



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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Business Paper

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 30 JANUARY 2018

Cootamundra Office: Ph: 02 6940 2100

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The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Ordinary Meeting of the Council will be held in the Council Chambers, Gundagai on:

Tuesday, 30th January, 2018 at 6:00pm.

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

1. Open Forum
2. Acknowledgement of Country

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

3. Apologies
4. Disclosures of Interest
5. Confirmation of the Minutes (circulated separately):
 - Ordinary Meeting of Council held on 12th December, 2017, and
 - Extraordinary Meeting of Council held on 20th December, 2017.

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6 MAYORAL MINUTES

The Mayoral Minutes be received and noted.

So as to keep Councillors and the community aware of my engagements on behalf of Council I intend to provide regular updates through my Mayoral Minutes. These Minutes will also include copies of relevant correspondence received by me.

Friday, 8th December, 2017

Cr Dennis Palmer (Deputy Mayor) and I attended an introductory meeting with Cootamundra Local Area Command's Superintendent Christopher Schlitt.

I attended and presented an award at Gundagai High School's annual presentation ceremony.

Sunday, 10th December, 2017

I attended Carols by Candlelight held at Carberry Park, Gundagai.

Cr Leigh Bowden, on my behalf attended Carols by Candlelight held at Jubilee Park, Cootamundra.

Monday, 11th December, 2017

Cr Dennis Palmer (Deputy Mayor) and I attended a meeting with Assistant Commissioner Peter Barrie to discuss the impact of changes to the Local Area Command boundaries.

I attended and presented an award at Gundagai Public School's annual presentation ceremony.

Thursday, 14th December, 2017

Cr Dennis Palmer (Deputy Mayor), the General Manager and myself attended and presented an award at Cootamundra Public School's annual presentation ceremony.

Monday, 18th December, 2017

Cr Dennis Palmer (Deputy Mayor) and I attended a REROC at Wagga Wagga.

Friday, 12th January, 2018

I attended a meeting of the Stan Crowe Oval Users Group to observe works undertaken to date and to discuss the canteen fitout.

Tuesday, 16th January, 2018

I attended a Yarri and Jacky Bravery Award Nomination Meeting at Brungle.

Thursday, 18th January, 2018

The General Manager and I, with the Member for Cootamundra, Steph Cooke, MP attended a meeting with the members of the Cootamundra Golf Club Committee to discuss State Government grant funding.

Wednesday, 24th January, 2018

Cr Charlie Sheahan and I attended a meeting of the Stockinbingal Fair Committee.

7 GENERAL MANAGER'S REPORT

7.1 DEVELOPMENT AND COMMUNITY SERVICES DIVISON

7.1.1 DEVELOPMENT AND BUILDING

7.1.1.1 DEVELOPMENT APPLICATIONS APPROVED DECEMBER, 2017

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	There are no attachments included for this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION:

The information on Development Applications Approved in December, 2017 be noted.

The following development applications were approved by the **Cootamundra Office** in December, 2017:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2017/107	Garage	O'Donnell Street
DA2017/108	Dwelling Additions	Adams Street
DA2017/109	Garage	Wills Street

VALUE OF WORK REPORTED TO THIS MEETING: \$46,400.00

VALUE OF WORK REPORTED YEAR TO DATE: \$4,724,730.00

THIS TIME LAST YEAR COOTAMUNDRA:

VALUE OF WORK – DEC 2016 - \$ 306,223.00

VALUE OF WORK – YTD 2016 - \$ 3,779,681.00

The following development applications were approved by the **Gundagai Office** in December

2017:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA294/2017	Change of Building Use – Tea Rooms	Sheridan Street
DA298/2017	New Shop Fitout - Pharmacy	Sheridan Street
DA301/2017	New Shed	Reno Road
DA306/2017	New Dwelling House	Banjo Paterson Place
DA309/2017	Transportable Dwelling	Nangus Road

VALUE OF WORK REPORTED TO THIS MEETING: **\$558,500.00**

VALUE OF WORK REPORTED YEAR TO DATE: **\$2,893,381.00**

THIS TIME LAST YEAR GUNDAGAI:

VALUE OF WORK – DEC 2016 - \$10,529,015 .00

VALUE OF WORK – YTD 2016 - \$13,192,755.00

7.1.1.2 DEVELOPMENT APPLICATION DA048/2010, NINE LOT RURAL SUBDIVISION, OLD HUME HIGHWAY, TUMBLONG

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	s.79C Assessment Report Aerial Site Image Plan of Subdivision
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	See s.79c Report
LEGISLATIVE IMPLICATIONS	See s.79c Report
POLICY IMPLICATIONS	See s.79c Report

RECOMMENDATION

That DA048/2010 for a Nine (9) Lot Rural Torrens Title Subdivision be REFUSED Consent.

Introduction

The former Gundagai Shire Council received an application to undertake a nine (9) lot rural Torrens Title Subdivision on the 16th August 2010.

From the time of lodgement the assessment process was ongoing up until the 7th February 2012, where around this time the owner requested the assessment be placed ‘on hold’ while he sorted out some personal affairs. It would appear that the application remained active and undetermined for a number of years until the assessment was resumed in August 2016. Given the lengthy time frame the application has remained undetermined (being greater than 60 days in this case) it could be considered as “Deemed Refused.”

The applicant has expressly requested that Council complete its assessment and determination of the application based on the information provided or they will consider the application as ‘Deemed Refused’ and contemplate an appeal in the Land and Environment Court.

In line with the applicants request Council have undertaken an assessment of the application as submitted which has revealed a number of planning considerations that haven’t either been adequately addressed or satisfied.

Applicant

Grey Surveyors

Owner

Nigel Cunningham Lotz

Property Description

Lot 266, 268, 270 of DP757213, Lot 22 of DP1098374 and Lot 8 of DP260149

Zoning

There were no identified land zones identified in the former Gundagai LEP 1997 (which was in force at the time of application lodgement)

RU1 – Primary Production Zone, as identified in the Gundagai Draft LEP 2010 (which had been exhibited for public comment at the time of application lodgement)

Existing Uses

Rural Land

Proposal

Nine Lot Rural Torrens Title Subdivision

Discussion

Council has an obligation to assess development applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. As the attached 79C Assessment Report demonstrates, there are a number of planning considerations that have not been either adequately addressed or satisfied.

These considerations relate to the proposal unable to satisfy the aims of the Gundagai Local Environmental Plan (LEP) 1997, Zone Objectives and rural subdivision provisions of the Gundagai Draft LEP 2010, The State Environmental Planning Policy (Rural Lands) SEPP 2008, NSW Rural Fire Service requirements, Environmental protection requirements and concerns from neighbouring land owners.

