outcome, as it removes contamination that currently contributes to characterisation of the site as posing a 'significant risk of harm' and allows beneficial redevelopment of the site. The proposed remediation works could be undertaken within acceptable environmental and human health criteria, and would achieve remediation outcomes consistent with the intended land use.

CONTENTS

1.	BACKGROUND	1
1.1	Location.....	1
1.2	Existing Site.....	1
1.3	Previous Planning Approvals	1
1.4	Surrounding Land Use	1
2.	PROPOSED DEVELOPMENT	3
2.1	Project Description	3
2.2	Project Need.....	3
3.	STATUTORY CONTEXT	5
3.1	Major Project	5
3.2	Permissibility	5
3.3	Minister's Approval Power	5
4.	CONSULTATION AND ISSUES RAISED	7
5.	ASSESSMENT OF ENVIRONMENTAL IMPACTS	9
5.1	Remediation Standards	9
5.2	Heritage Impacts	10
6.	CONCLUSION	11
7.	RECOMMENDATION	13
	APPENDIX A – RECOMMENDED CONDITIONS OF APPROVAL	15
	APPENDIX B – STATEMENT OF COMMITMENTS	17
	APPENDIX D – SUBMISSIONS	19
	APPENDIX E – ENVIRONMENTAL ASSESSMENT	21

1. BACKGROUND

1.1 Location

The proposed site is in the suburb of Leichhardt. Situated to the south of the City West Link, the site is bounded by Balmain Road, Leichhardt High School and Derbyshire Road. The site's northern boundary is formed by the State Transit Authority's Leichhardt Bus Depot and a vacant parcel of land. Historically, the Leichhardt Tram Depot occupied the southern land portion of the site. Moore Street West is also included in the existing site. The location of the site is illustrated in Figure 1.

The site is subdivided into two lots: Lot 10 of DP 1016734; and Lot 11 of DP 1016734. These two lots cover an area of approximately 1.4 hectares.

1.2 Existing Site

The site is no longer used as a major functioning depot. Remnants of the Leichhardt Tram Depot are the main built features on the site which include the former Cable Store and Traffic Office. These buildings are currently vacant and are to remain part of the proposed developed site. The buildings heritage-listed under the *Leichhardt Local Environment Plan 2000*. The southern part of the site is currently vacant with only a concrete slab located on its boundary. There are additional concrete slabs throughout the entire site associated with former building foundations. A series of underground storage tanks are located on the proposed site to the south of the former Traffic Office.

1.3 Previous Planning Approvals

Historically the site has been used for Naval stores and a tram depot. Most recently the site has been sold by StateRail, with Lot 10 now owned by the State Transit Authority (STA) and Lot 11 owned by the Department of Education and Training (DET).

