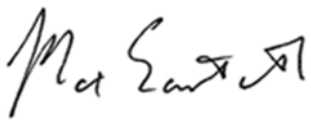
GWYDIR
SHIRE COUNCIL

NOTICE OF MEETING

NOTICE is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the Roxy Meeting Room, BIngara, on **Thursday 17 December 2020** (commencing at **9.00am**) to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,



Max Eastcott
General Manager

Content **Page No**

GWYDIR SHIRE COUNCIL

BUSINESS PAPER

AGENDA

ORDINARY MEETING December 17, 2020
9.00am

OFFICIAL OPENING AND WELCOME – MAYOR

APOLOGIES

CONFIRMATION OF THE MINUTES

RECOMMENDATION:

THAT the Minutes of the Ordinary Meeting held on Thursday, November 26, 2020 as circulated be taken as read and CONFIRMED.

THAT the Minutes of the Confidential Ordinary Meeting held on Thursday, November 26, 2020 as circulated be taken as read and CONFIRMED.

PRESENTATION

CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST

COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS

1. **Confidential Organisation and Community Services Report for November 2020**

   It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

MAYORAL MINUTE (If any)

DEFERRED ITEMS – Nil

OFFICERS' REPORTS (As listed)

COMMITTEE OF THE WHOLE – OPEN

Councillors' Reports

Item 1 Managing Contaminated or Potentially Contaminated Land Policy

FILE REFERENCE 20/28968

DELIVERY PROGRAM

GOAL: **3. An Environmentally Responsible Shire**

OUTCOME: **3.2 WE USE AND MANAGE OUR NATURAL RESOURCES WISELY**

STRATEGY: **3.2.4 Identify and make best use of our resource land - ED - external**

AUTHOR Environment and Sustainability Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

The report recommends the advertising of the draft policy and procedure.

BACKGROUND

The objective of the Draft Namoi Unlimited Policy Managing Contaminated or Potentially Contaminated Land 2019 (the Policy) is to provide a framework to assist Council, residents and proponents of development to respond proactively to contaminated land-based hazards and risks.

This project has been identified to assist Council in identifying, assessing, recording and managing contaminated lands within our LGA. Future applications for development approvals will allow the Council to consider each application regarding contaminated lands more accurately and if required, to advise in remediation, monitoring and managing identified sites in accordance with NSW legislation and standards.

COMMENT

The Policy has been developed in consultation with Namoi Unlimited – comprising of Tamworth Regional Council, Gunnedah Council, Liverpool Plains Council, Gwydir Council and Walcha Council; as part of the EPA funded Regional Contaminated Land Capacity Building Program.

When carrying out planning functions under the Environmental Planning and Assessment Act 1979 (the EP&A Act), Council must consider the possibility that a previous land use, or any adjoining or nearby land use, has caused contamination to the site; as well as the potential risk to health or the environment.

Council also has a statutory responsibility to include specific information on certificates issued for the purposes of s10.7 of the Environmental Planning and Assessment Act 1979.

To respond responsibly and proactively to contamination hazards and risks, through the land use planning framework, and to facilitate economic development of contaminated or potentially contaminated land. Proactive measures to present possible contamination can have significant environmental and financial benefits for Council and the Community.

To achieve this, Councils will

1. Maintain individual Council specific data bases of contaminated or potentially contaminated land, managed jointly where/when feasible, and record any relevant information on remediation, abatement, or site audits of work undertaken in the Namoi Unlimited areas;
2. Ensure that information provided by the NSW Environment Protection Authority (EPA) in respect of the EPA Register of significantly Contaminated Land (and other information as appropriate), or information held in Council's Contaminated or Potentially Contaminated Land Database (CPCL Database) is noted on any relevant section 10.7 (2) Planning Certificate, including advice that further information is available from Council.
3. Ensure that appropriate consideration of contamination issues are made during the rezoning and development assessment process, including;
    I. Identification of the presence of, or the potential for, contamination on the land;
    II. Consideration of the outcomes of any land contamination study;
    III. Consideration of any remediation or abatement that has occurred on the land; and
    IV. The application of requirements set out in the Contaminated Land Management Act, SEPP55, SEPP55 Guidelines, and any applicable Local Environment Plans, Development Control Plans, policies or guidelines.
4. Develop and implement educational material and a formal Communications Strategy to translate the Policy into operational guidelines for Council officers and the community.

Information held in the Contaminated Land Information System is also to be made available to the public by way of access to documents on request in accordance with the requirements of the Government Information (Public Access) Act 2009. This includes making publicly available and free of charge, any land contamination consultants reports filed in the council system.

The next step is to exhibit the Draft Namoi Unlimited Policy Managing Contaminated or Potentially Contaminated Land 2019 for 28 days and bring it back to Council for consideration including submissions, at Council's next ordinary Meeting.

STATUTORY ENVIRONMENT

Currently contaminated lands are shared between the EPA, NSW Department of Planning, Industry and Environment (DPIE), and Council through two processes;

1. Sites that are considered to have significant contamination are regulated by the NSW EPA under the Contaminated Land Management Act 1997 and associated Regulations;
2. Other sites are managed by Councils via the land use planning instruments under the Environmental Planning and Assessment Act 1979 and Associated Regulations. In these cases, the planning and development process determines what remediation is needed to make the land suitable for a different use.

In addition to these Acts, the NSW Planning Guidelines – SEPP 55 Remediation of Land 1998 also recommend that "each local council develop and adopt a formal policy for managing land contamination to provide a local context for decision making" and that "the policy should be consistent with the SEPP Remediation of Land Guidelines and either adopt or be based in them, with variations based on local conditions and procedure."

SEPP 55 also states that "council's policy on contaminated land may be contained within a number of documents, such as planning instruments that contain land use restrictions relevant to contamination and a DCP or plan. However, it is advisable to have a formal "stand alone" policy document."

Therefore, this Policy is designed to satisfy these legislative conditions, via a framework developed by the ROC to manage contaminated or potentially contaminated land within the Region in accordance with the EP&A Act and SEPP55.

POLICY IMPLICATIONS

The Namoi Unlimited Policy Managing Contaminated or Potentially Contaminated Land 2019 will be an integral part of Council Policy.

FINANCIAL IMPLICATIONS

This project has been developed in consultation with the Namoi Unlimited – comprising of Tamworth Regional Council, Gunnedah Council, Liverpool Plains Council, Gwydir Council and Walcha Council; as part of the EPA funded Regional Contaminated Land Capacity Building Program. Following the funded three year program, the program will require resourcing, by the use of staff and/or a consultant.

STRATEGIC IMPLICATIONS

The Namoi Unlimited Policy Managing Contaminated or Potentially Contaminated Land 2019 will need to integrate with Council's Community Strategic Plan and be reviewed at the same time as each review of the Community Strategic Plan.

How this overall process will continue if Gwydir Shire leaves Namoi Unlimited will need to be negotiated.

OFFICER RECOMMENDATION

THAT the report be received

FURTHER that Council:

1. **Endorse the public exhibition of the Draft Managing Contaminated or Potentially Contaminated Land 2019 Policy for a period of 28 days;**

2. **Following the public exhibition period, if feedback is received, request a further report on the feedback and any amendments to the Draft Policy for consideration and adoption by Council;**

   and

3. **Following the public exhibition period, if no feedback is received, ADOPT the Draft Policy as presented.**

ATTACHMENTS

AT- Draft Policy
AT- Draft Procedure

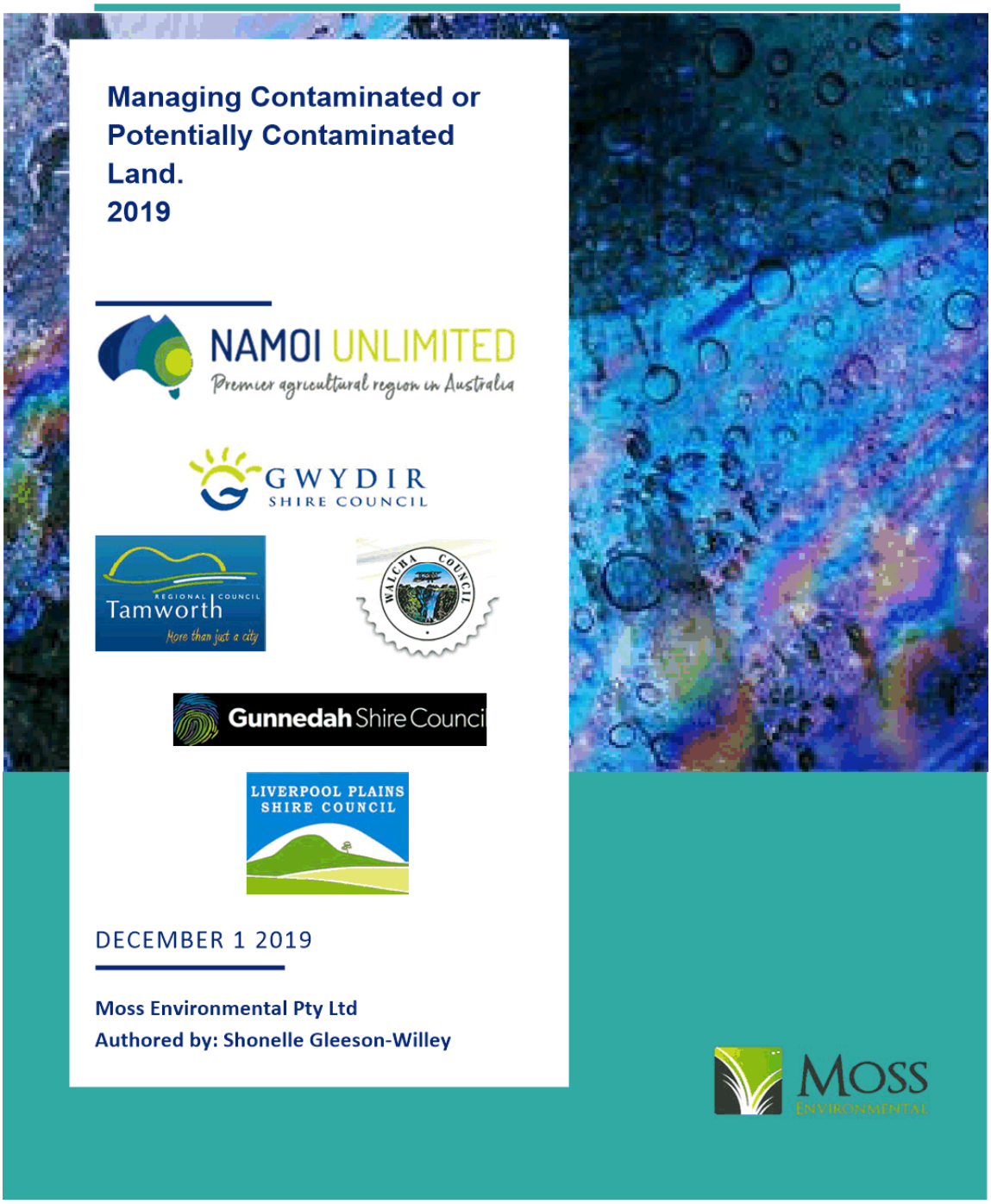

Managing Contaminated or Potentially Contaminated Land.
2019
NAMOI UNLIMITED
Premier agricultural region in Australia
GWYDIR SHIRE COUNCIL
Tamworth REGIONAL COUNCIL
More than just a city
WALCHA COUNCIL
Gunnedah Shire Council
LIVERPOOL PLAINS SHIRE COUNCIL
DECEMBER 1 2019
Moss Environmental Pty Ltd
Authored by: Shonelle Gleeson-Willey
MOSS ENVIRONMENTAL

Table of Contents

Key Terms and Definitions

Abatement	A barrier over affected areas to reduce exposure pathways, and may include a barrier over lead affected areas which contains the contamination on the land
Approved Voluntary Management Proposal	A voluntary management proposal that has been approved by the EPA under section 17 of the *Contaminated Land Management Contaminated Land Management Act (1997)* as modified by any conditions imposed by the EPA under that section.
Assessment of site contamination	A set of formal methods for determining the nature, extent and levels of existing contamination and the actual or potential risk to human health or the environment on or off-site resulting from that contamination.
Category 1 Remediation	Remediation works requiring Development Consent under SEPP 55
Category 2 Remediation	Remediation works that do not require Development Consent under SEPP 55, but must be notified to Council
CLM Act	*Contaminated Land Management Act 1997* (NSW)
Competent and qualified contamination consultant	Two contaminated land consultation certified schemes have recently merged: Council recognises this merged scheme now operating under CEnvP Site Contamination and continues to recognise the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.
Conditions of Consent	Requirements imposed by Council on a development approval to ensure the development complies with required standards. Conditions may apply to both the immediate construction stages of the development and occasionally beyond
Contamination	The condition of land or water where any chemical substance or waste has been added as a direct or indirect result of human activity at above background levels and represents, or potentially represents, an adverse health or environmental impact
Contaminated Land	Land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

Contaminated Land Process	The process includes several stages of investigations and actions. The level ultimately required is determined by the circumstances and outcomes from the previous stage. The potential stages of the Contaminated Land Process are: • Preliminary Site Investigation (PSI) • Detailed Site Investigation (DSI): Several reports, such as additional investigations, contamination delineation, monitoring, and/or Site-Specific Risk Assessments may be included in this stage) • Remedial Action Plan (RAP) • Remediation • Validation (including Monitoring if applicable) • Ongoing Environmental Management Plan (OEMP) and Monitoring
Council	This is to be taken to mean all Councils within the Joint Organisation of Councils, including when use in the singular.
Data Quality Indicators (DQI)	Pre-determined indicators used to assess if the data is considered fit for its intended uses in operations, decision making and planning. The typical parameters adopted are Precision, Accuracy, Representativeness, Completeness and Comparability (PARCC)
Detailed Site Investigation (DSI)	An investigation with the objective to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a Remedial Action Plan (if needed)
Development Application	A Development Application is a formal request for consent to carry out development and is considered under Part IV of the *Environmental Planning & Assessment Act 1979*
Development Consent	Formal approval from Local Councils to proceed with a development. Development Consent is required prior to commencement of any works associated with development governed by Part IV of the *Environmental Planning & Assessment Act 1979*
Development Control Plan	Provides guidance to the development of land under the applicable Council DCP.
Duty to Report	The duty to report significant contamination to the NSW EPA is a requirement under the *Contaminated Land Management Act 1997*, with updates provided in the *Contaminated*

	Land Management Amendment Act 2008. The triggers for reporting are presented in the "Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*" (2015)
EPA	Environment Protection Authority
Harm	In relation to the contamination of land, harm to human health or some other aspect of the environment (including any direct or indirect alteration of the environment that has the effect of degrading the environment), whether in, on or under the land or elsewhere.
Initial Evaluation	An evaluation undertaken by Council to determine whether contamination is likely to be an issue, and to assess whether further information is required for it to conduct its planning functions
Land Contamination	Land contamination may be the result of past or current uses. The land may be contaminated by a current or historical land use activity directly on that site or through migration of contamination from adjacent sites. See also definition of "contamination"
Lead Abatement Strategy (LAS)	A Strategy approved by the EPA which provides for a cap and cover approach to lead in soil to minimise human contact with the lead contaminant.
LEP	Local Environmental Plan. The LEP guides planning decisions for Local Government Areas through zoning and development controls, which provide a framework for the way land can be used. LEPs are Planning Instruments from the *Environmental Planning & Assessment Act 1979*
LGA	Local Government Area
Management Order	An order under section 14 (1) under the *Contaminated Land Management Act 1997*.
National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013 ASC NEPM)	A measure made under section 14(1) of the Commonwealth Act and the equivalent provisions of the corresponding Acts of participating States and Territories.
Planning Guidelines	NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)
Planning Proposal	A formal application submitted to Council that proposes to rezone land or to change the land use controls applicable to that land
POEO	*Protection of the Environment Operations Act 1997* (NSW)

Potentially contaminated land	Land that may be contaminated with a concentration of substances above that naturally present that may pose or is likely to pose a potential or actual risk to human health of the environment such as uncontrolled and unidentified fill on land.
Preliminary Site Investigation (PSI)	An investigation to identify any past or present potentially contaminating activities, to provide a preliminary assessment of any site contamination, and if required, to provide a basis for a more detailed investigation
Control Process	A process used to assess the reliability of field work and analytical results for an investigation
Remedial Action Plan (RAP)	A plan that sets objectives, and documents the process, for remediating a contaminated site
NamoiROC	Namoi Regional Organisation of Councils
Sampling and Analysis Quality Plan (SAQP)	A document outlining the details for a sampling program, such as the objective(s) and the intended process
Section 10.7 Planning Certificate	A planning certificate issued under the *EP&A Act 1997* that provides information to owners and prospective purchases as to any restrictions on the land.
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
Site Audit	An independent review by a Contaminated Land Auditor, accredited by the NSW EPA, of any or all stages of the site investigation process, conducted in accordance with the requirements of the *Contaminated Land Management Act 1997*
Site Audit Report (SAR)	A report which summarises the report(s) audited and provides the Auditor's opinion and conclusions. A Site Audit Report must be accompanied by a Site Audit Statement
Site Audit Statement (SAS)	A statement which outlines the conclusions of a site audit. A Site Audit Statement must be accompanied by a Site Audit Report
Validation	The objective of the validation stage of the contaminated land process is to demonstrate whether or not the objectives stated in the Remedial Action Plan have been achieved
Voluntary Management Proposal	Section 17 (1) of the *Contaminated Land Management Act.*

Legislation, Regulations, Policies and Guidelines

Contaminated Land Management Act 1997	Sets out the role of the EPA and the rights and responsibilities of parties it might direct to manage land where contamination is significant enough to warrant regulation
Contaminated Land Management Amendment Act 2008	Introduced amendments aimed to allow sites to be cleaned up more efficiently while reinforcing the 'polluter pays' principle
Contaminated Land Management Regulation 2013	Sets out the recovery of administrative costs for the EPA relating to regulated sites and the auditor system. It also sets out timeframes for administrative matters under the *CLM Act*
Duty to Report Guidelines	Details the circumstances that can trigger the requirement to notify the EPA about contamination under Section 60 of the *Contaminated Land Management Act 1997*
Environmental Planning & Assessment Act 1979	Provides the overarching structure for regulation of planning and development in NSW together with the *Environmental Planning and Assessment Regulation 2000*
Environmental Planning and Assessment Regulation 2000	Provide the overarching structure for the regulation of planning and development in NSW together with the *Environmental Planning and Assessment Act 1979*
National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)	Establishes a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, site auditors, landowners, developers and industry. Measure made under section 14(1) of the Commonwealth Act
NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)	The Planning Guidelines support SEPP55 and address the policy framework, identification and investigation of contamination, the decision-making process, management of contaminated sites and remediation, information management, and principles for proactively preventing future contamination
State Environmental Planning Policy No 55 – Remediation of Land	Ensures planning decisions consider possible land contamination, and promotes remediation to reduce risk of harm
Government Information (Public Access) Act 2009	Access to NSW Government information is governed by the *Government Information (Public Access) Act* (2009) (GIPA Act).

Objectives

The Regional Organisation of Councils under Namoi Unlimited is committed to ensuring that the use of contaminated land, or suspected contaminated land, occurs in a way that minimises risk to the community and the environment. This will be done by ensuring compliance with the requirements of the *Contaminated Land Management Act* (1997), *the Environmental Planning and Assessment Act 1979 (EP & A Act), State Environmental Planning Policy (SEPP)55 – Remediation of Land (SEPP55) and the associated Managing Land Contamination: Planning Guidelines (SEPP55 Guidelines); The National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), ASC NEPM*, and all relevant Council policies, procedures, and processes.

The objective of this Policy is to provide a framework to assist Council, residents and proponents of development to respond proactively to contaminated land-based hazards and risks.

Policy Application

This Policy relates to Council's responsibility in contaminated land matters as the regulatory authority for land use planning. This Policy applies to all land within the Local Government Areas of Walcha Council, Gwydir Shire Council, Tamworth Regional Council, Gunnedah Shire Council, Liverpool Plains Shire Council.

This Policy will be applied by;

- Provide a framework to ensure that changes in regional land use will not increase the risk to human health or the environment;
- Consider the likelihood of land contamination as early as possible in the planning and development control process;
- Link decisions about the development of land with the information available about possible contamination;
- Ensure Councils exercise their functions relating to the development of contaminated land with a reasonable standard of care and diligence;
- Ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified by a Site Auditor;
- Avoid inappropriate restrictions on land use arising from contamination;
- Provide information to support decision making, and to inform the community of potential restrictions on property arising from contaminated land matters.
- Reporting contamination to the NSW EPA
- Preventing or minimising the potential for contamination.

Policy Statement

Contaminated Lands is a complicated and technical area where specialist assistance is required to ensure it does not impact on the environment or the health of a community. Historically, investigations were undertaken by the NSW Environment Protection Authority (NSWEPA) with information gained from

investigations being made publicly available through their website. This however only identified significantly contaminated areas. Local Councils require applicants, through the Council Development Approvals process to identify areas of contamination as part of the due process in the application. To this effect, it is then up to Councils to accept the information supplied by the applicant or undertake further investigations in order to meet the NSW legislation for identifying, evaluating and managing any contaminated lands. This process is complex.

This project has been identified to assist Councils in identifying, assessing, recording and managing contaminated lands within their shire boundary. Future applications for development approvals will allow the Council to consider each application regarding contaminated lands more accurately and if required, to advise in remediation, monitoring and managing identified sites in accordance with NSW legislation and standards.

This project has been developed in consultation with the Namoi Regional Organisation of Councils (ROC) – comprising of Tamworth Regional Council, Gunnedah Council, Liverpool Plains Council, Gwydir Council and Walcha Council, also called Namoi Unlimited. These Councils are active participants in the Regional Contaminated Land Capacity Building Program.

To respond responsibly and proactively to contamination hazards and risks, through the land use planning framework, and to facilitate economic development of contaminated or potentially contaminated land. Proactive measures to present possible contamination can have significant environmental and financial benefits for the ROC and the Community.

To achieve this, the ROC will;

1. Maintain individual Council specific data bases of contaminated or potentially contaminated land, managed jointly, and record any relevant information on remediation, abatement, or site audits of work undertaken in the ROC areas;
2. Ensure that information provided by the NSW Environment Protection Authority (EPA) in respect of the EPA Register of significantly Contaminated Land (and other information as appropriate), or information held in Council's Contaminated or Potentially Contaminated Land Database (CPCL Database) is noted on any relevant section 10.7 (2) Planning Certificate, including advice that further information is available from Council.
3. Ensure that appropriate consideration of contamination issues are made during the rezoning and development assessment process, including;
    - Identification of the presence of, or the potential for, contamination on the land;
    - Consideration of the outcomes of any land contamination study;
    - Consideration of any remediation or abatement that has occurred on the land; and
    - The application of requirements set out in the *Contaminated Land Management Act, SEPP55, SEPP55 Guidelines, and any applicable Local Environment Plans, Development Control Plans, policies or guidelines.*

Develop and implement educational material and a formal Communications Strategy to translate the Policy into operational guidelines for Council officers and the community.

Legislative Framework

Currently contaminated lands are shared between the EPA, NSW Department of Planning, Industry and Environment (DPIE), and Council through two processes;

1. Sites that are considered to have significant contamination are regulated by the NSW EPA under the *Contaminated Land Management Act 1997 and associated Regulations*;
2. Other sites are managed by Councils via the land use planning instruments under the *Environmental Planning and Assessment Act 1979 and Associated Regulations*. In these cases, the planning and development process determines what remediation is needed to make the land suitable for a different use.

In addition to these Acts, the NSW Planning Guidelines – SEPP 55 Remediation of Land 1998 also recommend that "*each local council develop and adopt a formal policy for managing land contamination to provide a local context for decision making*" and that "*the policy should be consistent with the SEPP Remediation of Land Guidelines and either adopt or be based in them, with variations based on local conditions and procedure.*"

SEPP 55 also states that *"council's policy on contaminated land may be contained within a number of documents, such as planning instruments that contain land use restrictions relevant to contamination and a DCP or plan. However, it is advisable to have a formal "stand alone" policy document."*

Therefore, this Policy is designed to satisfy these legislative conditions, via a framework developed by the ROC to manage contaminated or potentially contaminated land within the City in accordance with the EP&A Act and SEPP55. The Policy Managing Contaminated or Potentially Contaminated Land within the Regional Organisation of Councils (this Policy) should be reviewed every 4 years.

NOTE – Schedule 6 of the EP& A Act provides that, planning authorities that act substantially in accordance with SEPP55 and related guidelines, are taken to have acted in good faith when carrying out planning functions.

Council Responsibility

When carrying out planning functions under the *EP& A Act*, all Councils must consider the possibility that a previous land use, or any adjoining or nearby land use, has caused contamination to the site; as well as the potential risk to health or the environment.

The general principle of contamination management under SEPP55, and its related guidelines, is that a precautionary approach be taken and that the identification of any potential land contamination issues occurs at an early stage in the planning process. This shall allow for any orders to prevent harm to be issued and thus reduce delays and costs to a development.

To support the precautionary approach, the requirements of SEPP 55 (s7) states:

"A consent authority must not consent to the carrying out of any development on land unless: a) It has considered whether the land is contaminated, and b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of which the development is proposed to be carried out, and c) If the land requires remediation to be made suitable for the

purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".

The *National Environment Protection (Assessment of Site Contamination) Measure* (ASC NEPM, 2013), volume 1, Section 5 (Planning and Development) also supports this approach by stating:

"Authorities of participating jurisdictions (at local and State government level) that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use."

Generally, Councils should not approve a Development Application or support a Planning Proposal unless it is satisfied based on available information under this Policy that:

- Land contamination has been considered;
- If the land is contaminated, that the land is suitable in its contaminated state (or will be suitable following remediation) for all the uses acceptable under the approval; or
- If the land is contaminated, that conditions can be placed in planning instruments or on development consents and approvals under Part IV of *the Environmental Planning and Assessment Act 1979* that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

If Councils receive an LEP amendment request or a Development Application, relevant staff must undertake a review of the amendment / application to determine if the land necessitates further investigation in relation to potential contamination. If this review identifies evidence of potential or actual contamination, further assessment of contamination will be required.

Prior to undertaking any land use planning functions, Council must also consider the possibility that the previous and/or current land uses, and/or a nearby land use, may have caused contamination of the site, and the potential risk to human health and the environment from that contamination needs to be assessed.

Councils personnel having responsibilities in the management of contaminated lands must abide by these requirements and ensure they are considered during the approval phases and the remediation of any known sites. Specific roles and responsibilities for each of the ROC members will be contained within the Council specific procedure.

Where Council has reasons to believe contamination may be present on a site and could pose a risk to human health and/or the environment in the proposed land use scenario, the Contaminated Land Process is therefore triggered.

Rezoning Land

SEPP55 requires consideration of contamination issues when rezoning land. Council must determine, at an early stage in the development process, if a rezoning could allow a change of use that may increase the risk to health or the environment from contamination. Council must be satisfied that the land is suitable for the proposed use or can be remediated to ensure its suitability. This includes considering the history of land that is adjacent to the land being considered for rezoning. A Stage 1 Preliminary Investigation (PSI) will be required at the rezoning stage to assess if the land is potentially contaminated land.

Assessments of rezoning applications on contaminated land will be conducted in accordance with the relevant Councils Contaminated Lands procedures and any information Guides developed.

Development

SEPP55 and Section 4.15 of the EP&A Act require Council to consider the suitability of the site for the proposed development. In most cases the relevant DCP provides development guidelines as to what processes are required when land has been identified as being contaminated. Council does not currently have a Contaminated Land Management DCP, therefore Council's Procedure – **Management and Assessment of Contaminated or Potentially Contaminated Land** is to be used**.**

Council and the EPA may apply conditions of consent that may limit or restrict the use of the land to ensure the delivery of appropriate outcomes on the land are not detrimental to the user's health and that of the environment.

Where land known to be contaminated with PFOA from the local airport, a streamlined approach for the assessment of soil contamination may be acceptable.

Assessment of Development Applications on contaminated land will be conducted in accordance with each Council's Procedure – **Management and Assessment of Contaminated or Potentially Contaminated Land.**

Duty to report contamination

The duty to report contamination to the EPA is a requirement under the Contaminated Land Management Act. The following parties are required to report contamination as soon as practical after they become aware of any contamination that meets the triggers for the duty to report:

- Anyone whose activities have contaminated land; and
- An owner of land that has been contaminated.

It should be noted that although the above parties have the duty to report contamination, anyone can, at any time, report suspected contamination to the EPA.

Where Council considers that contamination on a site triggers the Duty to Report under the *Contaminated Land Management Act*, and it is not clear if the polluter or site owner has reported the contamination, Council will notify the EPA for further action. Guidelines on reporting contamination under section 60 of the *Contaminated Land Management Act* can be found on the EPA website.

Preventing Contamination

The primary legislation governing the prevention and management of pollution incidents is the Protection of the Environment Operations (POEO) Act 1997. The POEO Act enables the Government to set out explicit protection of the environment policies (PEPs) and adopt more innovative approaches to reducing pollution. PEPs provide environmental standards, goals, protocols and guidelines.

Information Management

Council has a statutory responsibility to include specific information on certificates issued for the purposes of s10.7 of the *Environmental Planning and Assessment Act 1979*.

The information required to proponents is defined in:

- s59 of the *Contaminated Land Management Act 1997* (i.e. information provided to Council by either the NSW EPA or Accredited Auditors).
- Schedule 4 Planning Certificates of the *Environmental Planning and Assessment Regulation 2000* (i.e. whether there is a policy adopted by Council or any other public authority that restricts the development of the land, in this case due to actual or potential contamination).

Schedule 4 states:

The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,

Under Schedule 6 of the EP&A Act *A planning authority does not incur any liability in respect of anything done or omitted to be done in good faith by the authority in duly exercising any planning function of the authority to which this clause applies in so far as it relates to contaminated land (including the likelihood of land being contaminated land) or to the nature or extent of contamination of land.*

Whilst there is no direct legislative requirement for a Council to notify a land owner when their land is included as potentially contaminated in a Contaminated Land Information System, Council should notify the landowner, thus providing them the opportunity to establish and acknowledge that the land is not contaminated and should not be notified on a Section 10.7(2) Planning Certificate, or alternatively, to manage or undertake remediation of the land.

Notifying the property owner of a site's inclusion that contamination exists, also allows the owner the opportunity to reduce the potential risk of harm to the health of the land's occupants and to the environment.

Information held in the Contaminated Land Information System is also to be made available to the public by way of access to documents on request in accordance with the requirements of the *Government Information (Public Access) Act 2009*.

This includes making publicly available and free of charge, any land contamination consultants reports filed in the council system.

Given council, as the regulatory authority, is unable to provide consent for a development until it is satisfied that the site is, or can be made, suitable (during the development stage with the implementation of remediation and/or management) for the proposed land use, by forwarding information to proponents on contamination issues with their development application will save cost and time for both parties.

UPSS

It must also be noted here, that recent changes in UPSS regulations now require local councils to be the regulatory authority with responsibility falling to councils in September 2019 where previously it remained with the NSWEPA. While largely consistent with the Contaminated Land Process, there are specific guidelines and technical notes outlining the process required for sites containing Underground Petroleum Storage Systems (UPSS). These are included in the UPSS Regulation (2014) and must be considered when considering development applications involving UPSS. All Operators of UPSS are required to have systems in place to help prevent, report and remediate leaks.

Maintaining a record of remediation work

SEPP55 requires the relevant consent authority to be notified prior to, and at the completion of, remediation work. This notification is required regardless of whether or not consent is required. This information will be recorded in the Contaminated or Potentially Contaminated Land (CPCL Database) described further below. The database will record details of what work was done, such as any remediation or abatement, any validation and monitoring reports, any site audit statements and any other relevant information.

Database of Contaminated or Potentially Contaminated Land

Each Council within the ROC will maintain a Contaminated or Potentially Contaminated Land Database (CPCL Database) for land within the local government area.

The CPCL Database will identify properties known the Council, which have a history of contamination, or that have been associated with uses that may have resulted in contamination. Council may not be aware of all properties that have a history of contamination, Council led or private enquiries or investigations into whether land is contaminated, or potentially contaminated should be considered. The CPCL Database will record details of any site remediation or abatement that has been undertaken, validation records, and audits of remediation work as required by the SEPP55 Guidelines. Information regarding individual properties will be recorded in the CPCL Database as outlined in Appendix D. Any enquiries associated with a property should be checked against information contained within the CPCL Database and associated GIS layers.

Section 10.7 Planning Certificates

The responsibility for investigating the potential for contamination during the sale of land rests with the vendor and purchaser, however Council will make available any relevant information held on potential contamination.

Section 10.7(2) planning certificates

Information to be disclosed on a Section 10.7(2) Planning Certificate is specified in the *Environmental Planning and Assessment Regulation 2000* (Schedule 4) and s59(2) of the *Contaminated Land Management Act 1997*.

Council has a legal obligation to provide certain information through Section 10.7(2) Planning Certificates in relation to land contamination.

Section 10.7(5) Planning Certificates

Section 10.7(5) Planning Certificates are governed by s10.7(5) of *the Environmental Planning and Assessment Act 1979*, which states that "a council may include advice on such other relevant matters affecting the land of which it may be aware". As such, there is no specific legislative requirement for Council to provide information pertaining to land contamination issues on s10.7(5) Certificates. However, this needs to be balanced with the fact that the Council owes the applicant a duty to take reasonable care when issuing planning certificates.

Information under section 59(2) Contaminated Land Management Act 1997

Section 59(2) of the *Contaminated Land Management Act* prescribes specific matters to be provided in a section 10.7(2) planning certificate.

e) That the land to which the certificate relates is significantly contaminated land – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued;
f) That the land to which the certificate relates is subject to a management order – if it is subject to such an order at the date when the certificate is issued;
g) That the land to which the certificate relates is the subject of an approved voluntary management proposal – if it is the subject of such an approved proposal at the date when the certificate is issued;
h) That the land to which the certificate relates is subject to an ongoing maintenance order – if it is subject to such an order at the date when the certificate is issued;
i) That the land to which the certificate relates is the subject of a site audit statement – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

In addition to this, Council is also required to nominate whether the land is affected by a Policy that restricts the development of the land because of a hazard.

Notations will be applied as a component of section 10.7(2) Planning Certificates at Question 7(e) (Council and other public authority policies on hazard risk restrictions) in the following cases;

Notation 1

Contaminated Land:

Where land is known to have contaminants above the contaminated land investigation threshold levels for residential land uses, and no remediation or abatement activity has occurred, the following notation will apply:

Council has adopted a policy that may restrict development of Contaminated or Potentially Contaminated Land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended. Some form of contamination has been confirmed on this site. Council can provide additional information from its records for this site on request.

N.B. This notation applies where **contamination has been confirmed** on site, in the form of a contamination report, and remediation and/or abatement has not occurred.

Notation 2

Potentially contaminated land:

Where land has a previous site history which could have involved contaminants, or where the land is in the vicinity of a current or historic contamination source, and no chemical sampling of soil has occurred, the following notation applies:

Council has adopted a policy that may restrict development of Contaminated or Potentially Contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted Policy and applicable ELP, and the application of provisions under relevant State legislation is recommended. Further investigation may be required for this site.

N.B. This notation applies to properties that are in the vicinity of a known contaminating source, and/or where contamination is reasonably considered to have occurred on-site, but where **no formal soil contamination sampling has occurred**. Appendix A taken from the SEPP55 Guidelines, provides a list of potentially contaminating industries that may be considered for this notation.

Notation 3

Remediated and above the contaminated land investigation threshold levels:

Where contaminated land that has undergone some form of remediation or abatement, and contaminants on site are above the contaminated land investigation threshold levels, the following notation applies:

Council has adopted a policy that may restrict development of Contaminated or Potentially Contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended. Some form of contamination has been confirmed on this site. Council can provide additional information from its records for this site on request, including details of any remediation works that have occurred.

N.B. This notation applies where information is provided to Council, being a site audit statement, site audit report, Stage 4 validation report or Lead Abatement Strategy (LAS) report that confirms lead or other contaminants are **above contaminated land investigation threshold levels** as identified in the NEPM – Contaminated Land for residential land uses.

Notation 4

Remediated and below the contaminated land investigation threshold levels:

Where land that was previously contaminated has undergone some form of remediation or abatement in anticipation of a particular use, or range of uses, and contaminant levels on site are below the contaminated land investigation threshold levels, the following notation applies:

Council has adopted a policy that may restrict development of Contaminated or Potentially Contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended. Some form of contamination was confirmed on this site in the past. Council can provide additional information from its records for this site on request, including details of any remediation works that have occurred. Information from a site audit statement, site audit report, or a Stage 4 validation report indicate that contaminants are now below the contaminated land investigation threshold levels.

N.B. This notation applies where information is provided to Council, being a site audit statement, site audit report, or Stage 4 validation report that confirms lead or other contaminants are **below the contaminated land investigation threshold level** as identified in the NEPM- Contaminated Land for residential land uses.

Notation 5

Below contaminated land investigation threshold levels:

Where land has a previous site history which could have involved contaminants, or is in the vicinity of a contamination source, and the land has undergone some form of testing and found to be below the contaminated land investigation threshold level, the following notation applies:

Council has adopted a policy that may restrict the development of Contaminated or Potentially Contaminated land. This policy is implemented when zoning, development, or land use changes are proposed. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended. Council can supply additional information from its records for this site on request, including tests that indicate that the level of certain contaminants are below the land investigation threshold level on the site.

N.B. This notation applies to properties that are in the vicinity of a known contaminating source and formal soil contamination sampling has occurred using the NEPM – Contaminated Land for residential land uses and found that certain contaminants are below **the contaminated land investigation threshold level.**

Notation 6

No clear site history:

Where Council records do not contain a clear site history for the land or there is inadequate knowledge of uses that have occurred on the land, the following notation applies:

Council has adopted a policy that may restrict the development of Contaminated or Potentially Contaminated Land. This policy is implemented when zoning, development, or land use changes are proposed. Council does not hold sufficient information about previous use of the land to determine whether the land is contaminated. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended.

N.B. This Notation applies to all land in the city where Council records do not contain a clear site history, or where there are gaps in that information, so there is not enough information to have any certainty.

Limitations on information in section 10.7 Planning Certificates

Council will specify in a planning certificate any limitations on the information regarding contamination contained in that certificate. Limitations may arise as a result of the purpose for which the information was collected by Council or provided to Council, or the reliability of the source of the information.

Appendix A - Potentially Contaminating Activities

(Source: Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998))

Some activities that may cause land contamination and likelihood of Namoi Unlimited presence

Activity / Contaminant	Likelihood
Acid/alkali plant and formulation	Low
Agricultural/horticultural activities	High
Airports	High (Tamworth and Quirindi Airports are identified by NSWEPA as being investigated)
Asbestos production, disposal and demolition	High
Chemicals manufacture and formulation	Low
Defence works	Low
Drum re-conditioning works	Medium
Dry cleaning establishments	Medium
Electrical manufacturing (transformers)	Medium
Electroplating and heat treatment premises	Low
Engine works	High
Explosive industry	Med
Gas works	Med
Iron and steel works	Low
Landfill sites	High
Metal treatment	High
Mining and extractive industries	high
Oil production and storage	High
Paint formulation and manufacture, including lead paint contamination	High
Pesticide manufacture and formulation	Med
Power stations	Low
Railway yards	High
Scrap yards	High
Service stations	High
Sheep and cattle dips	High
Smelting and refining	Low
Tanning and associated trades	Med
Waste storage and treatment	High
Wood preservation	Med

Note: This listing is a guide only, it is not enough to solely rely on the contents provided in the table for whether a site is likely to be contaminated or not. A conclusive state can only be determined after a review of the site history and if necessary, sampling and analysis

Appendix B: Category 1 Remediation Works

State Environmental Planning Policy No 55—Remediation of Land, Clause 9 defines Category 1 Remediation Work as:

"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 Western Lands Commissioner).

Note. See Section 5A of the Environmental Planning and Assessment Act 1979 for the factors to be considered in assessing whether there is likely to be a significant effect as referred to in paragraph (c) above. The terms used in that paragraph are defined in that Act by reference to both the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994."