The 79C Assessment Report conclusion is that the application is not considered to adequately satisfy all applicable planning considerations and does not contain adequate information to satisfy these considerations and should therefore be determined as refused consent.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

DATE OF REPORT COMMENCEMENT:

12 January 2018

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Chris Imrie

DEVELOPMENT REFERENCE:

DA 048/2010

DEVELOPMENT ADDRESS:

Old Hume Highway, TUMBLONG

DEVELOPMENT LOT / SEC / PLAN:

Lots 266, 268, 270 of DP757213, Lot 22 of DP1098374, Lot 8 DP260149

OWNER(S):

Nigel Cunningham Lotz

APPLICANT:

Grey Surveyors

APPLICANT ADDRESS:

PO Box 326
TUMUT NSW 2720

PROPOSAL:

Torrens Title Subdivision (5 lots into 9)

ZONING (LEP):

Rural land with no identified land zone under the Gundagai LEP 1997. (Which was current at the time of DA lodgement).

OTHER SPECIAL ZONING IMPACTS:

None applicable under the Gundagai LEP 1997. (Which was current at the time of DA lodgement).

BACKGROUND:

Existing vacant rural lands located on the corner of the Hume Highway and Old Hume Highway, Tumblong. The subject site contains 5 existing allotments ranging in area being:

Lot 266 DP757213 – 32.09ha

Lot 268 DP757213 – 16.88ha

Lot 270 DP757213 – 15.69ha

Lot 22 DP1098374 – 40.17ha

Lot 8 DP260149 – 14.91ha

Total area of all allotments = 119.74ha approximately.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

These five allotments form part of the owners larger existing rural holding of 18 separate allotments totalling around 402ha in area.

The proponent is seeking consent to undertake a Torrens Title subdivision and boundary adjustments to create 9 separate allotments ranging in sizes being:

Proposed Lot 901 – 9.66ha

Proposed Lot 902 – 9.99ha

Proposed Lot 903 – 7.90ha

Proposed Lot 904 – 8.10ha

Proposed Lot 905 – 8.90ha

Proposed Lot 906 – 8.70ha

Proposed Lot 907 – 8.97ha

Proposed Lot 908 – 57.48ha

Proposed Lot 909 – 2283sqm (in two parts of 330sqm and 1925sqm)

All existing allotments current have legal access via unformed road reserves beginning at either the Old Hume Highway or Adelong Creek Road. As part of the subdivision application the proponent will construct a new road within an existing road reserve on the western side of the subject property to service Lots 901 and 902 and construct a new road and establish a road reserve on the southern side of the property to service Lots 903 and 904. All other lots proposed will have access via newly established rights of access over 904, 905 and 906, with the exception of Pt Lot 909 (1925sqm) which has direct access to the Old Hume Highway and Hume Highway Intersection.

It would appear that the reason for creating the small Lot 909 in two parts is to cover the only existing infrastructure located on the property, these being a communication tower on top of the hill to be located in Pt Lot 909 (330sqm) and a highway advertising billboard sign located on Pt Lot 909 (1925sqm).

The purpose of the subdivision is to allow for the separate sale and erection of dwelling houses on all lots (excluding Lot 909) as a rural lifestyle type development.

It should be noted that the application was originally submitted to the Gundagai Shire Council on the 16th August 2010. Since the time of lodgement the assessment process was ongoing up until the 7th February 2012, where around this time the owner requested the assessment be placed 'on hold' while he sorted out some personal affairs. It would appear that the application remained active/undetermined until the assessment was resumed in August 2016. Given time frame the application has remained undetermined being greater than 60 days in this case, it could already be considered as "Deemed Refused".

The applicant has expressly requested that Council complete its assessment and determination of the application based on the information provided or they will consider the application as "Deemed Refused" and contemplate an appeal in the Land and Environment Court.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

Vacant rural land of approximately 119.74ha over five existing allotments. These five allotments currently form part of the owners large rural holdings made up of 18 allotments totalling around 402ha.

On existing Lot 22 of the site there exists a telecommunications tower and a highway advertising billboard sign. It is unclear if either of these structures have received past development consents.

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

The application was notified to neighbouring property owners twice, with a number of submissions received. Submission details are covered later in this report.

The application was referred to the NSW Rural Fire Service and comments were provided. Details of the response are provided later in this report.

The application was internally referred to Council engineers with comments provided regarding access, these comments are detailed later in this report.

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State of Environmental Planning Policies:

State Environmental Planning Policy (Rural Lands) 2008 (Historical version for 10 May 2008 to 21 February 2014)

The rural lands SEPP was in force at the time of the DA lodgement in August 2010.

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Part 3 of the SEPP Clause 8 set out Rural Subdivision Principles which are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

Part 3 of the SEPP Clause 10 describe the matters to be considered in determining development applications for rural subdivisions or rural dwellings, which state:

- (1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.
- (2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (3) The following matters are to be taken into account:
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

As the application was submitted to Council under the previous Gundagai LEP 1997, which did not identify the subject site as being in any specific land use zone identified in the Rural Land SEPP, the Consent Authority must take into consideration the following key points if it is to use the principals and matters of consideration outlined in Part 3 of the SEPP in determining the application. These points of interest are:

Part 1 Clause 3 "Definitions" Sub-clause 3 which states:

A reference in this Policy to land within a land use zone that is equivalent to a named land use zone is a reference to land that, under an environmental planning instrument that is not made as provided by section 33A (2), is within a land use zone that (in the opinion of the consent authority for the land) is equivalent to that named land use zone.

It is the Consent Authorities opinion that upon review of the existing site and surrounding land uses it considers the subject allotments to be within a RU1-Primary Production equivalent zone and as such the principals and matters of consideration outlined in Part 3 should apply to this application. This is further supported by the fact the current Gundagai LEP 2011, had been exhibited as a Draft LEP in June and July of 2010. This was before the application was submitted to Council, in which the subject site and surrounding lands were proposed to be zoned RU1 Primary Production. As the Draft LEP had been placed on public

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

exhibition the Consent Authority can use it as a terms of reference in determining the application. (EPA Act 1979 S79C(1)(II)).

Part 1 Clause 5 "Relationship with other environmental planning instruments" which states:
If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Given that the previous Gundagai LEP 1997 did not contain any rural land zones or development controls on rural land subdivisions or buildings, it is considered that there is an inconsistency between the LEP and the Rural Land SEPP. In accordance with Part 1 Clause 5 the consent authority must consider the SEPP as taking precedence over the LEP in terms of these inconsistencies.

APPLICATION ASSESSMENT AGAINST THE RURAL LANDS SEPP 2008.

The subject site currently contains 5 existing allotments totalling approximately 119.74ha in area. The property is essentially cleared grazing lands with some dense timber stretching over localised hills and valleys ranging from gentle slopes to step rises.

Existing Primary land uses around the subject property are made up of a mixture of large rural holdings used for grazing and cropping, these are generally located to the north and south of the site ranging in size from 200 to 400ha and contains the owner of the subject sites total existing holding of around 402ha. To the west of the site along the Old Hume Highway there exists a number of historic smaller allotments ranging in size from 6 to 10ha and to the east on the other side of the Hume Highway and Adelong Creek are small rural lifestyle type allotments from 2 to 10ha in size.