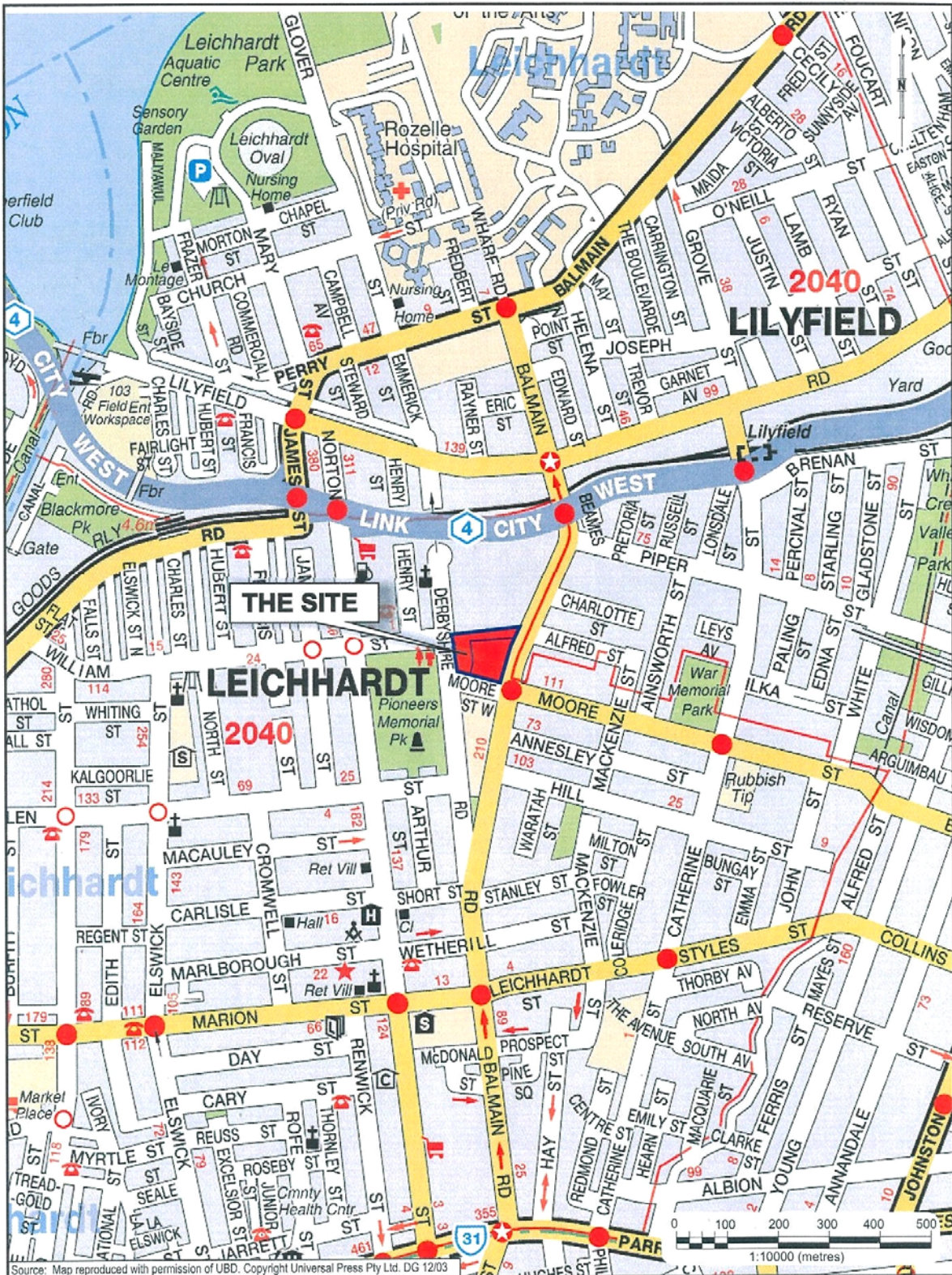
The site is zoned as "Public Purpose" under the *Leichhardt Local Environmental Plan 2000 (LEP)*.


Leichhardt Council issued a development consent on 10 March 2003 for the closure of Moore Street West and the subsequent construction of a playing field to service Leichhardt High School. Remediation of the site is a necessary precursor for the development of the site pursuant to the consent granted by Council.

1.4 Surrounding Land Use

South of the site is Leichhardt High School and the Bus Depot lies to the north. Derbyshire Street and the Pioneers Memorial Park are to the west of the site. Located on the northern side of Moore Street is a small light industrial area and the adjacent land uses to the east are primarily residential single-storey detached dwellings.

Figure 1: Site Location



Client STATERAIL AUTHORITY OF NSW 	Project BALMAIN ROAD, LEICHHARDT	Title SITE LOCATION
Drawn: HC Job No.: 43217226	Approved: DM File No.: 012.cdr	Date: 07/06/05 Figure: 1 Rev. A A4

2. PROPOSED DEVELOPMENT

2.1 Project Description

The Proponent seeks approval to remediate contaminated land at Balmain Road, Leichhardt. Elevated concentrations of hydrocarbons and phenols in both the soil and groundwater have been identified through previous investigations. The site has been declared by the Department of Environment and Conservation (DEC) as posing a 'significant risk of harm' in accordance with section 60 of the *Contaminated Land Management Act 1997* (CLM Act). The Proponent intends to remediate the site in order to remove the significant risk of harm declaration applying to the land, and to permit the safe use of the site for a playing field, as foreshadowed in the development consent granted by Council.

The Proponent has entered into a Voluntary Remediation Agreement with the DEC with respect to the site and has prepared a Remediation Action Plan that outlines the proposed remediation works. The project involves excavation of contaminated materials and transport for disposal off-site to a suitably-licensed waste disposal facility (landfill). The Proponent predicts that between 15,000 and 18,000 m³ of contaminated material would need to be removed, and the site backfilled with clean soils.

2.2 Project Need

The proposed site remediation is required to enable recreational open space and commercial/industrial land use on the DET and State Transit Authority land. The majority of the site is proposed to be developed and used as a playing field associated with Leichhardt High School.

3. STATUTORY CONTEXT

3.1 Major Project

The project is declared to be a Major Project under *State Environmental Planning Policy (Major Projects) 2005* because it is development for the purpose of remediation of land on land declared to be a remediation site under Division 3, Part 3 of the *Contaminated Land Management Act 1997*. The project will therefore be assessed and determined by the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979*.

3.2 Permissibility

The proposed remediation site is zoned "public purpose" under the *Leichhardt Local Environmental Plan 2000*. Development for the purpose of remediation is an innominate prohibited use in that zone.