Appendix C: Category 2 Remediation Works

State Environmental Planning Policy No 55—Remediation of Land, Clause 14 defines Category 2 Remediation Work as:

"Category 2 remediation work: work not needing consent

For the purposes of this Policy, a category 2 remediation work is:

(a) a remediation work that is not a work of a kind described in clause 9 (a)–(f), or

(b) a remediation work (whether or not it is a work of a kind described in clause 9 (a)–(f)) that:

(i) by the terms of a remediation order, is required to be commenced before the expiry of the usual period under the Contaminated Land Management Act 1997 for lodgment of an appeal against the order, or

Note.
The usual period for lodgment of an appeal is 21 days or a period prescribed instead by regulations made under the Contaminated Land Management Act 1997.

(ii) may be carried out without consent under another State environmental planning policy or a regional environmental plan (as referred to in clause 19 (4)), or

(iii) is carried out or to be carried out by or on behalf of the Director-General of the Department of Agriculture on land contaminated by the use of a cattle dip under a program implemented in accordance with the recommendations or advice of the Board of Tick Control under Part 2 of the Stock Diseases Act 1923, or

(iv) is carried out or to be carried out under the Public Land Remediation Program administered by the Broken Hill Environmental Lead Centre.

Site Signage

A sign displaying the contact details of the remediation contractor and site manager (if different from the remediation contractor) must be displayed on the site adjacent to the site access, including a contact telephone number that is available 24 hours a day, 7 days a week. The sign must be clearly legible from the street and be displayed for the duration of the remediation works.

Site Security

The site must be securely fenced and any other necessary precautions taken, to prevent unauthorised entry to the site for the duration of the remediation works.

Toilet Facilities

Toilet facilities must be provided for workers in accordance with the publication titled Code of Practice: Amenities for Construction Work (WorkCover, 1996). [Note: Toilets for workers must be connected to the sewerage system where practicable. Alternatively, Council approval is required under Section 68 of the Local Government Act 1993 to install an accredited sewage management facility (e.g. portable chemical closet) on the site.]

Soil and Water Management

All remediation work must be carried out in accordance with a soil and water management plan. A copy of the soil and water management plan must be kept on-site and be made available to Council Officers on request.

Sediment and Erosion Controls

Appropriate sediment and erosion controls must be installed before remediation works are commenced and be maintained in a functional condition until site stabilisation works have been completed. Prior to the commencement of any remedial work, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction" (Land com) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including (and not limited to) catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

Stockpiles

No stockpiles of soil or other materials are to be placed on footpaths or nature strips without the prior written approval of Council. All stockpiles of soil or other materials must be placed away from drainage lines, gutters, stormwater pits or inlets, trees or native vegetation and be provided with appropriate erosion, sediment and leachate management controls. All stockpiles of soil or other materials likely to generate dust or odours must be covered (where practical). All stockpiles of contaminated soil must be stored in a secure area

Site Access

Vehicular access to the site must be restricted to a stabilised access point.

Protection of Public Roads

Appropriate measures must be taken to prevent the spreading of mud, soil or sediment by vehicles leaving the site. These measures could include the installation of shaker grids or wash-down bays to minimise the transportation of sediment. Any wastewater from washing the wheels and underbodies of vehicles must be

collected and disposed of in a manner that does not pollute waters. Any mud, soil or sediment tracked or spilled on the roadway must be swept or shovelled up immediately. Hosing of the roadway is not permitted.

Disposal of Water from Excavations

All excavation pump-out water must also be analysed for suspended solids, pH and any contaminants of concern identified during the contamination assessment phase and comply with relevant EPA and ANZECC water quality criteria prior to discharge to the stormwater system. Other options for the disposal of excavation pump-out water include disposal to sewer with the prior approval of the relevant water utility, or off-site disposal by a licensed liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

Site Stabilisation and Revegetation

All exposed areas shall be progressively stabilised and revegetated or resealed on the completion of remediation works.

Bunding

All land farming areas of hydrocarbon contaminated soils must be bunded to contain surface water runoff and to prevent the leaching of contaminants into the underlying soils. This will typically require placement on a sealed surface or on durable plastic. All contaminated water from bunded areas must be discharged to sewer with the prior approval of the relevant water authority or be disposed of off-site by a licensed liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

Protection of Trees

Trees on the site must not be removed, lopped or otherwise trimmed without the prior approval of Council. Trees to be retained on the site must be protected from damage to their foliage and root systems. Suitable measures may include erecting fences or barriers to keep earthmoving equipment and heavy vehicles well clear of trees

Noise

Noise must be minimised as far as practicable, by the selection of appropriate methods and equipment, and using silencing devices where practicable.

Noise from remediation work must comply with the guidelines for construction site noise specified in the interim Construction Noise Guideline (OE&H- EPA 2009).

Gwydir Shire Council is the appropriate regulatory authority for noise from non-scheduled construction activities in its area, except as described in Section 6(2) of the POEO Act 1997, and thus has discretion in dealing with noise. Any noise monitoring must be carried out by a suitably qualified Acoustical Consultant if

complaints are received, or if directed by Council, and any noise control measures recommended by the Acoustical Consultant must be implemented throughout the remediation work.

Vibration

The use of plant or machinery must not cause vibrations to be felt on any other premises.

Air Quality

Dust Control Dust

emissions must be confined within the site boundaries. The following dust control measures may be employed to comply with this requirement:

- Erection of dust screens around the perimeter of the site
- Use of water sprays across the site to suppress dust
- Keeping excavation surfaces moist
- Covering of all stockpiles of soil and other materials likely to generate dust (where practical)
- Securely covering all loads entering or exiting the site.

Asbestos

Works involving the potential disturbance of asbestos containing materials must be carried out in strict accordance with SafeWork NSW requirements.

Odour Control

Remediation work must not result in the emission of odours that can be detected at any boundary of the site by an Authorised Council Officer. The following measures may be employed to comply with this requirement:

- Use of appropriate covering techniques, such as the use of plastic sheeting to cover excavation faces or stockpiles
- Use of fine mist sprays
- Use of mitigating agents on hydrocarbon impacted areas or materials
- Maintaining equipment and machinery to minimise exhaust emissions.

If odours are detected, the site is to be inspected by a suitably qualified Environmental Consultant and any recommended control measures are to be implemented throughout the remediation process.

Burning of Materials

No materials are to be burned on site.

Transport

All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to meet the following objectives:

- Comply with all road traffic rules
- Minimise noise, vibration and odour to adjacent premises
- Minimise use of local roads.

All transport operators and drivers transporting soil, materials, equipment or machinery to and from the site must:

- Use the designated haulage routes and site access points
- Make all deliveries and pick-ups between the hours specified in Hours of Operation
- Securely cover all loads to prevent any dust or odour emissions during transportation
- Not track soil, mud or sediment onto the road.

Hazardous Wastes

Hazardous wastes arising from the remediation work must be removed, stored and disposed of in accordance with the requirements of the EPA and SafeWork NSW, including the following legislation and guidelines:

- Work Health & Safety Act 2011
- Work Health & Safety Regulation 2011
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Waste Classification Guidelines (NSW EPA, 2014), and associated addenda (available on http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm), resource recovery orders and exemptions (current list available on http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm)
- Environmentally Hazardous Chemicals Act 1997.

Documentary evidence verifying that all wastes have been classified and disposed of appropriately must be included in the Monitoring and Validation report for the site.

Disposal of Contaminated

Soil Contaminated soil must be disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997 and Regulations and any relevant NSW EPA guidelines such as the publication titled Waste Classification Guidelines (NSW EPA, 2014) and associated addenda (available on http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm), and resource recovery orders and exemptions (current list available on http://www.epa.nsw.gov.au/wasteregulation/ordersexemptions.htm)

NOTE: If contaminated soil or other waste is transported to a site unlawfully, the owner of the waste and the transporter are both guilty of an offence.

Containment / Capping of Contaminated Material

On-site containment or capping of contaminated soil is not permitted if the concentrations of contaminants are statistically above the soil investigation levels specified in The National Environment Protection (Assessment of Site Contamination) Measure 1999, amended in 2013 (ASC NEPM, 2013) for the range of land-uses permitted on the site (unless otherwise agreed with Council or other relevant authority through the endorsement of a Remedial Action Plan and an On-going Environmental Management Plan).

Importation of Fill

Fill material must be validated (at its source if practicable), prior to being imported onto the site. The validation must indicate that the material is free of contaminants (i.e. comprises Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM)) or as otherwise approved by the NSW EPA, or the relevant resource recovery exemptions and orders. Fill imported on to the site should also be compatible with the existing soil characteristic for site drainage purposes. Fill material may be validated by one or both of the following methods:

- The fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known history of the site where the material is obtained.
- The fill should be sampled and analysed in accordance with the relevant EPA Guidelines, to ensure that the material is not contaminated.

Documentary evidence verifying that any fill material has been appropriately validated must be included in the Validation Report for the Site.

Groundwater

An appropriate licence must be obtained from the NSW Office of Water for approval to extract groundwater. Prior to discharge to the stormwater system, site groundwater must be analysed for any contaminants of concern and comply with relevant EPA and ANZECC water quality criteria.

Other options for the disposal of groundwater include disposal to sewer with the prior approval of the appropriate water authority, or off-site disposal by a liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

Removal of Underground Storage Tanks

The removal of underground storage tanks (UST) must be undertaken in accordance with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, WorkSafe NSW and relevant Australian Standards.

Following the removal of USTs, the tank pits must be remediated and validated in accordance with *Protection of the Environment Operations* (Underground Petroleum Storage Systems) Regulation 2014 and relevant guidelines provided under the Regulation.

Excavation and Backfilling

Work All excavation and backfilling work must be carried out by competent persons in accordance with WorkSafe requirements, including the publication titled Excavation Work Code of Practice: (WorkCover, 2015).

If it is necessary to excavate adjacent to an adjoining building or structure, and the excavation work may damage or impair the stability of the building or structure, the person proposing to carry out the work must:

- Take all necessary precautions to protect the building or structure from damage, including any shoring or underpinning where appropriate
- Provide details of the proposed work to the adjoining owner at least seven (7) days before the works commence.

Building and Demolition

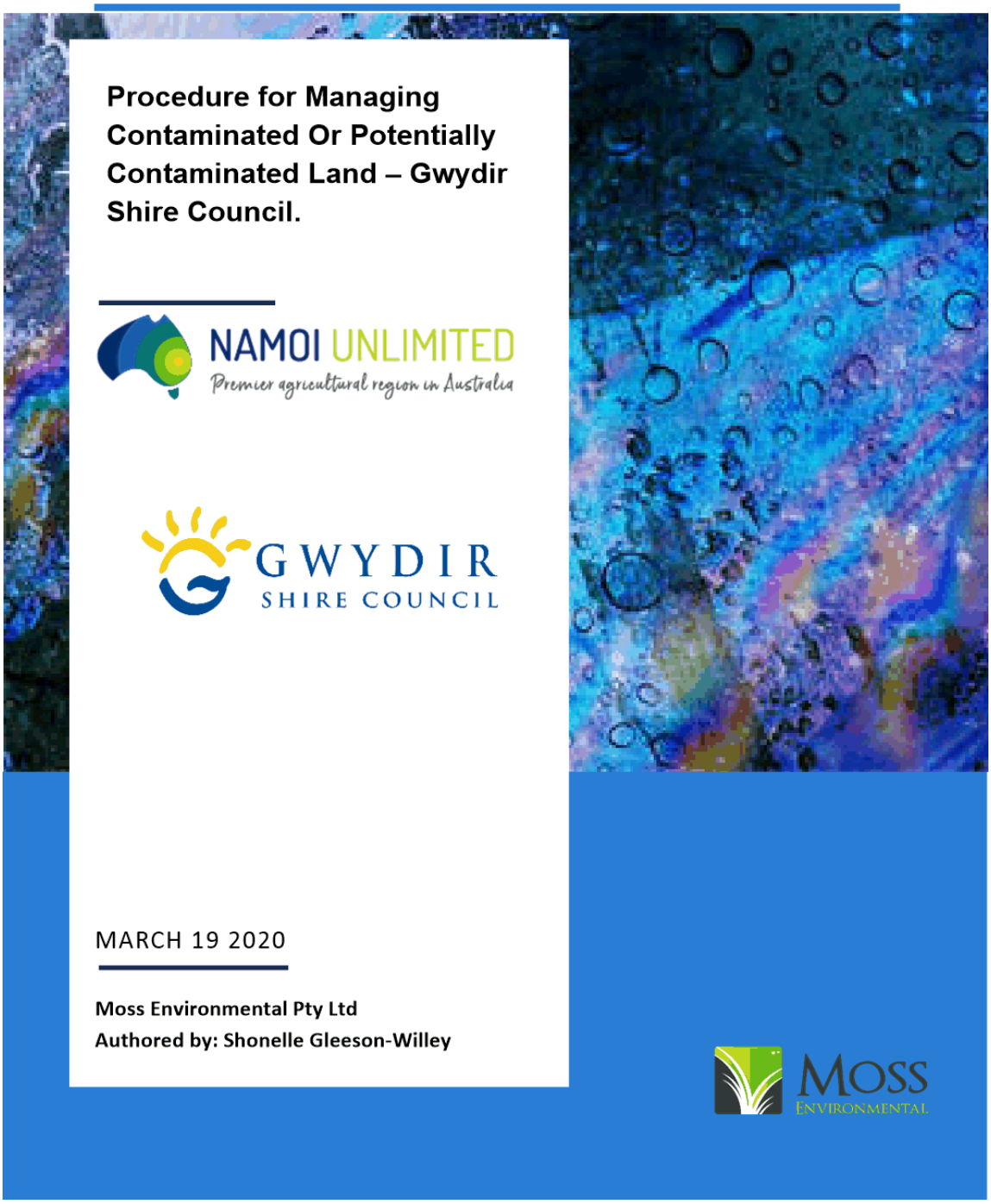
Work Development consent may be required from Council for any associated building or demolition work.

Appendix D: Information held in the Contaminated or Potentially Contaminated Land Database

Information to be made available under section 10.7(5) Planning Certificates, or when an enquiry is made about land identified in the Contaminated or Potentially Contaminated Land Database, if Council holds the information.

- Previous property descriptions, for cross-referencing purposes;
- Chronological land use history;
- Complaints about contamination or potentially contaminating activities and whether these were substantiated;
- Information from any initial evaluations;
- Information from any site investigations;
- Notifications of remediation or abatement;
- Any site audit statements;
- Previous zones and permissible uses, particularly uses listed in the applicable LEP;
- Approved Development Applications (DAs) and Building Applications (BAs) for uses listed within the applicable LEP or uses where contamination was an issue;
- Refused DAs and BAs where they have been refused based on contamination-related issues;
- Rezoning requests approved and refused based on contamination-related issues;
- EPA declarations and orders under the *Contaminated Land Management Act* including Voluntary Management Proposals and resulting action.

Copies of relevant documents such as remedial action plans may also be useful on the files in Council's Electronic Document Management System. The sources of information and the purpose for which it was collected should also be recorded. This includes the date of the information and the date on which it was recorded.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SHIRE COUNCIL
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Moss Environmental Pty Ltd
Authored by: Shonelle Gleeson-Willey
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ENVIRONMENTAL

Table of Contents

Key Terms and Definitions

Abatement	A barrier over affected areas to reduce exposure pathways, and may include a barrier over lead affected areas which contains the contamination on the land
Approved Voluntary Management Proposal	A voluntary management proposal that has been approved by the EPA under section 17 of the *Contaminated Land Management Contaminated Land Management Act (1997)* as modified by any conditions imposed by the EPA under that section.
Assessment of site contamination	A set of formal methods for determining the nature, extent and levels of existing contamination and the actual or potential risk to human health or the environment on or off-site resulting from that contamination.
Authority	GSC Internal (online portal) and external planning system with process tracking. GSC Property Information System. Assessment for Development Applications, redacting and notations. Plans to scale
Category 1 Remediation	Remediation works requiring Development Consent under SEPP 55
Category 2 Remediation	Remediation works that do not require Development Consent under SEPP 55, but must be notified to Council
CLM Act	*Contaminated Land Management Act 1997* (NSW)
Competent and qualified contamination consultant	Two contaminated land consultation certified schemes have recently merged: Council recognises this merged scheme now operating under CEnvP Site Contamination and continues to recognise the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification. All reports submitted to the NSW EPA must be prepared or reviewed and approved by a certified consultant.

Conditions of Consent	Requirements imposed by Council on a development approval to ensure the development complies with required standards. Conditions may apply to both the immediate construction stages of the development and occasionally beyond
Contamination	The condition of land or water where any chemical substance or waste has been added as a direct or indirect result of human activity at above background levels and represents, or potentially represents, an adverse health or environmental impact
Contaminated Land	Land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.
Contaminated Land Process	The process includes several stages of investigations and actions. The level ultimately required is determined by the circumstances and outcomes from the previous stage. The potential stages of the Contaminated Land Process are: • Preliminary Site Investigation (PSI) • Detailed Site Investigation (DSI): Several reports, such as additional investigations, contamination delineation, monitoring, and/or Site-Specific Risk Assessments may be included in this stage) • Remedial Action Plan (RAP) • Remediation • Validation (including Monitoring if applicable) • Ongoing Environmental Management Plan (OEMP) and Monitoring

Council	This is to be taken to mean Gwydir Shire Council.
Detailed Site Investigation (DSI)	An investigation with the objective to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain enough information to develop a Remedial Action Plan (if needed)
Development Application	A Development Application is a formal request for consent to carry out development and is considered under Part IV of the *Environmental Planning & Assessment Act 1979*
Development Consent	Formal approval from Local Councils to proceed with a development. Development Consent is required prior to commencement of any works associated with development governed by Part IV of the *Environmental Planning & Assessment Act 1979*
Development Control Plan	Provides guidance to the development of land under the applicable Council DCP.
Duty to Report	The duty to report significant contamination to the NSW EPA is a requirement under the *Contaminated Land Management Act 1997*, with updates provided in the *Contaminated Land Management Amendment Act 2008*. The triggers for reporting are presented in the "Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*" (2015)
EPA	Environment Protection Authority
GSC	Gwydir Shire Council
Harm	In relation to the contamination of land, harm to human health or some other aspect of the environment (including any direct or indirect alteration of the environment that has the effect of degrading the environment), whether in, on or under the land or elsewhere.

EDMS	GSC Electronic Document Management System
Initial Evaluation	An evaluation undertaken by Council to determine whether contamination is likely to be an issue, and to assess whether further information is required for it to conduct its planning functions
Land Contamination	Land contamination may be the result of past or current uses. The land may be contaminated by a current or historical land use activity directly on that site or through migration of contamination from adjacent sites. See also definition of "contamination"
LEP	Local Environmental Plan. The LEP guides planning decisions for Local Government Areas through zoning and development controls, which provide a framework for the way land can be used. LEPs are Planning Instruments from the *Environmental Planning & Assessment Act 1979*
LGA	Local Government Area
Map Info	GSC GIS System
Management Order	An order under section 14 (1) under the *Contaminated Land Management Act 1997*.
National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013 ASC NEPM)	A measure made under section 14(1) of the Commonwealth Act and the equivalent provisions of the corresponding Acts of participating States and Territories.
Planning Guidelines	NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)
Planning Proposal	A formal application submitted to Council that proposes to rezone land or to change the land use controls applicable to that land
POEO	*Protection of the Environment Operations Act 1997* (NSW)

Potentially contaminated land	Land that may be contaminated with a concentration of substances above that naturally present that may pose or is likely to pose a potential or actual risk to human health of the environment such as uncontrolled and unidentified fill on land.
Preliminary Site Investigation (PSI)	An investigation to identify any past or present potentially contaminating activities, to provide a preliminary assessment of any site contamination, and if required, to provide a basis for a more detailed investigation
Remedial Action Plan (RAP)	A plan that sets objectives, and documents the process, for remediating a contaminated site
NamoiROC	Namoi Regional Organisation of Councils
Sampling and Analysis Quality Plan (SAQP)	A document outlining the details for a sampling program, such as the objective(s) and the intended process
Section 10.7 Planning Certificate	A planning certificate issued under the *EP&A Act 1997* that provides information to owners and prospective purchases as to any restrictions on the land.
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
Site Audit	An independent review by a Contaminated Land Auditor, accredited by the NSW EPA, of any or all stages of the site investigation process, conducted in accordance with the requirements of the *Contaminated Land Management Act 1997*
Site Audit Report (SAR)	A report which summarises the report(s) audited and provides the Auditor's opinion and conclusions. A Site Audit Report must be accompanied by a Site Audit Statement
Site Audit Statement (SAS)	A statement which outlines the conclusions of a site audit. A Site Audit Statement must be accompanied by a Site Audit Report

Validation	The objective of the validation stage of the contaminated land process is to demonstrate whether the objectives stated in the Remedial Action Plan have been achieved
Voluntary Management Proposal	Section 17 (1) of the *Contaminated Land Management Act*.

Legislation, Regulations, Policies and Guidelines

Australian Standard/s including AS 2601-1991 Demolition of Structures and AS 1940-2004 Storage and Handling of Flammable and Combustible Liquids and AS 4976-2008, The removal and disposal of underground petroleum storage tanks and AS4897 The design, installation and operation of underground petroleum storage systems	Standards are voluntary documents that set out specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable.
Contaminated Land Management Act 1997	Sets out the role of the EPA and the rights and responsibilities of parties it might direct to manage land where contamination is significant enough to warrant regulation
Contaminated Land Management Amendment Act 2008	Introduced amendments aimed to allow sites to be cleaned up more efficiently while reinforcing the 'polluter pays' principle
Contaminated Land Management Regulation 2013	Sets out the recovery of administrative costs for the EPA relating to regulated sites and the auditor system. It also sets out timeframes for administrative matters under the *CLM Act*
Duty to Report Guidelines	Details the circumstances that can trigger the requirement to notify the EPA about contamination under Section 60 of the *Contaminated Land Management Act 1997*
Environmental Planning & Assessment Act 1979	Provides the overarching structure for regulation of planning and development in NSW together with the *Environmental Planning and Assessment Regulation 2000*
Environmental Planning and Assessment Regulation 2000	Provide the overarching structure for the regulation of planning and development in NSW together with the *Environmental Planning and Assessment Act 1979*

National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)	Establishes a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, site auditors, landowners, developers and industry. Measure made under section 14(1) of the Commonwealth Act
NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)	The Planning Guidelines support SEPP55 and address the policy framework, identification and investigation of contamination, the decision-making process, management of contaminated sites and remediation, information management, and principles for proactively preventing future contamination
Protection of the Environment Operations (Underground Petroleum Storage Systems Regulations 2014)	aims to minimise the risk to human health and the environment by requiring best practice design, installation, maintenance, and monitoring of UPSS in NSW.
State Environmental Planning Policy No 55 – Remediation of Land	Ensures planning decisions consider possible land contamination, and promotes remediation to reduce risk of harm
Government Information (Public Access) Act 2009	Access to NSW Government information is governed by the *Government Information (Public Access) Act* (2009) (GIPA Act).
UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS	Prepared to support some of the requirements and processes outlined in Guidelines for implementing the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 prepared by the Department of Environment, Climate Change and Water NSW (DECCW 2009). It should be read in conjunction with recognised industry best practice and standards and other technical publications.

1. About This Procedure

Management of contaminated land is essential to protect human health and the environment. Since land contamination can restrict development and use of land, there are also economic, legal and planning implications for the community and for regulatory authorities.

When carrying out land use planning functions, Gwydir Shire Council (GSC) must consider the possibility that the previous and/or current land uses, and/or nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination.

Where GSC has reasons to believe contamination may be present on a site and could pose a risk to human health and/or the environment in the proposed land use scenario, the Contaminated Land Process is triggered through the adopted Regional Organisation of Councils Policy 'Managing Contaminated or Potentially Contaminated Land' 2019 (the Policy).

This procedure sets out the pathway for considering potential and known contaminated land in the planning process. It is based on the Environmental Planning and Assessment Act 1979, SEPP 55 Planning Guidelines, and Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019. This procedure also details the management of data and information relating to potential or known contaminated land, including managing notifications from the NSW EPA, Site Assessment Statements, consultants' reports, historical land use information, etc.

1.1. How to Use This Procedure

This procedure is designed in two parts. Part 1 provides background information and clearly demonstrates processes for incorporating contaminated land investigation into the planning process. Part 2 is made up of checklist style Gwydir Shire Council procedures developed for planning, environmental and enforcement staff to guide them through the CLIS.

PART 1

2. Establishing A Contaminated Land Information System For Gwydir Shire Council

GSC is responsible for a large geographical area which in turn is reflected by Councils structure and processes. GSC has the organisational capacity to implement and maintain a comprehensive Contaminated Land Information System (CLIS) to support Council in meeting its statutory and policy obligations for managing contaminated land, and assist GSC to act in good faith when making decisions based on the information included in the system. The GSC CLIS is comprised of;

1. Namoi ROC, *Managing Contaminated or Potentially Contaminated Land*' 2019 (the Policy);
2. *Procedure for Managing Contaminated or Potentially Contaminated Land – Gwydir Shire Council (*this document);
3. *GSC Contaminated Lands Register*;
4. GSC Contaminated Lands Database (EDMS); and
5. GSC GIS Mapping layer of known and potentially contaminated sites.

The CLIS is outlined as part of this procedure and informs a broad range of routine functions and services across the GSC portfolio. Whilst the Contaminated Lands Register (The Register) will form the core component of this information system, the broader governance framework for managing this information within Council is central to ensuring a consistent, high quality and accurate Council wide approach to the implementation, maintenance and application of the contaminated land information held by GSC. Figure 1 outlines the CLIS and its interactions with other Corporate GSC systems.

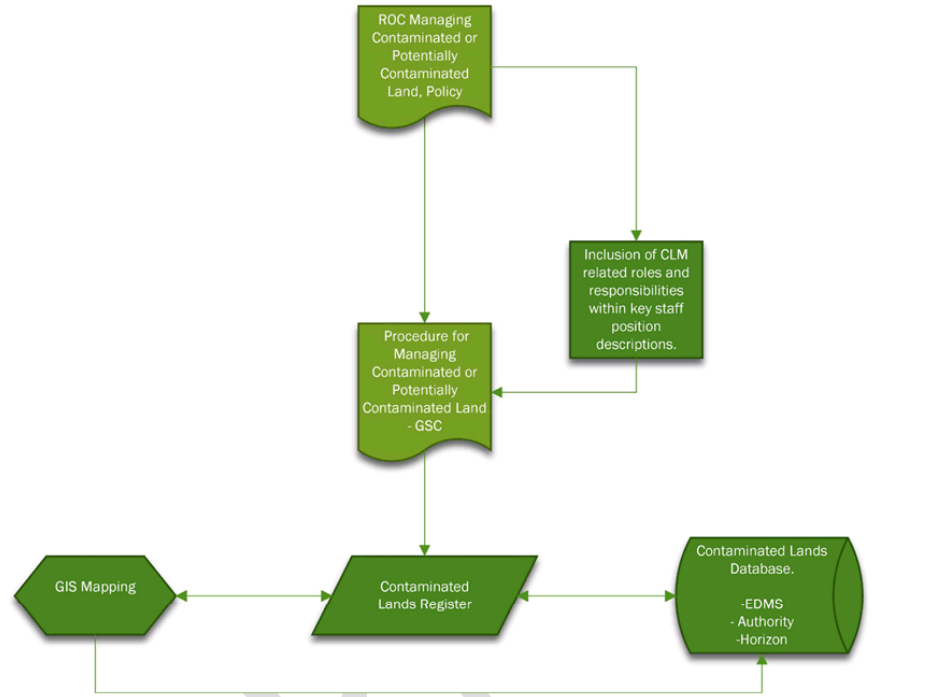

Figure 1: Overview of the Contaminated Lands Information System

2.1. Governance and Management

The Governance framework for the CLIS is particularly important given that within GSC the responsibility for identifying, managing and disclosing contaminated land information occurs across a range of functions and services, including;

- Land Use Planning;
- Environmental Management, Health and Compliance;
- Customer Service;
- Community Land Management;
- Asset and Infrastructure Management;
- Waste Management; and
- Section 10.7 Notifications.

Given the broad reach and application of this CLIS, the Table below provides examples of the roles and responsibilities within the current GSC structure.

Table 1: Roles and Responsibilities

Role	Responsibility
Executive Management Sponsor (Mayor)	Responsible for: • Providing Executive Management Support for development and implementation of the Contaminated Land Information System; • Liaising with Executive Management Team to ensure responsibilities of all Council Divisions and Departments are complied with; • Providing senior management support and guidance to staff involved in designing and maintaining the information system.
General Manager	Responsible for: • Overall implementation of the contaminated land information management system; • Ensuring Council staff are trained in using the system to obtain information, and know when to provide information for input to the system; • Ensuring the responsibilities and processes required for implementation of this procedures are contained in appropriate staff position descriptions. • Development of a future Development Control Plan – Contaminated Lands; • Inclusion of contaminated lands in future Local Environment Plans;
Planning Officer (database Manager)	Responsible for: • Ensure this procedure is followed when assessing rezoning or development applications • Responsible for the accurate use of the register to provide advice on s10.7(2) and s10.7(5) certificates • Accurately using the register or engaging the Contaminated Lands Support Officer to retrieve relevant information for the initial evaluations; • Providing information from initial review (including site visits) and from the planning application process, to the Contaminated Lands Support Officer and database manager/owner and GIS Officers. • Ensure this procedure is followed when assessing rezoning or development applications.

	• Reviewing submitted CLIS investigative reports (PSI/DSI etc) for completes and adherence to CLM Act and SEPP55 requirements; • Determining when a site auditor is to be involved in the process; • Ensure this procedure and other relevant legislative requirements are followed for management of UPSS sites. • Informing customers submitting DA's or other planning proposals when additional investigative reports (PSI/DSI etc) are required; • Reporting relevant data to the GIS Officers; • Using the system to inform themselves of any contamination issues that could create a risk in or from their work; • Completing Initial Evaluation (when required); • Ensuring contaminated lands register and GIS mapping responsibilities are carried out through the appropriate service agreement; • Auditing CL Register and GIS mapping system every 6 months as part of the quality control system.
Contaminated Lands Support Officer	Responsible for: • Overall implementation of the contaminated land information management system; • Training Council staff in using the system to obtain information, and ensuring they know when to provide information for input to the system; • Liaison with Community Relations staff to ensure correct messaging around implementation and use of the new system. • Accurately using the system to retrieve relevant information for a compliance audit; • Providing information relating to the nature and frequency of audits, including any documents outlining the requirements, and information from their audits, to the Director of Planning for input to the register.
Planning Administration	Responsible for: • Capturing and Reporting relevant data to the Planning Officer; • Completing relevant sections of Initial Evaluations.

Technical Services and Town Services	Responsible for: • Accessing property Information and the CLM GIS layer to inform project assessments under Part 5 of the EP&A Act.
IT and GIS function (Service agreement with other Council or Map Info)	Responsible for: • Setting up and maintaining the register functions; • Ensuring the register is set up with consideration of direct links to the GIS system. • Maintenance of the GIS system, regular quality control audits and amendments when needed; • Ensuring GIS mapping tool allows for delineation of contamination and links to Planning Systems for accessing historical data. • Ongoing maintenance and quality control of IT issues and amendments to the system as required.

3. Quality Control / Quality Assurance

Central to the governance and management arrangements surrounding this CLIS are those related to Quality control. Data quality control and quality assurance procedures must be defined and implemented to provide a framework to protect the environment and respond to changing conditions. A systematic approach to contaminated land management will provide information to build success over the long term. Utilising the Plan-Do-Check-Act model from ISO 14001-2016, the data relating to contamination will be maintained as the information is continuously updated. To maintain a high standard of data quality the following objectives will be implemented;

Data entry: Any entry into the contaminated land register is to be done through a single source (Planning Department Delegate). Data entry is to follow the workflow outlined in this procedure (Appendix H).

Data sourcing: The source is to be assessed using the assessment steps in this procedure (Appendix A and Section 4). Credibility of Consultants reports increases with the use of certified Consultants, and by involving an Accredited Site Auditor.

Data correctness: There are to be 6 monthly quality control checks of the data in the Register. As well as stand alone checks, the system is to be audited annually for procedural correctness being implemented and for its interactions with other planning systems.

Data standardisation: The information in the register is to be entered in a standardised format to avoid bias, minimise impacts of staff changes and streamline communication outputs (Appendix H and I).

Incident management: Procedures are to be in place to deal with findings of incorrect data to ensure that any impacts are reviewed and rectified.

3.1. Access to Council Information

Members of the public may be interested in accessing information contained in Council records in relation to land contamination issues.

Council will provide information regarding contamination on individual parcels of land in accordance with the requirements imposed by section 10.7 of the EP&A Act. Gwydir Shire Council will maintain two separate contaminated lands registers, the first being land with known contamination and the second land with potential contamination. Information requests will only relate to land with known contamination.

Council will also disclose information in accordance with its obligations under the Government Information (Public Access) Act (GIPA) 2009. Requests for access to information held by Council on land contamination can be made by submitting the *Formal Access Request Form*. The form/s may be submitted to GSC by mail, e-mail or in-person through the customer service staff located at the Council building, 33 Maitland Street, Bingara, NSW 2404.

4. Gwydir Shire Council's Process for Considering Land Contamination Issues for Planning Proposals Including Development Applications

The ROC Managing Contaminated or Potentially Contaminated Lands Policy (The Policy) sets out GSC's obligations in considering land contamination as a regulatory authority for land use planning.

All land subject to a planning proposal must be considered as to whether the issue of contamination is relevant. If it is, investigations may be required to determine the level of contamination present on the land and identify any remediation works necessary to support the proposed zoning or land use.

The EP&A Act and SEPP 55 requires Council to consider the suitability of land for a proposed use or development. The proponent must consider contamination before lodging a development application. If contamination is or may be present the proponent must investigate the site and provide information to Council to enable Council to decide if a site is suitable or can and will be made suitable prior to use of the site. This decision is based on information provided by the proponent, or through an initial evaluation conducted by planning officers where further investigation is warranted.

GSC may conduct an initial evaluation as part of the development assessment and/or rezoning process to determine whether contamination is an issue and whether enough information is available for GSC to carry out its planning functions in good faith.

The initial evaluation will be based on readily available factual information provided by the applicant and information available to GSC such as previous investigations about contamination on the land, previous zoning and uses of the subject land, and restrictions relating to possible contamination such as notices issued by the EPA. GSC may also conduct a site inspection of the subject land as part of the general assessment of the application.

The initial evaluation will be undertaken by the planning staff and may involve (but not limited to) evaluations and searches of the following;

1. Historical aerial photographs;
2. Historical newspaper articles;
3. Historical Title search;
4. Previous council records;
5. Previous site inspection reports;
6. EPA CLM Database;
7. Previous consultants' reports and investigations;
8. Previous notifications of remediation/site audit statements/ pollution events;
9. Approved Development applications (Das), building applications (Bas) for uses listed I Table 1 of the Planning Guidelines, or other potentially contaminating uses, and ones refused based on contamination matters;
10. Rezoning proposals refused based on contamination matters;
11. Dangerous Goods searches;
12. Site visit notes and photographs;
13. Information provided through a DA or rezoning application;

14. Anecdotal information;
15. EPA regulated sites register;
16. EPA notified sites registers;
17. Unhealthy Building Land List;
18. Other agency information systems such as Department of Land, NSW Police (e.g. former clandestine or hydroponic labs); and
19. Organisations and programs such as the Derelict Mines Program (Department of Planning and Environment), Cattle Dip Site Locator (Department of Primary Industries), UPSS Program (NSW EPA), water authorities, etc.

Where the proponent supplied information or the initial investigation causes GSC to consider that land contamination may be present and could pose a risk to human health and/or the environment in the proposed land use scenario, the contaminated land process will be triggered. This process typically occurs in two stages outlined below in the procedure.

1. Request for information; and
2. Conditions of Development Consent.

4.1. Requests for Information

Council, as the regulatory authority is unable to provide consent for a development until it is satisfied that the site is, or can be made, suitable for the proposed land use. For that reason, a four-stage site investigation and reporting process may be needed to be followed as outlined in the guidelines made under the CLM Act 1997. A proponent may need to provide the following information to show the land is suitable for the proposed use.

This may include one or more of the following:

- A Preliminary Investigation (Stage 1)
- A Detailed Investigation (Stage 2)
- A Remedial Action Plan (Stage 3)
- Validation, Monitoring and Remediation reporting (Stage 4).

Figure 2 shows the typical process GSC considering land contamination issues for development applications and the Requests for Information likely to be made.

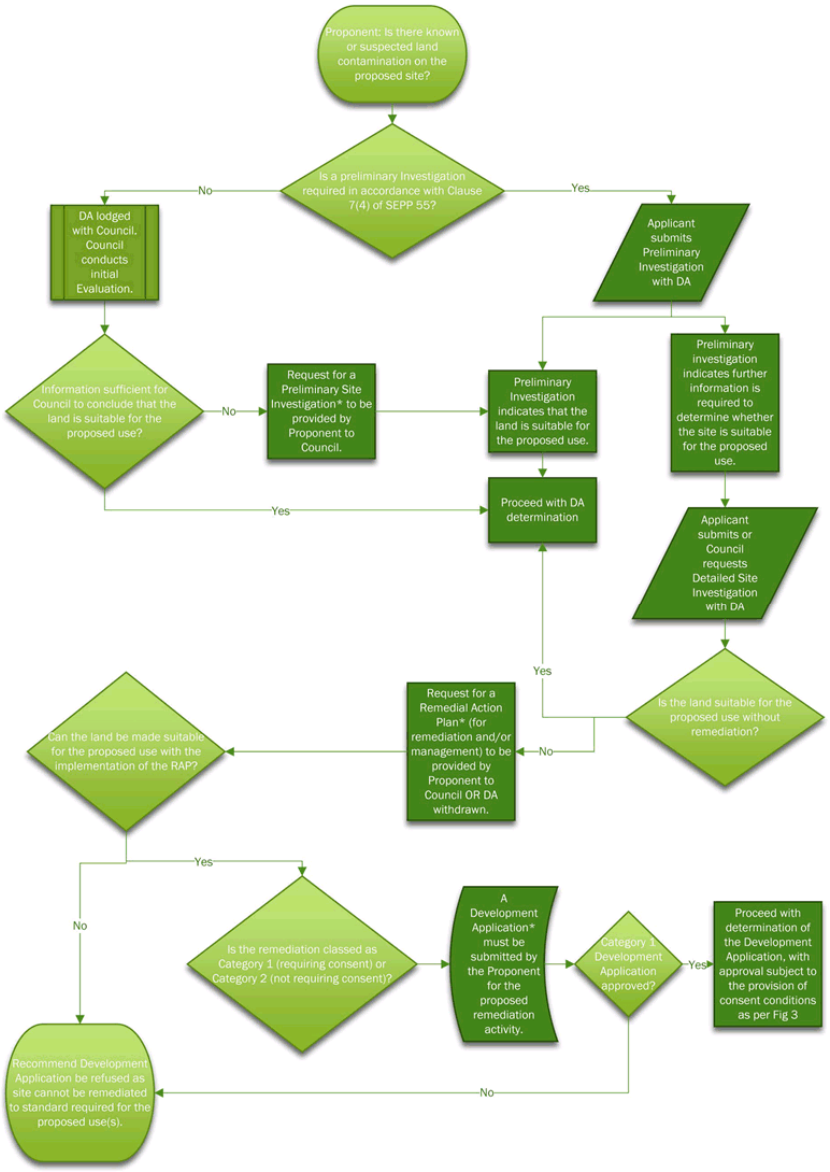

Figure 2: Process for considering land contamination issues for planning proposals

21

*Specific requests should be added where Underground Petroleum Storage Systems are or may be present or are proposed as part of the development.

4.2. Initial Evaluation

Section 4.15 of the EP&A Act and clauses 6 and 7 of SEPP 55 requires Council to consider the possibility that the previous and/or current land uses, and/or nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination and therefore the suitability of the site for the proposed development when carrying out planning functions.
GSC does this by undertaking an initial Evaluation of all land use Planning Applications and based on that determines whether further information is required for Council to conduct its planning functions in good faith. The initial evaluation will be based on readily available, factual information provided by the applicant and any other available information (e.g. previous contamination investigations, previous zoning and land use and restrictions relating to contamination issues by the EPA). For that purpose, the contamination may be within a building/structure or other structure on the land, rather than only within the soil of that land.
The initial Evaluation process if further described in Appendix A.

4.3. Preliminary Site Investigation

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment. The GSC process for managing the need for and requirements of a PSI is included in Appendix B.

Council will require further investigation where it is found through the initial evaluation that the land concerned is:

- Land that is within an investigation are, under Div. 2 of Part 3 of the CLM Act, that has been notified as such by the EPA;
- Land on which activities referred to in Appendix A of *Managing Contaminated or Potentially Contaminated Land (Moss Environmental 2019)* are being, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix A of *Managing Contaminated or Potentially Contaminated Land (Moss Environmental 2019)* are being carried out, and if the proposed development involved residential, educational, recreation, childcare or hospital purposes.