The fragmentation of rural lands has been a historically acceptable practise in the former Gundagai Shire over many decades and can be seen right across the former LGA. It is considered that further breakup of existing larger holdings to create small un-serviced rural allotments as proposed in this application is contrary to the aims and principles of the SEPP and has the potential to result in additional land use conflicts with adjoining agricultural lands.

Regional Environmental Planning Policies:

N/A

Gundagai LEP 1997:

The Gundagai LEP 1997 aims:

- (a) to encourage the proper management, development and conservation of natural and man made resources, and
- (b) to ensure that development that has the potential to have a significant adverse impact on the environment requires proper assessment, and
- (c) to require development consent for any development other than extensive agriculture or home occupations

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

The LEP does not have any specific subdivision controls other than that development consent would be required.

It could be argued that the subdivision as submitted will result in further fragmentation of rural lands which is not considered proper management of this important resource and is likely to have a negative impact on the adjoining land uses. It is considered therefore that the subdivision does not satisfy the aims of this plan.

Gundagai Draft LEP 2010:

The Draft LEP was exhibited during June and July 2010 and identifies the subject site as RU1 – Primary Production Zone.

Under the draft LEP the subdivision of rural land under the 40ha minimum lot size can only be undertaken for primary production purposes only and dwellings would not be permitted.

The purpose of the subdivision is to create 8 separate allotments for the purpose of a dwelling the majority of which are well under the 40ha minimum lot size. This is not consistent with the objectives of the zone and would not be permissible under the Draft Gundagai LEP.

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

Gundagai Shire Council Subdivision Policy 2006

The policy identifies subdivisions in rural areas needing to maintain an average lot size of 10ha with smaller allotments being accepted if other considerations are satisfied, particularly relating to house sites, effluent disposal, access locations and relative proximity to towns and villages.

The subject application seeks consent to create a number of allotments under 10ha with the overall mean average being 8.90ha.

Given that the majority of the newly created allotments are below the 10ha required in the policy, further considerations are to be taken into account. The application as submitted does not identify building envelopes, details on effluent disposal and access to all allotments is not adequately detailed. (Other than the constructed road parts) The majority of the allotments gaining road access through newly established rights of access.

In addition the location of the subject site is located over 11km from the main town centre of Gundagai which poses question as to the suitability of creating smaller allotments so far from the main town centre.

The policy does not contain many controls on the subdivision of rural land but the application as submitted does not adequately address the limited considerations as identified.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

DCP:

No DCP exists that affect this development or parcel.

Traffic Generating Guidelines:

N/A

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

N/A

REFERRALS:

External Referral to the NSW Rural Fire Service was undertaken with the following comments provided on the 8th November 2010:

1. Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006' for proposed Lots 901-909 (inclusive).

2. Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from the area. To achieve this, the following conditions shall apply:

Proposed access via crown roads and right of access within the site shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' for proposed Lots 903-908 (inclusive) as access will be provided to more than three lots.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

Proposed right of access roads to proposed Lot 901 and Pt.909 within the site shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

3. General Advice

Any future development application lodged within the subdivision under section 79BA of the 'Environmental Planning and Assessment Act 1979' will be subject to requirements as set out in 'Planning for bushfire protection 2006'.

The applicant was advised of the comments received from the RFS on the 2nd December 2010, where the applicant was requested to provide details on how the conditions would be

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

achieved. The applicant responded on 24th February 2011 but did not provide any further clarification on how the RFS conditions would be satisfied.

The application was also internally referred to Councils engineers and was presented comments to the Gundagai Shire Council's Development Committee in September 2010.

The recommendation put to the committee was that determination of the application be deferred until a number of concerns were addressed by the applicant. These being:

1. An assessment of trees for removal be prepared by an appropriate qualified person.
 - a. To date this information has not been provided.
2. Engineering plans are required to determine the road alignment and grading, particularly servicing Lots 901 and 902. Intersection treatment will need to be provided.
 - a. To date Council have received detailed plans of proposed engineering works for the new road construction including sectional details.
3. Location of the proposed right of access is shown through a neighbouring lot. This would require an easement following consent of the owner. This is unlikely. The existing track does not go through the property.
 - a. To date a revised subdivision plan was received removing the right of access initially proposed of the private land.

There has been no information provided to Council on the construction of road works located within the rights of access proposed to services a number of allotments.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

State Environmental Planning Policy (Rural Lands) 2008

The consent authority believes that the provisions of the SEPP should apply to the subject application, this has been detailed above. It is considered that the application as submitted does not satisfy the primary principles and considerations of the SEPP.

Gundagai Local Environmental Plan 1997

The 1997 LEP was in force at the time the application was submitted and needs to be considered as part of the assessment. This LEP does not contain any land zones or controls on rural subdivisions, however the aims of the LEP are clearly defined as discussed above. It is considered that the application as submitted does not satisfy the aims of the LEP in terms of management of rural resources and potential adverse impacts on the locality.

Draft Gundagai Local Environmental Plan 2010

As the draft LEP had already been placed on public exhibition prior to the application being lodged (June and July 2010) the Consent Authority must consider its objectives as part of the 79C assessment. This is further discussed above.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

In the Draft the Subject site is zoned RU1 – Primary Production and it is considered that as submitted the proposal would not satisfy the rural subdivision controls identified in the Draft LEP.

Development Control Plans:

No DCP impact on this development type or allotment.

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

It is considered that the proposed subdivision of the subject site will result in further fragmentation of rural lands in particular the existing owner's large holding of around 402ha. This fragmentation has been occurring throughout the former Gundagai Shire LGA over many years and has had a dramatic impact on the viability of primary production in the region.

The subdivision is likely to result in creating adverse impacts and land use conflicts with neighbouring primary production lands.

Context and Setting:

The proposed development would not be in keeping with the existing context and setting of the rural locality and if approved could see the erection of a number of dwellings on a hill side, highly visible from surrounding rural lands and the Hume Highway.

Access, Transport and Traffic:

The existing site is serviced by a sealed council road with a number of unformed road reserved located across the property. The construction and opening of one of the existing road reserves and the dedication of a new road reserve is also proposed.

There are a number of considerations that need to be addressed in terms of RFS conditions or access that have not been provided as part of the application.

Public Domain:

It is considered that the subdivision proposal will have a detrimental impact on the public domain, through the increased density of the rural land and further fragmentation of primary production resources.

Utilities:

Power and telecommunications to the site are available to the site, however there is little detail provided in the application on the extension of these services to each proposed allotment. The site does not have access to reticulated water or sewer services.

Heritage:

N/A

Other Land Resources:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

Water:

Onsite collection and storage for domestic use is the only option available as there is no reticulated water services available to the site.