However, *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) specifies that the project constitutes a category 2 remediation work and is therefore permissible without development consent. Clause 19(1) provides that SEPP 55 prevails over the LEP to the extent of any inconsistency. The remediation is therefore permissible.

3.3 Minister's Approval Power

The application and Environmental Assessment were placed on public exhibition from Friday 27 January 2006 to Monday 27 February 2006 and submissions invited in accordance with Section 75H of the Act. The Department has met all of its legal obligations so that the Minister can make a determination about the project.

4. CONSULTATION AND ISSUES RAISED

The Department received four submissions on the project during the exhibition of the Environmental Assessment, all of which were made by public authorities. Submissions were received from the State Transit Authority, the Department of Environment and Conservation, the NSW Heritage Office and EnergyAustralia. No submissions were received from private individuals.

The submission from the State Transit Authority states support for the proposed remediation and praises the quality of the Environmental Assessment. The State Transit Authority owns part of the land to be remediated.

The Department of Environment and Conservation raised no objection to the project in its submission, and indicated that it was satisfied that the Environmental Assessment and Statement of Commitments adequately addressed the potential impacts of the proposal. The DEC did not provide further comment on any conditions it considered should be imposed on the project should it be approved.

EnergyAustralia requested that consideration be given to the fact that its employees would need to access the site and contact soils during repair and installation of its infrastructure in future.

The NSW Heritage Office noted its submission that the heritage items on the site listed under the *Leichhardt Local Environmental Plan 2000* would not be directly affected by the project. It suggested that conditions relating to the future use and conservation of these heritage items would be more appropriate as part of any future application directly relating to those structures. The Office also noted that although the tram tracks and concrete slabs to be removed to facilitate the remediation of the site were of local heritage significance, their removal, cleaning and reinstatement would enhance the interpretation of retained heritage structures. The Office did note, however, that retention or reinstatement potential would depend on the future uses of the site.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues raised in the submissions in response to the public exhibition of the project and/or identified during the Department's assessment included:

- remediation standards; and
- heritage impacts.

All other issues are considered to be minor and have been addressed as part of the Proponent's Statement of Commitments.

5.1 Remediation Standards

Issues

The preferred remediation approach for the project, as detailed in the Remediation Action Plan, involves excavation of contaminated materials in the north western corner of the site that are currently contributing to groundwater contamination, and excavation of other materials on the site down to "uncontaminated" natural materials. The Proponent proposes to beneficially re-use clean materials on site, with contaminated materials transported off-site for disposal at a licensed landfill facility. The Proponent intends to backfill remaining excavated areas using virgin excavated natural material (VENM).

The Remediation Action Plan details derivation of clean-up criteria for the site, based on the need to prevent on-going migration of contaminants from the site through groundwater and to protect human health consistent with the future land uses of the site. In relation to the remediation of groundwater, the Proponent intends to locate and remove visibly stained or odorous materials, in addition to the most stringent of the following in each area of the site:

- the most conservative derived human health risk-based screening levels for volatile compounds in residential land uses (0.055 mgL⁻¹ for benzene, 0.7 mgL⁻¹ for naphthalene and 7 mgL⁻¹ for total petroleum hydrocarbons (C₆ – C₉ fraction);
- the ANZECC 2000 95% trigger level for the protection of aquatic ecosystems in marine water, modified by attenuation factors (10 for volatile and phenolic compounds and 100 for semi-volatile compounds other than phenolics); and
- water solubility limits for non-volatile chemicals, in particular long chain hydrocarbons.

In addition, the Proponent recognises the need to protect human health for future land uses, and as such, the Remediation Action Plan presents the intention to apply additional site-specific clean-up criteria. These criteria reflect the proposed future land uses (recreational open space in 'Area A' and commercial/ industrial in 'Area B') as follows:

- remediation of soil/ clay/ shale in which the 95% upper confidence level concentration of contaminants exceeds the EPA regulatory limits for the nominated land use; and
- remediation of 'hot spots' in which the concentration of contaminants exceeds the EPA regulatory limits for the nominated land use by a factor of 2.5 or more.

The Remediation Action Plan outlines comprehensive mitigation, monitoring and management measures to be applied during the remediation process, to ensure protection of the environment and public safety, and the achievement of specified remediation outcomes.

Consideration

The Department has assessed the Remediation Action Plan in detail and considers it represents an appropriate and robust approach to remediation of the site. The Department is satisfied that if implemented as proposed, the Plan will ensure achievement of acceptable remediation outcomes for proposed future land uses. This view is shared by the Department of Environment and Conservation, who has been prepared to enter into a Voluntary Remediation Agreement with the Proponent based on the proposed remediation approach.