GSC may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of the land's history, condition, or other information known (where available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or where these circumstances have changed;
- The land use has changed to a more sensitive land use (i.e. residential, recreational, school or hospital);
- There are restrictions on, or conditions attached to the use of the site by a regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;

- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of wastes; or
- The adjoining land has been associated with activities that may cause contamination listed in the ROC Policy and is likely that this may have contaminated the subject site.

The preliminary site contamination investigation shall be carried out in accordance with the requirements of the *NSW EPA Guidelines for Consultants Reporting on Contaminated Sites.* The applicant is responsible for engaging a suitably qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant.

As part of the preliminary investigation, applicants may request GSC to undertake a search of its records to determine previous approved developments at the site.

If after the preliminary investigation GSC is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix B for steps for undertaking the process of a Preliminary Site Investigation.

4.4. Detailed Site Investigation

GSC will require a detailed site contamination investigation (DSI) be undertaken where a PSI indicates the presence of contamination or where there are gaps in information relating to the history of the site. A PSI and DSI may be conducted together. The GSC process for managing the need for and requirements of a DSI is included in Appendix C.

A DSI shall be prepared in accordance with the Managing Land Contamination Planning Guidelines 1998 published by the Department of Urban Affairs (now the Department of Planning, Industry and Environment) and the NSW EPA and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* (ANZECC 2000). If contamination consists of asbestos, then the detailed site investigation must also be prepared in accordance with the appropriate *WorkCover NSW* (now *iCare NSW)*, and *National Environment Protection Council (NEPC)* guidelines and any other relevant guidelines.

The detailed site investigation must:

- Adequately investigate the extent and degree of contamination on site including soil and groundwater contamination;
- Assess the risk posed by the contaminants to human health and the environment;
- Provide a recommendation as to whether the land is suitable in its current state or if the land can be made suitable for the proposed land use following remediation. Recommendations must include feasible remediation options, if required.

If the DSI states (and Council is satisfied) that the site is suitable for the proposed use, then Council may determine the development application through Council's usual procedures.

Council may require a Site Audit Statement where it has required a DSI and that investigation concludes that the site is suitable for the proposed use and does not require remediation.

4.5. Remedial Action Plan

Where the DSI indicates contamination in soil or groundwater above normal background levels for that area or above thresholds for *Health based Investigation levels* provided in the NSW EPA *Guidelines for the NSW Site Auditor Scheme* or other appropriate guidelines, and development consent is required for site remediation work, a remedial action plan (RAP) will be required by Council. The GSC process for managing the need for and requirements of a RAP is included in Appendix D.
The submission of a RAP is mandatory if the remediation for which it is prepared is category 1 remediation works and as such requires development consent (See the Policy). Council will also require submission of a RAP if the remediation could be undertaken as a category 2 remediation work, but the proponent seeks development consent. The RAP should be submitted with the development application for the remediation.
The RAP shall be prepared in accordance with the *Managing Land Contamination Planning Guidelines 1998* published by the Department of Urban Affairs (now the Department of Planning, Industry and Environment)

and the NSW EPA and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* (ANZECC 2000). If contamination consists of asbestos, then the RAP must also be prepared in accordance with the appropriate *WorkCover NSW* (now *iCare NSW)*, and *National Environment Protection Council (NEPC)* guidelines and any other relevant guidelines.

The RAP must:

- Identify and assess a range of feasible remediation options and justification for the option(s) chosen for the site remediation.
- State the clean-up objectives for the site and set remediation goals suitable for the intended use of the site.
- Demonstrate how the applicant or their consultant proposes to reduce environmental and human health risks to acceptable levels and achieve the clean-up objectives for the site.
- Identify and include proof of any necessary approvals and licences required by regulatory authorities.

Following the submission of the RAP, Council may:

- Require the works to be carried out and validated prior to the determination of the application in cases where the remediation of the site is uncertain or if risk to human health or the environment is significant, and/or
- Impose conditions on the development consent requiring the remediation and validation works to be undertaken prior to commencement of building and construction works, and/or;
- Issue a deferred commencement consent for the proposed use where applicable, requiring remediation and validation to be carried out before other work commences, and/or;
- Appoint a Site Auditor accredited under the NSW Site Audit Scheme to undertake a review of any or all stages of the site investigation, remediation or validation process in accordance with the *Contaminated Lands Management Act 1997.*

4.6. Validation and Monitoring Report

The purpose of validation is to confirm whether the predetermined remediation objectives have been met and whether any further remediation work or restrictions on land use are required prior to the commencement of building construction works. The GSC process for managing the need for and requirements of a Validation and Monitoring Report is included in Appendix D, from step 11.

SEPP55 requires that a notice of completion of remediation be submitted to the local Council, within 30 days of completion of the remediation for Category 2 Remediation, and as defined by Council for Category 1 Remediation. Validation and associated reporting are an essential prerequisite of this notice. Council will place a condition on any development consent requiring the submission and approval of validation and monitoring report prior to the issue of a construction certificate.

The Validation report must be prepared in accordance with the *Managing Land Contamination Planning Guidelines 1998* published by the Department of Urban Affairs and Planning (now the Department of Planning, Industry and Environment) & NSW Environment Protection Authority and any other guidelines made under Section 105 of the *Contaminated Land Management Act 1997*, the *National Environment Protection*

(Assessment of Site Contamination) Measure 1999 and the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000)* and must:

- Confirm whether the clean-up objectives set out in the Remedial action plan have been attained, or where there is no RAP, against standards endorsed by the EPA, and whether any further remediation work is required or restrictions on land use imposed.
- Confirm statistically (in accordance with the NSW EPA Sampling Design Guidelines) that the remediation works have satisfied clean-up criteria set for the site.
- Where targets have not been achieved, state reasons for such failure and propose additional site work that will achieve the original objectives or will enable the site to be made suitable for the proposed use. An additional Validation Report must be submitted to the satisfaction of Council when additional work is required to be carried out.
- Include information confirming that all licences, approvals, waste disposal requirements and development consents have been complied with.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, an Environmental Management Plan for the ongoing remediation or monitoring of the site is required by Council. The Environmental Management Plan must be prepared in accordance with *Managing Land Contamination Planning Guidelines 1998* published by the Department of Urban Affairs and Planning (now the Department of Planning, Industry and Environment) & NSW EPA and any other guidelines made under Section 105 Guidelines made under Section 105 of the *Contaminated Land Management Act 1997* and the *National Environment Protection (Assessment of Site Contamination) Measure 1999* and the *ANZECC Guidelines* (ANZECC 2000) and must include:

- Any ongoing management or monitoring measures required;
- The parameters to be monitored, the monitoring locations and the frequency of monitoring;
- Situations or conditions that activate management measures as set out in the EMP;
- Proposed time frame for completion of ongoing remediation or monitoring works.

NOTE: Council may require as a condition of development consent, the creation of a positive covenant under Section 88BE of the Conveyancing Act, 1919, on the title of the affected property. This covenant will ensure the ongoing approved Management Plan for the site is carried out in order to ensure the land is able to be used for its intended purpose.

4.7. Independent Site Auditing

A Site Audit is an independent review of a Contaminated Land Consultant's investigations and reports for any or all stages of the Contaminated Land Process. A Site Audit must be undertaken by an NSW EPA accredited Site Auditor (accredited by EPA under Part 4 of the CLM Act) and be conducted in accordance with the *Contaminated Land Management Act 1997*. The GSC process for managing the need for and requirements of a Site Audit is included in Appendix F.

Section 47(1) of the CLM Act defines a site audit as: 'an independent review:

(a) That relates to investigation, or remediation, carried out (whether under this Act or otherwise) in respect of the actual or possible contamination of land, and

(b) That is conducted for the purpose of determining any one or more of the following matters:

i. The nature and extent of any contamination of the land;

ii. The nature and extent of the investigation or remediation;

iii. What investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.'

The NSW EPA have also prepared '*Guidelines for the NSW Site Auditor Scheme*', which outline the NSW Site Auditor Scheme, the process of appointing site auditors, and the legal, administrative and technical directions and guidelines for site auditors and the preparation of site audit statements.

Site Audit Statements

A site audit statement provides a clear statement about what land use is suitable for the site, including any conditions on that suitability (e.g. to maintain capping). A site audit statement must comply with the requirements set out in section 53B of the CLM Act. When an accredited auditor is requested to conduct a site audit, they must also prepare a site audit statement.

Section 47(2) of the CLM Act states that "a reference to a site audit carried out for the purposes of a statutory requirement is a reference to a site audit carried out in order to secure compliance with:

(a) A requirement under this Act, or

(b) A requirement imposed by State Environmental Planning Policy No 55 Remediation of Land or by any other environmental planning instrument made under the Environmental Planning and Assessment Act 1979 or by any development consent given under that Act, or

(c) Any other requirement imposed by or under an Act, unless it is carried out only in order to secure compliance with a legal obligation arising from an agreement or arising in such circumstances as the regulations may prescribe."

A statutory site audit statement may only be issued by a site auditor for contaminated land. A copy of all statutory site audit statements must be given to the EPA and the planning authority (Council).

When does Council require a Site Audit?

Council may require a site audit to be undertaken at any or all stages in the site investigation process. In accordance with the planning guidelines, Council will require a site audit prepared by a site auditor for contaminated land if Council:

- Believes on reasonable grounds that the information provided by the applicant is incorrect or incomplete;
- Wishes to verify whether the information provided by the proponent has adhered to appropriate standards, procedures and guidelines; or
- Does not have the internal resources to conduct its own technical review."

The proponent will be informed by Council of a site audit is required after Council has conducted a review of contamination investigation reports and associated documents (e.g. development application) submitted to Council. The proponent is responsible for engaging a site auditor to perform a site audit and all associated costs.

For sites which have complex issues associated with either the contamination assessment or remediation, it is wise to engage a site auditor in the initial stages of the assessment process.

What should a Site Audit Cover?

The EPA '*Guidelines for the NSW Site Auditor Scheme*' outlines what should be included in a site audit, however the guidelines state that in some situations, Council may also need to contribute to defining the scope of the site audit.

When Council requests a site audit, Council may also specify any issues that shall be included within the scope of the site audit. As well as requiring a site audit to address any issues raised in s.47(1)(b) of the CLM Act, the following are examples of issues that Council may also request the site auditor to address:

- Has the contaminated land consultant complied with all EPA endorsed guidelines?
- What further investigations or remediation is required before the land is suitable for any specified use or range of uses?
- Whether the auditor considers that the proposed remediation is adequate, and if undertaken, will render the site to be suitable for the proposed use?
- Whether it can be concluded that there is no unacceptable off-site migration of contaminants, particularly via ground water?
- Whether the contamination conditions at the site are suitable for in-ground absorption of stormwater?

The proponent or the site auditor or both should liaise with Council during the preparation of the site audit to ensure that the scope addresses the concerns raised by Council. Site audit statements may also carry conditions as stipulated by the site auditor. In this case, if the site audit statement is received prior to development of the site (as part of the planning process), Council will include the site audit conditions as conditions of consent. Site auditors must advise Council when they intend to include conditions onto site audit statements. This will particularly be the case for those conditions that require ongoing administration by Council. In this instance, the site auditor is required to liaise with Council prior to the finalisation of the conditions and before the release of the site audit statement. It is important for Council to have some level of input into the development of these conditions in order to ensure that implementation procedures are practical and achievable.

Before issuing a site audit statement, the site auditor must prepare and finalise a summary site audit report. The EPA Guidelines outline what must be included in a site audit report. These reports should also be provided to Council with the site audit statement for its records.

The summary site audit report may be an avenue for the site auditor to address any concerns raised or answer specific questions asked by Council.

4.8. Ongoing Monitoring and Management

Ongoing monitoring/management is required where contamination remains on site and there is uncertainty relating to its potential to migrate and/or the effectiveness of the management measures implemented to contain the contamination. Ongoing monitoring/management is undertaken after the Validation Report has been completed and as such, the land use suitability (and associated statement in the Validation Report) for the remediated Site may be subject to the outcomes of an ongoing monitoring/management program. An Ongoing Environmental Management Plan (OEMP) is the document outlining the requirements and specific details of an ongoing monitoring/management program.

The requirements of implementation of an OEMP can form part of the conditions of consent. To further ensure that an OEMP is implemented and that the relevant parties are aware of their responsibilities, it can also be placed as a restriction or covenant on the land. The GSC process for managing the need for and requirements of Voluntary Management Proposals is included in Appendix E.

4.9. Conditions of Development Consent

Conditions of Consent accompany a development approval (issued when Council is satisfied that the site is, or can be made, suitable for the proposed land use), to identify the actions and information required by the Proponent before and during construction, or that will apply to ongoing management and monitoring of the site beyond the construction stage.

Figure 3 shows the typical process through which Conditions of Consent are applied for contaminated land matters. However, it should be noted that the level of information and actions needed to ensure the land is suitable for the proposed land use needs to be assessed on a case-by-case basis. In some situations, consent may be given at an earlier or later stage of the process than indicated in Figure 3, if deemed appropriate by GSC.

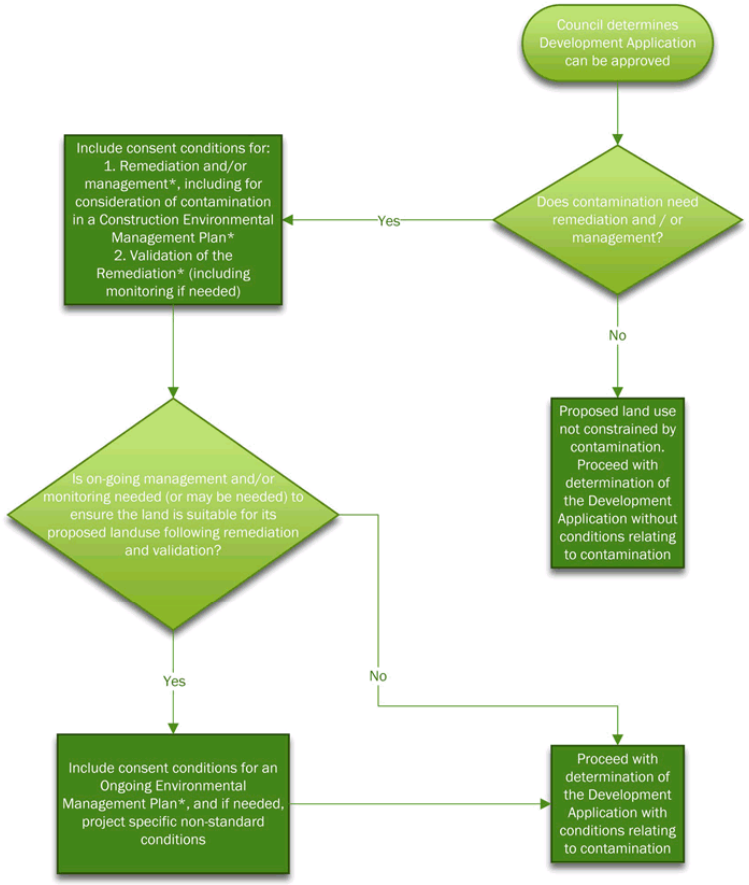

Figure 3: Process for considering conditions of consent for planning proposals

32

5. Gwydir Shire Council's Process for Considering Land Contamination Issues for Planning Proposals to Rezone Land

SEPP 55 requires Council to consider contamination issues in planning proposals to rezone land (including when Council is the proponent of the rezoning). GSC will not include land in a zone that would permit change of use of the land from the existing use unless:

- GSC has considered whether the land is contaminated;
- If the land is contaminated, GSC is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used; and
- If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, GSC is satisfied that the land will be so remediated before the land is used for that purpose.

SEPP 55 Clause 6(4) requires that a Council requires a preliminary investigation to be submitted with planning proposal applications to rezone land where the land concerned is:

(a) Land that is within an investigation area;
(b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out;
(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital-land;
    (i). In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out; and
    (ii). On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Investigation area means land declared to be an investigation area under Division 2 Part 3 of the CLM Act. The EPA may declare land to be an investigation area if it has reasonable grounds to believe that the land is contaminated with a substance in such a way as to present a significant risk of harm.

In addition to the requirements outlined in clause 6(4) of SEPP 55, Council will also require a preliminary investigation to be submitted if Council has reasonable grounds to believe the land may be contaminated because of the land's history, condition, or other information known to Council.

GSC's procedure for considering land contamination issues for zoning or rezoning applications is shown in Figure 4.

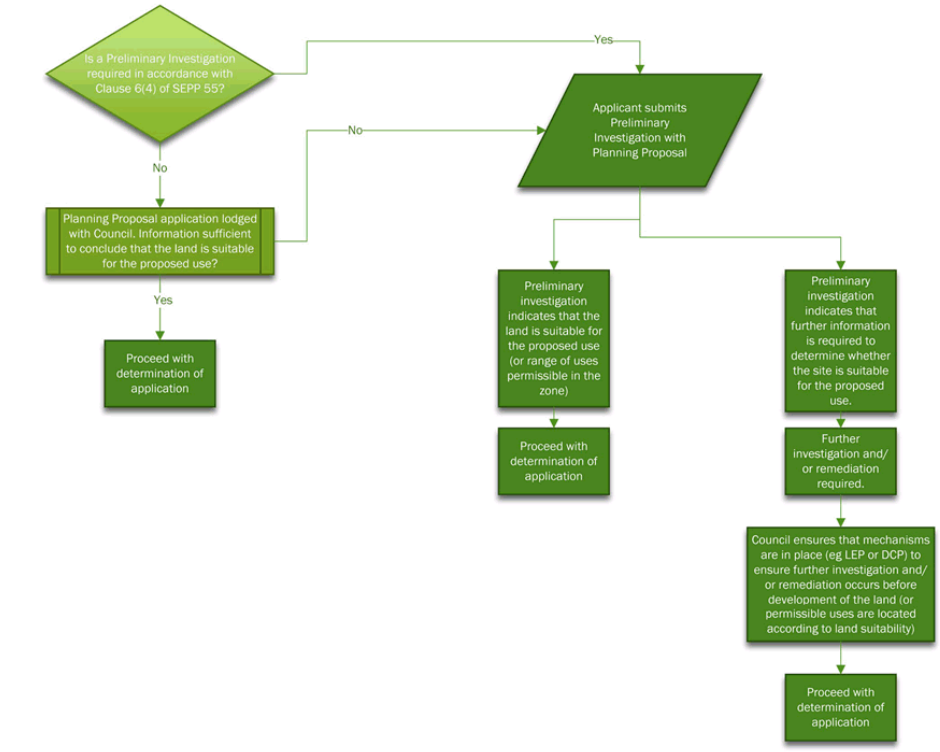

Figure 4: Procedure for considering land contamination as part of a zoning/rezoning application

6. Section 10.7 Certificates

Planning certificate are issued in accordance with Section 10.7 of the EP&A Act 1979. The s10.7 Certificates are used by Council to notify the public (on request) where restrictions apply to land due to the known or potential presence of contamination. Notifications included in s10.7 planning certificates do not in themselves restrict the use of lands but are there to notify the reader that restrictions apply.

The requirements of information, both statutory and recommended, to be included on s10.7 certificates are presented in the *ROC Managing Contaminated or Potentially Contaminated Land Policy*.

7. Underground Petroleum Storage Systems

Underground Petroleum Storage Systems (UPSS) have the potential to leak, and due to their underground location, leaks are commonly undetected for periods of time.

The *Underground Petroleum Storage System (UPSS) Regulation* (revised in September 2014) takes a preventative approach to managing potential contamination from underground petroleum storage tanks and associated pipework.

Under the UPSS Regulation, it is against the law to allow or ignore contamination resulting from a leaking or faulty UPSS. The person responsible for a UPSS (usually the owner/operator) is required to have in place:

- A system for detecting and monitoring leaks;
- Groundwater monitoring wells at sensitive locations and a program to test them;
- An Environment Protection Plan for the facility; and
- Systems in place for record keeping, reporting of leaks and notifying the local council when a UPSS is decommissioned.

As outlined in DECCW 2009, *Planning and Development Process for Sites with Underground Petroleum Storage Systems*, it is essential that an evaluation be made at the planning consent stage to ensure that the appropriate level of equipment is installed. As such, DECCW (2009) presents conditions to be included in development approvals for sites with UPSS. To ensure that the required consent conditions have been considered, use Table 2 as a checklist. The GSC procedure for implementing these consent conditions and management of known UPSS is available in Attachment J.

Table 2: UPSS Checklist for use during assessment of Development Approvals.

Scenario	Planning Conditions should consider:
Installation and commissioning of new UPSS	A new UPSS must meet the following requirements before commissioning: Be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation; Have at least minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks, associated pipework, and overfill protection devices; Have groundwater monitoring wells installed and tested in accordance with the regulation; and Have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.
Installation of groundwater monitoring wells on UPSS sites	All sites must have groundwater monitoring wells designed and installed by duly qualified persons in accordance with relevant industry standards. The person responsible for the system must ensure that the duly qualified persons provide details of

	specifications relevant to the design and installation of the wells. Groundwater monitoring wells must be: • Sealed to exclude surface water; • Constructed to prevent cross-contamination with other groundwater monitoring wells; • Clearly marked to indicate their presence and properly secured; and • Tested for hydrocarbon contamination at minimum intervals of six months.
Operational management of a new UPSS	All sites with operating UPSS must have an Environment Protection Plan (EPP) in place. Procedures must also be prepared and documented for loss monitoring and detection, and incident management.
Modification of a UPSS	If the activity is one that triggers development approval from Council, consent conditions should consider whether the installation of mandatory pollution protection equipment and groundwater monitoring wells are required. The system cannot be recommissioned without certification that an Equipment Integrity Test (EIT) has been performed in line with the written directions of a duly qualified person. The person responsible must also be in possession of documentation showing appropriate design, installation and testing/commissioning, including current as-built drawings and dates of commencement and completion of modification. If a tank has been removed or replaced, the system may not be recommissioned unless a validation report has been submitted to the relevant local authority: • No later then 60 days after a tank's removal or replacement; or • No later than 60 days after remediation of the site is completed, where this is required. Validation reports must be kept for seven years from the date of creation or seven years after the decommissioning of the tank.
Repair to a UPSS	Depending on the nature of the activity, repairs may not trigger consent. However, if a UPSS leaks and repair work is undertaken, the system cannot be recommissioned unless it satisfies the requirements outlined in the UPSS Regulation.
Decommissioning UPSS sites and tank removal	The removal of all UPSS is to be completed in general accordance with the: • Protection of the Environment Operations (Underground Petroleum Storage Systems Regulations 2014)

	• Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) – Guide only (withdrawn); • SafeWork NSW requirements; • Australian Standard/s including AS 2601-1991 Demolition of Structures and AS 1940-2004 Storage and Handling of Flammable and Combustible Liquids and AS 4976-2008, The removal and disposal of underground petroleum storage tanks and AS4897 The design, installation and operation of underground petroleum storage systems. Validation and reporting of the condition of a UPSS site following tank removal or site decommissioning must address all areas of the site consistent with the requirements of the UPSS Regulation and SEPP55. A validation report for tanks that are removed or decommissioned must be submitted to the local planning authority no later than 60 days after the completion of works or, where site remediation is required, within 60 days of its completion. The purpose of the validation report is to assist planning consent authorities with future planning decisions.

8. Contaminated Land Register

A core component of the GSC contaminated land information system is the Contaminated Land "Register". This is a centralised list of properties / land / assets that are known by Council to be contaminated, or on which activities have occurred which are likely to result in contamination. In the context of developing a Contaminated Land Information System, the Register provides a single point of accurate and up to date corporate information on contaminated land that can be drawn on by the various Council functions and services.

To ensure that the Contaminated Land Information Register is functional and reliable, all information relating to contaminated land obtained by Council must be entered into the register. By managing access to information through a centralised register Councils are more easily able to meet the general objectives discussed within the NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998):

- Record information in a manner appropriate to current legislation, and which assists planning authorities to carry out planning functions in the context of land use history;
- Ensure a fair and equitable means of informing stakeholders, especially potential purchasers or occupiers, of the presence of, or potential for, contamination on specific parcels of land;
- Provide relevant information which facilitates the control of land use, to minimise the risk to health and the environment;
- Encourage an approach which does not unnecessarily place restrictions on land or otherwise unnecessarily affect its value;
- Acknowledge any limitations on information, such as its degree of uncertainty and accuracy, and the purpose and time it was collected.

Note:

1. It is important to note that a Contaminated Land Register may not be a complete list of contaminated sites and should not be presented as a complete list. The sources of information used should be clearly defined to avoid misunderstandings as to what the basis and completeness of the information is.
2. Inclusion of a property in the Contaminated Land Register does not necessarily imply the actual existence of contamination on the property. This can only be determined as a result of an investigation, sampling and analysis program carried out in accordance with requirements of the relevant Guidelines made or approved by NSW EPA in accordance with the CLM Act and Managing Land Contamination Planning Guidelines, 1998).
3. The list of sites included in the register will be prepared in good faith in the interest of responsible planning and will be used as a first point of reference by Council. It will not necessarily be comprehensive or definitive and may not deal thoroughly with the issue of contamination of properties listed or properties adjacent to those listed. As such it should be viewed as one starting point for more detailed investigations and will necessarily evolve as more information comes to hand from third parties or from detailed investigations of particular sites (Managing Land Contamination Planning Guidelines, 1998).

8.1. Links with Other GSC Corporate Systems

It is essential that the Contaminated Land (CL) Register is flexible and able to accommodate the dynamic nature of land contamination management. To remain flexible while consistently representing the best information available at the time to Council it is essential that relevant corporate systems are linked to the Information System.

8.1.1. Mapping System

The CL Register is to include links to a contaminated land layer in GSCs Geographical Information System (GIS) mapping. The GIS layer will provide the category of the site, type of contaminant of concern, delineation of known contamination and a reference or direct link to the information in the database.
To avoid errors caused by double handling of data, the database is directly linked to GIS so that any updates to relevant information in the database is automatically transferred into the GIS mapping system. GSC will manage the contaminated lands GIS layer and register or make an agreement with another larger Council, to set up and manage the contaminated lands GIS layer and Register.

8.1.2. Property Information Systems

The CL Register includes links to Authority and Horizon where required. These property information systems are used to handle various types of information and enquiries, such as site address, owner, contact details, history of planning action and Section 10.7 certificates. As a minimum the property information system will reflect the information within the CL database relating to land contamination (particularly contamination category) and similarly the CL Register must reflect information in the property information system (particularly owner and address).

Since the CL register will be linked to and triggered through the property management system, the register includes a special category for sites that are not defined as properties such as roads, railways and rivers.

8.1.3. Records Management Systems

The CL register includes links to EDMS for record management. All supporting documentation, photographs, reports, correspondence and general evidence associated with an entry in the Register must be stored within EDMS and linked accordingly with the relevant Register entry.
It is anticipated that when an entry is created within the CL Register that this will create a corresponding folder within EDMS under the Property Lot/DP, whereby all supporting documentation will be stored.

8.2. Information Fields in Contaminated Lands Register

Fields included in the CL Register are provided in Appendix I, however it is noted that GSC may change these in the future depending on suitability for ongoing and future record management systems.
It is essential that any content entered into the Information System or Register is timestamped, never deleted (only made historic/obsolete) and includes reference to supporting evidence for any decision made.

8.3. Stakeholder Engagement and Communication

As GSC creates this Contaminated Land Information System for the first time, it may result in a significant increase in the number of properties registered as contaminated or potentially contaminated, possibly by

orders of magnitude. In many cases this may be the first time that a property owner becomes aware that their property is potentially affected by contamination and accompanying development constraints or health risks. This may lead to considerable angst or outrage, both at an individual and potentially broader community and political level.

To avoid or manage community anxiety or outrage and to reduce significant impact on Council resources that this may generate, GSC has adopted a strategic approach to effectively engage affected landowners, other affected people including occupants and the polluter, and the broader local community in general has been developed and implemented.

This included developing a Stakeholder Engagement Plan that identifies staff responsible for the notification and engagement process, resource requirements, the nature and format of information to be provided and communication techniques, and the timing of consultation activities. The Plan also considers links and information sharing with other government organisations, such as NSW EPA and Department of Lands, and considers the need to use external communications or contaminated land specialists where this expertise is not available in-house.

The need for stakeholder engagement is reinforced by the fact that while there is no legislative requirement for Council to inform a landowner of their properties inclusion in a Contaminated Land Information System, it may be possible for a landowner to argue that the Council acted negligently or possibly that it did not offer procedural fairness if they are not notified of the inclusion. Notifying the landowner provides the opportunity for them to establish that the land is not contaminated and therefore should not be included, or alternatively, to manage or undertake remediation of the land prior to selling at some point in the future.

The Information Management section of the ROC Managing Contaminated or Potentially Contaminated Land Policy, also states that inclusion of a property in the Contaminated Land Information Register in a way that has the potential to restrict the development of the land, should be notified to the landowner.

When notifying landowners of their properties inclusion in a Contaminated Land Information System, it is recommended that the following information be provided;

- An introduction to the Contaminated Land Information System;
- Category in the system;
- Criteria for the categorisation;
- Reasons for the applied category;
- Any restrictions if applicable;
- Details of how to get further information; and
- Details of how to investigate contamination, if needed.

8.4. Contaminated Land Categories

The GSC contaminated land register includes a series of information fields which relate to a parcel of land (refer to Appendix I). These information fields are common for each entry within the contaminated land

register. The contaminated land category's purpose is to represent this information fields, based on both the existence and content of relevant records.

When determining the category of contaminated land, it is essential that a consistent and replicable approach is undertaken across all register entries so that all information received is represented by an output that has been subject to an identical level of scrutiny.
As per the contaminated land management process described in the NSW Contaminated Land Management Act 1997, there is a finite number of contamination states by which land can be described and that Council needs to consider. NSW contamination land legislation and associated Guidelines do not categorise contaminated sites, therefore the GSC register has adopted the categories described in the Western Australian *Contaminated Sites Act 2003*, displayed in Table 3.

Table 3: Contaminated Land Categories

Category	Section 10.7 Notation	Subcategory (where applicable)	Description	Criterion (supporting documents)
1. Possibly contaminated	Notation 2		There are grounds to indicate possible contamination of the site	Initial evaluation, Council records or site inspection identify a potential contaminant.
2. Not contaminated	Notation 5		After Consultants investigation(s), the site is found not to contain concentrations of known contaminants above the investigation levels.	Preliminary and detailed site investigation undertaken by Consultant
3. No indication of contamination	Notation 6		The site was categorised as Possibly Contaminated and Council has since undertaken an Initial Evaluation, and no reasons were identified to indicate possible contamination of the site. Or	Relevant Council record identifying a possible contaminant Initial Evaluation undertaken by Council which revealed no indication of contamination.

			Where Council records do not contain a clear site history for the land or there is inadequate knowledge of uses that have occurred on the land	
4. Decontaminated	Notation 4	a. Subject to an ongoing environmental management plan	The site has been remediated and is suitable for all uses in accordance with management plan.	Preliminary site investigation, Detailed Site Investigation, Remedial Action Plan, Validation and Site Monitoring and Site Audit Statement (if deemed necessary)
5. Remediated for restricted use	Notation 3	a. Subject to an ongoing Environmental Management Plan	The site is contaminated but has been remediated so that it is suitable for restricted use (e.g. industrial or commercial)	Preliminary site investigation, Detailed Site Investigation, Remedial Action Plan, Validation and Site Monitoring and Site Audit Statement (if deemed necessary)
6. Contaminated – restricted use	Notation 1	a. Subject to an ongoing Environmental Management Plan	The site is contaminated and there is no remediation known to have been undertaken.	Preliminary Site Investigation, Detailed Site Investigation.
7. Contaminated – no known remediation undertaken	Notation 1		The site is contaminated and there is no remediation known to have been undertaken.	Preliminary Site Investigation, Detailed Site Investigation.
8. Contaminated – Regulated by the NSW EPA	Notation 1		The contamination is considered significant enough to warrant regulation (SEWR)	Site is listed within the NSW Environmental Protection Authority (EPA) Register of

			and is regulated by the NSW EPA	Significantly Contaminated Land.

8.5. Sources of Information

The sources of information which can be used to consider potential sources of contamination are listed in Appendix I and section 4. Where source documents or processes are held in separate systems, the register is to include links and clear references.

8.6. Council Works, Activities and Land

There are a few considerations that the CL Register is to meet to support GSC in being quickly able to assess the type and severity of contamination. This includes:

- Allowing GSC to obtain a list of all its Sites;
- Allowing GSC to obtain lists of its sites with similar potential or actual contamination history
- Link to, or include, a contamination risk assessment and risk ranking system;
- Allow access of relevant information to Council staff maintaining the sites, such as restrictions on access or personal protective equipment needed when accessing the site;
- Allow GSC to see where in the CL Process the site is up to;
- Allow GSC to enter and search information relating to other potential stakeholder or reliable parties for the contamination.

8.7. Risk Assessment and High-Risk areas

During the process of populating the CL Register, GSC is likely to identify sites or areas of high contamination risk. To determine the risk ranking of a potentially contaminated site GSC must assess the pathways, receptors and impacts of contamination on the site. In order to do this GSC must develop a risk assessment tool as part of the ongoing development of this CLIS.

8.8. Sites Regulated by the NSW EPA under the Contaminated Land Management Act 1997.

Sites that are considered Significant Enough to Warrant Regulation (SEWR) by the NSW EPA under the *Contaminated Land Management Act 1997* are listed on the EPA website.

PART 2

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Appendix A – GSC Procedure for Initial Evaluation

Process: Initial Evaluation (GSC Planning Administration and Planning Officer)

Exceptions: If an application is sent directly to the NSW Department of Planning, Industry and Environment as the land is deemed to be contaminated, and that the contamination is significant enough to be declared Significantly Contaminated under the CLM Act.

Trigger: An application is submitted to Council by an applicant for a given site.

Checklist process

Step	Responsibility	Process	Yes	No
1	Admin	Does the application include a statement that the land (or neighbouring land) is, or is likely to be contaminated?	Go to Step 1A.	Go to Step 2. OR Initiate Preliminary site Investigation process – Appendix 6.
1A	Admin	Did the application include a Site Audit Statement or Remedial Action Plan?	Go to site auditing or Remediation process. – Appendix D and F respectively.	Go to Step 2.
2	Admin	Is the application requiring a change in land use to residential, educational, recreational, childcare or hospital?	Need to be mindful of this when deciding as to whether a preliminary site investigation is required before proceeding.	Go to Step 3.
3	Admin If Yes refer on to Planning Officer	Is the site; Under consideration (or neighbouring sites) including in the Register as 'significantly contaminated' or 'remediated land'? Listed on the EPA's notifications list i.e. sites which are awaiting assessment?	Go to Step 3A	Go to Step 4

3A	ESM	Does the Site Audit Statement or remedial Action Plan place limitations on the use of the land?	Initiate preliminary site investigation process – Appendix 6.	Go to Step 4.
4	ESM	Is the site under consideration (or neighbouring sites) included in the register as potentially contaminated land?	Go to Step 4A.	Go to Step 5.
4A	ESM	Determine previous land use history and contamination potential. Is contamination possible?	Initiate preliminary site investigation – Appendix 6.	Go to Step 5.
5	ESM	Has the site under consideration been subject to either a preliminary or detailed site contamination investigation in the past?	Go to Step 5A.	Go to Step 6.
5A	ESM	Locate and review Site Audit Statement and the Validation and monitoring Report. Do restrictions and/or conditions on the land use require further investigation?	Initiate preliminary site investigation – Appendix 6.	Go to Step 6.
6	ESM	Is the application outlining no change in land use, but the existing land use involves an activity listed in Appendix A of the Policy	Go to Step 6A.	Go to Step 7.
7	ESM	Does information on current zoning and permissible land uses (e.g. restrictions and/or conditions on land use relating to land contamination	Yes, or maybe to one or more – initiate Preliminary Site Investigation – Appendix B.	No to all. Proceed with normal planning assessment process. Process finalised.

		contained in the LEP, future DCPs etc), or records from previous zonings, development and building applications, property files and information provided by the applicant suggest land contamination may be an issue for this or neighbouring sites? Does the LEP or DCP (where applicable) place restrictions or conditions for the development of the site? Is an identified historical land use for the land (or neighbouring land) listed in Appendix 2 of the Policy? Is an identified historical land use (or neighbouring land) related to agriculture or intensive horticulture? (excluding broadacre horticulture). Is or has the site (or neighbouring land) been subject to land use restrictions related to contamination? Is or has the site (or neighbouring land)		

		been subject to conditions on its use or subject to POEO licence conditions in the past? Is or has the site (or neighbouring land) been subject to remediation action? Is or has the site (or neighbouring land) been subject to pollution incidents and/or illegal dumping of waste? Did a site inspection identify any land contamination issues?		

Outcome of Initial Evaluation

Prepare an Initial Evaluation Report (as a file note) including all sources investigated and concluding that;

1. Reasonable efforts have been made to come to a conclusion that there is no risk in the development application relating to land contamination, hence the assessment of the Development Application continues as per standard procedure (proceed with normal business process in the assessment of the development application); or
2. There is insufficient information to determine whether the land under consideration in the development application is not contaminated land, in that the land concerned is either:
    - Land that is within an investigation area that has been notified as such by the EPA;
    - Land on which activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, especially regarding agricultural and intensive horticultural activities; or
    - Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, childcare or hospital purposes.
3. If 2) notify the applicant in writing that a Preliminary Site Investigation is required.

Appendix B – GSC Procedure for Preliminary Site Investigation

Process: Preliminary Site Investigation (PSI / Phase 1) (GSC Planning Officer)

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as consent authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Initial Evaluation could not conclude that the land under consideration in the application or proposal is not contaminated land.

Activity: Request the applicant to use a suitably qualified expert to undertake a preliminary site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for consultants Reporting on Contaminated Sites. Request that the outcomes of this investigation are included in a revised application or proposal. (Note: this activity can be undertaken in conjunction with the Detailed Site Investigation).

Checklist process

Step	Process	Yes	No
1	The application or proposal includes a Preliminary Site Investigation Report.	Go to Step 2	Go to Step 1A
1A	Request the applicant provide the Preliminary Site Investigation Report.	Go to Step 2.	Undertake Step 1A before proceeding.
2	Review the Preliminary Site Investigation Report and determine whether a Detailed Site Investigation is required.	Go to Step 3.	Undertake Step 2A before proceeding
3	Make a file note that the Preliminary Site Investigation Report demonstrates the potential for, or existence of, contamination, which may preclude the land of being suitable for the proposed use.	Go to Detailed Site Investigation- Appendix C	Go to Step 4
4	Is there a requirement for conditions of consent (Refer to Section 3.9)	Go to Step 5	Process the application or proposal. Process finalised.
5	Process application or proposal with Conditions of Consent.	Process finalised.	Step 5 needs to be undertaken before process can be finalised.

Appendix C – GSC Procedure for Detailed Site Investigation

Process: Detailed Site Investigation (GSC Planning Officer)

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as the consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Preliminary Site Investigation Report identifies that potential for, or existence of, contamination which may preclude the land of being suitable for the proposed use.

Activity: Request the applicant to use a suitably qualified expert to undertake a detailed site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. Request that the outcomes of this investigation are included in a revised development application or proposal. (Note: this activity can be undertaken in conjunction with the Preliminary Site Investigation).

Checklist process

Step	Process	Yes	No
1	The application or proposal includes a Detailed Site Investigation Report	Go to Step 3.	Go to Step 2.
2	Request the applicant provide a Detailed Site Investigation Report	Go to Step 3.	Undertake Step 2 before proceeding
3	Does the Detailed Site Investigation Report include a statement that the site is contaminated, and that the contamination is significant enough to warrant regulation?	Go to Step 4.	Go to Step 3A.
3A	Request the applicant submit a revised Detailed Site Investigation Report to include a statement on the suitability	Go to Step 3B	Cannot proceed until Step 3A is undertaken.
3B	Revised Detailed Site Investigation Report received.	Go to Step 4.	Cannot proceed until revised detailed site investigation report is received.
4	The Detailed Site Investigation Report includes a statement on whether the site is suitable for the proposed use and for all other purposes	Go to Step 5.	Go to Step 4A.

	permissible in the zone, or if it can be made suitable through remediation.		
4A	Request a statement on whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if it can be made suitable through remediation.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Does the Detailed Site Investigation Report include a statement that the site is potentially contaminated, and that the contamination is significant enough to warrant regulation?	Go to Step 5A.	Go to Step 6.
5A	Notify NSW EPA immediately.	Proceed with EPA directions.	No other action can be undertaken until Step 5A has occurred.
6	Does the Detailed Site Investigation Report conclude that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate?	Go to Step 6A.	Go to Step 7.
6A	The application or proposal may be modified to a use that is suitable for the land without remediation (e.g. relating to a development application outlining no change in land use), provided a new development application is not required, or the application or proposal can be withdrawn, or the application or proposal can be refused by Council. Application or proposal modified for consent.	Go to Step 7.	Go to Step 6B.