Soil:

N/A

Air and Microclimate:

N/A

Flora and Fauna:

Cleared vacant grazing lands with some timbered areas. The proposal will see the clearing of some native vegetation to facilitate new road construction. – The applicant was requested to provide a tree removal plan, however this has not been received.

Waste:

N/A

Energy:

N/A

Natural Hazards:

There are portion of the subject site that are identified as Bush Fire Prone.

The application was required to be submitted to the NSW RFS under 79BA and comments were provided, (see above).

Social Impact and Locality:

The proposed development will promote usage of site ensure it is maintained and may facilitate small scale diverse agricultural enterprise.

Economic Impact and Locality:

The proposed development will be positive economically for the area, with local labour and materials used for the property improvement.

Site Design and Internal Design:

There does not appear to be any particular reasons for the design of the subdivision other than to maximise the number of allotments, utilise existing infrastructure such as advertising bill board and communications tower, and to follow existing rural fence lines.

Construction Matters:

Road construction only at this stage to be dealt with at any future construction certificate.

Submissions:

The application was notified to adjoining land owners on two separate occasions, the first being on the 23rd September 2010 and the second on the 31st August 2016. The second round of notification was undertaken due to the long delay on determining the application.

During these notification periods a number of submissions were received outlining the following concerns, these being:

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*

1. The subdivisions main entrance road will have negative impacts on neighbouring property in particular existing Lot 23 which would require their existing entrance to be modified.
2. Potential stormwater runoff from new road impacts on neighbouring properties.
3. Costs associated with new rural fencing along road reserve being a burden on existing land owners.
4. Vegetation clearing for new road will cause loss of privacy to existing dwellings and that new plantings be required to provide vegetation screen.
5. Vehicle lights from new roadway entrance impacting on the neighbours existing dwelling house.
6. Concerns about the new road granting general access and greater volumes of traffic in what is currently a secluded, quiet and private area.
7. Concerns about loss of privacy

Some of the concerns identified in the submissions do not have any relevance to planning considerations, however the applicant was requested to provide further details on how these concerns would be addressed (sent 19 September 2016).

To date there appears to be little detail on how the proposal will be undertaken to mitigate against potential adverse impacts on existing land owners in the vicinity.

Public Interest:

The proposal is not considered to have any positive impact on the public interest, to the contrary it could be deemed to be more beneficial to the public interest to refuse the application.

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

LEP Review - Identify this locality as an area where lot size or rezoning may be considered to address the existing uses and demands that are not consistent with the current zone objectives or minimum lot size.

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

Determination to Refuse the Application may result in an appeal to the Land and Environment Court.

CONCLUSION:



Cootamundra-Gundagai Regional Council
 Office
 235 Sheridan Street
 PO Box 314
 Gundagai NSW 2722
 Phone: (02) 644 0200
 Fax: (02) 644 1475
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**Image of site area of
 Lotz Subdivision
 DA048/2010**

Prepared by: [Name]
 Date: [Date]
 Scale: 1:1000

STAGE 1 LOTS 901 TO 903 incl.
STAGE 2 LOTS 904 TO 906 & 909 incl.
STAGE 3 LOTS 907 & 908

NOTES:

- All boundary information has been compiled from existing survey plans lodged with the Registrar of Titles, enclosures of these boundaries may change upon final survey as part of the subdivision process.
- The area of the proposed subdivision is shown in pink.
- This plan shall not be used for any other purpose, nor reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission of the Surveyors.
- This plan shall be used in conjunction with the appropriate site survey.
- These notes form an integral part of this plan.

LOTS 901-909 incl, LOT 909 AND LOT 23
 DP 1098374 TO USE THE EXISTING
 DRIVEWAY ACCESS
 (PENDING ANY UPGRADE THAT MAY BE
 IMPOSED BY COUNCIL)

GRAY SURVEYORS
 SURVEYING & LAND DEVELOPMENT CONSULTANTS
 A.B.N. 55 140 974 410
 56 CAMPER STREET TUNMUT 2720 PHONE (02) 6947 1293
 PO BOX 306 TUNMUT 2720 FAX (02) 6947 7074
 EMAIL : admin@gray-surveyors.com.au

DRAWN: W. JOHANSEN	SURVEYED: N/A
DATE: 24 MAR 2011	DATE: N/A
DATUM: NA	CUR REF: 07027
CONT. INT.: NA	CLIENT: N. LOTZ
SCALE: 1:800 @ A3	

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PLAN OF PROPOSED SUBDIVISION
 OF LOTS 266, 268 & 270 DP 757213
 LOT 22 DP 1098374 & LOT 8 DP 260149

Amended Plan. - Not First Plan
For Approval.

**7.1.1.3 WORLD WAR II INLAND AIRCRAFT FUEL DEPOT AT 219 SUTTON STREET
COOTAMUNDRA**

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	Aerial Site Image Site Photographs Signed Deed of Agreement
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	Additional Council Asset
LEGISLATIVE IMPLICATIONS	There are no policy implications associated with this report
POLICY IMPLICATIONS	There are no legislative implications associated with this report

RECOMMENDATION

The report be noted and Council agree to continue with the land transfer as per the original Signed Deed of Agreement.

Introduction

In 2013 the former Cootamundra Shire Council signed a 'Deed of Agreement' with Caltex Australia Pty Ltd to transfer ownership of Lot 112 of DP136005, 219 Sutton Street, Cootamundra, known as the Former WWII No.3 Inland Aircraft Fuel Depot into Council ownership for the sum of \$100.00 following a council resolution made at the May 2013 Ordinary Meeting which stated:

"That Council enter the Deed of Transfer between Caltex and Council for Lot 112 in DP1360005 and that all necessary documentation be signed under Seal of Council, and that the land upon transfer to Council be classified as Operational Land."

The terms of the deed were that the ownership transfer would occur once Caltex had undertaken the removal of underground petroleum storage tanks, installed on the site in the 1960's or 70's and had remediated any soil contamination on the site to a level appropriate for the use as public open space.

Cootamundra–Gundagai Regional Council was notified by Caltex Australia Pty Ltd in late November 2017, that the remediation works required to be undertaken had now been completed and that the NSW Environment Protection Authority (EPA) had issued a clearance report on past soil contamination. Caltex indicated that they were now ready to proceed with the terms of the original deed and begin the process of transferring the land ownership to Council.