The Department recommends that any approval that may be granted with respect to the project explicitly require the works to be undertaken in accordance with the Remediation Action Plan. The Department also recommends imposition of a condition of approval requiring certification by an independent accredited site auditor under the *Contaminated Land Management Act 1997* that the remediation has been successfully completed.

The Department highlights that if it were not for the operation of Part 3A of the *Environmental Planning and Assessment Act 1979*, the proposed remediation would have not required any planning approval as a category 2 remediation work under *State Environmental Planning Policy No. 55 – Remediation of Land*. In this context, the Remediation Action Plan and Voluntary Remediation Agreement were developed well ahead of any application for planning approval being lodged. The Department considers it appropriate, therefore, that any planning approval that may now be granted be of simple scope and content, with the principal regulatory oversight remaining with the Department of Environment and Conservation under the *Contaminated Land Management Act 1997*. The conditions of approval recommended by the Department reflect this approach.

5.2 Heritage Impacts

Issues

There are two State significant heritage items located on the site – the Cable Store and the Traffic Office. These items are also identified as being of heritage significance under the *Leichhardt Local Environmental Plan 2000*. The Proponent does not intend to direct impact on these items during the remediation works, with excavations and backfilling necessary in areas of the site surrounding the structures, rather than directly in or under the buildings. The Proponent intends to fence off the structures during the works to avoid unintentional or accidental impacts. In future it is proposed to redevelop the buildings, possibly for commercial or similar uses. Conservation and/ or restoration works for the heritage structures would therefore be considered as part of a future application for planning approval, and are not covered by the subject application.

Investigations on the site have identified partially-buried tram lines traversing the site. The heritage assessment presented by the Proponent suggests that this item is of low heritage significance. As a consequence of the remediation process, the tram lines must be removed to permit excavation of contaminated soils. Given their low heritage significance, the Proponent does not intend to return or restore the tram lines.

Consideration

The Department is satisfied that the Proponent has adequately considered the heritage significance of the site, and developed a remediation approach that would not adversely impact on these heritage values. In particular, the two most significant structures on the site will be retained and not directly impacted by the proposed remediation works. The Department recommends that any approval that may be granted for the project reflect the Proponent's commitment to fence off the heritage structures during remediation, to provide a clear and unambiguous barrier between the remediation works and the significant structures.

The NSW Heritage Office raises no objection to the project in the context of impacts on items of heritage significance. The Office notes that conservation/ restoration works for the Cable Store and Traffic Office are most appropriately dealt with in future as part of a separate planning application, once the intended uses of these structures is known. The Office also suggests that while the partially-buried tram lines on the site are of low heritage significance, their return to the site once remediation is completed would enhance interpretation of the other more significant heritage items to be retained.

While the Department agrees with the Office that replacement of the tram lines would contribute to heritage interpretation, it suggests that the contribution would be minimal. Further, the majority of the tram lines lie on that part of the site intended for use as a playing field for the local high school. Retention of the tram lines would therefore be in direct conflict with this approved land use, unless completely buried, in which case the small positive heritage contribution would be negated. As such, the Department does not consider it appropriate for the tram lines to be reinstated following the remediation works.

6. CONCLUSION

The Department has assessed the Environment Assessment and Statement of Commitments, and considered all issues raised in submissions on the proposal. Based on these considerations, the Department is satisfied that the impacts of the proposal can be mitigated and/or managed to ensure an acceptable level of environmental performance.

The proposed remediation will have a positive environmental planning outcome through the removal of contamination currently posing a 'significant risk of harm' and allow the site to be returned to active use. The Department is satisfied that the remediation could be undertaken in a manner protective of the environment and human health, so as not to detract from this positive outcome.

The key items of heritage significance on the site will be retained, with future uses of those structures to be considered as part of a future planning application for use of the buildings. Other items on the site, including partially-buried tram lines, represent minimal heritage value. While these other items would contribute to the overall interpretation of heritage values for the structures retained on the site, the Department considers that their retention in-situ is impractical in light of the remediation approach, and their replacement on the site is in conflict with the intended future use of the land. The Department does not consider the loss of these items outweighs the positive outcomes of the remediation proposal, nor the positive environmental planning outcomes associate with development of the site for recreational and commercial uses.

7. RECOMMENDATION

The Department recommends that the Minister for Planning consider the findings and recommendations of the Departments report and grant approval to the proposal, subject to the recommended conditions of approval.

APPENDIX A – RECOMMENDED CONDITIONS OF APPROVAL

APPENDIX B – STATEMENT OF COMMITMENTS

APPENDIX D – SUBMISSIONS

APPENDIX E – ENVIRONMENTAL ASSESSMENT