6B	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 6D.
6C	Close the assessment of the application or proposal.	Process finalised.	Undertake Step 6C to finalise process.
6D	Application or proposal refused by Council.	Go to Step 6E.	Application or proposal is required to be modified, withdrawn or refused for process to be finalised.
6E	Consider if the site should be included on the Contaminated Lands site Register and include on the register if required.	Process finalised.	Undertake Step 6E.
7	Does the Detailed Site Investigation Report include a statement that the site is contaminated, which may preclude the land from being suitable for the proposed use?	Go to Step 8.	Go to Step 9.
8	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 9.
9	Is Council satisfied that the site is suitable for the proposed use and for all other purposes permissible in the zone?	Go to Step 10.	Go to Step 9a.
9A	Are conditions of consent required?	Go to Step 9B.	Go to Step 10.
9B	Include conditions of consent (See Section 3.9 of this Procedure)	Process finalised	Process can't be finalised until Step 9B is undertaken.
10	Council to develop restrictions and/or conditions for the land, including any restrictions relating to the intended land use or conditions on the remediation and provision of a Validation and Monitoring Report prior to commencement of	Go to Step 11.	Undertake Step 10 before proceeding.

	development work (e.g. construction certificate).		
11	Does the Detailed Site Investigation Report include a list of feasible remediation options available to remediate the site in order to make it suitable for the proposed use?	Go to Remediation – Appendix D	Go to Step 11A.
11A	Seek this information from the applicant.	Go to Remediation – Appendix D.	Process cannot proceed until Step 11A has been completed.

Note: Prior to finding that the DSI report includes a statement that the site is contaminated, and that the contamination is significant enough to warrant regulation. Council must notify the NSW EPA who may then declare that land as a 'Remediation Site' thereby subjecting the land to remediation works and processes under the Management Order issued by the EPA.

Appendix D – GSC Procedure for Remediation, Validation and Monitoring

Process: Managing requirements of Council, the applicant and other parties relating to remediation of land and its conformance with SEPP 55 Planning Guidelines, and that remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act 1997. (GSC Planning Officer)

Exceptions:

Category 1 remediation works with consent from the Department of Planning and Environment.

Category 2 remediation works subject to a Remediation Order by the EPA without consent. Under this scenario the EPA declares that the land is a remediation site and a remediation Order is issued by the EPA.

A Site that is under voluntary remediation (i.e. Voluntary Remediation Plan) with the EPA declaring the site as a Remediation Site (See section 4.3, Voluntary Remediation) and where the EPA does not require the specific works to be undertaken under the EP&A Act.

Trigger:

Land covered by a development application requiring mediation to make the land suitable for the proposed use and for all other purposes permissible in the zone.

Receipt of a notification regarding proposed Category 2 remediation works without consent.

Checklist process:

Step	Process	Yes	No
1	Is the remediation work likely to have a potential for significant environmental impacts from the remediation works?	Go to Step 1A	Go to Step 1B
1A	Remediation works would be considered as Category 1 remediation works with Council consent (go to sub-section Category 1 Remediation works with Council Consent).	Proceed to subsection Category 1 Remediation Works with Council Consent.	N/A
1B	Considered as Category 2 remediation works without consent (go to sub-section Category 2 Remediation Works Without Consent)	Proceed to subsection Category 2 Remediation Works without Consent.	N/A

Category 1 Remediation Work with Council Consent Checklist

Step	Process	Yes	No
1	Does the Category 1 remediation work include any work that is designated development listed in Schedule 3 of the EP&A Regulation?	Determine whether the applicant is required to submit an Environmental Impact Statement before proceeding	Go to Step 2.
2	If the remediation work is Category 1 remediation work, has the applicant submitted a Remedial Action Plan?	Go to 2A	Remedial Action Plan required before proceeding
2A	Is Council satisfied that the site can be remediated?	Go to Step 3.	Undertake Step 2B before proceeding
2B	Request applicant provides a revised Remedial Action Plan (RAP) if required or if unsure decide whether to use a Site Auditor or review the RAP.	Go to Step 3.	Undertake Step 2B before proceeding.
3	Are the proposed clean-up criteria appropriate for the future use of the site, considering possible human health and environmental impacts?	Go to Step 4.	Go to Step 3B.
3B	Has the applicant provided a suitable revised RAP and Council is satisfied the land can be remediated for the intended land use. If unsure decide whether to use a Site Auditor to review the remedial Action Plan.	Go to Step 4.	Undertake Step 3B before proceeding.
4	Are the proposed plans for remediation work acceptable in that they include an operational plan, health and safety management plan, site environmental management plan,	Go to Step 5.	Go to Step 4A.

	community relations plan and contingency plan and outline all necessary approvals required from regulatory authorities?		
4A	Request applicant provides revised Remedial work plans. Is Council satisfied with the revised remedial work plans? Unsure – Decide whether to use a Site Auditor to review the RAP.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Is the Site Auditor required to review the RAP?	Inform the applicant that Council intends to engage a Site Auditor, and that the cost of this auditor is with the applicant. Go to Step 6.	Go to Step 7.
6	Request the applicant to submit a satisfactory RAP. Process should be stopped until a satisfactory RAP is submitted.	Go to Step 7.	Undertake Step 6 before proceeding.
7	Does Council need to impose conditions on the development consent in relation to: Requiring the submission of a Validation and Monitoring Report after completion of the remediation work, but before commencement of the development work (i.e. before issuing of a construction certificate). Any other conditions and/or restrictions on the remediation work, including any condition of consent set out in appendix 3 of the Policy?	Go to Step 7A. Go to Step 7B.	Go to Step 8.
7A	Prepare conditions of consent to reflect provision of a Validation and monitoring Report upon	Go to Step 8.	Undertake step 7A before proceeding.

	completion of remediation works.		
7B	Prepare conditions of consent to reflect identified conditions of consent relevant to the remediation works and ongoing management of the land under consideration regarding occupational health and safety, site environmental management (including ongoing site monitoring) and any other identified matter.	Go to Step 8.	Undertake Step 8A before proceeding.
8	Any objections received on the advertised planning proposal or development application (including the RAP)?	Go to Step 8A.	Undertake Step 8A before proceeding.
8A	Is the planning proposal or development consent a designated development?	Go to Step 8B.	Go to Step 9.
8B	These objections must be sent to the Department of Planning and Environment for comment.	Go to Step 9.	Undertake step 8B. before proceeding.
8C	Planning proposal or development consent is not designated development, Council is to review objections and decide on these.	Go to Step 9.	Undertake step 8C.
9	Determine the development application, including any comments on objections received from the Department of Planning and Environment (if designated development).	Go to Step 10.	Undertake step 9 before proceeding.
10	Inform the applicant of determination.	Go to Step 11.	Undertake step 10 before proceeding.

11	Upon completion of the remediation works, and before a construction or occupation certificate is issued, has a notification from the applicant that includes the Validation and Monitoring Report been submitted to Council within 30 days of completion of the remediation works or as specified in the Development consent? (Note: sometimes submission for the validation report within 30 days of completion of remedial works are prior to issuing construction certificate is not feasible. Some flexibility is required.	Go to Step 12.	Go to Step 11A.
11A	Request the notification and Validation and Monitoring Report to be submitted to Council.	Go to Step 12.	Undertake step 11A before proceeding.
12	Does the Validation and Monitoring Report include: A statement that the land under consideration has been remediated in accordance with the approved RAP to make it suitable for its intended use or other purpose in that zone?	Go to Step 13.	Go to Step 12A.
12A	If the site was remediated in accordance with requirements, then request the report is modified to include such a statement, or: if the report identified that full remediation was not feasible or onsite containment of contamination is proposed, then ensure that a detailed ongoing monitoring	Go to Step 13.	Undertake step 12A before proceeding.

	strategy/program and site environmental management plan is provided.		
13	Does the Validation and Monitoring Report include: A statement confirming that all licences, approvals and development consents have been complied with?	Go to Step 13A.	Go to Step 13C.
13A	Did the Validation and Monitoring Report include any documentary evidence?	Go to Step 14.	Go to Step 13B.
13B	Request that the report is modified to include such documentary evidence.	Go to Step 14.	Undertake step 13B before proceeding.
13C	Request that the report is modified to include such a statement and documentary evidence.	Go to Step 14.	Undertake step 13C before proceeding.
14	Does the Validation and Monitoring Report include: A Site Audit Statement and Site Audit Summary Report?	Go to Step 15.	Go to Step 14A.
14A	Request that the Site Audit Statement and Site Audit Summary Report is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Is Council satisfied with the Validation and Monitoring Report and the Site Audit Statement?	Process finalised.	Undertake step 15A.
15A	Seek a Site Auditor to review with a view to verify information contained in the Validation and Monitoring Report (See Appendix 10 Site Auditing).	Go to Step 15.	Cannot proceed until Step 15A is undertaken.

Category 2 Remediation Work without Council Consent Checklist

Step	Process	Yes	No
1	For Category 2 remedial works, was Council notified at least 30 days before commencement of works?	Go to Step 3.	Go to Step 2.
2	Contact applicant to remind them of the notification requirement.	Go to Step 3.	Process cannot proceed until Step 2 is complete
3	Did the notification include a proposal for the remediation works that address information contained in Appendix 3 of the Policy in relation to 'Requirements for Category 2 Remediation Works', and the dates in which this work is to be undertaken?	Go to Step 4.	Go to Step 3A.
3A	Obtain this information from the applicant.	Go to Step 4.	Process cannot proceed until Step 3A is undertaken.
4	Did the notification seek any approvals from Council (e.g. dissolved hydrocarbon impact from open excavations to be taken to landfill or discharged to the sewer under consent conditions)?	Go to Step 4A.	Go to Step 5.
4A	Consult with relevant internal operational area.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Did the notification require any approvals from other regulatory bodies (e.g. leaching [i.e. discharge] of toxic material to stormwater or sewer)?	Go to Step 5A.	Go to Step 6.
5A	Request evidence of approval.	Go to Step 6.	Undertake Step 5A before proceeding.
6	Did the notification provide contact details?	Go to Step 6A.	Go to Step 7.

6A	Consult with relevant internal operational area.	Go to Step 7.	Undertake Step 6A before proceeding.
7	Has a Remedial Works Plan (RWP) been submitted with the notification?	Go to Step 8.	Go to Step 7A.
7A	Ask and receive the RWP from the applicant.	Go to Step 8.	Cannot proceed until Step 7A is undertaken.
8	Does the RWP state that it has been prepared in line with the SEPP55 Planning Guidelines, and that proposed remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act?	Go to Step 9.	Go to Step 8A.
8A	Seek the applicant or proponent to provide this confirmation in writing	Go to Step 9.	Undertake step 8A before proceeding.
9	Has a site inspection been undertaken?	Go to Step 10.	Go to Step 9A.
9A	Arrange and undertake a site inspection.	Go to Step 10.	Undertake step 9A before proceeding.
10	Upon completion of the remedial works has the following been provided to Council. Within 30 days of completion of the remediation works, a notification that remediation work and validation has been completed.	Go to Step 11.	Go to Step 10A.
10A	Contact the proponent and request this information is submitted to Council.	Go to Step 11.	Cannot proceed until Step 10A is undertaken.
11	Upon completion of the remedial works has the Validation and Monitoring Report been provided to Council?	Go to Step 12.	Go to Step 11A.

11A	Contact the proponent and request the Validation and Monitoring Report is submitted to Council.	Go to Step 12.	Cannot proceed until Step 11A is undertaken.
12	Upon completion of the remedial works is Council satisfied that the category 2 remediation works have been carried out?	Go to Step 13.	Go to Step 12A.
12A	Issue a clean-up notice under the *Protection of the Environment Operations Act 1997* requiring that further works be undertaken, or that a site auditor is appointed to review works to date and make suggestions on what additional works are required.	Go to Step 13.	Cannot proceed until Step 12A is undertaken.
13	Is Council satisfied with the content of the Validation and Monitoring Report and the Site Audit Statement?	Go to Step 14.	Go to Step 13A.
13A	If Council is not satisfied with the content of the site audit statement it should be reported to the EPA.	Go to Step 14.	Cannot proceed until Step 13A is undertaken.
14	Did the Validation and Monitoring Report and/or Sie Audit Statement include: A statement that the land under consideration has been remediated to make it suitable for its intended use or other purpose in that zone?	Go to Step 15.	Go to Step 14A.
14A	Request that this information is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Did the Validation and Monitoring Report and/or Site Audit Statement include:	Go to Step 15A.	Go to Step 16.

	Requirements relating to ongoing site management, including restrictions on use?		
15A	Include the relevant information in section 10.7(2) planning certificates, covenants on title or annual reporting and other information made available under section 10.7(5).	Go to Step 16.	Undertake step 15A.
16	Has a site inspection been undertaken?	Go to Step 17.	Undertake step 16A.
16A	Undertake a site inspection	Go to Step 17.	Cannot proceed until Step 16A is undertaken.
17	Council is satisfied with the remediation work.	Process finalised.	Process cannot be finalised until Council is satisfied with the remediation works.

Note: Some notifications on category 2 remediation works without consent list, requests Council approvals. An example of this is the discharge of contaminated water to sewer or bioremediation at a landfill site.

Appendix E – GSC Procedure for Voluntary Management Proposals

Process: To manage data and/or information regarding any voluntary management proposal approved by the EPA. (GSC Planning Officer)

Exceptions:

None.

Trigger:

- Landowner informs Council of intent to remediate identified contaminated land.
- EPA notifies Council of a voluntary management proposal to remediate a contaminated site.
- EPA notifies Council of completion of remediation works associated with a voluntary management proposal.

Checklist process:

Step	Process	Yes	No
1	Notification received from EPA regarding a voluntary management proposal?	Go to Step 2.	Process not applicable
2	Record information in Council's systems in accordance with agreed procedures.	Go to Step 3.	Undertake Step 3 before proceeding.
3	Is Council satisfied that a section 10.7(2) planning certificate can be issued for the site?	Go to Step 4.	Go to Step 5.
4	Prepare appropriate text for the section 10.7(2) planning certificate (See Appendix G Section 10.7 Certificates)	Process Completed.	Process not completed until Step 4 is undertaken.
5	Liaise with EPA for clarification.	Process completed.	Process not completed until Step 5 is undertaken.

Notes:

- Duty to Notify: Anyone whose activities have caused land to be contaminated, and owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify the EPA as soon as practicable after becoming aware of the contamination when a site owner provides an undertaking to voluntarily remediate a site that initiates a process via a notification to the NSW EPA. This is a requirement under Section 60(3) of the Contaminated Land Management Act and supported by the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act.
- Management orders: The EPA may order persons to manage significantly contaminated land in the following hierarchy:

- those responsible for the contamination;
- the landowner and the notional owner; or
- the Council as the 'notional owner' of private land and thereby responsible for remediation.

- Voluntary Management Proposals: The EPA may approve a voluntary management proposal for the management of significantly contaminated land, with or without conditions. The voluntary management proposals subsume the former voluntary investigation proposal and the voluntary remediation proposal.

Appendix F – GSC Procedure for Site Auditing

Process: To ensure that Council has confidence in information regarding contamination or potential contamination of land and verification thereof. (GSC Planning Officer)

Exceptions:

None.

Trigger:

- Believes on reasonable grounds that information including that related to potential contamination or previous land use history, provided by the applicant or via the preliminary investigation is incorrect or incomplete.
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines.
- Does not have the internal resources to undertake a technical review.

Notes:

1. A Site Auditor is an individual accredited by the NSW EPA under Part 4 of the CLM Act.
2. Site Auditors review the work of contaminated lands consultants. The CLM Act calls these reviews Site Audits resulting in a Site Audit Statement and defines a site audit as an independent review.
3. Site auditors can prepare an independent review:
    a. That relates to investigation or remediation carried out (whether under the CLM Act) in respect of the actual or possible contamination of land; and
    b. That is conducted for the purpose of determining any one or more of the following matters:
        i. The nature and extent of any contamination of the land;
        ii. The nature and extent of the investigation or remediation;
        iii. Whether the land is suitable for any specified use or range of uses;
        iv. What investigation or remediation remains necessary before land is suitable for any specified use or range of uses;
        v. The suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation or a remediation proposal.
        vi. Costs of Site Audit services are borne by the applicant.

Checklist process:

Step	Process	Yes	No
1	Develop terms of reference for the Site Audit Statement	Go to Step 2.	Undertake Step 1 before proceeding.
2	Package and provide all direct and background information required to be verified by the Site Auditor.	Go to Step 3.	Undertake Step 2 before proceeding.
3	After completion of the site audit, has the Site Audit Summary been provided	Go to Step 4.	Go to Step 3A.

	with the Site Audit Statement?		
3A	Seek Site Audit Summary Report from applicant	Go to Step 4.	Undertake Step 3A before proceeding
4	Is Council satisfied with the outcomes of the site audit?	Process completed.	Go to Step 5.
5	Liaise with site auditor to clarify findings or report to EPA for review.	Process complete.	Process cannot be deemed complete until Step 5 (findings clarified or EPA review) is undertaken.

Appendix G – GSC Section 10.7 Certificates Checklist

Process: To ensure that accurate information regarding land contamination matters including Council policy to restrict the use of land is included in planning certificates issued under section 10.7 of the EP&A Act.

Exceptions:

None.

Trigger:

- A request for information regarding a parcel of land that triggers a process under section 10.7 of the EP&A Act.

Steps:

1. Identify parcel of land of interest;
2. Check Registers for annotations or records regarding contaminated land management issues;
3. Generate certificate;
4. Confirm correctness of statements included in the certificate regarding contaminated land management matters.

Under s. 10.7 of the EP&A Act, a person may request from Council a planning certificate containing advice on matters about the land that are prescribed in the EP&A Regulation including information regarding land contamination.

a. Section 59(2) of the CLM Act provides that specific notations (as listed below) relating to contaminated land issues must be included on s.10.7 certificates where:
    i. The land to which the certificate relates is significantly contaminated land within the meaning of the Act – if the land (or part thereof) is significantly contaminated land at the date when the certificate is issued;
    ii. That the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued;
    iii. That the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning if the Act – if it is the subject of such an approved proposal at the date when the certificate is issued;
    iv. That the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of the Act – if it is subject to an order at the date when the certificate is issued;
    v. That the land to which the certificate relates is the subject of a site audit statement within the meaning of the Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

In addition to detailing information relevant to the prescribed matters, all s.10.7(2) certificates issued by Council will also contain one of the notations listed in the Managing Contaminated or Potentially Contaminated Lands Policy (the Policy).

Appendix H – GSC Procedure for the Storing of Contaminated Sites Information

Purpose: This procedure outlines the steps to be completed on receipt of Contaminated Land Information from any source. (GSC Planning Officer)

Procedure:

On receipt of Contaminated Land Information, the following steps should be undertaken:

1. Check the Contaminated Land Registers to see if the property is already listed;
2. If listed, update information on the register;
    a. Save any new information to property file; and
    b. Update notes.
3. If not listed
    a. Insert information into register;
    b. Save information to property file;
    c. Add notes with heading CONTAMINATED LAND – include on s.10.7 planning certificate, and Data Works.

Appendix I - Information Fields for GSC Contaminated Lands Register and Database Records

Data Field Heading	Data Field Content	Database information held (Data Works)
Site Owner	Full name and address	
Site Address	Full address	
Previous property descriptions	Yes or No Summary of previous description/s	File Notes Historical title records
Zoning	Land-use zoning	
Special Category (sites not defined as properties)	Road Rail River Pipeline Other	Details of site
Current land-use	Current Land-use	
Historical land-uses	Chronological order	Previous zones and permissible uses, particularly uses listed in the applicable LEP; Approved Development Applications (DAs) and Building Applications (BAs) for uses listed within the applicable LEP or uses where contamination was an issue; Refused DAs and BAs where they have been refused based on contamination-related issues; Rezoning requests approved and refused based on contamination-related issues;
Historical potentially contaminating activities	Relevant activity	Records
Complaints received relating to contaminating activities	Complaints about contamination or potentially contaminating activities and whether these were substantiated	Complaint Reports
Contamination Category	Category type as per Section 7.7	
Contamination Details	Type of contaminant (e.g. Heavy metals, asbestos, PFAS, etc.) Contaminant level (if known) (e.g. lead-in-soil 1000ppm)	

Contamination Impacts	Impacted medium (e.g. Soil, groundwater, air, etc)	
Risk Category	Risk rank/category or link to risk assessment	
WHS Considerations	Site restrictions and PPE requirements	
Regulated by the NSW EPA	Yes or No	EPA declarations and orders under the *Contaminated Land Management Act* including Voluntary Management Proposals and resulting action.
Notified to the EPA	Yes or No (if yes, then additional Yes or No as to whether it was notified by Council)	
Regulated under POEO Act 1997	Yes or No If Yes, then ask if ARA is NSW EPA or Council	
Initial Evaluation	Yes or No	Report/s
Preliminary Site Investigation	Yes or No	Report/s
Detailed Site Investigation	Yes or No	Report/s
Supplementary Site Investigation(s)	Yes or No	Report/s
Site Specific Risk Assessment	Yes or No	Report/s
Remedial Action Plan	Yes or No	Report/s Notifications of remediation or abatement
Planning Approvals for Remediation	Yes or No	
Remediation, Validation and Monitoring	Yes or No	
Site Audit Statement	Yes or No Purpose of Audit (e.g. land use suitability)	Site Audit Statement
Ongoing Environmental Management Plan and Monitoring	Yes or No	
UPSS Regulated site	Yes or No If Yes, then ask if ARA is NSW EPA or Council	
Ongoing Maintenance	Yes or No	
Restrictions on land-use	Yes or No Detail briefly	
S10.7 notations	Yes or No Detail briefly	Notation wording

Appendix J – GSC Procedure for Management of Known UPSS

Process: To ensure that Council has confidence in information regarding contamination or potential contamination of land due to underground petroleum storage systems and ongoing management of those systems. (GSC Planning Officer)

Exceptions:

None.

Trigger:

- Regulated under a Protection of the Environment Operations licence.
- Disclosed by site owner/operator during the land planning process.
- Unexpected find during planning or construction process; or
- Voluntary disclosure by owner/operator.

Notes:

1. Refer to Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.
2. Refer to *Planning and Development for Sites with Underground Petroleum Storage Systems* DECCW 2009.

Checklist process:

Step	Process	Yes	No
1	Send out voluntary self-reporting form to all known UPSS owners/managers.	Go to Step 2.	Undertake Step 1 before proceeding.
2	Does the UPSS facility meet the requirements of the UPSS Regulation – minimum system requirements.	Go to Step 2a.	Go to Step 3.
2a	Include site and system details in Contaminated Lands Register as per this procedure.	Go to Step 3.	Undertake Step 2 before proceeding.
3	Refer to Environmental Health and Compliance Officers/Rangers	Complete Step 2a.	Undertake Step 3 before complete

Checklist process for DA which includes an existing underground petroleum storage system

Step	Process	Yes	No
1	Is the replacement and/or repair of a UPSS relevant to the DA?	Go to Step 4.	Go to Step 2.
2	Is the commissioning or recommissioning of a UPSS relevant to the DA?	Go to Step 5.	Go to Step 3.
3	Is the removal, replacement, and/or decommissioning of a UPSS relevant to the DA?	Go to Step 6.	Stop.
4	Consider incorporating the following in the development consent conditions: - Installation of a New UPSS – Part 2 Div 1 of Reg*. - Replacement of a UPSS – Part 2 Div 1 of Reg*.	Incorporate relevant considerations, if any, as development consent conditions	Ensure records are captured in Contaminated or Potentially contaminated Lands Register. Stop.
5	Consider incorporating the following in the development consent conditions: - An equipment integrity test must be conducted by a duly qualified person before UPSS is commissioned - A certificate must accompany the results of the test*	Incorporate relevant considerations, if any, as development consent conditions	Ensure records are captured in Contaminated or Potentially contaminated Lands Register. Stop.
6	A validation report for the site indicating appropriateness for continued use from an appropriately qualified environmental consultant must be submitted by the proponent (Part 2 Div 2 of Reg.)*	Incorporate relevant considerations, if any, as development consent conditions Refer to Appendix D for Validation Report Procedure	Ensure records are captured in Contaminated or Potentially contaminated Lands Register. Stop.

Item 2 Monthly Executive Report for November 2020

FILE REFERENCE 20/29033

DELIVERY PROGRAM

GOAL: **5. Organisational Management**

OUTCOME: **5.1 CORPORATE MANAGEMENT**

STRATEGY: **5.1.3 Administrative functions - GM - internal**

AUTHOR General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

The monthly Executive report details the activities carried out by the Planning and Environment, Building Services, Town Utilities and The Living Classroom sections during the month of November 2020. This report is for information.

BACKGROUND

The monthly Executive report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the listed Departments.

COMMENT

TOWN UTILITIES, PARKS and GARDENS, PLANT and WORKSHOP – November report

Water and Sewerage

During November, Water and Sewerage operators attended 19 service line repairs, 6 water main breaks and repaired 6 sewer blockages. Other work was undertaken at the Bingara swimming pool, The Living Classroom, Bingara Cemetery, Gwydir Oval, Bingara Showground, Riverside picnic area in Bingara and the Roxy Theatre.

The Annual Return and Annual Report for both STPs is due by 31 December 2020.

Bingara pool - a small sewerage pump station was installed to service the new amenities building, along with new water lines and stormwater pipes.

Work continued on the construction of truckwash lagoons near Warialda during November.

Construction of the truckwash lagoons near Warialda

Bingara Water and Sewerage operator, Rupert Wall has had a career change and has moved on from Council from the end of October. Rupert has been with Council just under 10 years as a Water and Sewerage operator in Bingara and was involved with various projects including Coolatai sports ground amenities building, Warialda Memorial Hall toilet upgrade, Warialda truck wash and Gwydir Oval new amenities building. Rupert was a reliable employee, good mentor to the younger staff and will be missed.

Luke Wall, Rupert Wall, Jack Walton, Brendan Cutlack and Stan Fletcher
Front: Sam Mahoney (school based trainee)

Parks and Gardens

All parks and gardens are being maintained. Council undertakes weekly inspections of playgrounds and cleaning of handrails and touch areas. Mowing, weed control, irrigation, hedging and trimming were routinely undertaken during November.

Myall Creek and Glacial area are inspected on a weekly basis.

Gwydir Oval Amenities - the amenities building at Gwydir Oval was officially opened by the Hon Adam Marshall on 28 November 2020. The carpark at Gwydir Oval was sealed during November.

Parks and Gardens staff were busy laying turf in time for the official opening of the Bingara pool on 28 November.

Cemeteries - both Bingara and Warialda cemeteries are being maintained. Loam and kikuyu seed were laid around the new concrete plinths at the Bingara cemetery.

Bingara Showground - the Bingara showground is being maintained with regular mowing and weed control undertaken.

Staff have laid a concrete slab ready for installation of a shelter and seating at Riverside picnic area and have arranged sandstone blocks to delineate a car parking area.

Seal of the Gwydir Oval carpark

Turf laying at the Bingara pool

Establishing car parking area and a slab laid for park furniture to be installed

Workshops

Total number of services for the month - Bingara and Warialda	15
Total number of individual jobs for the month - Bingara and Warialda	108

A sale of excess goods and equipment was held at the Warialda depot on 14 November 2020. Items were no longer of use to Council and included plant and equipment and replaced whitegoods and furniture from Naroo.

About 100 people attended the sale conducted by JA McGregor, Warialda and most items were sold on the day.

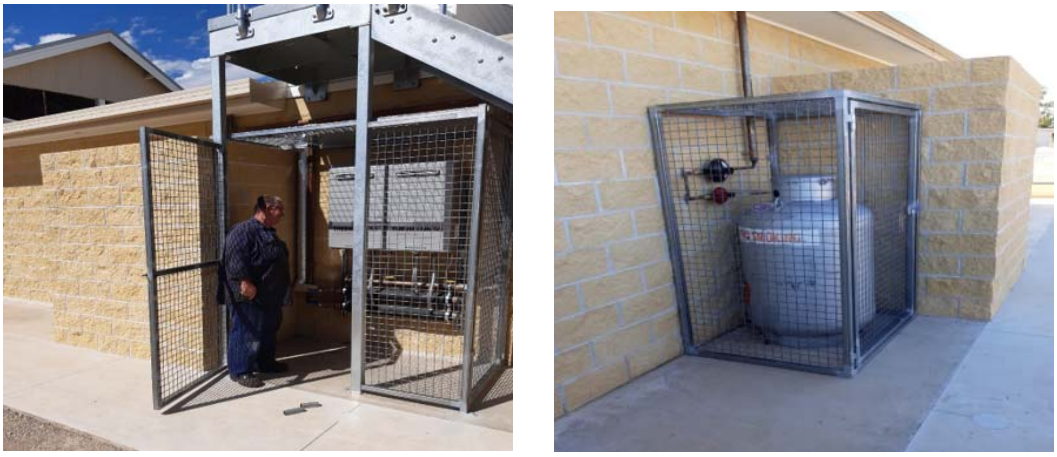
The sale grossed $12,327.91 less commission and advertising.

Sale items at the Warialda depot

Fabrication

Two signs have been fabricated and painted for installation on the Gwydir River in Bingara and two cages have been made for protection of gas hot water system and bottle at Gwydir Oval.

Signs for Junction Park, Bingara



Cages fabricated for Gwydir Oval

Repairs completed in Workshop during November

P1787 water truck - fit new brake booster, clean out air conditioner evaporator

P1689 water truck - locate electrical fault no start

P1713 Jetmaster tar truck- fit new front delivery hose repairs for registration replace heater hoses

P1443 utility – 2-way radio repairs

P1905 mower – repairs to roof, re-work broken pipes

P1722 tractor – service and cleanout evaporator, repair roof leak, repair hydraulic leak

P1662 water truck - fit new water pump and fabricate new mount

P1788 grader **-** air conditioner not working (electrical), fit 24 volt relay to compressor circuit

P1679 utility - fit rear shackle rubbers to springs

P1789 backhoe North Star - repairs to handbrake

P1776 utility - fit new tyres have wheel alignment completed

P1715 utility - fit 2 new tyres

P1722 tractor - fit weights to front and reweigh tractor for work improvement notice

P1937 HACC bus - RMS inspection

P1022 utility - fit new radiator, fit new passenger's window

P1859 grader - new fuel pump fitted by Westrac

P1741 tractor - repairs to hydraulic grab bucket

P1714 utility - have new windscreen fitted

P1464 grader - repairs to air conditioner, new compressor TX valve and drier

P1722 tractor - clean out evaporator

P1675 utility - fit new rear springs, repair shock mount

P1881 utility - fit new front struts

P1692 backhoe - repair steering column, fit new air conditioner switch

P1675 utility – repair wirer in hydraulic pump, fit up new tail lights

P1738 mower - fit 2 new rear rims (old ones cracked out)

P1837 truck - fit 4 new drive tyres

P 1786 water truck - fit new hydraulic valve

Nine heavy plant inspections by Transport for NSW

Registration inspections for 52 vehicles

Staff from Gwydir Shire recently attended a demonstration of a new Komatsu grader at Moree Plains Shire. The new model G655-7 has joystick controls and improved vision and is a very quiet machine to operate.

Andrew Cooper, Darren Churchland, Bill Johnson and Bruce Power in Moree

PLANNING and DEVELOPMENT

No Development (D/A) and Development Modification (s96) applications were approved during November 2020.

The following Development (D/A) and Development Modification (s96) applications remain outstanding at the end of November 2020.

No	Property Description and Description of Work	Reason	D/A	S96
49/2016	Ceres Ag 'Gunyerwarildi' 1470 North Star Road Warialda - Continued occupation/use of rural worker accommodation being the installation of a number of premanufactured cabins	Approved in principal awaiting compliance certification or engineering certification for the cabins	✓	-
2/2018	G & L Hosegood 'Barrak' 163 Upper Whitlow Road Whitlow - 20,000m3 quarry for Council use	Awaiting Environmental Impact Statement as the quarry is considered designated development	✓	-
30/2018	M A Spencer 'Log Cabin' 2213 Gulf Creek Road Gulf Creek - 15,000m3 quarry for Council use	Request for additional information regarding compliance with Biodiversity Conservation Act 2017 for the removal of vegetation	✓	-
12/2019	Gwydir Shire Council 396 Taroon Road Warialda - Quarry	Request for addition information by the assessing Planning Consultant independent of Council	✓	-
39/2019	DJ Bull Fairford Road Warialda - 2 Lot Large Lot Subdivision	Request for Additional Information from applicant in relation to requirements under the Biodiversity Conservation Act 2016	✓	-
3/2020	R J Swain 1550 Adams Scrub Road Delungra - 10,000m3 Gravel Quarry	Being assessed by Council staff	✓	-
27/2020	Gwydir Shire Council / R S Turnbull 3228 Horton Road Upper Horton - Quarry	Seeking independent Planning consultant to perform assessment on Council run quarry	✓	-
29/2020	D J Coulton 819 Eden Forest Road Gravesend - 999 Head Cattle Feedlot	Under Assessment – Submissions Received	✓	-

31/2020	Doolin Farming Pty Ltd 2513 Getta Getta Road North Star - 999 Head Cattle Feedlot	Awaiting payment of lodgement fees	✓	-
32/2020	G A O'Keefe 10 Link Street Bingara - Premanufactured Dwelling	Exhibited and Notified for 14 days	✓	-
33/2020	D I Young Gineroi Road Gineroi - 15,000m^3 Quarry	Exhibited and Notified for 14 days	✓	-
34/2020	Fernbank Super Pty Ltd 2283 Gil Gil Creek Road Crooble - Secondary Dwelling	Exhibited and Notified for 14 days	✓	-
35/2020	M G Flanagan 568 Onus Road Copeton - Shed	Exhibited and Notified for 14 days	✓	-
36/2020	R H Strauch 1681 Glenesk Road Balfours Peak - Dwelling	Exhibited and Notified for 14 days	✓	-
37/2020	Chippen Holding Pty Ltd 7 Edward Street North Star - Take Away Food & Drink premise/Service Station	Exhibited and Notified for 14 days	✓	-
38/2020	J M Armitage 18 Gwydir Terrace Bingara - Garage	Exhibited and Notified for 14 days	✓	-
39/2020	F A and M S Young 8 Finch Street Bingara - Electric Fence	Exhibited and Notified for 14 days	✓	-

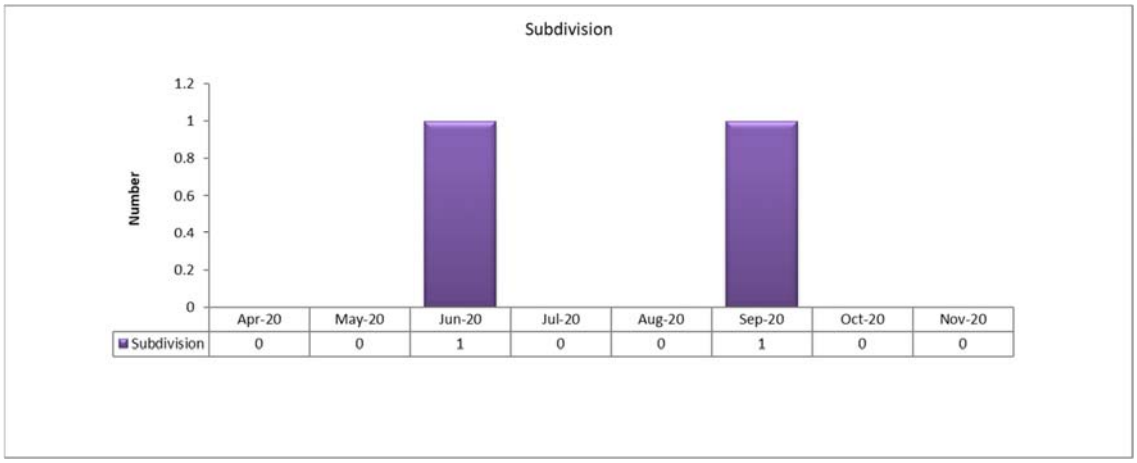
There were no Development (D/A) or Development Modification (s96) applications approved and not previously reported to Council for the month of November 2020.

There were no Development (D/A) or Development Modification (s96) application/s refused(R)/ withdrawn (W)/ Cancelled (C) during the month of November 2020.

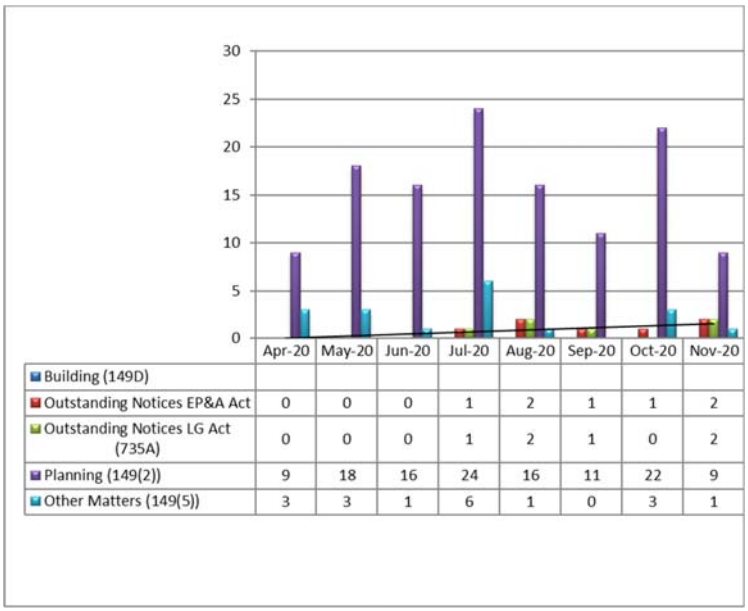
There were no Development (D/A) applications determined where there has been a variation in standards under clause 4.6 of the Gwydir Local Environmental Plan 2013 during the month of November 2020.

The following Subdivision Certificates were issued during the month of November 2020 and in the previous seven (7) months.

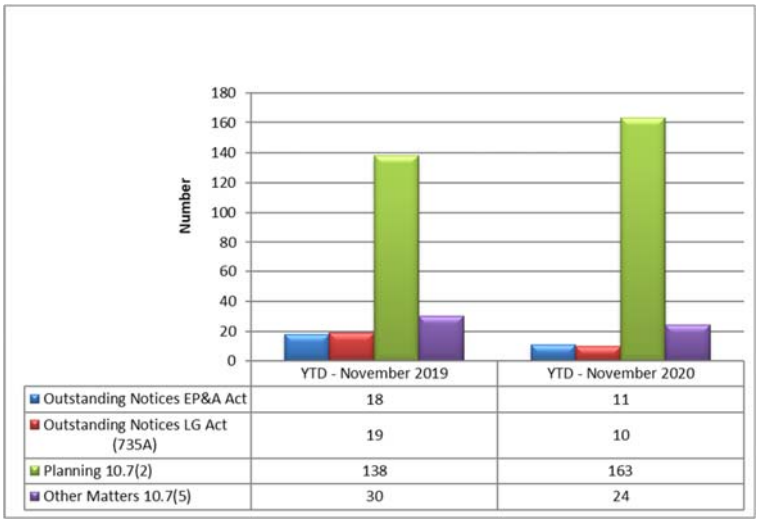
YTD November 2020 (includes private certifier lodged applications)



The following graph shows Conveyancing Certificates were issued during the month of November 2020 compared to the previous seven (7) months

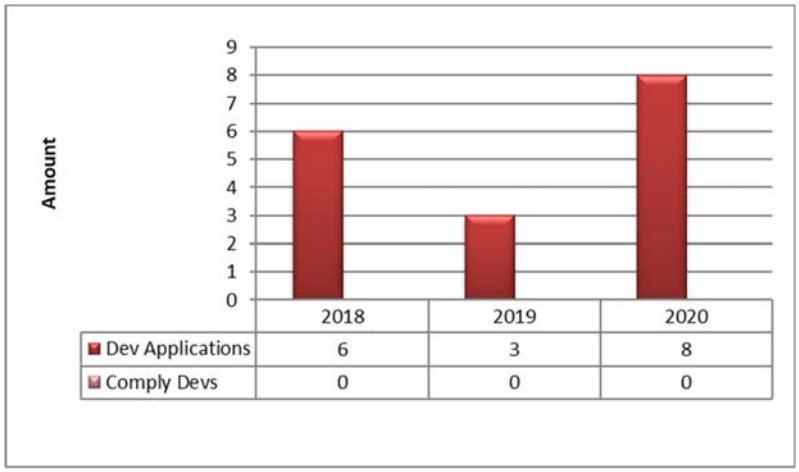


The following graph shows the number of Conveyancing Certificates issued up to and including the month of November 2020 compared with the same period in 2019.