Discussion

The property over recent years has become a source of constant complaints regarding long grass and general untidiness, in particular the visible impact this untidiness has on a main entrance

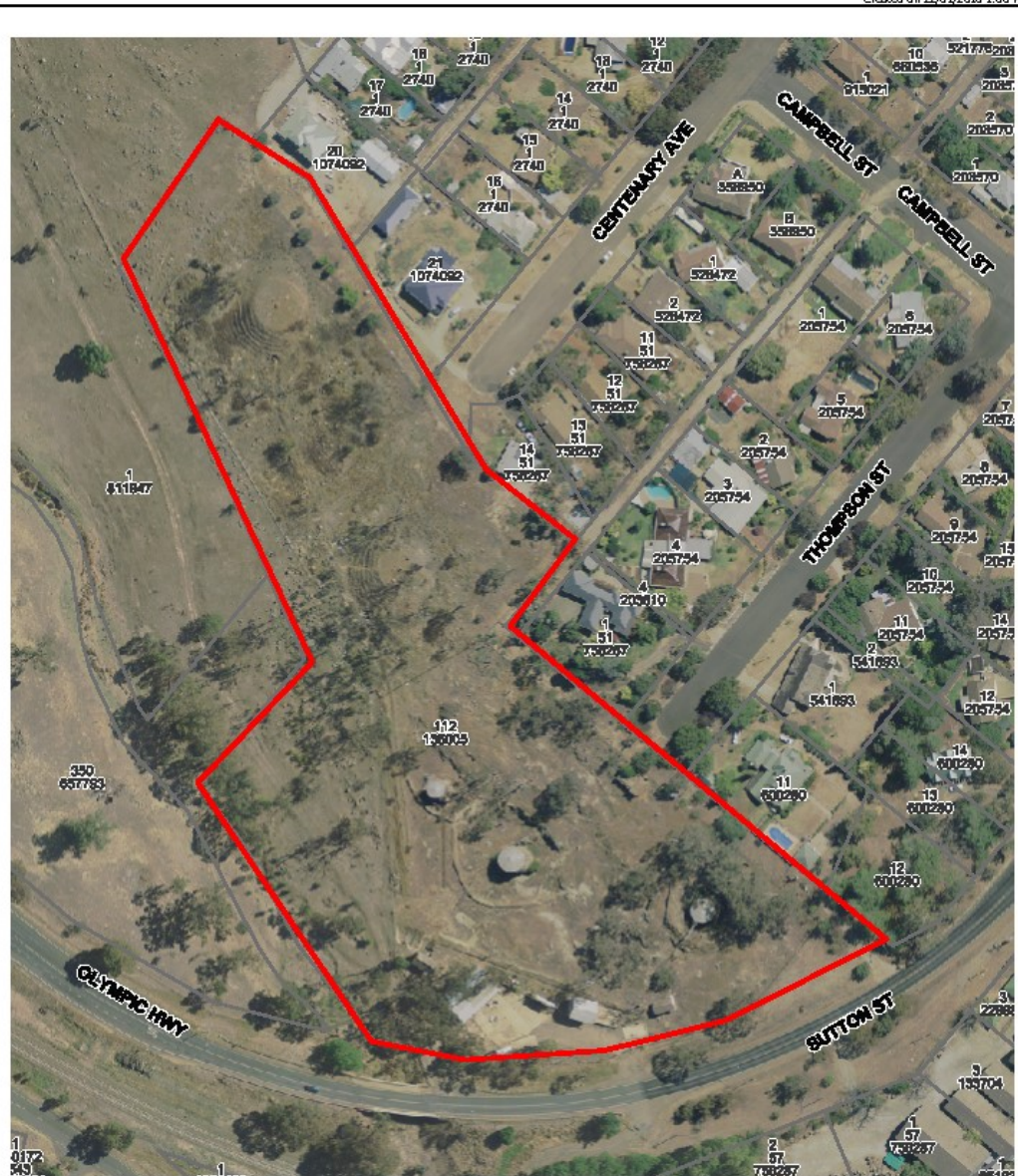
point into town. Historically Caltex used to manage the site well with periodic grazing and general maintenance being carried out. However since the management of the site has been handed over to an external company engaged to undertake the tank removal and soil remediation project, the site in general has received very little upkeep.

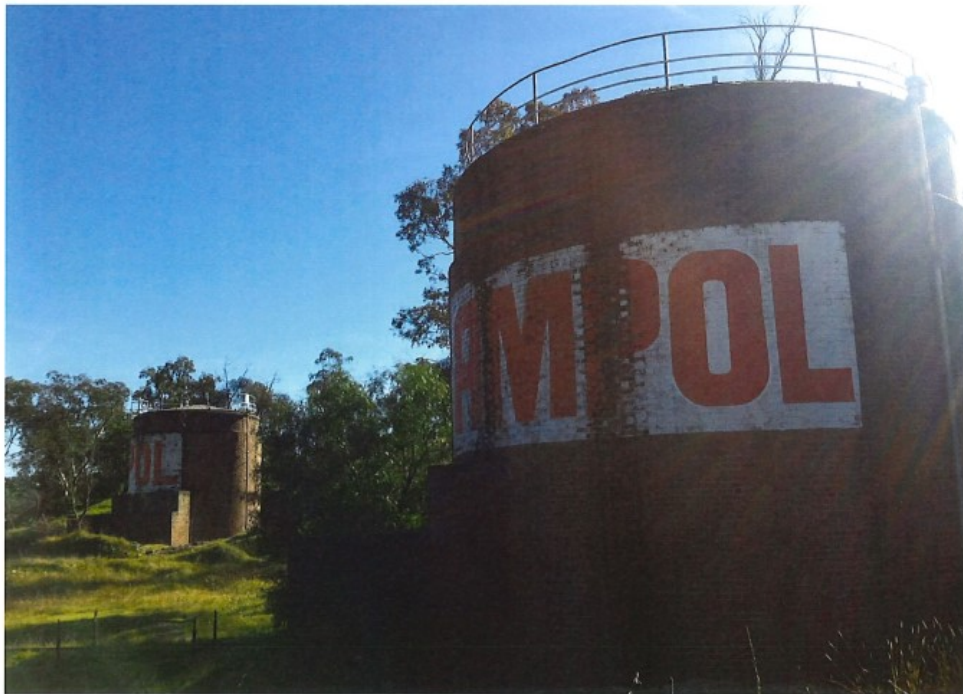
In 2015 responding to an application made by Council, the NSW Heritage Council formally resolved to list the site as a NSW State Heritage Item, recognising the sites significant in the defence of Australia during the Second World War.