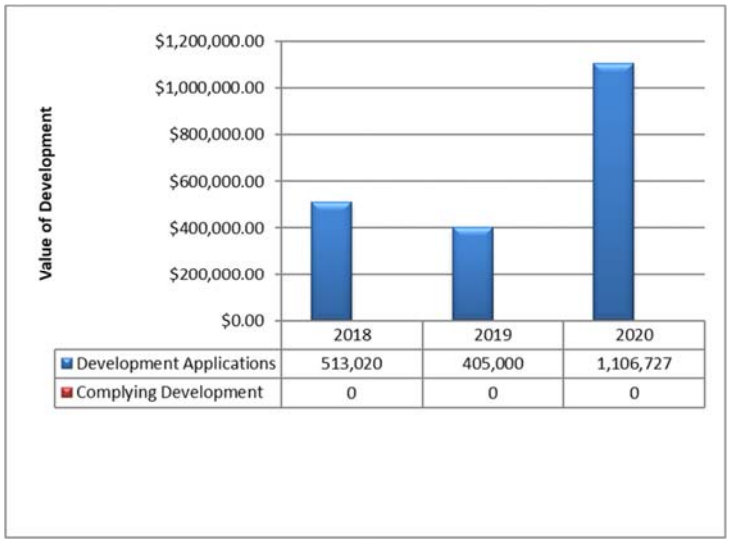
	YTD - November 2019	YTD - November 2020
Outstanding Notices EP&A Act	18	11
Outstanding Notices LG Act (735A)	19	10
Planning 10.7(2)	138	163
Other Matters 10.7(5)	30	24

The table below shows a comparison between total applications lodged during the month of November 2020 compared to the same period in the previous two years.

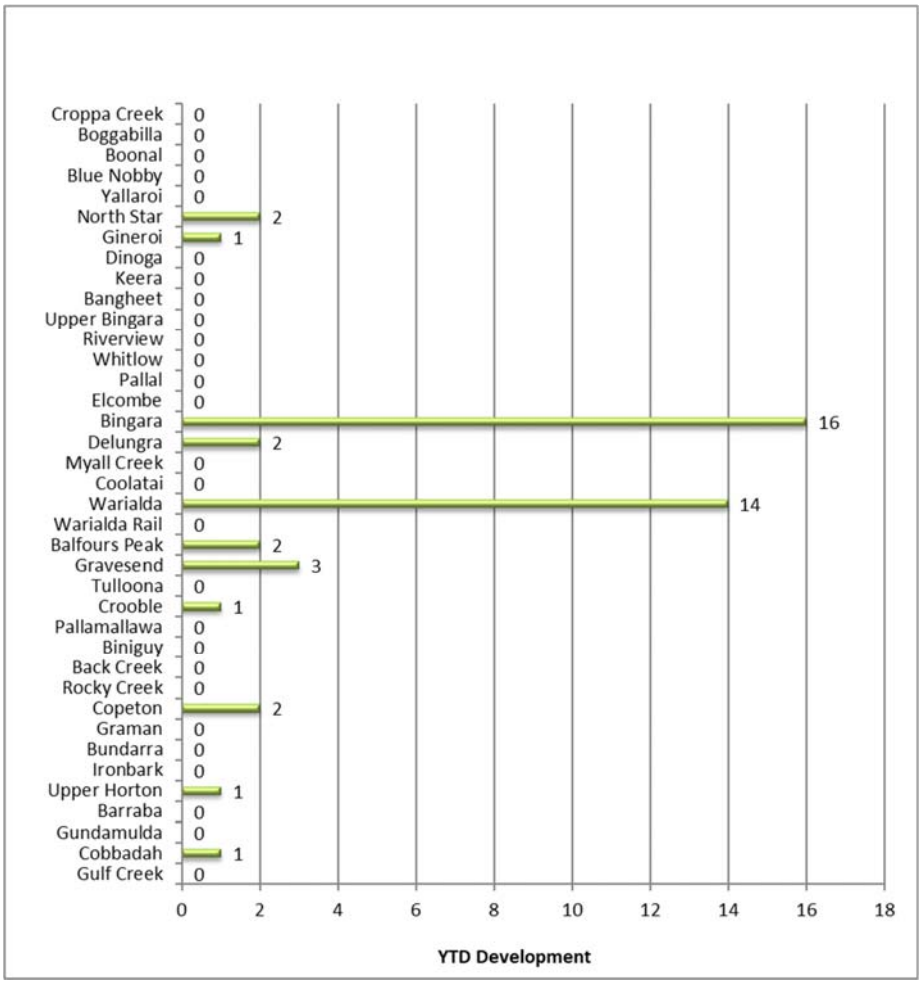


	2018	2019	2020
Dev Applications	6	3	8
Comply Devs	0	0	0

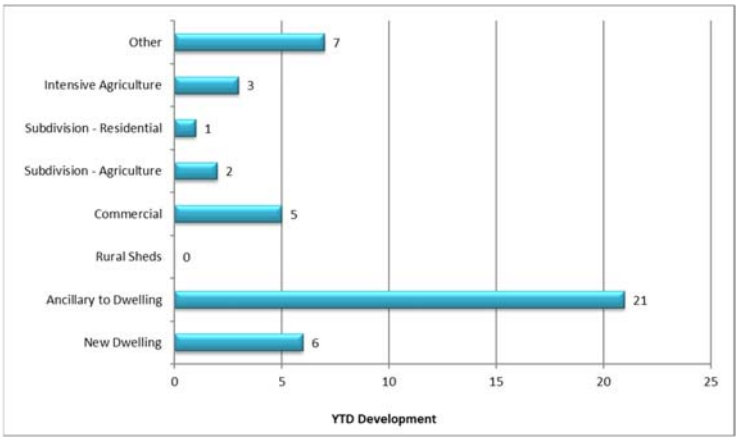
The table below shows a comparison between total value of applications lodged during the month of November 2020 compared to the same period in the previous two years.



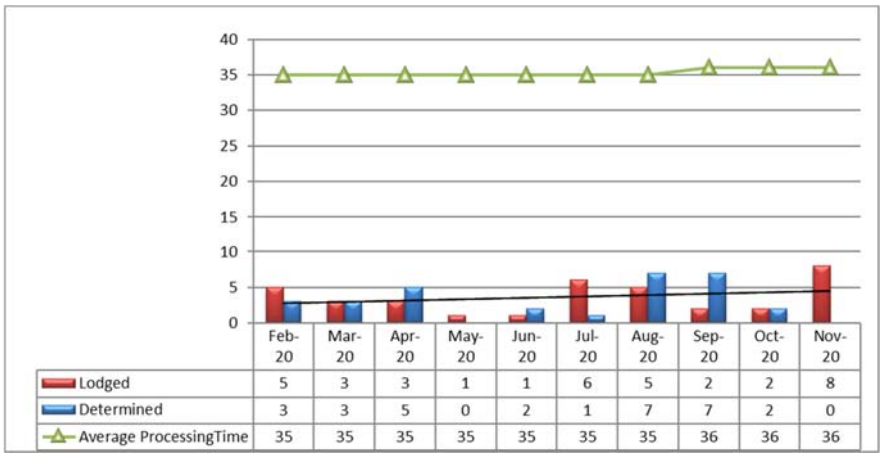
Development Applications Received for the year by locality – YTD November 2020



Development Applications received for the year by type – YTD November 2020



Development Application Analysis – for the nine (9) months up to the end of November 2020 (excludes private certifier lodged and approved applications)



	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20
Lodged	5	3	3	1	1	6	5	2	2	8
Determined	3	3	5	0	2	1	7	7	2	0
Average ProcessingTime	35	35	35	35	35	35	35	36	36	36

BUILDING SERVICES

DEVELOPMENT

The Department continues to receive enquiries and provide advice on a range of planning and building matters including:

- Minor structure construction e.g. sheds
- Commercial opportunities and construction
- Basix (Building Sustainability Index)
- Bushfire requirements
- Building construction standards and requirements
- Stormwater
- Licensing and owner builder requirements
- Fees and charges

The following Construction Certificate (C/C), Building Information Certificate (BIC) and S68 applications have been approved for the month.

No.	Property Description	Development/Work	$	C/C	BIC	S68
16/2020	12 Dinoga Street Bingara NSW 2404	Installation of a pre-manufactured studio building for use as a secondary dwelling	$40,000			✓
17/2020	24 Holden Street Warialda NSW 2402	Foodies Night Markets including 6 food and 5 retail stalls				✓

The following Construction Certificate (C/C) applications were approved by a Private Certifier and lodged with Council during the month.

No.	Property Description	Development/ Work	$	C/C
Nil				

ILLEGAL ACTIVITY

ACTIVITY	No	ACTION TAKEN					
		Inspected	Letter Sent	Application/ Certificate Lodged	Penalty Notice	Legal Action	Refer to Council
Swimming Pool	1	1	Empty and dismantle illegally erected swimming pool – period for compliance immediate				

NO. OF COMPLAINTS/INSPECTIONS

Type	No.	Yr. to Date	Actioned	Pending
Building	25	322	322	0

BUILDING MAINTENANCE

The Department continues to receive requests to carry out minor maintenance and these are generally dealt with in a timely manner. Otherwise the works are scheduled into maintenance staff building activities including new works for attention.

Projects Worked on during November 2020.

Staff worked on the following projects during November:

- Staff have been concentrating all their efforts and available man hours to complete the Bingara Pool project in readiness for the upcoming swimming season.
- Commenced work on the TLC Cattle Club building

Bingara Pool Entry Building & Kiosk

Bingara Pool Entry Building & Kiosk

The TLC Cattle Club Shed

Environment & Sustainability Department 1st November to 27th November 2020

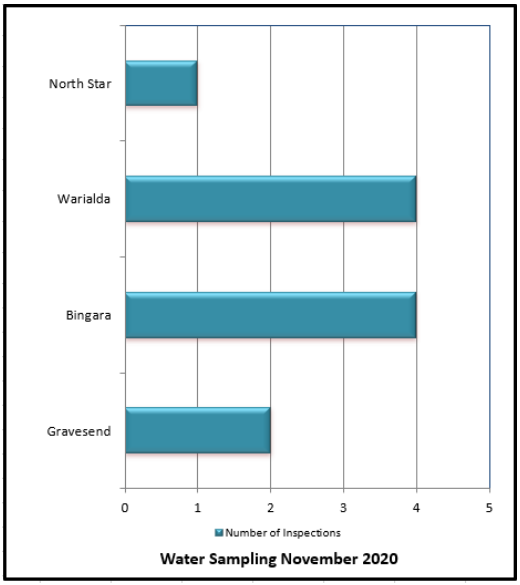
The Department continues to receive enquiries and provide advice on a range of health matters including

- Overgrown properties
- Food premises design and fit-out
- Food handling practices
- Mobile food vendors
- Licensing
- Water carting
- Pet Ownership

Water Surveillance

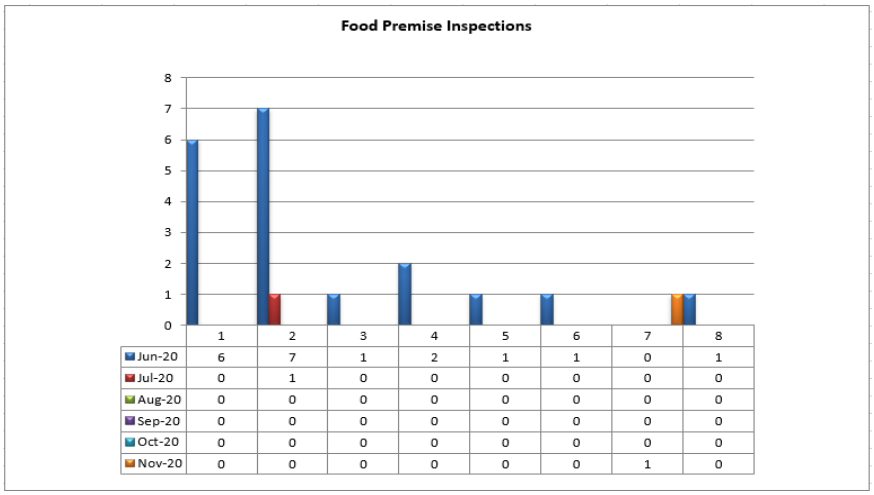
The Department continues to carry out routine weekly microbiological sampling of the water supply in the towns of Warialda and Bingara, fortnightly sampling of Gravesend and monthly sampling at North Star.

Health Related Inspections



Food Premise Inspections/Re-inspections

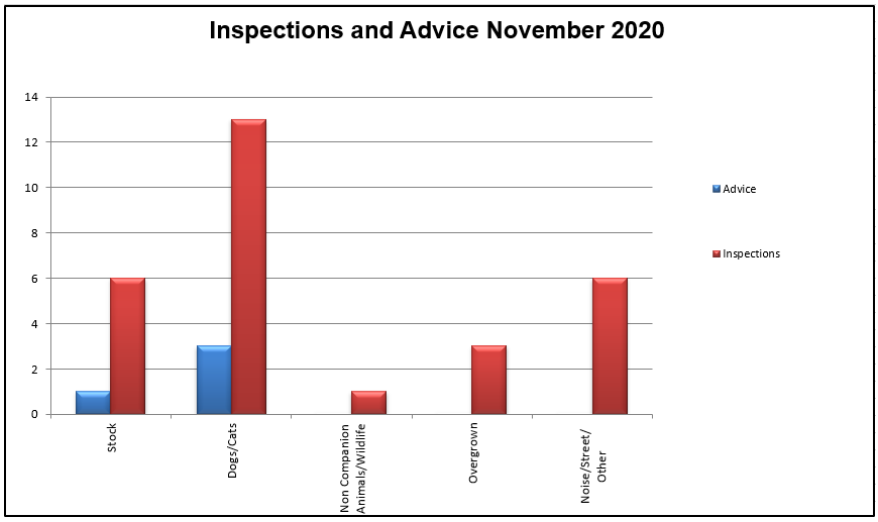
Food Premise Inspections are carried out on an annual basis for each food business. The graph below shows inspections that have been carried for the previous 6 months. Enquiries or complaints are actioned as necessary.

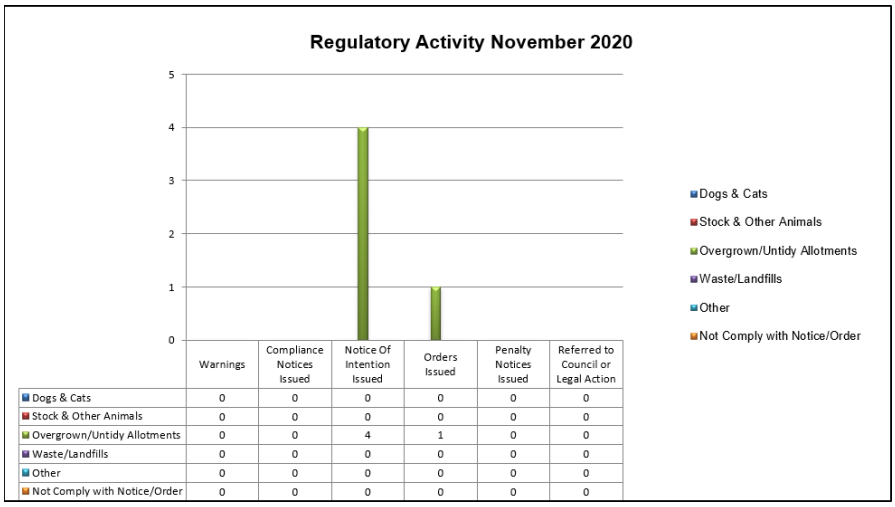


	1	2	3	4	5	6	7	8
Jun-20	6	7	1	2	1	1	0	1
Jul-20	0	1	0	0	0	0	0	0
Aug-20	0	0	0	0	0	0	0	0
Sep-20	0	0	0	0	0	0	0	0
Oct-20	0	0	0	0	0	0	0	0
Nov-20	0	0	0	0	0	0	1	0

Compliance and Regulatory Control

Council received complaints regarding roaming stock and dogs, noise, the keeping of animals and other concerns during the month of November 2020. These are investigated and actioned as necessary.

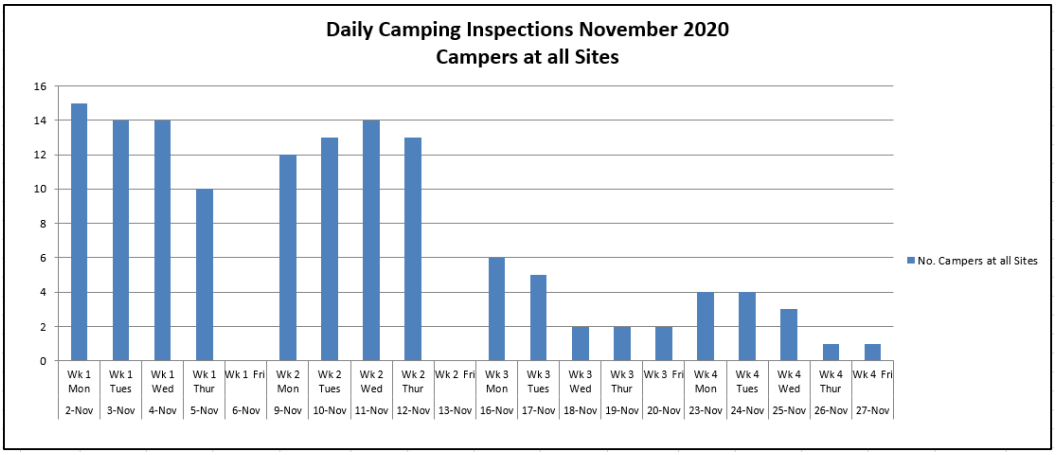


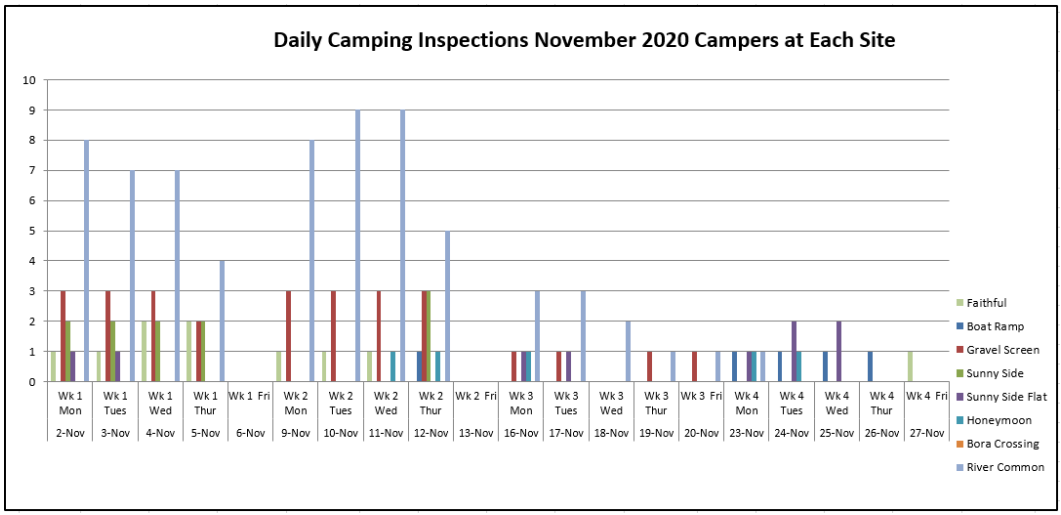


	Warnings	Compliance Notices Issued	Notice Of Intention Issued	Orders Issued	Penalty Notices Issued	Referred to Council or Legal Action
Dogs & Cats	0	0	0	0	0	0
Stock & Other Animals	0	0	0	0	0	0
Overgrown/Untidy Allotments	0	0	4	1	0	0
Waste/Landfills	0	0	0	0	0	0
Other	0	0	0	0	0	0
Not Comply with Notice/Order	0	0	0	0	0	0

Riverside Camping

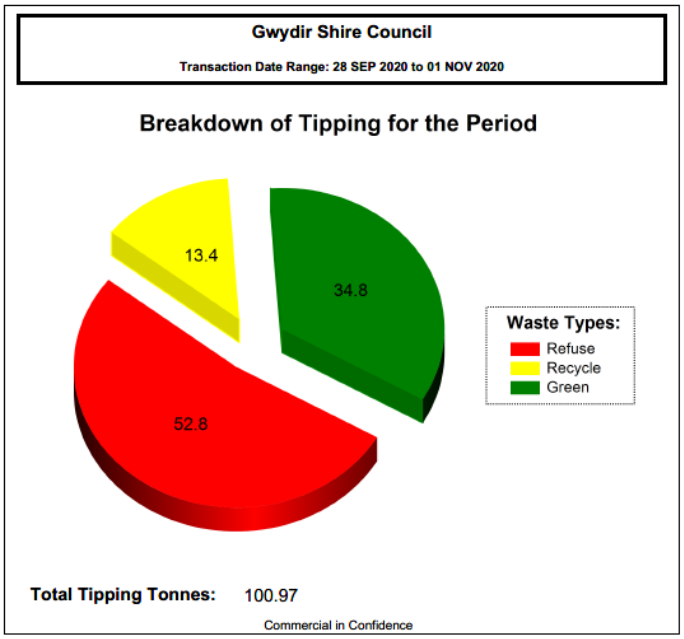
Council's Compliance Officer aims to carry out daily checks along the river to ensure that camping is being conducted in a safe and hygienic manner. Flyers promoting local events and services are distributed to campers and enquires from campers are addressed as necessary. The graphs below show total numbers of campers and the distribution of campers at the different campsites. Numbers of campers are lower than normal but this could be contributed to a number of factors, including the easing of travel restrictions associated with Covid-19 which is allowing campers to access a larger number of camping locations.



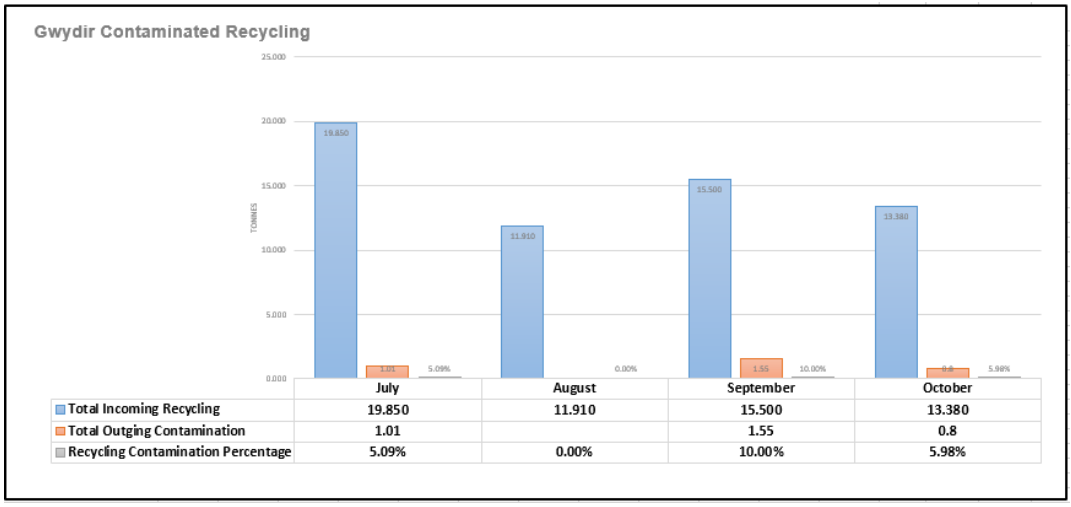


Waste Services – October 2020

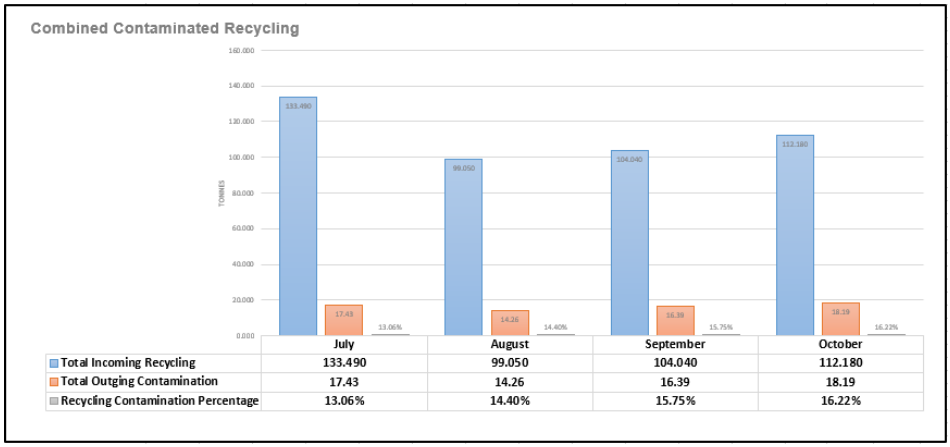
Scheduled curbside collection of waste, recycling and green waste was carried out throughout the Shire. Customer service requests are processed and actioned as necessary.



Recycling Contamination

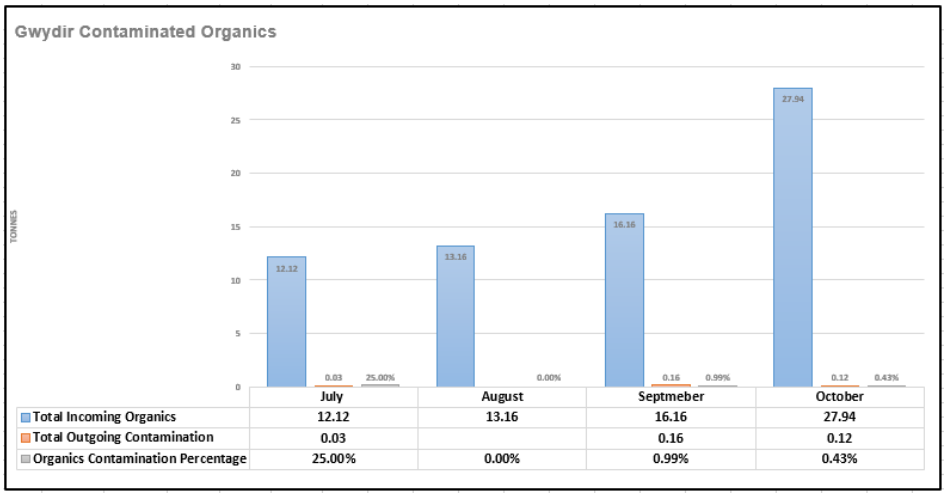


	July	August	September	October
Total Incoming Recycling	19.850	11.910	15.500	13.380
Total Outging Contamination	1.01		1.55	0.8
Recycling Contamination Percentage	5.09%	0.00%	10.00%	5.98%

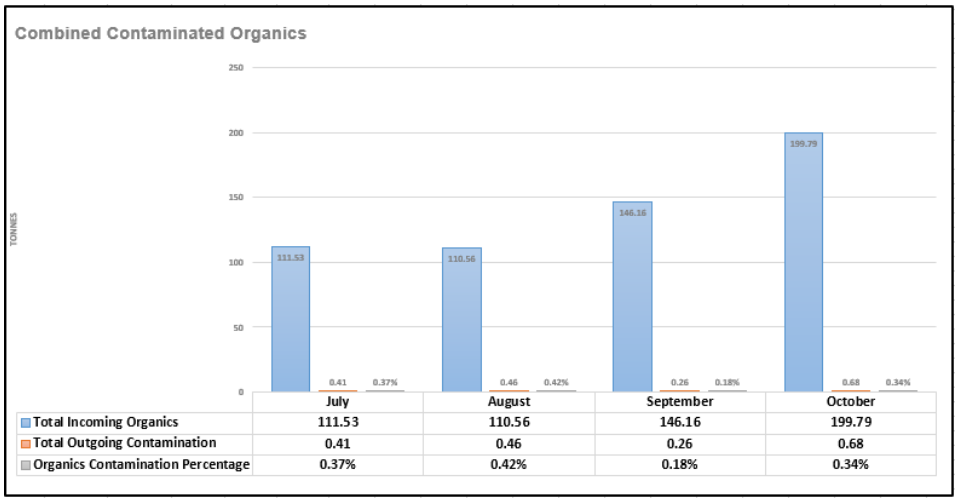


	July	August	September	October
Total Incoming Recycling	133.490	99.050	104.040	112.180
Total Outging Contamination	17.43	14.26	16.39	18.19
Recycling Contamination Percentage	13.06%	14.40%	15.75%	16.22%

Organics Contamination



	July	August	Septmeber	October
Total Incoming Organics	12.12	13.16	16.16	27.94
Total Outgoing Contamination	0.03		0.16	0.12
Organics Contamination Percentage	25.00%	0.00%	0.99%	0.43%



	July	August	September	October
Total Incoming Organics	111.53	110.56	146.16	199.79
Total Outgoing Contamination	0.41	0.46	0.26	0.68
Organics Contamination Percentage	0.37%	0.42%	0.18%	0.34%

Comment from Cleanaway for October 2020

Organics contamination across Moree, Narrabri & Gwydir remains at a steady consistent level.

Moree Recycling contamination has reduced and in line with Cleanaway & Challenge's consultations throughout the month we have been able to identify the regular contaminants are still plastics bags & food scraps.

Narrabri Recycling contamination has risen as expected from our communications throughout the month - various contaminants such as grass clippings, pillows, general waste & still the regular contamination of plastic bags and food scraps.

Gwydir recycling contamination is down - some identified contamination was small wheels, deep fryer, light assemblies, bits of steel - but still the regular contamination of plastic bags & food scraps.

We have consistently identified plastic bags and food scraps to be the most common contaminants - with foods scraps being the most concern, because the food is contaminating other recycling material in the load, causing it to become contaminated as well. .

Priority Weed Control

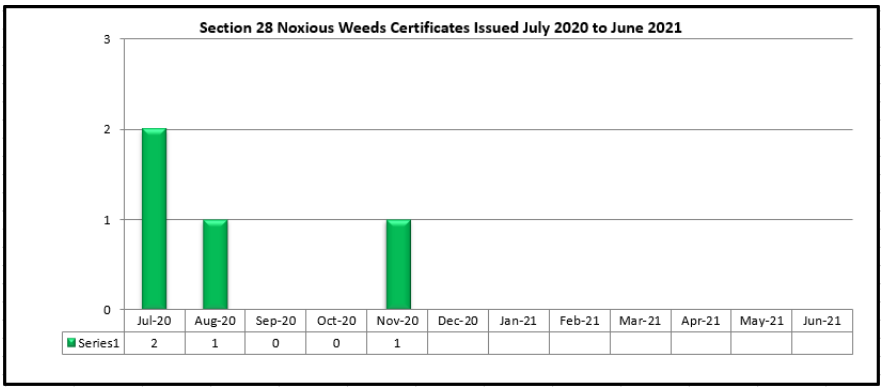
Property Inspection Program

Staff continue to assist farmers and the community with:

- Funding advice
- Noxious weeds advice
- Property inspections
- Spraying of noxious weeds
- Property inspections are currently being undertaken in Section D.

Section 28 Noxious Weeds Certificates

The graph below shows the Section 28 Certificates issued for the current financial year.



Weeds Inspections

Property inspections are currently being undertaken in Section D, with property owners being offered support and advice on managing weeds during the current adverse conditions.

The following graphs and charts shows the noxious weeds inspections carried out in 2020.

Noxious Weeds Inspections for the Month of November 2020

Areas Inspected	*No.*	*Ha*	*Rd km*	*Weeds Present*
Private Property – High Risk	2	840.04	-	African Boxthorn
Private Property – High Risk Re-Inspection	4	4081.35	-	Parthenium Weed, Cats Claw Creeper
Roadside	12	783.85	156.77	St Johns Wort, Pattersons Curse, Sweet Briar, Blackberry, Common Pear, Parkinsonia, Tree Pear, African Boxthorn,
Roadside – High Risk Pathways	20	3069.1	613.82	Sweet Briar, St Johns Wort, Blackberry, Feral Fruit Trees, Pattersons Curse, Tree Pear, Common Pear, Perenial Ragweed, African Boxthorn, Mother of Millions
Other Council Lands	7	45	-	Blue Heliotrope, Green Cestrum, Mother of Millions, African Boxthorn, Blackberry,
Dept of Lands	3	154	-	Tree Pear, Mother of Millions, Harissa Cactus, Giant Cane Grass, African Boxthorn, Green Cestrum

Noxious Weeds Control Works for November 2020

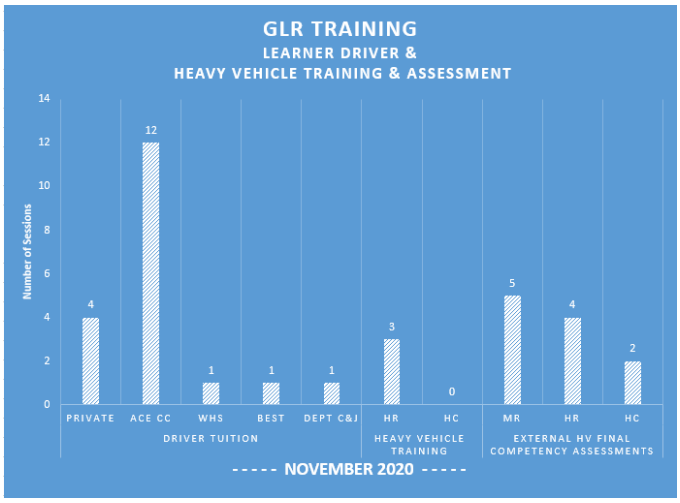
Road/Property	Locality	Weed Code	Area Ha	Road km	High Risk Road	Council Road	Other
Coolatai Landfill	Coolatai	general weeds	1				1
North Star Landfill	North Star	general weeds	1				1
Croppa Creek Landfill	Croppa Creek	general weeds	1				1
IB Bore Rd	North Star	hc	107.5	21.5	1		
Peates Rd	North Star	hc	143.8	28.76		1	
Gravesend Rd	Gravesend	gc	88.5	17.7	1		
Mt Jerrybang Rd	Gravesend	gc	62.25	12.45		1	

River Road	Gravesend	gc	113.9	22.78	1		
Eden Forest Rd	Gravesend	gc	61.15	12.23	1		
Forest Creek Rd	North Star	mm-hc	95.7	19.14	1		
Gragin Rd	Warialda	mb	121.25	24.25	1		
Bypass and Truckwash	Warialda	mb	7.5	1.5	1		
Ashton Rd	Yallaroi	ab	67.75	13.55		1	
Yallaroi Rd	Yallaroi	ab	157.5	31.5	1		
Yallaroi Rd	Yallaroi	ab	157.5	31.5	1		
Back Creek Rd	Back Creek	sj	87.55	17.51		1	
Terry Hie Hie Rd	Rocky Creek	sj	30.75	6.15	1		
Killarney Gap Rd	Pallal	sj	332.5	66.5	1		
Back Creek Rd	Back Creek	sj	87.55	17.51		1	
Duftys Rd	Bangheet	sj	7.5	1.5		1	
Sadowa Rd		sj	4.4	0.88		1	
Upper Bingara Rd	Upper Bingara	sb	120.3	24.06		1	
Gulf Creek Rd	Gulf Creek	sj	88.35	17.67	1		
Woodburn Emello Road	Gulf Creek	sj	84.5	16.9		1	
Horton Rd	Upper Horton	sj	179.45	35.89	1		
Thornleigh Rd	Keera	sj	87.05	17.41		1	
Gulf Creek Rd	Gulf Creek	sj-r	88.35	17.67		1	
Back Creek Rd	Back Creek	sj-r	87.55	17.51		1	
Gulf Creek Rd	Gulf Creek	sj-r	88.35	17.67		1	
Terry Hie Hie Rd	Rocky Creek	sj-r	30.75	6.15	1		
Pallal Rd	Pallal	sj	62.15	12.43		1	
Killarney Gap Rd	Pallal	sj	332.5	66.5	1		
Eulorie Rd	Bangheet	sj	176.6	35.32		1	

The Environment and Sustainability Department report for November 2020 was compiled with information available at the time of preparing the report.

GWYDIR LEARNING REGION

GLR Automotive Trade Training Centre (ATTC)



Heavy Vehicle Training and Assessment

Council's Heavy Vehicle Trainers and Assessors, Kingsley Grills and Scott McLachlan, have had a small number of clients participating in heavy vehicle

training via the Automotive Trade Training Centre throughout November. This drop in numbers may be associated with the large number of people involved in harvest. Kingsley has also been on leave within this period.

There have been three (3) clients undertake the training, all three (3) to obtain their HR (heavy rigid) licence.

All three (3) participants obtained full funding through Training Services NSW Smart and Skilled Program.

Council's assessors also completed eleven (11) Final Competency Assessments for Inverell Heavy Vehicle Training (IHVT) clients. In accordance with Australian Skills Quality Authority (ASQA) and Transport for NSW regulations, where practical, final competency assessments are not carried out by the trainer. This arrangement has been in place for some time and is mutually convenient for both Council and IHVT.

Learner Driver Tuition

November has been a busy month for learner driver tuition following the renewal of contract with ACE Community Colleges. As illustrated in the graph, there were twelve (12) sessions provided for ACE Community College clients, four (4) private sessions, one (1) session provided for a funded Warialda High School student, one (1) Best Employment client, and one (1) client from Department of Communities and Justice.

Gwydir Career Start Program

There have been a number enquiries and applications are slowly rolling in for Council's recently advertised Traineeships and Apprenticeships:

- School based Trainee Gardener
- School based Trainee Mechanic
- School based Trainee Carpenter
- School based Trainee Tourism Officer (Warialda and Bingara)
- School based Trainee Journalist
- School based Trainee Water and Sewerage Operator
- School based Trainee Information Services Officer
- Apprentice Mechanic
- Apprentice Gardener (Warialda and Bingara)
- Trainee Plant Operator x 2

Applications are due to close on Friday 11th December 2020.

Gwydir Shire Council regularly hosts years 9, 10 and 11 students from both Warialda High School and Bingara Central School for work experience weekly blocks. The following Warialda High School student has recently spent a week assisting Council's mechanics in the Warialda workshop.

	Jade Baker – Year 12 WHS Warialda Workshop – 30th Nov to 4th Dec 2020 "I really enjoyed working on vehicles and doing repairs." When she finishes school Jade would like to become a mechanic or an auto electrician.

New England North West Regional Leadership Executive – Skills Development Project

For many rural communities in the New England North West region there has been a combination of critical incidents including drought, bushfires, and of course, COVID-19, which have greatly impacted the sustainability and viability of these communities. A crucial component of our recovery is having a skilled workforce which can respond to the emerging needs of local industry and local employers.

Gwydir Shire Council has joined with TAFE NSW and Training Services NSW to establish the New England North West Regional Leadership Executive, and we are in the process of forming a Gwydir Working Group to build skills capability in our local area.

The purpose of the group is to source and strategically align local training to local employer need, link those being trained with employers, and to encourage those who want to be self-employed to undertake training in small business operations. The proposed key outcomes of the project include:

- Improved training availability and engagement aligned to local employment opportunity
- Improved employment outcomes
- Increased workforce skills to address local industry needs

More details, including outcomes from the Gwydir Working Group will be provided next month.

OFFICER RECOMMENDATION

THAT the report be received

ATTACHMENTS

There are no attachments for this report.

Item 3 Monthly Engineering Services Report for November 2020

FILE REFERENCE 20/29038

DELIVERY PROGRAM

GOAL: **5. Organisational Management**

OUTCOME: **5.1 CORPORATE MANAGEMENT**

STRATEGY: **2.1.1 Plan for and develop the right assets and infrastructure - TS -external**

AUTHOR Manager, Engineering Services

STAFF DISCLOSURE OF INTEREST Nil

TABLED ITEMS Nil

BACKGROUND

The monthly Technical Services report has been identified by Council as the process of reporting the activities carried out monthly by the Technical Services Department. This includes Engineering, Design and Assets and Building Services and covers the reporting period of November 2020.