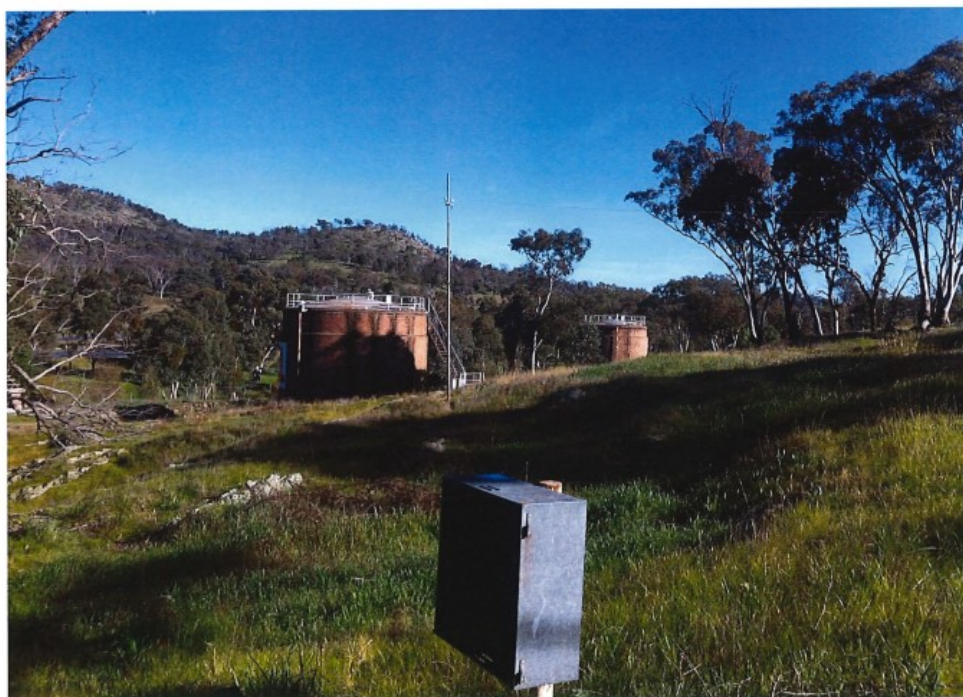
Cootamundra Shire Council at the time envisaged that once under Council ownership the site could be opening up to the public to be used as a community space and presented as a war time historical attraction, with pathways and interpretive signage installed onsite to inform and educate visitors of the sites purpose, methods of construction and overall history.

Given that Caltex has indicated that they are now ready to complete the land transfer into Council's Ownership, Council staff have been working with Caltex to ensure the site is cleaned up and presented in a well maintained state prior to the transfer in line with the terms of the signed deed of agreement. At present it is expected that the transfer should occur in late February 2018 and further publicity around the ownership transfer should be undertaken.

Once the property is under Council ownership, we can then begin to develop a masterplan for the future use and maintenance of the site, which will need the approval of the NSW Heritage Council, and investigate external funding options to undertake the works required to realise the masterplan.

[illegible]









HERBERT
SMITH
FREEHILLS

Cootamundra Shire Council
Received
File No.
Ref To

17 Oct 2013

Copy
To File
Action ☐

Mr Ken Trethewey
General Manager
Cootamundra Shire Council
Wallendoon Street,
Cootamundra NSW 2590

14 October 2013
Matter 82074699
By Post

Dear Ken

Transfer of Former Ampol Depot, Cootamundra

Please find enclosed two original counterparts of the deed (**Deed**) transferring the Former Ampol Depot in Cootamundra (**Land**) from Caltex Australia Petroleum Pty Ltd (**Caltex**) to Cootamundra Shire Council (**Council**).

One of the enclosed original counterparts has been executed by Caltex and the other has been executed by the Council.

Please call me as soon as you receive the enclosed counterparts so that we can effect exchange of the Deeds by:

- confirming that we each hold an original counterpart of the Deed executed by the Council and an original counterpart of the Deed executed by Caltex; and
- each dating the original counterparts of the Deeds.

The Deed will be binding on both parties on and from the date of exchange.

Yours sincerely

Kirstie Richards
Senior Associate
Herbert Smith Freehills

+61 2 9225 5266
+61 458 091 248
kirstie.richards@hsf.com

Herbert Smith Freehills LLP and its subsidiaries and Herbert Smith Freehills, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills.

Doc 23849260

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Deed

Deed - Former Ampol Depot, Cootamundra

Caltex Australia Petroleum Pty Ltd

Cootamundra Shire Council

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Deed - 219 Sutton Street, Cootamundra

Date ▶ 15 October 2013

Between the parties

Caltex Australia Petroleum Pty Ltd

ACN 000 032 128 of Level 24, 2 Market Street, Sydney NSW 2000
(Caltex)

Cootamundra Shire Council

of Wallendoon Street, Cootamundra NSW 2590
(Council)

Recitals

- 1 Caltex is the owner of the Property.
- 2 Caltex has agreed to transfer the Property to the Council and the Council has agreed to accept the transfer of the Property for use as a park on the terms set out in this Deed.

This deed witnesses as follows:

1 Definitions and interpretation

1.1 Definitions

The meanings of the terms used in this deed are set out below.

Term	Meaning
Agreed Remediation Strategy	the strategy outlined in the document prepared by Coffey Environments Australia Pty Ltd, entitled "Remedial Works Plan – Former Ampol Cootamundra Depot (Site ID 28798D) – 219 Sutton Street, Cootamundra NSW 2590" and dated 11 October 2012, a copy of which is contained in Schedule 3.
Contamination	the presence in, on or under land or groundwater of a substance at a concentration above the concentration at which the substance is normally present in, on or under land or groundwater in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment, and Contaminant has a corresponding meaning.
Completion	the date the Transfer is registered and the Council becomes the registered proprietor of the Land.
Development	has the same meaning as in the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> .
Development Consent	has the same meaning as in the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> .
Environmental Law	any law, whether statute or common law, concerning environmental matters, and includes but is not limited to law concerning land use, Development, pollution, Contamination, waste disposal, toxic and hazardous substances, conservation of natural or cultural resources and resource allocation including any law relating to exploration for, or development or exploitation of, any natural resource.
Environmental Liability	any obligation, order, notice, declaration, expense, liability, cost, claim, penalty, damage, proceedings, requirement or fine in relation to, or in connection with:

Term	Meaning
	<ol style="list-style-type: none"> 1 any Environmental Law relating to the Property; 2 the environmental condition of the Property; 3 activities or Development carried on during the ownership or occupation of the Property by Caltex or by Caltex's predecessors in title or by any previous occupier of the Property; 4 any latent or patent Contamination affecting or otherwise emanating from or onto the Property; 5 any uncompacted backfilling affecting the Property; or 6 any matter or condition affecting the Property referred to in the Environmental Reports.
Environmental Reports	<ol style="list-style-type: none"> 1 the environmental reports listed in Schedule 2 to this deed; and 2 any other environmental report provided to the Council by Caltex before the date of this deed.
EPA	the New South Wales Environment Protection Authority.
EPA Letter	a letter from the EPA to the effect that the EPA has determined that the contamination affecting the Property is not significant enough to warrant regulation under the <i>Contaminated Land Management Act 1997 (NSW)</i> .
Onsite Monitoring	the monitoring of any Contamination present at the Property.
Offsite Monitoring	the monitoring of any Contamination which has emanated from the Property onto any land adjoining the Property.
Property	means the whole of the land comprised of Lot 112 in DP 136005, known as the Former Ampol Depot, Olympic Highway, Cootamundra, NSW.
Previous Use	the storage and dispensing of petroleum products.
Site Audit Statement	a site audit statement within the meaning of the

Term	Meaning
	<i>Contaminated Land Management Act 1997 (NSW).</i>
Transfer	a transfer of land for the Property from Caltex to the Council which has been duly completed and executed by Caltex.
Validation Report	<p>a report, prepared by a suitably qualified environmental consultant, which confirms that the Property is suitable for use as a park, recreational open space and playing field subject to such conditions as the environmental consultant imposes. The conditions the environmental consultant may impose on the validation report include, without limitation, conditions:</p> <ol style="list-style-type: none"> 1 requiring ongoing monitoring; 2 requiring the preparation of, and compliance with, a site specific environmental management plan (including in relation to any future underground structures); 3 prohibiting certain more sensitive uses, for example, residential uses, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes and child care facilities; and/or 4 prohibiting extraction of groundwater for beneficial use.