COMMENT

Construction

Northern construction staff have reformed Market Lane, Warialda and addressed a number of stormwater issues resulting from poor pavement shape and lack of culverts. Two 450mm pipe culverts have been installed and a new shale pavement imported. The lane will be sealed in December.
In conjunction with Michel Contracting staff completed earthworks on the Warialda Truckwash Dewatering Lagoons. Existing sandstone was used for bulk earthworks and basalt clay originally from the Gragin Road cutting of the Warialda HPV Route was imported to site for lining. Testing of this material showed a permeability 10 times lower than the requirements set out in the facility's Review of Environmental Factors. Town Utilities staff will work through December laying pipework to service the lagoons.

Truckwash Lagoons, Warialda - Note that the liquid retained is recent rainfall

SR49 Michele Lane & SR99 Riverview Road

Maintenance staff assisted landholders with the removal of two cattle grids on Michele Lane and Riverview Road during November. Minor widening was also carried out on both roads to improve site distance

SR 49 Michele Lane, Gravel Resheeting

SR99 Riverview Road, Gravel Resheeting

2 Mile Hill & Sheep Station Creek Rest Stop

Roadworks on the two Big River Dreaming rest stops were finalised in November. Both carparks were sealed with a 14/7 double/double bitumen seal,

Sheep Station Creek Road Site

2 Mile Hill Site

Myall Creek Memorial Site

Works continue on the Myall Creek Memorial site with the erection of signage and construction of walking tracks taking place through November.

Myall Creek Memorial Site

Myall Creek Memorial Site

Myall Creek Memorial Site

Two concrete slabs were poured at the Living Classroom during November. These slabs form the foundations for a cattle wash down area, cattle crush and scales.

Maintenance

During November maintenance staff continued vegetation control, including weed spraying and sucker bashing on the following roads: SR1 Copeton Dam Road, SR2 Bundarra Road and MR63 Cobbadah Road.
Northern reactive maintenance crews replaced signage on Gwydir Highway and North Star Road and carried out minor kerb replacement works in Queen Street, Warialda.
Trip hazard reduction works in the Bingara CBD, including relaying pavers and lip grinding were carried out in November. These works are ongoing and will continue throughout the year.

No Truck Parking Overnight signs have been installed in Cunningham Street, between Junction Street and Memorial Avenue.

Maintenance Grading

Maintenance grading, during November, has been carried out on SR30 Caroda Road, SR23 Wearrnes Road, SR99 Riverview Road, SR56 Glenelg Road, SR91 Cracknells Road, SR49 Michele Lane, SR12 Upper Whitlow

Road, SR265 Innesvale Road, SR10 Yallaroi Road, SR36 Baroma Road and SR13 Oregon Road. Due to scarce water supply within the Shire, maintenance works have been limited to when moisture in the road pavement is available, generally after wet weather events.

Seal Maintenance

Seal maintenance is ongoing on all State, Regional and Local roads.

Slashing

Roadside slashing, during November, has been carried out on MR134 Delungra Raod, SR18 Gineroi Road, SR19 Whitlow Road, Bingara Airstrip, MR63 Fossickers Way, SR03 Elcombe Road, SR11 Horton Road, MR133 Killarney Gap Road, SR17 Back Creek Road, SR21 Terry Hie Road and HW12 Gwydir Highway.

DESIGN AND ASSETS

Bingara Pool – Entrance

This project specifically involves the construction of the entrance into the new kiosk for the Bingara Pool. The new entrance is 1.8m wide and has been constructed to all accessible standards. These works have now been completed.

Inland Rail – North Star to the QLD Border

The Engineering Services team have been consulting with Trans4m Rail, the selected contractor for the Narrabri to North Star construction. Staff have been involved with the consultation of potential opportunities for our local contractors and community members to engage in work and training. Engineering Services have also provided comment on numerous construction management plans for the Narrabri to North Star project.

I B Bore Road

With the announcement of $11.5m in funding for sealing I B Bore Road, Engineering Services are finalising the detailed design of this project. This includes all relevant Fisheries permits and pavement designs. Preconstruction works are expected to be completed by March 2021.

Delungra Road

Survey has been completed for the rehabilitation of an 800m segment of Delungra Road, with design works now underway. The segment is currently a missing link between two recently completed rehabilitation projects near the Inverell Shire Council boundary and is intended to be funded through the TfNSW Block Grant.

Keera Street Footpath

Survey has now commenced for the investigation into a footpath linking Keera Street and Junction Street to Finch Street. Preconstruction investigation and design is expected to be finalised by January 2021.

Roads Maintenance Council Contract – Works Orders issued by TfNSW

All Work Orders issued by RMS are quality assurance schedule of rates projects carried out by Council staff under the Roads Maintenance Council Contract with Roads and Maritime Services.

Works are now underway within segment 8270 on HW12 Gwydir Highway, with crews currently importing material into the shoulders where unsuitable shoulder material has been removed. Once the shoulders have been brought back up to a natural level, a sub-base layer will be incorporated with the existing pavement and then a 150mm base overlay will be placed, finishing off with a 7mm bitumen primer seal. Design drawings for segment 5150 on MR63 Fossickers Way are currently being updated with works to be completed by TfNSW around two large box culverts within the segment to lift headwalls up to a suitable height to achieve the desired pavement width. The additional safety upgrade project on the Gwydir Highway, segment 8265, is still currently in the design stage, between detailed design updates and TfNSW reviews. This financial year will see our usual RMCC maintenance program completed throughout the year, the resealing of approximately 13 segments throughout the Shire and approximately 4 weeks of heavy patching and a further 4 weeks of reseal preparation. 80% of the resealing program is now scheduled to be completed early in December by Fulton Hogan, while heavy patching is currently being scoped out and is likely to be undertaken early next year.

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HW12 Gwydir Highway

HW12 Gwydir Highway

Routine maintenance continues each week undertaking inspections, rest area services, vegetation control and bitumen repairs.

CONCLUSION

The activities carried out by the Technical Services Department are in line with the 2020/21 Management Plan and otherwise directed.

CONSULTATION

Consultation is carried out within the Technical Services Department during the monthly Technical Services team meetings and other relevant persons.

OFFICER RECOMMENDATION

THAT the monthly Technical Services Report for November 2020 be received

ATTACHMENTS

There are no attachments for this report.

Item 4 Response to various questions concerning the Warialda Truck Wash Project

FILE REFERENCE 20/29144

DELIVERY PROGRAM

GOAL: **2. Building the business base**

OUTCOME: **2.1 OUR ECONOMY IS GROWING AND SUPPORTED**

STRATEGY: **2.1.1 Plan for and develop the right assets and infrastructure - TS -external**

AUTHOR General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report is for notation.

TABLED ITEMS Nil

BACKGROUND

Attached to this report is a response letter that has been forwarded to the newly elected President of the Warialda District Chamber addressing the various questions asked by the former Chamber President.

OFFICER RECOMMENDATION

THAT the report regarding the Warialda Truck Wash Project be received and noted

ATTACHMENTS

AT- Letter

GWYDIR SHIRE COUNCIL

2nd December 2020

The President
Warialda District Chamber Inc.
PO Box 72
Warialda NSW 2402
tls351@yahoo.com.au

Dear Tom

Firstly the Council is delighted to acknowledge your election as the incoming President of the Warialda District Chamber (WDC). The Council certainly looks forward to a mutually beneficial association working together for positive outcomes for Warialda.

Your predecessor, Mr Ted Stubbins, prior to his departure from the position wrote several letters to the Council in his capacity as then President regarding the possible purchase of the former Commercial Hotel site and the Truck Wash facility on the eastern approach into Warialda.

With regard to the proposal to purchase the Commercial Hotel the Council was a little surprised that the initiative been displayed by the Council to enhance the streetscape of Warialda wasn't more enthusiastically embraced by the Chamber under Mr Stubbins' leadership. As you may be aware the Council has now decided to not move forward on its proposed purchase of the site. The funds that were allocated to this proposal will be reallocated to other Warialda projects and the Council will contact you further about these possible projects for your comment.

The Truck Wash was another area of concern for your past President and attached to this letter is a response to the many questions put to the Council by Mr Stubbins.

The Council would also like to issue an invitation to you and your executive to inspect the Truck Wash prior to its expected opening on 4th January 2021. Just let me know if you would like to accept this offer so a suitable mutually convenient time can be arranged.

The Council is also preparing the grant funding application for a possible splash park at the Warialda Pool. Mrs Suzy Webber is co-ordinating the preparation of this application.

Yours faithfully

Max Eastcott
General Manager

cc Mr Ted Stubbins marilyn.stubbins@gmail.com
All Councillors

Attachment Responses to Truck Wash Questions

GWYDIR SHIRE COUNCIL ABN 11 636 419 850
Locked Bag 5, Bingara NSW 2404 EMAIL mail@gwydir.nsw.gov.au WEBSITE www.gwydir.nsw.gov.au
BINGARA OFFICE 33 Maitland Street, Bingara NSW 2404 TELEPHONE 02 6724 2000 FACSIMILE 02 6724 1771
WARIALDA OFFICE 54 Hope Street, Warialda NSW 2402 TELEPHONE 02 6729 3000 FACSIMILE 02 6729 1400

Questions or Statements (From different letters but joined into themes)	Response
Are the costs to date in excess of $1.2 million? Was the estimated cost stated to be $464,900 on 18/4/2018? *Does Council believe that the grossly over budgeted expenditure is acceptable? Does Council accept that the use of very substantial sums from the town water and sewerage funds was appropriate?*	The original budget for the Truck Wash was **$1,197,400** outlined in the grant submission dated 22nd September 2016. The grant application sought $897,400 in Federal Government funding with a proposed start date of 1st May 2017 and a targeted completion date of 23rd February 2018. However, the Government funding made available for the project was provided from two sources: Federal Government $182,450 State Government $182,450 Total Grant Funding **$364,900** The figure of $464,900 was from the lodged Development Application. This figure was apparently based on an estimate of the cost for just the designed truck wash concrete construction work only. The actual tender cost accepted for this work was $301,451. The original estimated cost of the facility was spread over several financial years and the application was supported by a very positive Benefit Cost Analysis that passed the review of the funding bodies. The total cost of the facility is estimated to be $1,300,280.08, spread over 3 financial years, which is an additional $102,880 over the original budget. Given the unexpected complexities of the project and the time lag between the completion of the project and the date the estimate was prepared a variation under 10% is not unreasonable.
How many hundreds of thousands of dollars from Council's town water and sewerage funds were required? How will they be recouped? Where is the estimated $200,000 for the extra holding ponds and turf farm to come from?	The total project costs were allocated as follows: Grant Funding $ 364,900.00 Water Fund $ 146,331.48 Sewerage Fund $ 148,497.24 General Fund $ 640,551.36 Total Cost **$1,300,280.08** The Truck Wash is an asset jointly owned by the Water and Sewerage Funds. All net income will be divided between these funds.
Why is waste water from the Truck Wash now not to be pumped to the Sewerage Treatment Plant? Why was this decided at this late stage? Was the EPA consulted before bulk earthworks were stated to be completed on 13th September 2018? If not, when was the EPA first consulted?	The Council ran a test wash for two trucks and forwarded the sample liquid being transferred to the Warialda Sewerage Treatment Plant (STP) for analysis in May 2020. The Truck Wash sample results were unexpectedly high in some areas of testing, especially: • Suspended solids 2300mg/L – this is very high as maximum allowable incoming to sewer is 300mg/L; and;

	• BOD5 – 1332mg/L – this is very high as well, raw sewer is normally between 100-300mg/L It was obvious that some treatment was required prior to the material being acceptable for delivery to the STP. On 12 March 2020, Council sent a letter to the Trade Waste Regulatory Team at the NSW Department of Planning, Industry and Environment ("DPIE") seeking comment and concurrence from the DPIE. On 18 February 2020, Mr Michael Lewis, Regional Operations Officer of the NSW Environmental Protection Authority (EPA), attended to an inspection of the truck wash facility on the site. On 11 March 2020 the Council received a letter from Rebecca Scrivener, the Head of the Regional Operations Unit of the EPA confirming the positive outcome of the inspection of the facility. After an internal review it has been decided to undertake a 'soft' engineering solution to the water quality issue rather than simply go down the path of chemical dosing to overcome the problem. To achieve this the Council commissioned the design of two dewatering lagoons, located on Lot 315 in Deposited Plan 751137, and an accompanying Review of Environmental Factors. The work that has been undertaken is allowable under the State Environmental Planning Policy (Infrastructure) 2007.
Was a 30 minute wash out time of B-double trailers estimated and is the time more likely to be 2 hours? If this is correct, what are the knock on effects on water supply [including town supply], water usage, capacity of the STP and economic efficiency? How many trucks can be washed from the one tank of town water at the site? How long does it take to fill the tank? *"…now add just 5-6 trucks using 100-159,000 ltrs per wash"*	The pumps installed at the Truckwash have the ability to deliver a variable flow rate. During the trial run of the facility, this flow rate was approximately 2L/s. Given each truck took just over 3 hours to be cleaned, approximately 22,000 litres was used per truck. For a single truck to use 150,000 litres, a wash down would have to take over 20 hours. Council maintains the ability to fine tune the flow rate to deliver the best balance between water usage and time taken to wash down. This will be done following feedback from industry upon opening the facility. The onsite tank is 137.420 kilolitres. The tank will be continually topped up.
Where are the solids going to dry after being taken from the sludge pits? How often are the sludge pits to be cleared? What is the ongoing cost of this? How is the following condition of approval of the project going to be met? *" The use, storage or sale of sludge from or on the site does not form part of this approval and*	The onsite stockpiling of solid waste was never included in the lodged DA. The condition referred to stops the Council from dealing with the solid material on-site, which is not proposed. The solid waste will be removed from the site to the Warialda Waste Disposal

must be considered under a modification or separate application." *Was a plan drawn by consultants in January 2018 which showed the sludge stockpile where it is now proposed to be? Why was this feature not included in DA2018.13.1 approved on January 14th 2019? Would its omission have assisted Council to gain public acceptance for the DA?*	Facility. This condition has no impact on the dewatering lagoons.
Is the drying sludge to be held immediately west of the Truck Wash and adjacent to the Gwydir Highway? Is another DA to be exhibited about this? If not, why not? Is a further DA to be exhibited about the new holding ponds close to the Truck Wash and closer to Warialda Creek? Will Council again prepare the DAs as it did with the original approval of DA.2018.13.1 granted on 14th January 2019? *Did a condition in DA2018.13.1 allow for consideration of the sludge issues to be resolved by modification of the DA? Are the recently envisaged settling ponds also to be approved by modification of this DA? Does this process involve adequate public consultation for these highly significant changes?*	The onsite stockpiling of solid waste was never included in the lodged DA. The solid material will be removed from the site to the Council's Warialda Waste Disposal Facility. The dewatering lagoons' work that has been undertaken is allowable under the State Environmental Planning Policy (Infrastructure) 2007. Once complete these lagoons will be fenced and landscaped.
Will Council initiate an open inquiry into the Truck Wash from its inception until the present time [including extra plans] by an external, independent authority? Will Council halt any development at or near this site until the results of the inquiry are reported publicly?	This development was advertised prior to its determination with one objection received. The matter has been scrutinised through the Land and Environment Court (See Goode v Gwydir Shire [2019] NSWLEC 70; David Goode v Gwydir Shire Council [2020] NSWLEC 33; and; David Goode v Gwydir Shire Council (No 2) [2020] NSWLEC 118) and determined to be an acceptable development.
Council's intention to retain effluent from the Warialda Truck Wash at or near the site is a fundamental change in the nature of the development. It is also a breach of faith with members of the public including near neighbours and those who attended the community meeting in Warialda on the evening of April 5th 2018. *No members of the public were given any impression that effluent would be retained at or near the Truck Wash. Similarly, members of the public were not advised that a stock pile of solid waste could or would be established at or near the Truck Wash.*	The reference to the Community Meeting held on 5th April 2018 would have been a very broad brush outline of the proposal but would have been in line with the grant application of the project lodged on 22nd September 2016 which stated: *Construction of new intersection with HW12 Gwydir Highway, new access road to truck wash/ effluent dump facility, truck wash pads and pits, associated pressure washers effluent collection pits and pumps. Connection of electricity and construction of rising main to existing sewerage main for effluent supernatant (denotes the liquid lying above a solid residue after crystallization, precipitation, centrifugation, or other process).* This is exactly what has been built. The need for the dewatering lagoons is due to the unexpected poor quality of the liquid being captured by the process but the Review of Environmental Effects indicates little if any environmental issues resulting from this extra sterilizing step in the process.

Item 5 Water Supply Warialda Rail

FILE REFERENCE 20/29158

DELIVERY PROGRAM

GOAL: **3. An Environmentally Responsible Shire**

OUTCOME: **3.2 WE USE AND MANAGE OUR NATURAL RESOURCES WISELY**

STRATEGY: **3.2.2 Use our water wisely - GOV-TOWN SERV - external**

AUTHOR General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report requests the Council's endorsement of the proposed Community Consultation process of the residents of Warialda Rail to establish the level of support within that community to undertake a feasibility study for the development of a water supply into the village.

TABLED ITEMS Nil

BACKGROUND

A resident of Warialda Rail recently wrote to The Hon. Adam Marshall MP asking if a town water supply could be made available for the residents of Warialda Rail.

The matter was raised at the last Council Meeting and as a result of the positive response received to undertake a community survey to gauge the level of community support the attached document has been prepared for the endorsement of Council.

COMMENT

If endorsed the survey would be distributed to each household in early February 2021 together with reply paid return envelops.

OFFICER RECOMMENDATION

THAT the report be received and the draft survey endorsed.

FURTHER that the Council's local State Member be advised of the proposed survey.

ATTACHMENTS

AT- Draft Survey

Gwydir Shire Council

Warialda Rail Water Supply – Community Feedback form

Council is considering the feasibility of providing reticulated water supply to the residents of Warialda Rail.

The aim of this form is to seek community feedback on the proposed project, if the project has the support of the community.

Your Details:

Name: _____
Address: _____
_____
Phone: Home_____ Mobile _____
Email: _____

How many residents in your household Adults _____ Children _____

☐ Tick box below for status:

Landowner ☐

Resident ☐

Survey questions:

What is your current source of water?

Rainwater tank ☐

Private bore ☐

Council has 4 water supplies Warialda, Bingara, Gravesend and North Star.

The water charges are separated into two components with an access charge and a water usage charge.

Council has adopted a common charge for all schemes in the Shire. For a 20mm water connection the current charges are as follows:

Access charge: $450/annum

Usage charge: $1.50/KL < 600KL >$2.10 – One KL is 1,000 litres

The average water usage per house hold per year is 250KL or $375.00

The typical residential bill including access and usage per annum is $825.00

If the water was extended to service Warialda Rail the water access and usage charge would apply to all residents connected to the supply and the access charge would apply to those residents with availability to access the service but are not connected.

Would you support the extension of Warialda Water Supply to service Warialda Rail?

Yes ☐

No ☐

If connected to a reticulated town water supply would you maintain a private water supply?

Rainwater tank ☐

Private bore ☐

What would be the reasons to connect? Tick as many as you like

Anticipated increased reliability of water supply ☐

Anticipated increased quality of water supply ☐

Anticipated quantity of water available ☐

Support for the community infrastructure project ☐

If connected to the reticulated water supply what would be the primary use of the water?

Drinking water ☐

Bathing ☐

Domestic use such as washing ☐

Watering gardens ☐

Watering stock ☐

If you do not support the reticulated water supply could you advise your reasons?

Already own a reliable private bore ☐

Annual charges are prohibitive ☐

Don't want it, would not want it if it was free ☐

Additional Comments or questions:

If there is a positive response from the residents of Warialda Rail to explore the option of developing a water supply service the next step would be a feasibility study to determine the best way forward to secure the water supply needed.

Thank you

Item 6 ALGA National General Assembly

FILE REFERENCE 20/29235

DELIVERY PROGRAM

GOAL: **4. Proactive Regional and Local Leadership**

OUTCOME: **4.1 WE ARE AN ENGAGED & CONNECTED COMMUNITY**

STRATEGY: **4.1.2 Enable broad, rich and meaningful engagement to occur - GM - external**

AUTHOR General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

This report is for notation and to authorise the attendance of any Councillor who may wish to attend.

TABLED ITEMS Nil

BACKGROUND

The Australian Local Government Association (ALGA) has advised that the 2021 National General Assembly (NGA) will be held from 20th to 23rd June 2021 in Canberra.

ALGA has indicated that motions will be received up until 26th March 2021.

This item will once again be considered at the February 2021 Council Meeting where any proposed motions could be finalised.

If you would like any particular item to be considered as a possible motion please advise me by email and I will put together the appropriate wording and background information for consideration and endorsement by the Council.

When considering any motion proposal please refer to the following criteria used by ALGA in determining the acceptability of a motion:

> *To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:*
>
> 1. *Be relevant to the work of local government nationally;*
> 2. *Not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;*
> 3. *Be consistent with the themes of the NGA;*
> 4. *Complement or build on the policy objectives of your state and territory local government association;*

5. *Be submitted by a council which is a financial member of their state or territory local government association;*
6. *Propose a clear action and outcome i.e. call on the Australian Government to do something;*
7. *Be a new motion that has not already been debated at an NGA in the preceding two years; and*
8. *Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.*

COMMENT

The focus of the NGA is on partnerships, working together, and resilience so it is preferred if your suggested motions support these themes.

OFFICER RECOMMENDATION

THAT the report be received and noted.

FURTHER that the Council authorises the attendance of any Councillor who indicates a preference to attend.

ATTACHMENTS

There are no attachments for this report.

Item 7 Operation of 15,000m3 Mudstone Shale Quarry DA 03/2020 Location 'The Caves' Adams Scrub Road Delungra Applicant Robert Swain

FILE REFERENCE 20/29881

DELIVERY PROGRAM

GOAL: **3. An Environmentally Responsible Shire**

OUTCOME: **3.2 WE USE AND MANAGE OUR NATURAL RESOURCES WISELY**

STRATEGY: **3.1.3 Value, protect and enhance our natural environment - ED - external**

AUTHOR Planning Officer

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/ SUMMARY RECOMMENDATION

Council received an application for a 15,000 cubic metre Mudstone Shale quarry. Based on assessment of the proposal under S.79C of the *Environmental Planning and Assessment Act, 1979,* it is considered that the merits of the proposal warrant development approval subject to the recommended conditions of consent.

TABLED ITEMS **STATUTORY PLANNING CONSIDERATIONS**

SITE PLAN

This Development Application was received by Council on 30 January 2020.

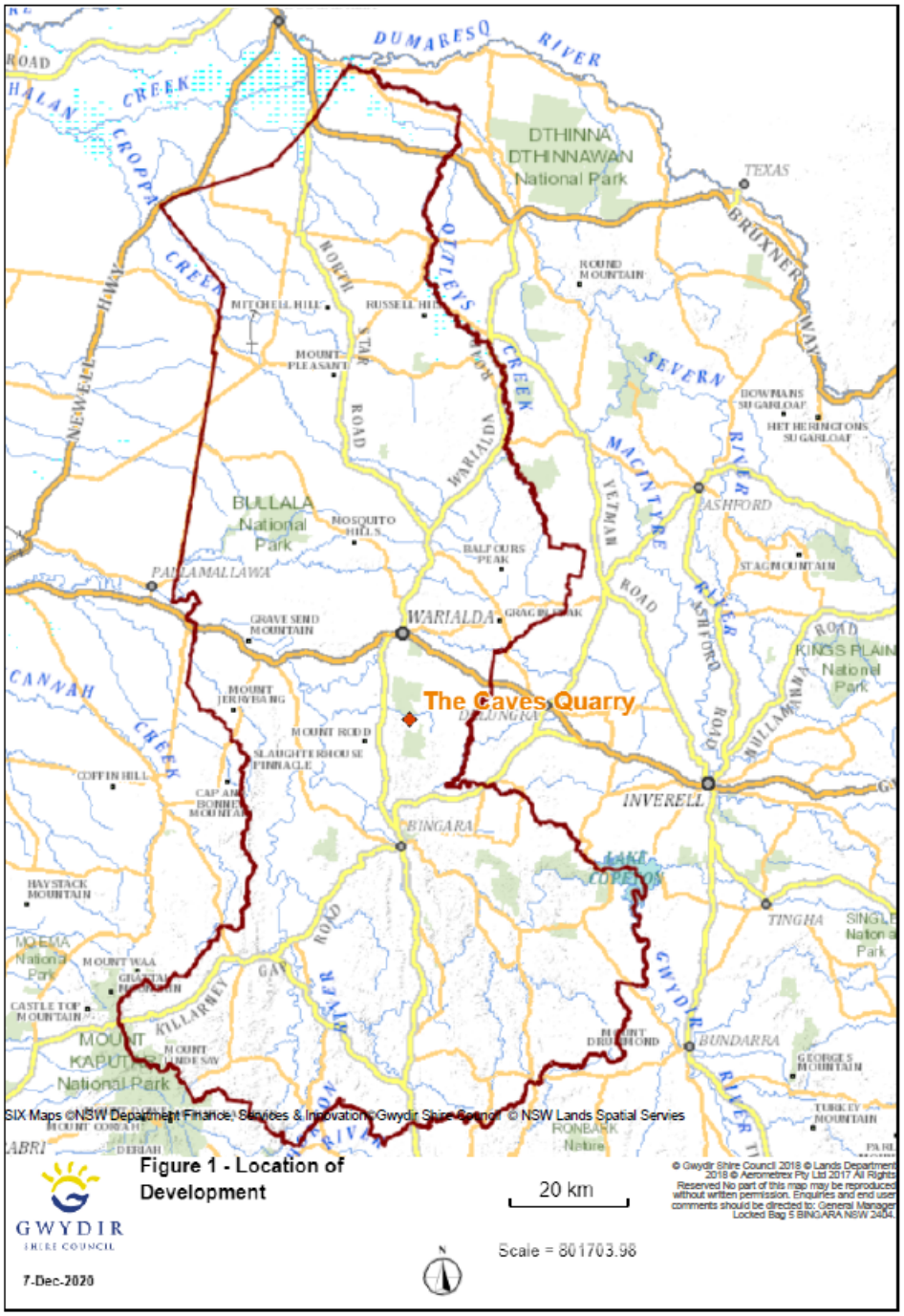
This report is divided into four sections, being:

1. Background
2. The Development Proposal
3. Statutory Planning Considerations
4. Consultation
5. Conclusion

1.1 BACKGROUND

Gwydir Shire Council received a development application (DA 3/2020) on the 30 January 2020, for a proposed 15,000 cubic metre/year extractive industry ("The Caves" quarry) located on the property "The Caves", Adams Scrub Road, Delungra, approximately 14 kilometres south of Warialda and 19.5 kilometres North of Bingara. Traditionally, the property known as the "The Caves" forms part of an existing grazing operation, along with the property "Gullbraith", owned by Robert and Mary Swain. Historically, a part of the

proposed quarry site was excavated by the property owner, and the materials used for property roads and other on farm infrastructure. The intention of the proponent is that the materials extracted from the quarry are to be used, primarily, by Gwydir Shire Council as an alternative source of road material for Adams Scrub Road and other localised roads. Figure 1 below depicts the location of "The Caves" in relation to local communities.



Assessment of the quantities of materials by the proponent indicate that approximately 200,000 cubic metres of Mudstone Shale is available at the

site. The proposed development will predominantly haul material from the quarry site to maintenance sites along Adam Scrub Road. It is understood that the quarry shall predominantly be operated by Council. The proposed development will utilise the property's existing access tracks, harvestable right dams, existing drainage control banks/swales and sediment sump; to provide access to the quarry site, to manage runoff from the quarry site and to be used to mitigate dust from the quarry operation. Should a further sources of water be required outside of the properties existing harvestable right dams it will be the proponents responsibility obtain an offsite supplier or apply for a further water licence/s.

1.2 Site location

As stated above the proposed quarry is situated on the property "The Caves", located along Adams Scrub Road, between the properties "Pine Hills" 1813 Adams Scrub Road Warialda Rail and "Gullbraith" 1550 Adams Scrub Road Delungra, approximately 14 kilometres south of Warialda and 10 Kilometres north-north west of Warialda Rail. The property "The Caves" is owned by Robert John and Mary Kay Swain (the applicant/proponent), encompasses an area of 428.23 hectares and consisted of Lots 38, 38 and 55, DP 751085 and Lot 1 DP 1243754. "The Caves" is bordered by Scrub Creek to the west and both Oakey Creek and the Adams Scrub Road run through the northern section of the property. See Figures 2 and 3 below for an aerial representation of the proposed quarry location and the property.

There are no buildings located on the property as the property owner lives on the neighbouring property of "Gullbraith". The only existing infrastructure on the property consists of fences, farm tracks, harvestable right dams and the existing farm quarry. The existing farm quarry has not received previous approval. The property is a mixture of cleared pastures and outcrops of remnant vegetation predominantly remaining along ridge lines, fence lines and riparian areas.

The proposed quarry will encompass an area of 1.85 hectares and will involve the clearing of approximately 0.7 hectares of native vegetation/grasslands. The quarry shall include the existing excavated area and stockpile site, as well as existing swales, sediment sump, harvestable right dam and access tracks. The stockpile site is located within the proposed footprint of the quarry. Figures 2 & 3 below identifies the proposed site, the local area, roads and the rest of the property.

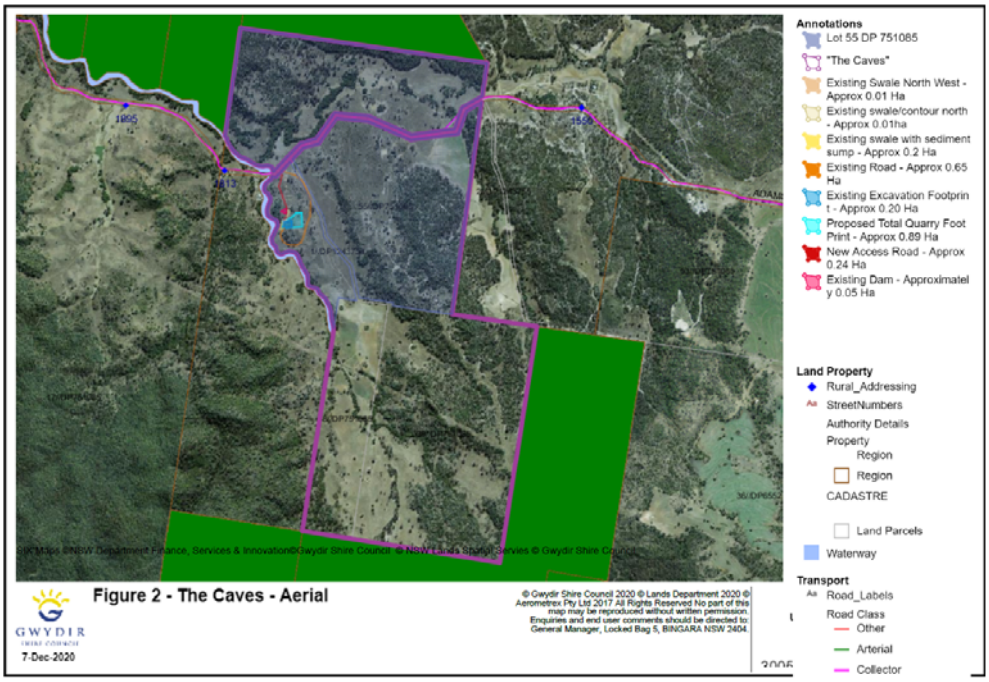


Figure 2 - The Caves - Aerial

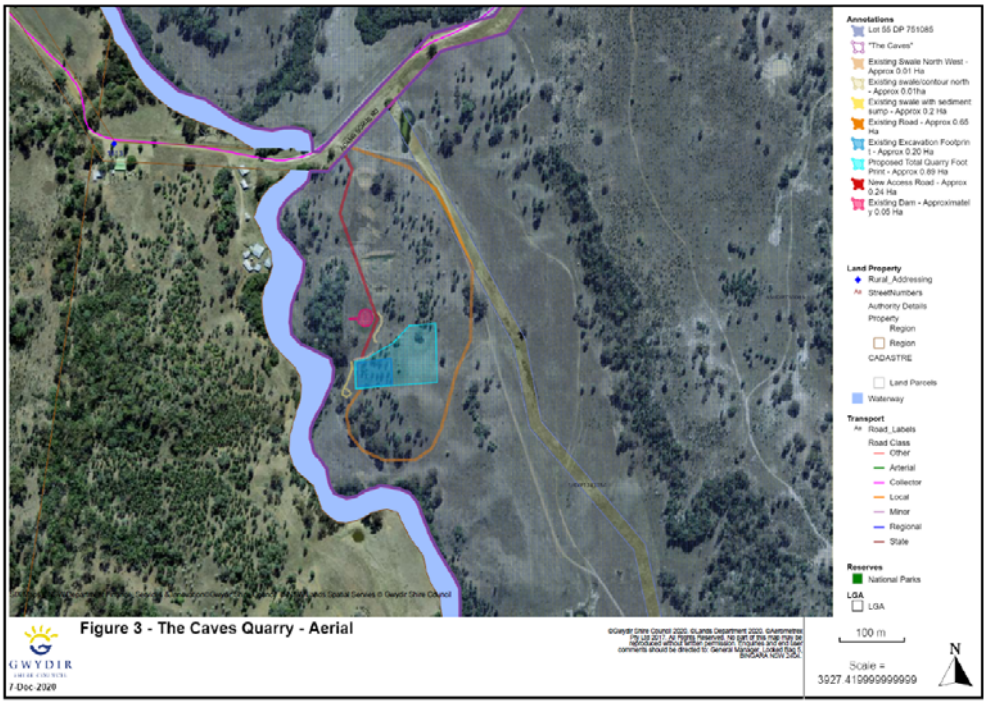


Figure 3 - The Caves Quarry - Aerial

Generally, the property consists of undulating hills traversed by ephemeral streams and gullies. The quarry site is partial covered with degraded native grasses, introduced pasture species and invasive weed species. The adjacent riparian vegetation along Scrub Creek is consistent with PCT 112 (Black Tea-tree – River Oak – Wilga riparian low forest/shrubland wetland of rich soil depression in the Brigalow Belt South Bioregion) and is in good condition. The existing vegetation mapping indicates the potential for two Plant Community Types (PCT) to be located at the site, PCT 112 (as

mentioned over) and PCT 597 (White Box – Cypress Pine – Silver-leaved Ironbark shrub grass open forest / woodland of the northern Brigalow Belt South Bioregion and Nandewar Bioregion) which is generally located in patches on the hills and crests within the local area.

The proposed quarry site consists of disturbed ground which has been previously utilised for the quarrying of materials for on farm infrastructure, as well as, the clearing of approximately 0.7 hectares of existing vegetation. The vegetation to be cleared consists of groundcovers including a mixture of native, non-native and weed species, some acacia shrubs and a few trees, being Mock Olive and Ironbark species. This vegetation is isolated, of low quality and is highly disturbed, thus this small scale removal is highly unlikely to result in fragmentation or isolation of any flora or fauna to any degree, whether short or long term, where impacts would threaten the survival of any species or population in the area.

1.4 Surrounding land uses

The property “The Caves” is bounded by the properties “Pine Hills” and “Eastwood” to the West, and “Gullbraith” (also owned by the proponent) to the North East. All of which primarily engage in grazing operations with patches dry land cropping. Figure 4 below depicts the location of the proposed quarry within the rural setting. The property is also bordered by Warialda State Conservation Area to the north, the Warialda National Park to the south and south east, and the ephemeral, low order stream known as Scrub Creek to the west.

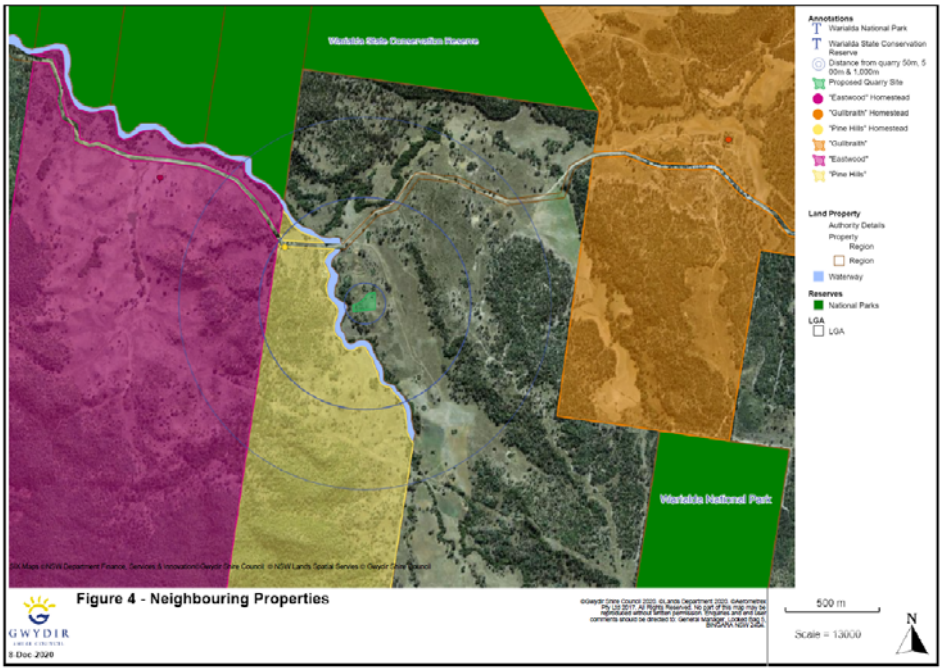


Figure 4 - Neighbouring Properties

In addition to the surrounding properties grazing operations they also have a homestead and associated structures located on them. Their location in

relation to the proposed quarry is shown in Figure 4 above and given in Table 1 below.

The closest dwelling-houses on an adjoining property not associated with the proposed development are located approximately 460 metres north west of the development site on the property “Pine Hills”.

Description	Direction from feedlot	Approx. Distance from Quarry (m)
Scrub Creek	East	46
Pine Hills Homestead	North West	460-480
Eastwood Homestead	North West	1,200
Warialda Rail Village	North-north West	11,000
Warialda Town	North	14,000

Table 1 Location of adjoining and nearby properties

1.5 Consultation

1.5.1 Public consultation, referrals and submissions

The application was notified, in accordance with Section 3 of the Gwydir Shire Council Community Participation Plan 2019 as detailed in the following table.

The public consultation included:

- Notification of nearby and potentially affected landholders and residents, and placement of signs at the site during the exhibition period;
- Consultation with internal departments and the EPA through correspondence.

Notification Type: Type B	• Notification via letters of owners of all adjoining and surrounding properties and any other individual, organisations and/or public authorities likely to have an interest in the proposed development; and • Advertisement in the local newspaper/s. • Exhibition on proposed development on Council’s websites and may also be exhibited at Council’s Officers.
Notifications:	
Landowners/Occupiers	Adjacent/adjoining landowners were notified in writing - submission period of 21 days.
Exhibition period	Website and Officers - 21 days
Advertising in Local Newspaper	Gwydir Newspaper – 21 days

Referrals/Concurrences & Comments:	
External consultations/referrals	-
Internal consultations	Council's Technical Services Department
Other	Nil
Submissions received:	
Public Submissions received	3 submission was received, all in the form of objections. Issues are considered in section 4 of this report and a copy of the submission is located at Attachment 4
Other Submissions received	-

2. THE DEVELOPMENT PROPOSAL

The main component of the applicant's proposal includes the following:

- ⇨ 15,000 cubic metre per year mudstone shale quarry;
- ⇨ Total extraction area of approximately 0.89 hectares (of which approximately 0.19 hectares has already been cleared, excavated and partially used as a stockpile area);
- ⇨ Construction of a new secondary access road to provide further access and egress during emergencies, with an area of approximately 0.24 hectares;
- ⇨ An existing access road with an area of approximately 0.65 hectares;
- ⇨ Existing swales/contours banks and sediment sump with an area of approximately 0.02 hectares; and
- ⇨ An existing harvestable right dam with an approximate area of 0.05 hectares.

The proposed quarry primary purpose is to extract up to 15,000 cubic metre of mudstone shale per year, for use as road maintenance material, by Council, on Adam Scrub Road and other local roads, where economically viable. The proponent of the proposed development also intends to continue to utilise the quarried material for maintenance of on farm roads and infrastructure. The proposed quarry layout is shown above in Figure 3.

The proposed development shall use the existing access road, swales/contours, sediment sump and harvestable right dam. The existing swales/contours are located to the west and north of the proposed quarry footprint and existing excavated area. Anecdotal evidence provided by the proponent state that the existing runoff containment and drainage exclusion measures are adequate to protect the surrounding areas and in particular Scrub Creek from contaminated runoff from within the quarry site.

An adequate water supply for the mitigation of dust emanating from the quarry's operation has been identified by the proponent as an existing harvestable right dam to the north of the proposed quarry site. It is also

assumed by the proponent that as the quarry material will predominantly be accessed by Council for road maintenance, that Council's water truck shall be deployed for dust suppression. Additional harvestable right dams are accessible should a further source of water be required.

The proponent is reliant on the sites surrounding topography and existing vegetation corridors to mitigate any dust or noise impacts that may be felt by the closest sensitive receptor, being "Pine Hills" homestead which is located approximately 460 metres to the north west. The recommended minimum separation distance between a quarry and a sensitive receptor is 500 metres. However, this recommendation does not take into consideration terrain or the presences of vegetation which are considered viable aids in the disbursement of noise and dust. As to does the climate and prevailing winds. These natural inhibitors are expected significantly reduce the noise and dust impacts experienced at the "Pine Hills" homestead.

The proposed development means to stockpile any excavated materials along the western boundary but within the identified footprint of the quarry. This area is surrounded by the existing runoff containment swales/contours.

Access to the proposed quarry site shall be via an existing intersection with Adams Scrub Road which will need to be upgraded to Austroads standards. Sight distances from the quarry entrance along Adams Scrub road are in excess of 190 metres to the east and 80 metres to the west, which are considered sufficient. It is expected that truck movements from the quarry shall be up to 150 per year if operated at full capacity, however, the proponents intention is that the quarry shall primarily be used by Council as an alternative source of materials for road maintenance on Adams Scrub road and other roads in the immediate vicinity. Taking this into consideration the increase to traffic volumes shall be localised (as material will be generally be hauled to and along Adams Scrub Road), of short duration (only whilst road maintenance takes place in the area) and intermittent (dependent on Council s road maintenance schedule, which means maintenance could be years apart).

The proposed quarry is not of a size or nature, nor is demand for the material such that the proponent would need to employ any external permanent staff. However, apart from the proponent the operation of the quarry may require the temporary employment of contractors. The proposed quarry may also generate a small amount of additional work for truck drivers and service providers.

The operation of the quarry and the winning of material will be limited to between 7am-6pm Monday to Saturday, with no works to be undertaken on Sundays or Public Holidays. The proponent is also considerate of the fact that Adams Scrub Road is a School Bus route and believes that all heavy vehicle traffic, including material be hauled from other quarries in the area, grain trucks and movement of large agricultural machinery, should be limited during the times of the day that children are being collected and dropped off.

3. STATUTORY PLANNING CONSIDERATIONS:

3.1 Gwydir Local Environment Plan 2013 (GLEP)

The proposed development site is located in the RU1 Primary Production zone under the GLEP. The proposed development is defined as an extractive industry under the GLEP. As such is permissible development in the RU1 Primary Production zone with Council consent.

The proposed development is also compliant with all other relevant sections of the GLEP. For more detailed information regarding the above see Attachment 1 of this report.

3.2 Section 94 Development Contribution Plan No. 1 – Traffic Generating Development (DCP)

The proposed quarry is development to which the DCP applies. As such the quarry operation may be required to pay a contribution to Gwydir Shire Council for the movement of trucks on Council's roads in accordance with the DCP. However, as the quarry shall predominantly be operated by Council or provide material for Council purposes it has been recommended that the requirement for the quarry to pay a contribution be waived. For more detailed information regarding the above see Attachments 1 and 2 of this report.

3.3 State Legislation

3.3.1 Environmental Planning and Assessment Act 1979 & Environmental Planning and Assessment Regulations 2000

Not-with-standing Council's Local Environmental Plan, the proposed quarry development may be classified as *designated development* under the provisions of Schedule 3 of the *Environmental Planning and Assessment Regulation, 2000. A*s the proposal before Council will not exceed the provisions of clause 19 of Schedule 3, the quarry proposal is not designated development.

Further, the proposal does not require approvals listed under Section 91 of the *Environmental Planning and Assessment Act, 1979* and is therefore not classified as an integrated development.

Consequently, it is determined that the proposed quarry is local development.

3.3.2 Other State Legislation relevant to the proposed development

The proposed development is considered to be compliant with the following Acts.
For further detail see Attachment 1 of this report.

- National Parks and Wildlife Act 1974
- The Heritage Act 1977

- Biodiversity Conservation Act 2016
- Rural Fires Act 1997
- Protection of the Environment Operations Act 1997
- Water Management Act 2000

3.3.3 State Environmental Plan Polices and Development Codes (SEPP's)

The proposed development is considered to be compliant with the following relevant SEPP's. For further detail see Attachment 1 of this report.

- State Environmental Planning Policy 33 – Hazardous and Offensive Developments
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2019
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (State and Regional Development) 2011

3.4 Federal Legislation

The proposed development is considered to be compliant with the following relevant Federal Legislation. For further detail see Attachment 1 of this report.

- Environment Protection and Biodiversity Conservation Act 1999

3.5 Site Suitability and Potential Impacts

The proposed site of the quarry is located approximately 14 kilometres south of the town of Warialda, in a predominantly agricultural area used for cropping and grazing. In addition to the traditional agricultural use, the area is also the location of several quarries providing both commercial material for sale outside the shire and localise road maintenance material. As such the proposed development will not be out of character with the surrounding area.

The proposed quarry site is to cut through part of a cleared ridgeline with slopes between 8 and 15 degrees. An existing controlled drainage area surrounds the proposed quarry footprint and is made up of three contour banks/swales, a harvestable right dam and a sediment sump. There has not been quantifiable evidence provided by the proponent, apart from the proponent many years of experience in extractive industries, to substantiate the adequacy of the existing controlled drainage area. This is of concern as the proposed quarry site is less than 50 metres from a low order ephemeral creek, known as Scrub Creek. Scrub Creek runs along the western property boundary. It is considered that the site is generally appropriate, however, the

containment of runoff from the quarry into Scrub Creek needs to be professionally assessed and further mitigation measures identified and implemented, if necessary.

Other potential impacts include noise and dust, both of which are generally associated with the operation of any extractive industry and can affect the amenity of surrounding properties and residences if the development is poorly located, mismanaged and impact are insufficiently mitigated. The recommended minimum separation distance, set by the NSW EPA guidelines, between a quarry and the nearest sensitive receptor (being a dwelling not associated with the development) is 500 metres. The distance between the proposed quarry and the nearest sensitive receptor (being the residence located on the property "Pine Hills") is 460 metres. Although this is not ideal, the standard recommended separation distances fail to take into consideration the terrain and vegetation for individual sites. These form substantial barriers between the receptor and the quarry, and significantly reduce the impact of noise and dust caused by the operation of the quarry. Figure 5 below show a cross section of the terrain between the proposed quarry site and the residence at "Pine Hill", as well as the existing vegetation corridors.

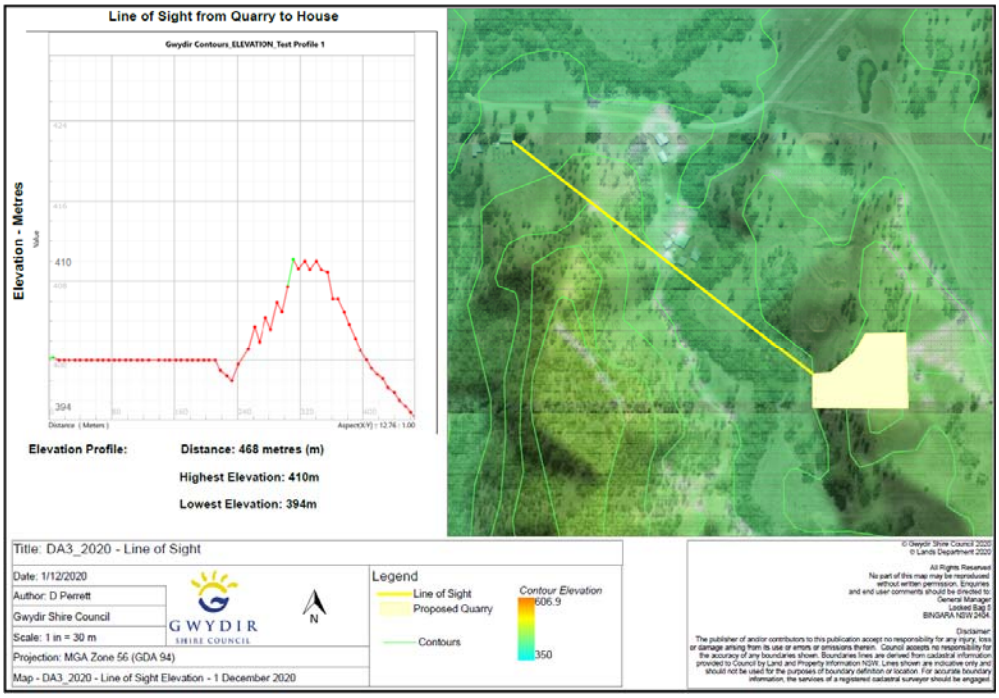


Figure 5 – Line of Sight Terrain Cross Section

Although, no official noise assessment was provided by the proponent, noise readings were taken at the "Pine Hills" dwelling, both when the quarry was operating and when it was not. The proponent reports that the noise level increased by 3 dBs over ambient levels when the quarry was operating and that to the naked ear the operation was barely audible at the "Pine Hills" dwelling above existing daytime background noise. A 3 dBs increase over ambient noise levels is considered acceptable by the NSW EPA guidelines. Where noise and dust shall impact the most will be when materials are being

hauled along Adam Scrub Road. In particular, residences locate close to the Adams Scrub Road shall be impacted if dust suppression measures are not utilised. The proponent anticipates that during the winning and haulage of material from the quarry, Council's water carts will be used to mitigate dust for those impacted. Taking into consideration the proponent's primary intention of only supplying material to Council for road maintenance purposes, the operation of the quarry will be for short periods and intermittent. Thus, impacts, if any, shall not be persistent throughout the year and be of short of duration when present.

The proposed quarry's management practices, separation distances, existing vegetation corridors/screens and the natural terrain, are considered sufficient to mitigate noise and dust impacts from the proposed development. The establishment of further vegetation screens and dust suppression measures may be considered in the future should existing mitigation measure prove to be inadequate.

Council's Bushfire mapping shows that the proposed quarry site is located within a Bushfire Prone Area. However, the proposed development does not involve the erection of habitable buildings so is not bound by the requirements of the NSW Rural Fire Service document "Planning for Bushfire Protection" 2019. Nor will there be any blasting at the quarry or storage of hazardous materials or flammable liquids. The proponent has provided a Bushfire Management Plan for the proposed quarry. It is recommended that if the area is to be overrun by fire that all personnel at the site be evacuated to a safe site and that the NSW Rural Fire Service be contacted. Figure 6 below shows the extent of the area considered to be Bushfire Prone.

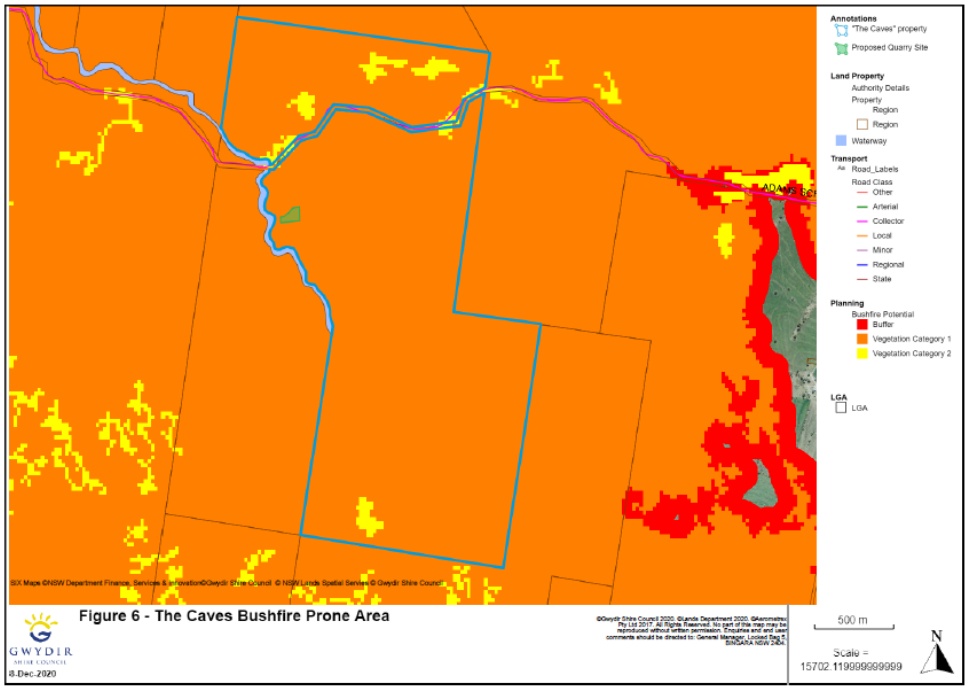


Figure 6 - The Caves Bushfire Prone Area

The proposed development shall involve the removal of approximately 0.7 hectares of highly disturbed and degraded grassland comprising mixed native and introduced species as well as several acacia shrubs and a small number of Mock Olive and Ironbark trees. The current condition of the site's vegetation can be attributed to many years of clearing and grazing activity. The proposed clearing does not exceed the clearing threshold under the Biodiversity offsets scheme and is not considered to impact on any threatened species or communities. The proposed site is not affected by flooding, salinity, acid sulphate or sensitive lands. The land capability level for the site is identified as having very severe limitations. Additionally, the proposed quarry site is not affected by any known local or state listed Aboriginal or non-indigenous heritage or items of cultural significance.

Full details for this section are discussed in Attachment 1 of this report.

4. CONSULTATION

The proposed development was notified under Gwydir Shire Council's Community Participation Plan for a period of 21 days. Council received three public submission, all objecting to the proposed development. The main concerns raised by the submission is listed below, along with the applicant's response to those concerns:

1	Current condition of Adam Scrub Road	• Adam Scrub Road is structurally compromised, has no foundation, has poor quality and narrow culverts and pavement; • Cannot withstand increased heavy vehicle traffic; • Road is barely passable in wet weather for light vehicles.	• From the entrance to "Ford End" house to Allan Cunningham road (approx. 16 km), the structure and foundation of the road is stable as the geology is based on sedimentary sandstone and mudstone shale (trap) both of which area excellent substrate geology for roads; • In 2019, Council re-sheeted the worst section from Koloona to the first ramp (6.2km) with Mudstone shale which has generated less dust and corrugations; • Traffic volumes for the road will only be minimally increased as the proportion of gravel being carted for the road would equate to around an extra 120 movements per annum. This would be far less than current harvest and general cartage movements; • While I agree with many of the conclusions; bring Adams Scrub Road up to

			Ausroad standards is beyond both the financial and practical means of the council. • With or without the proposed quarry truck movements will not be less as council will still have to maintain and refurbish the road into the future. The negligible dust and noise will happen whenever trucks cart gravel from any pit.
2	Current Users of Adam Scrub Road	• School Bus route; • Only Domestic Traffic route; • Existing Agricultural traffic • Existing quarries using Adams Scrub Road, including gravel quarries and a sand quarry	• There are five existing quarries on Adams Scrub Road and two on Reserve Creek Road. The relevant quarries on Adams Scrub Road are on Eastwood, The Caves, Glen Owen, the Claystone Pit and an unregistered pit. The two pits on Reserve Creek Road are the Wyranda Pit and a pit near Myall Creek in Inverell; • One pit is running out of material with less than 3 years DA Life, another pit has inferior gravel and less than 3 years before DA expires. One pit is no longer in use and the other pit was opened for a different purpose.
3	Dust and Noise	• Impacts on residences located close to Adam Scrub Road; • Loss of amenity at Pine Hills homestead from the quarry operating less than 490 metres away.	• Dust and noise will happen whenever trucks cart gravel from any pit and is ameliorated using watercarts; • Actual pit activity will have no effect on noise as decibel readings near the house were on average 22 with no pit activity. When the pit was being worked the decibel, reading was a barely discernible increase to 25. • Dust will be negligible for trucks and pit working, as the general breezes come from the west further dissipating dust and noise. • With or without the proposed quarry truck movements will not be less as council will still have to maintain and

			refurbish the road in the future. The negligible dust and noise will happen whenever trucks cart gravel from any pit.
4	Environmental	• Proximity of quarry to Scrub Creek; • Impact on wildlife crossing Adams Scrub Road along the Scrub Creek wildlife corridor;	• Wildlife in the area are already affected by "edge effect" from the road. The intermittent nature of the truck movements and quarry activity will only disturb wildlife for short durations with little consequence. Amphibians and reptiles seem to be most affected and avoid roads; • Trucks will not be operating at night; light penetration would not be a problem and once noise drops to 40 decibels species richness and abundance is not affected (Pocock and Lawrence 2005).
5	Mudstone Shale	• Objection to the use of this material on Adams Scrub Road.	• Mudstone shale is excellent material that withstands traffic, is less dusty and not as prone to corrugations compared to almost all other gravel. It is also cost effective when compared to granite that has higher winning costs and generally higher royalties. • Depending on the substrate and thickness it can handle increased numbers of heavy trucks.
6	Quarry Operation	• There are 4 existing quarries on Adams Scrub Road already, there is no need for another quarry in the area; • There are insufficient water resources available for use at the quarry; • Limiting hours of operation so ensure safety of school children and school bus.	• The proposed quarry's primary purpose is to provide an alternative source of road material for the maintenance of Adams Scrub Road; • If the objector is a rival or alternative business, then it is only a vexatious objection; • One pit is running out of material with less than 3 years DA Life, another pit has inferior gravel and less than 3 years before DA expires. One pit is no longer in use and the other pit was opened for a different purpose.

			• Most trucks avoid using the road during school bus times so I would welcome limiting operating hours if it applied to ALL heavy vehicles using the road. It would be a tragedy if any child were injured or killed by a gravel truck, stock truck, harvest truck or farm machinery.

The proposed development was not referred to any external departments or agencies for comment. But, was referred internally to Council's Technical Service Department for comment and potential impacts on Adam Scrub Road. The following recommendations were received:

a) The intersection of the quarry access and Adams Scrub Road will need to be upgraded to Austroads standard for the peak quarry traffic volume.
b) Material can only be carted on Adams Scrub Road for council purposes. This is due to safety issues along Adams Scrub Road, such as narrow pavement and narrow causeways with limited sight distances, which the increase of truck on a regular basis would exacerbate.
c) The Section 94 contribution is $0.48/tonne, however it is suggested this be waived due to the gravel only being carted on council roads for council purposes.

Where appropriate conditions have be included with Council's draft Schedule of Conditions, including these recommendation as well as conditions that regulate, alleviate or mitigate the matters raised in the above submissions.

5. CONCLUSION:

It is considered that the development application submitted to Council by Robert Swain for the operation of 15,000 cubic metre per year mudstone shale quarry, adequately addresses the:

- S4.15(C) matters for consideration of the *Environmental Planning and Assessment Act, 1979*, and
- potential impacts of the proposed quarry can either be mitigated or managed,
- proposal in generally in the public interest

Based on this assessment, it is considered that the merits of the proposal warrant development approval subject to the recommended draft conditions of consent.

The conditions take into consideration issues raised by internal departments and public submissions. Conditions of consent establish compliance controls

and performance and environmental audits to mitigate the environmental impacts of the proposal to an acceptable level.

OFFICER RECOMMENDATION

THAT this report be received and noted and that the proposal for a 15,000m3/year Mudstone Shale Quarry, located on Lot 55 DP 7510856, "The Caves" Adam Scrub Road, Delungra, be approved subject to the attached draft schedule of conditions. It is recommended that the following matters are particularly addressed in the conditions:

- **A requirement to provide Council with a Control Drainage Area assessment report, undertaken by a suitably qualified independent party, prior to the commencement of operations at the quarry;**
- **The intersection of the quarry access and Adams Scrub Road will need to be upgraded to Austroads standard for the peak quarry traffic volume;**
- **The proponent enters into an agreement with Council that limits the extraction of material from the quarry for Council purposes only, apart from the extraction of material by the proponent for on farm maintenance;**
- **The Section 94 contribution has been calculated to be $0.48/tonne, however it is suggested this be waived due to the gravel only being carted on council roads for council purposes.**

ATTACHMENTS

AT- Public Submissions and Applicant's Response
AT- Draft Conditions

Patsy Cox

From: Therese& Michael <pinehills@skymesh.com.au>
Sent: Saturday, 29 February 2020 9:59 AM
To: mail@gwydir.nsw.gov.au
Subject: FW: Amended Objection to development application Adams Scrub Rd 3/2020

From: Therese& Michael <pinehills@skymesh.com.au>
Sent: Friday, 14 February 2020 9:17 AM
To: 'mail@gwydir.nsw.gov.au' <mail@gwydir.nsw.gov.au>
Subject: Objection to development application Adams Scrub Rd 3/2020

Attn; General Manager
Gwydir Shire

Good Morning,
We would like to object to this development application due to the impact it would have on our quality of life .
1. Our home is located only 490 metres from the proposed gravel pit .
1a. This home is occupied and is currently leased through McGregor's Warialda and as such our tenant is entitled to the
Same quality of life that we would expect.
2. The heavy traffic associated with 10000cubic metres of gravel being transported annually past our home as we are positioned very close to the road and it is not sealed would severely impact our life on a daily basis both with both noise and dust .
3.The noise and dust from the pit activity itself would make life unbearable.
4. The proposed pit is directly beside a seasonal creek which acts as our boundary and has an abundance of wildlife that live in the tree line along the creek.
5. Our property is bound on both sides by seasonal waterways and tree lines which cross the road and are used as natural crossings for many animals which would be threatened by such a large increase in heavy traffic we have noted in our time there echidnas, brush turkeys, possums and small gliders to name a few.
6. This area is also a recognised bird route .

We do not object to progress but we strongly object to this proposal.
With thanks
Michael and Therese Donlan
Mob:0409 549 916
Ph : 0267 299 075

----------Safe Stamp----------
Your Anti-virus Service scanned this email. It is safe from known viruses.
For more information regarding this service, please contact your service provider.

1

Phillip & Amy Taylor
"The Ranch"
839 Adams Scrub Road
DELUNGRA NSW 2403

General Manager
Gwydir Shire Council
Locked Bag 5
BINGARA NSW 2404

1st March 2020

OBJECTION TO DA 3/2020 – Establish and Operate a Gravel Quarry

Dear Sir,

We would like to register the following objections to the Development Application for the Establishment and operation of the 10,000m3 Gravel Quarry on Lot 55, DP 751085, Adams Scrub Road Delungra.

Adam Scrub Road is quite a narrow road, providing local residents access to their properties. I personally travel this road at least twice daily with my small children, I believe the road does not have the ability to withstand any increased traffic volume that a Quarry would create. At best the road is only suitable for local traffic and farm machinery.

Adam Scrub Road is also a registered School Bus Route in which my children use daily to travel to and from school. We as parents think that it is completely unsafe for children, for one getting on and off the bus at property mailboxes with trucks coming and going and two, travelling 10km of a gravel road having to pass numerous large trucks.

There are numerous local residents that live close to the road, these residents would be severely impacted by noise and dust from the proposed application and increased traffic movements along the road.

In its current state the road is barley impassable after a light fall of rain, as there are large patches of black soil coming through the gravel and it becomes very slippery and boggy, there are also patches of the road that are quite dangerous as there are large potholes on top of culverts that are impossible to go around or you would end up in a gully.

As concerns parents and daily road users we submit these objections to the proposed application.

Regards

Phillip & Amy Taylor

FORDEND PASTORAL CO

John E. Taylor & David P. Taylor
'Myall Valley', 624 Adam Scrub Road, DELUNGRA NSW 2403
Ph: (H) 02 67248 394 (M) 0429 148 394
Email: fordend@hotmail.com

2nd March 2020

The General Manager
Gwydir Shire Council
Locked Bag 5
BINGARA NSW 2404

Attention: The General Manager

OBJECTION

I John Taylor of Myall Valley 634 Adams Scrub Road Delungra wish to lodge objections to the proposed Development Application No 3/2020 Robert Swain for the establishment of an 10,000 m2 P/A gravel quarry on Adam Scrub Road.

My Objections are.

1. The Adam Scrub Road is of poor structure and has no foundation, culverts are poor quality and narrow. An engineer's report from 2019 and photos of road in its present state are attached.
2. Existing Quarries – There are four quarries established on the Adam Scrub Road, one only 800 meters away on 'Eastwood', the second on 'Glen Owen' 4.1 km away, Claystone Sand Quarry on Yammacoona Road and the 4th being on 'Wyandra' owned by Cameron Gray.
3. No Reasons – have been given as to they there is a requirement for an additional quarry when the 4 registered quarries are not being utilized to their full capacity on the Adams Scrub Road.
4. Continued Services – A School Bus runs on the Adams Scrub Road. The bus owner continuously complains about the poor quality of the road. Additional heavy traffic will deteriorate the road very quickly, creating the risk of the school bus not running at all. Putting further burden on residents with children.
5. Materials – The Area proposed for the quarry consists of Mudstone shale
6. Dust Levels – There are four dwellings very close to the kerb of Adam Scrub Road as well as all local residences. Dust and noise will become a significant problem to all concerned.

7. Insufficient Water – Well watering be carried out to maintain dust levels. Are their adequate water supplies to cope with the dust?
8. Safety – Limited operating hours must be in place to ensure safety of children entering and exiting the school bus.

I do not believe the area requires another quarry, should council consider using the proposed quarry. The material is not to be used on the Adams Scrub East, past 'Alkira' as all residents do not want the mudstone on our road past this point, including the bus owner/operator.

The Adams Scrub Road will not withstand continued use by gravel trucks.

Regards,

John Taylor

Note: This letter is to remain confidential

Adams Scrub Road

Assessment of Current Road Geometry and Infrastructure

Prepared by:

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Index

Report Commission:

This report has been commissioned by Mr John Taylor to provide an assess the current condition of Adams Scrub Road, comparison to Austroads standards and the capacity of the road to carry a significantly increased volume of bulk haulage trucks onto the Gwydir Highway.

The report only assesses the current geometry and condition of the road and other than referencing the current Austroads standards, does not provide information of specific upgrade requirements to facilitate the increased volumes of bulk haulage.

An assessment of the suitability of the road to carry increased heavy haulage semi's is contained in the conclusion.

Background:

Adams Scrub Road links the Gwydir Highway with rural properties on Adams Scrub Road, Yammacoona Road and Reserve Creek Road. It is primarily used by property owners for access to rural and rural residential properties, and the seasonal transport of grain and livestock to various markets.

There are no records of when the road was first constructed, but local advice indicates that the road alignment was first established 1940. The alignment of the roadway would indicate that the road was originally aligned and constructed along property boundaries without regard to the long term provision for large trucks and significant volumes of traffic.

Adams Scrub Road is also an operational School Bus Route for the full length of the designated area through to the intersection with Yammacoonna Road

Traffic Usage Current and Anticipated

Based on observation, Adams Scrub Road is currently used for access by approximately 40 properties and carries a commercial volume of less than 10 standard configuration grain semi's per day directly associated with the primary production and domestic transport requirements of these properties each day. Outside harvest periods, a majority of the traffic using the road consists of light vehicles and light trucks. In addition, the school bus runs both ways in the designated area twice a day.

The quarry located at the western extent of the investigation zone does not currently transport material from the quarry to the Gwydir highway however, the quarry has a licence for 35000 tonne per year. This equates to approximately 2000 movements of B Double semi's. or 3500 movements of standard semi trailers There is an indication that this quantity of material is expected to be transported in one month, which equates to approximately 100 to 150 truck movements per day.

An application for extension of an existing extractive permit has been lodged with Gwydir shire Council to increase the transport of quarry material from the quarry at the western end of the investigation zone to 500000 tonnes per annum and this would result in an increase of semi and B double movements to approximately 2000 tonnes per day or 100 to 150 semi truck or B Double truck return trips per day over a period of 200 days per year

Austroads Standards

The following table are extracts from Austroads and RMS design standards applicable to rural roads and have been used in the assessment of the geometry and trafficability of Adams Scrub Road.

Speed (km/h)	Curve Radius[1] (m)	Curve TS - ST (m)	Super (%)	A* Relative Grade (%)	A* Super Trans. (m)	A* Plan Trans.[2] (m)	A* C'line Offset (m)	B* Relative Grade (%)	B* Super Trans. (m)	B* Plan Trans.[2] (m)	B* C'line Offset (m)	C* Relative Grade (%)	C* Super Trans. (m)	C* Plan Trans.[2] (m)	C* C'line Offset (m)	Pavement Widening[3] for Normal Lane Width (m) of[4] 2.8	3.0	3.25	3.5	3.7	Sight Distance[5] (m) S.S.D	I.S.D	O.S.D	Benching Offset (m) S.S.D.	I.S.D.
V	R	Lh	e	G_r	L_e	L_p	S	G_r	L_e	L_p	S	G_r	L_e	L_p	S										
60	90 100 110 120 130 140	100	7	0.6	60	40	0.6	0.9	80	60	1.3	1.3	80	80	1.3	0.9	0.7	0.6	0.4	0.3	50	100	300	6.6 6.1 5.7 5.3 5.0 4.8	42.5 39.9 36.8 34.1 31.8 29.8
70	160 180 200 220	140	7	0.6	60	40	0.4	0.8	80	60	0.8	1.2	90	60	0.8	0.8	0.6	0.5	0.3	0.2	80	220	350	6.6 6.0 5.6 5.2	36.2 34.4 31.2 28.8
80	240 260 280 300 320	180	7	0.5	80	60	0.5	0.8	90	60	0.6	1.0	110	80	0.9	0.7	0.5	0.4	0.2		100	280	450	6.8 6.4 6.0 5.7 5.5	36.1 33.5 31.3 29.4 27.7
90	340 360 380 400 420 440	220	6	0.4	80	60	0.4	0.7	90	60	0.6	0.8	110	80	0.7	0.7	0.6	0.3			120	300	600	8.5 6.8 6.3 6.0 5.8 5.6	34.2 32.6 30.0 28.4 26.1 16.9
100	460 500 550	280	6	0.4	80	60	0.3	0.7	90	60	0.3	0.9	110	80	0.5	0.6	0.4	0.2			150	380	750	7.7 7.2 6.7	40.2 37.3 34.1
110	600 650 700	340	5	0.4	80			0.7	90			0.8	110	80	0.4	0.6	0.4	0.3			210	450	900	10.7 10.0 9.4	43.3 40.2 37.5
120	750 800 900	400	4	0.3	80			0.6	90			0.7	110	80	0.3	0.6	0.4	0.3			250	530	1100	12.0 11.3 10.2	48.0 45.1 40.3
130	1000 2000 3000	470	3	0.3	80			0.5	90			0.6	130			0.5	0.3	0.2			300	600	1400	12.8 7.3 5.3	46.3 24.0 16.5
130	Over 3000	470	3#	0.3#	80#			0.5#	90#			0.6#	110#			0.5	0.3	0.2			300	600	1400		

NOTES:
1. For design speeds greater than 70 km/h, curve radii within the shaded box are only to be used in exceptional circumstances.
2. A plan transition (Lp) is not required if the calculated maximum offset (S) from the base control line is less than 300mm.
3. Lane widening is not required if the calculated widening is less than 200mm.
4. Adoption of 2.8, 3.0 and 3.25m lane widths is not recommended for design speeds of 80, 90 and 100 km/h respectively. 3.7m lane widths should only be used in exceptional circumstances.
5. S.S.D, I.S.D., O.S.D = Stopping, Intermediate and Overtaking Sight Distances.

\# Use is optional.

A Normal two-lane roadway with control on centreline.
B Two-lane roadway with control along one edge.
Four-lane roadway with control on centreline.
Two-lane roadway with climbing lane and control on the centreline of the basic two lanes.
C Multi-lane roadway with more than two lanes between the control and the edge of the travelled way.

TABLE 2.2.3 TRANSITION AND WIDENING OFFSETS

TYPE A (Control other than centre-line of normal two - lane roadway, refer Table 2.2.2)

Radius 90m - 140m

				SS			TS		TP		SC							
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70						
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.7	-1.3	0.3	2.0	3.7	5.3	6.7	7.0						
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.3	-4.3	-5.7	-6.7	-7.0						
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						0	.04	.30	.56	.68							
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.22	.45	.67	.90							
			3.0				0	.17	.35	.53	.70							
			3.25				0	.15	.30	.45	.60							
			3.5				0	.10	.20	.30	.40							
			3.7*				0	.07	.15	.23	.30							

Radius 160m - 220m

				SS			TS		TP		SC							
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70						
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.7	-1.3	0.3	2.0	3.7	5.3	6.7	7.0						
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.3	-4.3	-5.7	-6.7	-7.0						
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						0	.03	.20	.37	.40							
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.20	.40	.60	.80							
			3.0				0	.15	.30	.45	.60							
			3.25				0	.12	.25	.38	.50							
			3.5				0	.07	.15	.23	.30							
			3.7*				0	.05	.10	.15	.20							

Radius 240m - 320m

				SS			TS			TP			SC					
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90				
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.7	-1.8	-0.5	0.8	2.0	3.3	4.5	5.8	6.7	7.0				
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.3	-4.5	-5.8	-6.7	-7.0				
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						0	.01	.07	.25	.43	.49	.50					
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.12	.23	.35	.47	.58	.70					
			3.0				0	.08	.17	.25	.33	.42	.50					
			3.25				0	.07	.13	.20	.27	.33	.40					
			3.5				0	.03	.07	.10	.13	.17	.20					
			3.7*	WIDENING NOT REQUIRED														

Radius 340m - 440m

				SS			TS			TP			SC					
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90				
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.8	-1.9	-0.8	0.4	1.5	2.6	3.7	4.9	5.8	6.0				
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-2.0	-3.2	-3.9	-4.9	-5.8	-6.0				
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						0	.01	.06	.20	.34	.39	.40					
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.12	.22	.35	.47	.58	.70					
			3.0				0	.07	.13	.20	.27	.33	.40					
			3.25				0	.05	.10	.15	.20	.25	.30					
			3.5	WIDENING NOT REQUIRED														
			3.7*															

* To be used in exceptional circumstances only

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TABLE 2.2.3 (Continued)
TYPE A (Control other than centreline of normal two - lane roadway, refer Table 2.2.2)

Radius 460m - 550m

				SS			TS			TP			SC		
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90	
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.8	-1.9	-0.8	0.4	1.5	2.6	3.7	4.9	5.8	6.0	
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.2	-3.9	-4.9	-5.8	-6.0	
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						0	.01	.04	.15	.26	.29	.30		
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.10	.20	.30	.40	.50	.60		
			3.0				0	.07	.13	.20	.27	.33	.40		
			3.25				0	.05	.10	.15	.20	.25	.30		
			3.5	WIDENING NOT REQUIRED											
			3.7*												

Radius 600m - 700m

				SS			TS			TP			SC		
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90	
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.8	-2.0	1.0	0.0	1.0	2.0	3.0	4.0	4.8	5.0	
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.3	-4.0	-4.8	-5.0	
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						OFFSET NOT REQUIRED								
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.10	.20	.30	.40	.50	.60		
			3.0				0	.07	.13	.20	.27	.33	.40		
			3.25				0	.05	.10	.15	.20	.25	.30		
			3.5	WIDENING NOT REQUIRED											
			3.7*												

Radius 750m - 900m

				SS			TS			TP			SC		
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90	
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.8	-2.1	-1.2	-0.4	0.5	1.4	2.2	3.1	3.8	4.0	
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.2	-3.5	-3.9	-4.0	
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						OFFSET NOT REQUIRED								
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.10	.20	.30	.40	.50	.60		
			3.0				0	.07	.13	.20	.27	.33	.40		
			3.25				0	.05	.10	.15	.20	.25	.30		
			3.5	WIDENING NOT REQUIRED											
			3.7*												

Radius 1000m - 3000m

				SS			TS			TP			SC		
DISTANCE FROM SS				10	0	10	20	30	40	50	60	70	80	90	
SUPER TRANSITION	CROSS-FALL %	OUTSIDE OF CONTROL		-3.0	-2.8	-2.3	-1.5	-0.8	0.0	0.8	1.5	2.3	2.8	3.0	
		INSIDE OF CONTROL		-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	-3.0	
PLAN TRANSITION AND WIDENING	OFFSET TO TRUE CONTROL						OFFSET NOT REQUIRED								
	WIDENING PER LANE	NOMINAL WIDTH	2.8				0	.08	.17	.25	.33	.42	.50		
			3.0				0	.05	.10	.15	.20	.25	.30		
			3.25				0	.03	.07	.10	.13	.17	.20		
			3.5	WIDENING NOT REQUIRED											
			3.7*												

Roads and Traffic Authority, N S W.

* To be used in exceptional circumstances only

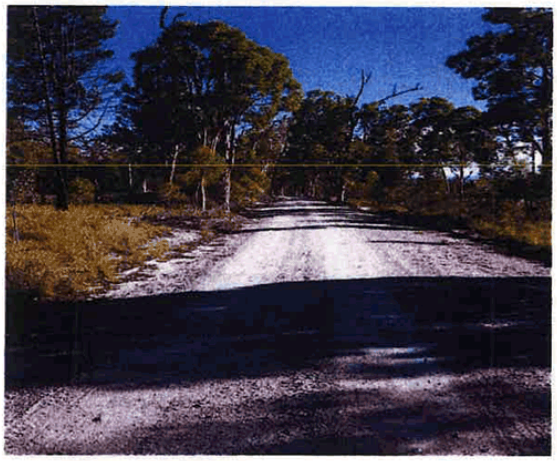
Current Roadway Assessment

Assessment of the capacity of a road suitability to carry traffic is based on a number of factors, some of which are listed below. The list is not comprehensive as further development of the road suitability would involve survey and pavement and subgrade testing which is outside the scope of this assessment, however each of the following categories has the potential to result in a further downgrading of the vehicle capacity assessed

- **combinations of vertical and horizontal geometry ,**
- **pavement width,**
- **restrictions from infrastructure (ie grids) and**
- **drainage structure clearances**

The intersection of Adams Scrub Road with the Gwydir Highway is a bitumen sealed rural road intersection suitable only for low traffic volumes turning onto the Gwydir Highway. There is intersection widening or turning lanes provided on the Gwydir Highway at the intersection.

West of the bitumen sealed intersection, the road is a gravel road varying between 3.5 metres with 0.5 metre wide shoulders and 4 metres wide with 0.5 metre wide shoulders. Clear zone on the gravel section of the road in many locations is less than 1 metre.



There are four grids in the designated area. The grids have a trafficable width of 3.0 metres and an overall operational width of 4.0 to 4.5 metres

Assessment of Drainage Structures and Flood Immunity

Drainage and flood immunity of the section of road was not assessed, however local information indicates that the roadway frequently becomes impassable for short durations after significant rainfall, estimated to be ARI 1.

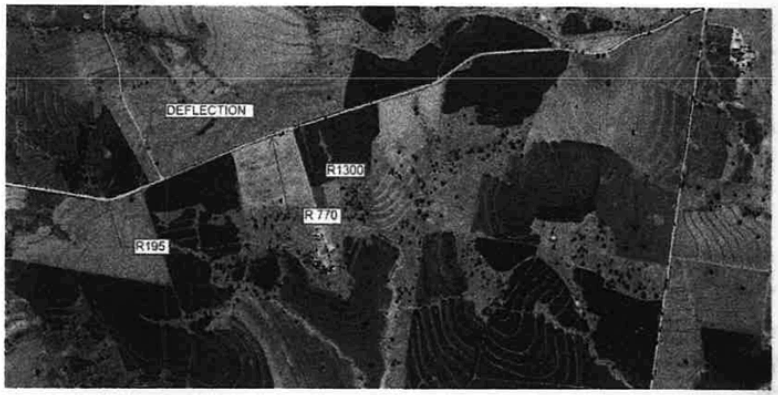
Drainage structures consist of old RCP and RCBC components without adequate pavement cover to meet current loading requirements. The structural capacity of the components of this age would not meet current road design requirements if they were in good condition, and there is evidence that pipes and box culverts are cracked and suffering from corrosion.

Frequency of loading and weight of applied loads will affect the life of these structures, with an accelerated deterioration to be expected

Width of pavement over the culverts in the assessment zone do not have adequate width between headwalls to allow for vehicles to pass, requiring advanced warning of the single lane operation to meet the Austroads signing requirements.