1.2 Interpretation

The following rules of interpretation apply unless the context requires otherwise.

- (a) Headings are for convenience only and do not affect interpretation.
- (b) The singular includes the plural and conversely.
- (c) Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (d) Clause, condition or paragraph means a clause, condition or paragraph, respectively, of this deed.
- (e) Unless stated otherwise, one provision does not limit the effect of another.
- (f) A reference to any statute or to any provision of any statute includes:
 - (1) all regulations and statutory instruments issued under it;
 - (2) any modification of that statute; and
 - (3) any new statute which replaces that statute upon its repeal.
- (g) A reference to this deed includes any amendment, novation, supplement, variation or replacement to it from time to time, except to the extent prohibited by this deed.

- (h) If a party is required to indemnify another party under this deed, that party must pay on demand the amount the other party is liable to pay by the time the other party is required to make payment.

2 The Agreed Remediation Strategy

2.1 General

The parties acknowledge and agree that:

- (a) the Property is affected by Contamination arising from its Previous Use;
- (b) Caltex has agreed to implement the Agreed Remediation Strategy to remediate the Contamination at the Property on the terms contained in this deed;
- (c) Development Consent will be required from the Council as consent authority to authorise the carrying out of the Agreed Remediation Strategy; and
- (d) the parties have agreed that no Site Audit Statement will be required as part of the Agreed Remediation Strategy or on completion of the Agreed Remediation Strategy.

2.2 Implementation of the Agreed Remediation Strategy

- (a) Caltex must:
 - (1) use reasonable endeavours to obtain all required approvals to implement the Agreed Remediation Strategy (including applying for Development Consent); and
 - (2) subject to:
 - (A) obtaining all required approvals for the Agreed Remediation Strategy; and
 - (B) clause 2.2(b) of this deed,carry out the works identified in sections 7.1 and 7.2 of the Agreed Remediation Strategy at its cost.
- (b) In the event that Development Consent for the Agreed Remediation Strategy is granted on terms which:
 - (1) change the scope of remediation works required from those specified in the Agreed Remediation Strategy (including by increasing the scope of works from that specified in sections 7.1 and 7.2 of the Agreed Remediation Strategy); or
 - (2) require the provision of a Site Audit Statement,then the Council must reimburse Caltex for 50% of any additional costs incurred by Caltex in remediating the Property as a result of the Development Consent being granted on such terms.
- (c) The Council acknowledges that Caltex is not required to carry out the excluded works identified in section 7.3 of the Agreed Remediation Strategy.

3 Transfer of the Property to the Council

3.1 Condition precedent

- (a) The parties agree that the transfer of the Property to the Council is subject to, and conditional on Caltex providing the Council with both:
 - (1) a Validation Report; and
 - (2) the EPA Letter.
- (b) In the event that Caltex has not provided the Council with both:
 - (1) a Validation Report; and
 - (2) the EPA Letter,by the date which is 2 years after the date of this deed then either party may terminate this deed by giving notice in writing to the other party.
- (c) On termination of the deed under clause 3.1(b), neither party will have any further liability to the other under this deed.

3.2 Vendor Disclosure Materials

The Council acknowledges that it has received and reviewed the materials contained in Schedule 4.

3.3 Consideration

Within 30 days of Caltex having issued both a Validation Report and the EPA Letter to the Council, the Council must pay to Caltex:

- (a) \$100.00 (exclusive of GST); and
- (b) any amounts which the Council is required to reimburse Caltex for under clause 2.2(b) of this deed.

3.4 Transfer of the Property

- (a) Within 30 days of Caltex having been paid the consideration required by clause 3.2, Caltex must provide the Council with:
 - (1) the Transfer;
 - (2) the Certificate of Title for the Property; and
 - (3) a settlement statement providing particulars of all necessary adjustments in accordance with clause 3.9.
- (b) The Council must:
 - (1) do all things necessary to register the Transfer, and
 - (2) pay any necessary adjustments to Caltex,within 30 days of Caltex having provided the Council with the documents specified in clause 3.4(a).

3.5 Warranty

- (a) On Completion Caltex warrants to the Council that, as at the date of the Validation Report, the Property is suitable for use as a park, recreational open space and playing field from a Contamination perspective only, subject to compliance with any conditions specified in the Validation Report.
- (b) The parties agree that the release and indemnity contained in clause 3.6(g) does not apply to any claim made on Caltex by the Council which Caltex is liable for as a result of a breach of the warranty contained in clause 3.5(a).
- (c) Caltex is not liable for any claim made by the Council for a breach of the warranty contained in clause 3.5(a) unless:
 - (1) the Council has notified Caltex of the claim within 2 years of Completion; and
 - (2) within 12 months of the Council notifying Caltex of the claim:
 - (A) the parties have settled the claim; or
 - (B) the Council has issued and served legal proceedings against Caltex in respect of the claim.

3.6 Acceptance of the Property

The Council has agreed to accept the transfer of the Property on the following terms:

- (a) the Council warrants that:
 - (1) it has not entered into this deed in reliance on any express or implied statement, representation, promise or warranty made by Caltex or on its behalf in respect of any matter relating to the Property in relation to:
 - (A) the nature or extent of any Contamination affecting or otherwise emanating from or onto the Property; and
 - (B) the existence or applicability of any Environmental Liability at or in relation to the Property;
 - (2) it is aware that the Property may have been excavated to carry out remediation works or to remove underground structures (including underground storage tanks) and that any such excavations would have been backfilled, but may not have been compacted so as to enable the construction of improvements on the Property without first carrying out further work;
 - (3) it has:
 - (A) read;
 - (B) carried out and relied upon its own investigations in relation to; and
 - (C) fully informed itself of the contents of, the Environmental Reports;
- (b) Caltex does not warrant the accuracy or completeness of the Environmental Reports and the Council is not entitled to rely on the Environmental Reports;
- (c) Caltex may, at any time prior to the transfer of the Property to the Council, remove any structures, plant and equipment from the Property (subject to Caltex obtaining all required approvals to authorise any such removal);