Road Geometry Assessment

An assessment of the existing road geometry has been undertaken using Arial photography. The assessment below is based on horizontal geometry and makes no allowance for the vertical geometry



Assessment of the design speed in accordance with Austroads is contained in the following table

Refer to attached map		Assumes seal surface	
Curve Number / Alignment Feature	**Curve Radius**	**Design speed km**	**comment**
1			
2	R -45	< 50	
3	R 17	< 35	
4	R -250	80	
5	R -440	90	
6	R 280	80	
7	R -365	90	
8	R 315	80	
9	R -475	100	
10	R 360	90	
11	R - 350	90	
12	R 250 to R 280	80	
13	R -510	100	
14	R - 250	80	
15	DEFLECTION		No more then 1.5 deg
16	R250	80	
17	R 1300	130	
18	DEFLECTION BETWEEN CURVES?		No more then 1.5 deg
19	R -770	120	
20	DEFLECTION LEFT		No more then 1.5 deg
21	R 195	70	

22	R -125 COMPOUND OR SHORT STRAIGHT BETWEEN CURVE 22 & 23 ?	60	
23	R - 240 COMPOUND ?	80	
24	R 95 TO R100	60	
25	R 150 TO R 160	65 to 70	
26	R -150	65	
27	R 85	50	
28	R -280	80	OFF ROAD SCRUE
29	R 180	70	OFF ROAD SCRUE
30	R - 64	50	OFF ROAD SCRUE

Combinations of Vertical and Horizontal Geometry

Several sections of the road geometry do not meet the curve design speeds nominated in the table above due to the combination of horizontal compound curves on crests where available sight distance is below the Austroads requirements

This occurs at curve No xxx where sight distance is severely restricted due to the vertical alignment where the crest of the road obscures a compound curve over the crest on approach to a grid. This would reduce the design speed of this curve from xxx to 60 kph.

Sight distance required under Austroads standards for roads in good condition is stipulated under figure 5.4. The severe curve radius of 300 metres requires approximately 200 metres of clear sight distance. Most curves on Adams Scrub Road do not provide the required sight distance. The sight distance requirements are based on a roadway with conforming pavement widths and profile.

Table 7.1: Maximum decrease in speed value between geometric elements for low and intermediate speed rural roads

Geometric feature	Reverse curves Tangent to curves		Compound curves
	Desirable max	Absolute max[1]	
All roadways except downgrades in the hatched area of Figure 7.1	10 km/h	15 km/h[2,4]	5 km/h
Downgrades in the hatched area of Figure 7.1 between 6% and 8% slope	8 km/h	12 km/h[2,3]	4 km/h
Downgrades in the hatched area of Figure 7.1 above 8% slope	6 km/h	[2,3]	3 km/h

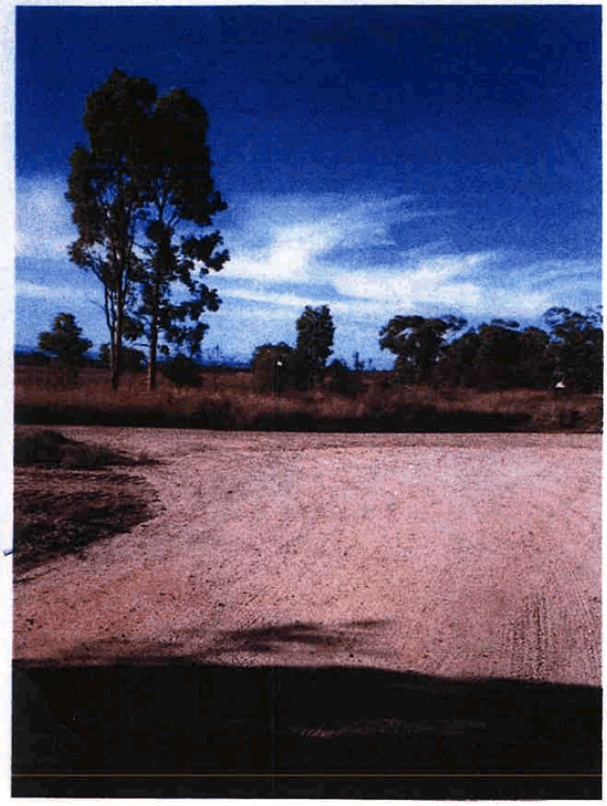
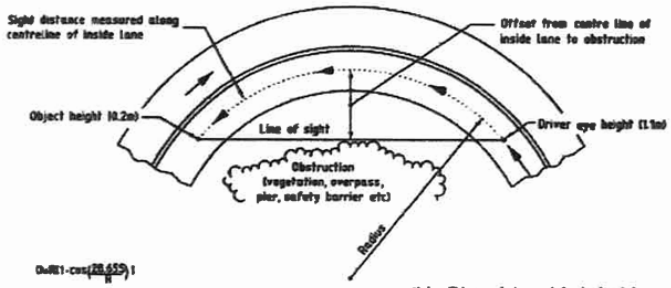


Figure 5.4: Line of sight on horizontal curves



$$D = R\left[1 - \cos\left(\frac{28.65S}{R}\right)\right]$$

$$S = \frac{R}{28.65}\left[\cos^{-1}\left(\frac{R-O}{R}\right)\right]$$

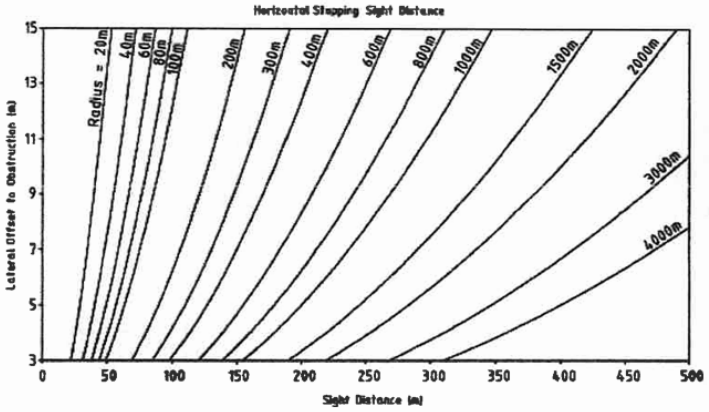
Where:
R = radius in metres (of the centre of the inside lane)
S = sight distance in metres
O = offset in metres

Note:
Use this formula only when S < the length of the circular curve. Angles in degrees

Notes: This graph is used for horizontal sight restrictions only.

Eye position is in the centre of the lane for cars;
1.15m from right-hand edge of lane for trucks turning left;
2.85m from left-hand edge of lane for trucks turning right.

To determine offset for truck:
1. Use stopping sight distance for truck and radius of centre of lane to calculate offset
2. Subtract 0.30 from the value obtained in step 1 for truck turning left.
3. Add 0.55 to the value obtained in step 1 for a truck turning right.



Pavement Width and Condition

Assessment of the pavement using pavement analysis models, ie Circlyq was not undertaken as pavement profiles were not available, so comments are restricted to observation.

Generally the pavement width varies from 3.5 metre sealed carriageway to 5 metres carriageway. Sections of the sealed section adjacent to the intersection of the highway are 3.5 metre bitumen sealed carriageway with varying sealed shoulders in the order of 0.5 metres either side.

The gravel road sections vary from 4 metres to 5.5 metres with gravel shoulders varying from 0 to 0.5 metres either side.

The roadway structure consists of a natural ridge gravel of significantly varying grading and atterberg properties. The gravel fines consist of high plasticity granite origin . the pavement has been constructed on black soil which exhibits very high linear shrinkage with variable moisture contents and CBR values that are characteristically as low as 2 when saturated. Susceptibility to moisture ingress and rapid strength loss after rainfall would result is high pavement deformation (rutting), particularly under high numbers of truck and semi movements.

The high plasticity characteristics of the pavement gravel would result in a pavement with little skid resistance affecting manoeuvrability of vehicles. This when combined with the narrow profile and relatively unstable shoulders would result in difficulties for users in anything other than single lane operation.

Assessment of Geometric Alignment Compliance to Austroads Standards

Table 4.5: Single carriageway rural road widths (m)

Element	Design AADT				
	1–150	150–500	500–1000	1000–3000	> 3000
Traffic lanes[1]	3.7 (1 x 3.7)	6.2 (2 x 3.1)	6.2–7.0 (2 x 3.1/3.5)	7.0 (2 x 3.5)	7.0 (2 x 3.5)
Total shoulder	2.5	1.5	1.5	2.0	2.5
Minimum shoulder seal [2],[3],[4],[5],[6]	0	0.5	0.5	1.0	1.5
Total carriageway	8.7	9.2	9.2–10.0	11.0	12.0

1 *Traffic lane widths include centrelines but are exclusive of edge-lines.*
2 *Where significant numbers of cyclists use the roadway, consideration should be given to fully sealing the shoulders. Suggest use of a maximum size 10 mm seal within a 20 km radius of towns.*
3 *Wider shoulder seals may be appropriate depending on requirements for maintenance costs, soil and climatic conditions or to accommodate the tracked width requirements for Large Combination Vehicles.*
4 *Short lengths of wider shoulder seal or lay-bys to be provided at suitable locations to provide for discretionary stops.*
5 *Full width shoulder seals may be appropriate adjacent to safety barriers and on the high side of superelevation.*
6 *A minimum 7.0 m seal should be provided on designated heavy vehicle routes (or where the AADT contains more than 15% heavy vehicles).*

Austroads table 4.5 above stipulates widths for rural roads. Adams Scrub Road at the current level of service with 20 semi trailers each with an ESA of between 6 and 9 would result in an AADT of between 120 and 180 per day, without seasonal adjustment etc. The introduction of xxxx semi movements per day would equate to xxxxx ESA's per day and require a pavement profile of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

Vehicle skid resistance of a gravel road under adverse weather conditions, ie wet weather, will be reduced to 40 KPH, and as shown in table 3.5, the reduction for truck speeds reduces further to 34 Kph without a further reduction due to lane width deficiencies that currently exist.

Design Speed (km/h)	f	
	Cars	Trucks
40	0.3	0.21
50	0.3	0.21
60	0.24	0.17
70	0.19	0.14
80	0.16	0.13
90	0.13	0.12
100	0.12	0.12
110	0.12	0.12
120	0.11	0.11
130	0.11	0.11

Table 3.5: Car/truck speed relationship

Car speed (km/h)	40	50	60	70	80	90	100	110
Truck speed (km/h)	34	43	52	60	70	80	90	100

Conclusion

- The volume of traffic turning off the Gwydir Highway into Adams Scrub Road warrants turning lanes or pavement widening on the east and west bound without intersection tapers
- Pavement widths ard substandard for current traffic, and the introduction of high numbers of heavy transport semis at the frequency proposed would increase the frequency of conflict between opposing traffic movements. This is particularly critical at grid and drainage locations where there is insufficient width to operate opposing lanes of traffic
- Road geometry does not meet any current standards. Heavy transport semis on the existing road alignment results in semis crossing onto the opposing lane when negotiating curves. Increased frequency of semis travelling in opposing directions will result in a higher incidence of lane conflict. The introduction of curve widening will not resolve these conflicts as the small radius curves do not provide for sufficient area to realign or curve widen the road at pinch points
- The current pavement structural profile will not support increased traffic volumes.
- Curve radius and speed assessment cannot be relied upon in determining the speed environment. The curve speed assessed assumes conforming roadway profile and geometry. The design speed taking these factors into account based on the road's current condition is assessed at somewhere between 30 to 40 kph with many sections designated as one way only at conflict points.

Response to Gwydir Shire Council Request for Additional Information DA3/2020

Prepared by: Robert J Swain
"Gullbraith"
Delungra NSW 2403
Your Reference: DA3/2020:20/8487: kag: kag
Date: 6/5/2020

Executive Summary:

This proposal is for a quarry with the primary purpose of providing road gravels for public road maintenance. The gravel that is supplied from the quarry is necessary as other sources are depleted or uneconomical. Having a source of gravel that is cost effective and primate to the maintenance site actually reduces dust and noise. This response addresses the detail of the objections to our proposal and provides clarity over the impact to property owners.

Objection #1 was provided as an anonymous submission. Anonymous submissions obscure likely conflicts of interest and commercial reasons for objection, and puts the applicant at a disadvantage as it provides no context to prepare a complete response. There is no right to anonymity under NSW planning legislation or guidelines and Council is under obligation to provide the details of the complainant which they have failed to do. Further, the consultant's report was prepared for another D.A. at the other end of the 17km road. It is out of date, incomplete with regards this matter and irrelevant to it. Based on these facts, objection #1 and its report should be disregarded. Regardless, comments responding to and rebutting its claims follow in the detail of this report.

With regards the other, genuine objections, we have addressed their comments below as they misunderstand the intent and impact of the proposal. The proposed quarry has no significant net affect truck movements as council will still have to maintain and refurbish the road into the future and will haul the same amount of material regardless of the source. Private use of the quarry would be a minor contribution to the traffic. As a result, the movements will happen over a relatively short period when Council is working on the road. The negligible dust and noise will happen whenever trucks cart gravel from any pit and is ameliorated by the use of watercarts as standard practice. Gravel supply is essential for road maintenance, including maintenance of the roads servicing the objector's premises. This proposal merely proposes new supply locations to reduce the travel and overall cost to Council.

Objection 1:

Preamble: Anonymous objections, while allowed by council do not give developers or council the ability to be objective as, if the objector is a rival or alternative business then it is only a vexatious objection. As an example, if the objector had a quarry on their property, they wish to promote, then that objection to council would be vexatious.

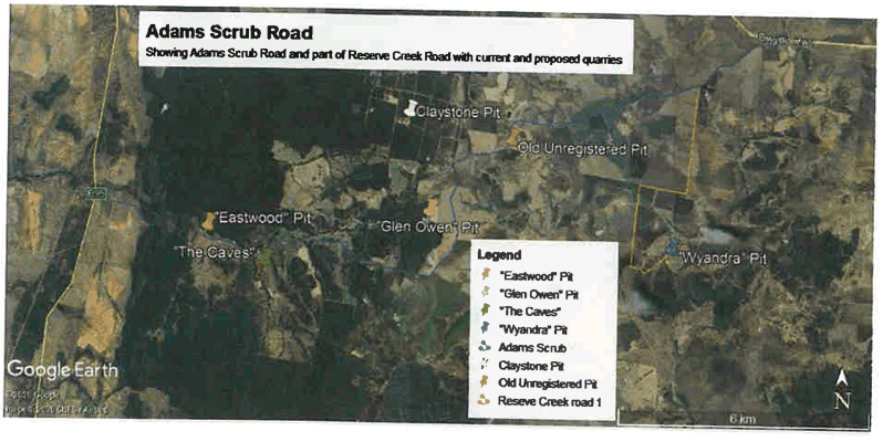


Figure 1: Pit locations and roads involved

Point 1: Adams Scrub Road is approximately 23 kilometres long, but the engineers report only addresses the road condition for the first 13 kilometres (see engineers report "Road Geometry Assessment"). From the entrance to "Ford End" House to Allan Cunningham's Way (approximately 16 kilometres), the structure and foundation of the road is stable as the geology is based on sedimentary sandstone and mudstone shale (Trap) both of which are excellent substrate geology for roads. So, most of the road is stable and a section in "Glen Owen" that has broken down is to be resheeted before the end of the financial year with water donated from me to facilitate the work

Figure 2: Deteriorated road in "Glen Owen"

Figure 3: Further deterioration in "Glen Owen"

Figure 4: Figures 2,3 and 4 show the poor condition of the road in "Glen Owen" which is to be resheeted before June 2020

Adams Scrub Road is of poor structure and foundation for most of the distance as stated in the consulting engineers report however, in 2019 council resheeted the worst section from Koloona to the first ramp (6.2 Kms) with Mudstone shale which has generated less dust and corrugations than the previous inferior material. The new surface has had little to no maintenance but has withstood the local traffic plus Heavy vehicle movements during Summer and Winter Harvests without serious deterioration.

Figure 2: Part of the resheeted section of road which has stood up to local traffic with virtually no maintenance

Point 2

There are five existing quarries on Adams Scrub Road and two on Reserve Creek Road. The relevant quarries on Adams Scrub Road are on "Eastwood", "The Caves", "Glen Owen" (Taylors Pit), the Claystone Pit and Taylors unregistered pit. The two pits on Reserve Creek Road are the Wyandra Pit and a pit near Myall Creek in Inverell Shire which is not relevant to this discussion. (See Map 1 for visual locations)

"Eastwood" Pit is excellent mudstone shale gravel and was used to resheet two sections of Adams scrub Road including the section from the Gwydir Highway to "Ford End". Unfortunately, it is at the end of its economic life as hard rock bars are spoiling its quality and cost-effective extraction. This pit has a 5-year approval limit as does the pit on "Glen

Owen". As I opened the pit and have extracted gravel from it till now, I speak with authority on this, so gives two reasons for my application.

"The Caves" is the proposed Pit to supply council an alternative long-term choice to acquire gravel for Adams Scrub Road and is material of similar quality to "Eastwood's". It has ample material for the maintenance or reconstruction of Adams Scrub Road and roads within an economically feasible distance, into the future.

"Glen Owen's" gravel is difficult to extract (therefore expensive) and very prone to wash and dust. It is overall not an economic or durable choice for Adams Scrub Road. I extracted gravel from this pit several years ago and apart from the initial layers it was almost impossible to rip and requires considerable track rolling to break up the large pieces. Council also put a life limit of 5 years from approval on this pit, so it has no long-term benefit for future maintenance and repair of Adams Scrub Road

Figure3: Dust generated by car on older gravel from "Glen Owen"pit

Figure4: Dust generated on the new resheeted section using shale. Figures 3 & 4 taken within minutes of each other at 70kph

The "Claystone" Pit is for sand extraction and is totally unsuited to maintenance of Adams Scrub Road

The Unregistered pit was used by council years ago for resheeting but was deemed unsuitable and was closed by the owners

Wyandra pit is excellent fine granite gravel but the distance (Around 7.4 kilometres to reach Adams Scrub Road junction) to haul it to the western end of the road makes it prohibitive to use but it could be utilised if the council tars the road. It is also more expensive per meter loaded than shale.

Point 3

In describing the pits above I have outlined my reasons for the establishment of my pit. In my experience (20 plus years of gravel extraction) there are two major factors in gravel use on shire roads, extraction/royalty costs and haulage cost. The cheaper the extraction/royalty and haulage, the greater distance of road resheeting, so pits with quality durable gravel that lasts with minimal upkeep and add to ratepayer satisfaction are needed

Point 4

The school bus issue is relevant as the school bus traverses the worst part of Adams Scrub Road from the "Ford End Ramp" to "The Ranch" and the sooner it is refurbished and resheeted, the better for the bus driver, local residents and the children who travel on the bus. It does not matter whether gravel is used from my proposed pit or "Wyandra" Pit that section of road is dusty, rutted and dangerous. See Figures 5 & 6

Figure 5: Badly degraded section of the schoolbus route

Figure 6: More degraded schoolbus route

Point 5

Mudstone shale is excellent material that withstands traffic, is less dusty and not as prone to corrugations compared to almost all other gravel. It is also cost effective when compared to granite that has higher winning costs and generally higher royalties. Depending on substrate and thickness it can handle increased numbers of heavy trucks (Skorseth and Selim 2000)

Point6

Noise levels from trucks are present now from stock trucks, grain trucks and farm machinery, so council work on the road for intermittent periods once every few years should be of little consequence. Dust is covered above.

Point 7

As the generation of dust has diminished because of the use of mudstone shale watering should be unnecessary except for homes close to the road during council resheeting. The council usually does this anyway

Point 8

Most trucks avoid using the road during school bus times so I would welcome limiting operating hours if it applied to **ALL** heavy vehicles using the road. It would be a tragedy if any child were injured or killed by a gravel truck, stock truck, harvest truck or farm machinery.

Objection 2

Traffic volume for the road will only be minimally increased as the proportion of gravel being carted for the road would equate to around an extra 280 movements per annum if council spread 7000 metres to the Highway end of the road and 120 movements per annum if 3000 metres was spread to the Allan Cunningham Way end of the road. As council only allocates resheeting money intermittently truck movements would be of short duration and up to three years apart.

This would be far less than current harvest and general cartage movements.

Since the section from the Gwydir Highway to "Ford End "has been resheeted dust has been reduced and the pavement widened. See Point 4 in Objection 1 that addresses the issue of the School bus route.

Council usually waters the road for residents close to the road when resheeting.

Since resheeting, the black soil has posed no problem and the section with that problem is to be resheeted before June. The broken-down section in "Glen Owen" is not on the school bus route

Objection 3

The house close to the road near Scrub Creek is not occupied at present and the extra movements equates to one truck every three days or 120 movements per annum. (see objection 2 for further explanation)

Actual Pit activity will have no effect on noise as decibel readings near the house were on average 22 with no pit activity. When the pit was being worked the decibel reading was a barely discernible increase to 25. Dust will be negligible from trucks and pit working, as the general breezes come from the west further dissipating dust and noise. Wildlife in the area are already affected by "edge effect" from the road. The intermittent nature of the truck movements and quarry activity will only disturb wildlife for short durations with little consequence. Amphibians and reptiles seem to be most affected and avoid roads (Fahrig and Rytwiski 2005).

As trucks will not be operating at night, light penetration would not be a problem and once noise drops to 40 decibels species richness and abundance is not affected. (Pocock and Lawrence 2005).

Further comments on the consultant's report:

It should be noted that this report was prepared to use for an objection to another D.A., so it is now obsolete and largely irrelevant. The proposed pit is over 10 kilometres from the above D.A. adding to the report's irrelevance.

Unfortunately the consultants document only assesses half of Adams Scrub Road so it falls short of a complete report and if completed for whole road would show that work done by council in the past 12 months has widened and replaced a culvert near the property "Cavanbah " and installed pipes and realigned the road adjacent to "Pine Hills". In addition to that 6 kilometres from "Eastwood" to "Alkira" and a further 9 kilometres from the Gwydir Highway to "Ford End" has been resheeted. This has improved the road to where the resheeted sections could withstand an increase in traffic, and with the addition of my quarry further progress can be made on the road. In the last 2 months the Taylor family have improved and widened the curve at the entrance to "The Ranch" facilitating all traffic movements.

While I agree with many of the conclusions; bringing Adams Scrub Road up to Ausroad standards is beyond both the financial and practical means of the council. This applies to many other roads in the shire so council can only upgrade roads slowly and within its means.

Conclusion:

The consultant's report was prepared for another D.A. some distance away and should be discarded.

Anonymous objections leave development applicants at a disadvantage if there are conflicts of interest or commercial reasons behind the anonymity.

One pit is running out of material with less the 3 years DA life, another pit has inferior gravel and less than 3 years before the DA expires. One pit is no longer in use and the other pit was opened for a different purpose and to suggest its use for the road is naïve at best.

With or without the proposed quarry truck movements will not be less as council will still have to maintain and refurbish the road into the future. The negligible dust and noise will happen whenever trucks cart gravel from any pit

Council waters the road during road maintenance for dwellings close to the road so the minimal dust and noise will still be present whichever quarry is used by council

Most of the problem areas of the road have been addressed by council or will be by the end of the financial year. I hope the school bus route can be repaired soon

Thank you

Bob Swain BZool (Animal Ecology)

References

Fahrig L. and Ritwinski T. 2009. Effects of roads on animal abundance: an empirical view and synthesis. Ecology and Society 14(1):21

Pocock Z. and Lawrence R. 2005.How far into the forest does the effect of a road extend? Defining road edge effect in eucalypt forests of South East Australia.

Skorseth K .and Selim A. Ph.D. 2000. Gravel Roads: Design and Maintenance Manual. US Department of Transportation

Attachment 2 – Draft Schedule of Conditions

PART A - GENERAL

1. Obligation to Minimise Harm to the Environment

The Applicant/Owner/Operator shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the operation and/or rehabilitation of the development.

2. Scope of Approval

i. The Applicant/Owner shall carry out the development generally in accordance with:

a) DA No 03/2020;
b) Conditions of this consent; and
c) The following documents & plans

Item	Council's Stamp No/Date	Drawing/Job No	Drawn by	Dated
Site Plan	03/2020 - TBA	Sht's 2/2	Robert Swain	03/11/2020
Statement of Environmental Effects	03/2020 - TBA	Sht's 8/8	Robert Swain	January 2020
Threatened Species – Test of Significance	03/2020 - TBA	19/367 – Sht's 38/38	SMK Consultants	November 2020
Bushfire Management Plan	03/2020 – TBA	Sht's 2/2	Robert Swain	-

ii. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.

3. The Applicant/Owner/Operator shall comply with any reasonable requirement/s of the Council or authorised Officer of Council arising from the Council's assessment of:

a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent; and

b) The implementation of any actions or measures contained in these reports, plans or correspondence.

4. Limits on Production

To confirm and clarify the terms of this approval, consent is given for the following;

a. The Applicant/Owner shall not extract and/or transport more than 15,000 cubic metres of material, including gravel, overburden and tailings from the development site in any year.

b. This consent expires 15 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first.

c. The Applicant shall not import material, other than additive type products, onto the site, without prior consent.

d. The Applicant shall notify the Council, within three (3) months of the end of the calendar year, the audited total quantity of material quarried, transported by public road and provide details of final output in terms of product.

5. Limits on Area

The Applicant/Owner shall not develop/extract material from outside the areas as detailed in the Site Plan.

6. To confirm and clarify the terms used in this approval, the following definitions are provided:

"***Extraction Operations*** *means the removal of overburden, the extraction, processing, handling, storage of extracted material onsite and the transportation of extracted material off site in relation to this consent*"

7. Only the plant and equipment detailed in the EIS shall be used in the carrying out/operation of the development, namely:

- Truck or Truck and Dog Haulage Vehicles (loaded /unloaded)
- Front End Loaders
- Excavators
- Light service vehicles

8. Quarry Operator

The applicant/proponent/owner of the quarry site shall enter into an agreement with Gwydir Shire Council that restricts the supply of material extracted from the quarry for use by Gwydir Shire Council, exclusively. This agreement shall include an exemption which allows for the owner of the property to continue to extract material for use on internal farm roads and other on farm infrastructure. The agreement must be established prior to the commencement of operations at the quarry site.

Reason: To ensure road safety along Adams Scrub Road due to the existing narrow pavement and causeways with limited site distance, that the increase in heavy vehicle traffic on a regular basis would exacerbate.

9 Controlled Drainage Area

An independent assessment of the existing controlled drainage area is required to be undertaken at the proponent's expense. The assessment is necessary to ensure that the existing controlled drainage area, consisting of three existing contour banks/swales, a sediment sump and a harvestable right dam, have an adequate capacity to prevent failure and the contamination of Scrub Creek should a 24 hour, 1 in 100 year storm event occur. The assessment must be conducted by a suitable qualified independent professional and is to be provided to Council prior to the commencement of quarry operations.

All additional mitigation measure identified by the assessment shall be implemented by the proponent prior to the commencement of quarry operations, at the proponent's expense.

Reason: To ensure the protection of the riparian area along Scrub Creek and the contamination of water, either by sediment or chemical residue entering the local water supply system.

10. Vegetation Management/Clearing - not requiring a development consent

Under the Biodiversity Conservation Act 2016, prior to undertaking any vegetation management/removal on rural lands which fall outside of the allowable activities or the Land Management Code of Practice as prescribed by the Local Land Services Act - a Biodiversity Assessment Report (prepared by an accredited assessor) may be required to be submitted to the Native Vegetation Panel for assessment.

For further information see attached LLS guideline "Allowable Activities for Landholders" and/or visit www.lls.nsw.gov.au and /or contact LLS – North West Region on 02 6790 7600 (Narrabri) or 02 6750 9000 (Moree).

Reason: To secure sustainable vegetation management whilst preserving the native ecological systems, habitat, flora and fauna for the region.

11. Change of Building Use

Any change of use/classification in relation to the use of the building or site shall not be made until approval in writing by this Council is first obtained.

12. Compliance

a. The Applicant must put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

b. The Applicant must be responsible for the works the subject of this consent and the environmental impacts that may result from those works, and must put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.

c. Prior to the commencement of each of the events listed from a) to b) below, or within such period as otherwise agreed by Council, the Applicant must certify in writing, to the satisfaction of the Council, that it has complied with all conditions of this consent applicable prior to the commencement of that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Council, stage the submission of compliance with conditions certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:

a) construction of the development; and
b) operation of the development.

d. Notwithstanding condition 10c. (above) of this consent, the Council may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Council and be submitted within such period as the Council may agree.

13. ***Heritage and Archaeology***

Impact of Works – Aboriginal Relics

If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact the Department of Environment Climate Change and Water and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *National Parks & Wildlife Act 1974* may be required before further works can be considered in that area. The applicant shall comply with any request made by the Department of Environment & Heritage and/or Council to cease work for the purposes of archaeological recording.

14. **Rural Addressing**

The applicant/owner shall make application for a separate Rural Address number/s for the quarry in order to accurately direct emergency services. The application shall be accompanied by the requisite fee to Council's GIS Officer.

15. **Mining Lease**

The Applicant/Owner shall, prior to the commencement of any work on the site of the proposed quarry, make contact with/obtain from the Department of Primary Industries, all statutory approvals, leases and licenses required under the Mines Act 1992. Within thirty (30) days of receiving a license or approval, the Applicant/Owner shall furnish copies to Council.

16. **Protection of Public Infrastructure**

The Applicant/Owner shall:

a) Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

17. **Haulage Movement Plan**

A haulage movement plan for materials leaving and returning to the quarry must be provided for movements exceeding 10 individual heavy vehicle trips per day. Any adjustment to the haul routes must be submitted to Council prior to the change of haul route.

PART A – HEALTH

1. **Hours of Operation**

The hours of operation are restricted to the following:

Activity	Monday to Saturday	Sunday	Public Holidays
Loading of trucks to haul produce	7:00am to 6:00pm	Nil	Nil

Light Vehicle traffic associated with employees, or light service vehicles entering or leaving the site	24 hours a day		
Maintenance of plant and equipment including repairs/alterations to processing equipment and unloaded test runs	7:00am to 6:00pm	Nil	Nil
Operation of associated equipment with the confines of the excavated quarry area	7:00am to 6:00pm	Nil	Nil
Operation of loaders, excavators, trucks and equipment within the property	7:00am to 6:00pm	Nil	Nil
Exceptional circumstances – all crushing, loading and product haulage activities within the site to enable manufacture and delivery to high priority ARTC projects only.	24 hours with written notification and approval from Gwydir Shire Council and the Environment Protection Authority and notification of affected residents		

Note: Any requirements for extended work hours to service short term increases in demand shall not be undertaken without prior Council approval and the notification of effected residence.

2. All covered outdoor areas that permit smoking must comply with the *Smoke Free Environment Act, 2000* and the *Smoke Free Environment Amendment (Enclosed Places) Regulation, 2006.*

PART A - BUILDING

1. Structural Adequacy

The Applicant shall ensure that all new buildings, structures, and transportable buildings/structures are constructed in accordance with the relevant requirements of the BCA.

Notes:
- *Under the EP&A Act, the Applicant/Owner is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.*

PART B – PRIOR TO COMMENCEMENT OF WORKS

1. Environmental Management Plan

1. The Applicant/Owner shall prepare and implement an Environmental Management Plan for the development which will govern the quarries construction, operation and rehabilitation. This Plan must:

   a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;

   b) Identify the statutory requirements that apply to the development;

c) Describe in general how the environmental performance of the development would be monitored and managed;

d) Describe the detailed procedures that would be implemented to:

- Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
- Receive, handle, respond to, and record complaints;
- Resolve any disputes that may arise during the course of the development;
- Respond to any non-compliance;
- Education of contractors and employees;
- Manage cumulative impacts;
- Response to emergencies;
- Manage waste;
- Prevent damage to vegetation outside the quarry sites;
- Manage the discovery unexpected Aboriginal Heritage;
- Manage weeds and vegetation;
- Manage traffic onsite and offsite;
- Manage pollution incidents
- Manage rehabilitation

e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.

f) Include a site layout and the following strategies, protocols, procedures and management plans (including all the management and mitigation measures stated in the EIS and Attachments as submitted as with the Development Application DA 29/2019 in September 2019:

- Noise Management Plan/Strategy
- Air Quality Management Plan
- Soil and Water Management Strategy including an Erosion and Sediment Control Plan
- Rehabilitation Management Plan – Rehabilitation Strategy
- Pest and Weed Management Strategy
- Cultural Heritage Management Strategy including Unexpected Finds Protocols, training and reporting processes
- Bushfire Management Strategy
- Emergency Evacuation Plan
- Traffic Management Plan including a Driver Code of Conduct
- Waste Management Strategy
- Pollution Incident Response Plan
- Weeds and Pest Management Strategy
- Incidents and Complaints Procedure
- Records and Reporting Management Strategy

2. The Applicant/Owner shall not carry out any development at the development site before Council has approved the Quarry Environmental Management Plan referred to in Condition B1.1.

3. Within 14 days of receiving Council approval for the environmental management plan, the Applicant/Owner shall;

   a) Send copies of the approved environmental management plan to the relevant agencies, and

   b) Ensure the approved environmental management plan is publicly available.

2. Access Road Requirements

The intersection of the quarry access road and Adams Scrub Road is to be upgraded to Austroads standard, prior to the commencement of quarry operations. Guidance regarding the Austroad standards to be met can be obtained from Council's Technical Services Department.

3. Haulage Routes

The use of all unsealed roads must be avoided during adverse weather conditions.

4. Workcover

The Applicant/Owner's attention is drawn to the Workcover Authority's requirements under the Factories, Shops and Industries Act 1962, particularly in respect to amenities. It is recommended that the Workcover Authority be consulted to ensure requirements will be complied with prior to commencement of activities.

5. Surface Water Management

Run-off and erosion controls must be implemented before extraction and stockpiling to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land and into nearby watercourses. Some measures are listed below, this list is not comprehensive and all measure as necessary should be implemented to prevent clean surface water entering and contaminated water escaping the quarry site:

a) construction of a controlled drainage area around the quarry footprint;
b) divert uncontaminated run-off around cleared or disturbed areas;
c) capture contaminated runoff from the quarry in a sediment dam of an adequate size;
d) erect a silt fence to prevent debris escaping into drainage systems or waterways,
e) prevent tracking of sediment by vehicles onto roads,
f) stockpile topsoil, excavated material and debris within the a controlled drainage area.
g) construction of the sediment pond to the relevant standards.

6. *Advisory Note 1*

Dial before you Dig

Underground assets may exist in the area that is subject to this application. In the interests of health and safety and in order to protect damage to third party assets

please contact Dial before you Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you Dig service in advance of any construction or planning activities.

12. ***Advisory Note 2***

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

13. ***Advisory Note 3***

Disturbance or Impact on Telecommunications Infrastructure

1. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing.

2. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

PART C – DURING OPERATIONS

1. Operation of Plant and Equipment

The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:

a) Maintained in a state of sound mechanical repair; and

b) Operated in a proper and efficient manner

2. Bunding and Spill Management

The Applicant/Owner shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with;

a) All relevant Australian Standards; and

b) The EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management.*

In the event of an inconsistency between the requirements listed in a) and b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

3. Transport & Traffic

3.1 Road Works

i) The Applicant/Owner shall ensure that all the road works associated with the development in the road reserve comply with current RMS and Austroads Design Standards, and the RMS's Quality Assurance Specifications.

ii) The Applicant/Owner shall bear all the costs associated with the design, survey, construction, upgrade, maintenance, and removal of any development in the road reserve.

iii) To ensure all works are completed in accordance with the appropriate specifications and approved plans compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- Final inspection of completed road works prior to commencement of quarry operations – including all disturbed areas revegetated.

3.2 Operating Conditions

a) The Applicant/Owner shall ensure that all vehicles, before they are allowed to leave the site, are cleaned of materials that may fall on the road.

b) The Applicant/Owner shall ensure that trucks operating on, entering and leaving the site that are carrying loads are covered at all times, except during loading and unloading.

c) All vehicles shall leave the site in a forward direction.

3.3 All heavy vehicles travelling to and from the quarry are to be driven at no more than 80km/hr during school bus times.

3.4 A heavy vehicle travelling to and from the quarry, following a school bus, must not overtake the school bus and therefore must remain behind the school bus until the school bus pulls off the road.

3.5 To comply with the Australian Road Rules relating to School Bus Speed Zones, a heavy vehicle travelling to and from the quarry must reduce speed to 40km/hr when a school bus is pulling over and has the flashing lights on. This requirement also applies to the heavy vehicles travelling in the opposite direction to the school bus

4. Waste Management

Except as expressly permitted by Council, the Applicant/Owner shall not cause, permit or allow any waste generated outside the development site to be received at

the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

5. Visual Impact

The Applicant/Owner shall carry out all practical measures to maintain existing natural vegetation screens to prevent and/or minimises the visual impacts of the development.

6. Lighting Emissions

1 The Applicant/Owner shall take all practicable measures to prevent and/or minimise any off-site lighting impacts including light spill and prevent contribution to sky glow from the development.
2 All external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting.*

7. Fire Management

The Applicant/Owner shall:

a) Ensure that the development is suitably equipped to respond to any fires on-site.
b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.

The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

8. Greenhouse Gas Management

The developer shall:

a. Implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and

b. Investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigation.

PART D – PRIOR TO COMMENCEMENT FOR QUARRY OPERATIONS

1. Compliance with Conditions

The increased use of the approved development shall not commence until such time as all conditions of this development consent have been complied with, failure to comply may make the applicant/developer liable to legal proceedings.

PART E – POST COMMENCEMENT

1. Operating Conditions

Dust

i. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

ii. The developer shall take appropriate measures to assist in the mitigation of potential dust nuisance which may arise including from vehicular movements on the subject site.

Maintaining of holding ponds

iii. All sedimentation sumps, sediment and holding ponds, evaporation ponds and associated drains must be maintained to prevent infiltration.

Activities must be carried out in a competent manner

iv. Development activities must be carried out in a competent manner.

This includes:

- processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

3. Site Rehabilitation

At cessation of the quarry operation or expiration of the consent the owner/operator shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the Rehabilitation Plan (s3.9 of Attachment 9 of the Environmental Impact Statement, dated August 2019, prepared by Groundwork Plus).

4. Environmental Management, Monitoring, Auditing and Report.

i Annual Reporting

The Applicant/Owner shall submit an Annual Environmental Management Report to the Council and the relevant agencies. This report must:

a) Identify the standards and performance measures that apply to the development;

b) Include a summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;

c) Include a summary of the monitoring results on the development during the past year;

d) Include an analysis of these monitoring results against the relevant:

- Impact assessment criteria;
- Monitoring results from previous years; and
- Predictions in the EIS

e) Identify any trends in the performance of the development shown by monitoring over the life of the development;

e) Identify any non-compliance during the previous year; and

f) Describe what actions were or are being taken to ensure compliance.

ii Complaints Procedure

Throughout the life of the development, the Applicant/Owner shall ensure that the following contacts are available for community complaints;

a) A telephone number on which complaints about the development may be registered;

b) A postal address to which written complaints may be sent; and

c) An email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site. These details shall also be provided on the Applicant/Owner's internet site.

iii Complaints Register

The Applicant/Owner shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

a) The date and time, where relevant of the complaint;

b) The means by which the complaint was made (telephone, mail or email);

c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;

d) The nature of the complaint;

e) Any action(s) taken by the Applicant/Owner in relation to the complaint, including any follow-up contact with the complainant;

f) If no action was taken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being taken; and

g) A sign shall be erected at the site boundary giving contact details.

The Complaints Register shall be made available for inspection by the Council or the Environmental Services Manager upon request. The Applicant/Owner shall

also make summaries of the Register, without details of the complainants, available for public inspection.

PART F – OTHER APPROVALS

There are no other approvals issued with this consent.

REASONS FOR CONDITIONS:

(a) to ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;

(b) having regard to Council's duties of consideration under *Section 79C(1) of the Environmental* Planning *and Assessment Act, 1979 (as amended)* as well as Section 80A of the Act which authorises the imposing of consent conditions.

(c) to protect the existing and likely future amenity of the locality;

(d) prevent, minimise, and/or offset adverse environmental impacts;

(e) set standards and performance measures for acceptable environmental performance;

(f) require regular monitoring and reporting;

(g) to protect the structure from bushfire and comply with Planning for Bushfire Protection 2006.

(h) provide for the on-going environmental management of the development;

(i) having regard to the circumstances of the case and the public interest; and

(j) to ensure compliance with the *Building Code of Australia* and referenced standards.