- (d) subject to the warranty contained in clause 3.5, the Council accepts the transfer of the Property (including, without limit, the improvements, fixtures and inclusions):
 - (1) in its state of repair and subject to any latent or patent defects or any infestation or dilapidation existing on the date the Property is transferred to the Council;
 - (2) in its environmental condition and subject to:
 - (A) any latent or patent Contamination affecting or otherwise emanating from or onto the Property; and
 - (B) any Environmental Liability affecting the Property;
 - (C) any uncompacted backfilling affecting the Property; and
 - (D) any matter or condition affecting the Property referred to in the Environmental Reports,

existing at any time in connection with the Property, including either before or after the date the Property is transferred to the Council;
- (e) the Council acknowledges that any storage tanks located on the property are no longer suitable for use as storage tanks and undertakes not to use any of the storage tanks located on the Property for the purpose of storing any substance;
- (f) the Council must, on and from the date the Property is transferred to the Council, ensure that any condition or recommendation contained in the Validation Report is complied with at its cost (including by any subsequent purchaser or occupier of the Property);
- (g) subject to clause 3.7, on and from the date on which the Property is transferred to the Council, the Council:
 - (1) releases, and agrees to continue to release, Caltex from all Environmental Liability; and
 - (2) indemnifies, and agrees to keep indemnified, Caltex against all Environmental Liability.

3.7 Monitoring

- (a) **If the EPA requests that any Offsite Monitoring be carried out, Caltex must cause the Offsite Monitoring requested by the EPA to be carried out at its cost.**
- (b) If the EPA requests that any Onsite Monitoring be carried out:
 - (1) Completion must still occur as contemplated by this clause 3;
 - (2) Caltex must cause the Onsite Monitoring requested by the EPA to be carried out at its cost;
 - (3) Caltex must (if it has not already decommissioned the monitoring wells located at the Property) leave the monitoring wells located on the Property in places until the requested Onsite Monitoring has been completed and then decommission the monitoring wells at its cost; and
 - (4) the Council must grant Caltex access to the Property, on the terms reasonably required by Caltex, so as to enable Caltex to carry out the Onsite Monitoring.

3.8 Council to pay any GST payable on the transfer of the Property

The parties agree that, in the event that any GST is payable in relation to the transfer of the Property to the Council on the terms contained in this deed then:

- (a) the Council must promptly pay to Caltex the amount of GST payable in relation to the transfer of the Property; and
- (b) Caltex must promptly provide the Council with a tax invoice showing the GST payable.

3.9 Adjustments

- (a) The parties agree that:
 - (1) Caltex must pay or bear all rents, rates, charges, taxes and outgoings in respect of the Property (**Expenses**) up to and including date of Completion; and
 - (2) the Council must pay or bear the Expenses after the date of Completion.
- (b) The parties must promptly make any necessary adjustment in respect of the Expenses on Completion.
- (c) If the parties do not agree on the expected amount of any Expense by Completion, then the amount to be adjusted on Completion is the amount reasonably determined by Caltex as the expected amount of the Expense.
- (d) Caltex and the Council must make all further adjustments necessary once actual assessments of the relevant Expense has been received.

4 Acknowledgement

- (a) The Council agrees to appropriately acknowledge Caltex's donation of the Property to the Council.
- (b) The parties agree that appropriate acknowledgement may include, but is not limited to, acknowledgement of Caltex's donation of the Property in press releases, media or advertising.
- (c) The parties must use their best endeavours to agree on the form of acknowledgement to be provided by the Council to Caltex prior to the Property being transferred to the Council.

5 General

5.1 Costs

Each party must pay its own legal costs associated with the preparation, negotiation and execution of this deed.

5.2 Stamp duty

The Council:

- (a) must pay all stamp duties (including penalties and fines) payable on this deed and the transfer of the property; and
- (b) indemnifies Caltex against any claim, action, damage, loss, liability, cost, charge, expense, outgoing or payment which Caltex pays, suffers, incurs or is liable for as a result of the Council's:
 - (1) delay or failure to pay those duties; or
 - (2) failure to make proper disclosures to the Commissioner for Stamp Duties in relation to those duties.

5.3 Prohibition and enforceability

- (a) Any provision of, or the application of any provision of, this deed which is prohibited in any jurisdiction is, in that jurisdiction, ineffective only to the extent of that prohibition.
- (b) Any provision of, or the application of any provision of, this deed which is void, illegal or unenforceable in any jurisdiction does not affect the validity, legality or enforceability of that provision in any other jurisdiction or of the remaining provisions in that or any other jurisdiction.

5.4 Variations

A variation of any term of this deed must be in writing and signed by the parties.

5.5 Entire Agreement

This deed constitutes the entire agreement of the parties about its subject matter and any previous agreements, understandings and negotiations on that subject matter cease to have any effect.

5.6 Governing law and jurisdiction

- (a) This deed is governed by the laws of the state of New South Wales.
- (b) The parties irrevocably submit to the exclusive jurisdiction of the courts of New South Wales.

5.7 Counterparts

This deed may be executed in any number of counterparts that together will constitute one instrument. A party may execute this deed by signing any counterpart.

5.8 Assignment

The Council must not assign its rights or obligations under this deed.

Schedule 1

Notice details

Caltex Australia Petroleum Pty Ltd

Address Level 24, 2 Market Street, Sydney NSW 2000
Attention Leon Hayson
Phone 9250 5293
Fax 9250 5115
Email LHayson@caltex.com.au

Cootamundra Shire Council

Address PO Box 420
Cootamundra NSW 2590
Attention Manager Development Services
Phone 0269402100
Fax 0269402127
Email mail@cootamundra.nsw.gov.au

Schedule 2

Environmental Reports

- Report entitled "Hazardous Materials Survey, Caltex Cootamundra Depot, 219 Sutton Street, Cootamundra NSW 2590" prepared by Coffey Environments Australia Pty Ltd and dated 14 April 2011 (ref: ENAURHOD02010AA-R01)
- Report entitled "Environmental Due Diligence Report" " prepared by Coffey Environments Australia Pty Ltd and dated 6 June 2011 (original prepared on 6 June 2010 and subsequently updated) (ref: ENAURHOD0201AA-R01)
- Report entitled "Geophysical Report: Ground Penetrating Radar Survey of Caltex Depot (Site ID: 28798D)" prepared by Coffey Geotechnics Pty Ltd and dated 30 June 2011 (ref: ENAURHOD02010AA-R03)
- Report entitled "Remedial Works Plan, Former Ampol Cootamundra Depot (Site ID: 28798d), 219 Sutton Street, Cootamundra NSW 2590" prepared by Coffey Environments Australia Pty Ltd and dated 11 October 2012 (ref: ENAURHOD02010AC-R03)

Schedule 3

Agreed Remediation Strategy


**REMEDIAL WORKS PLAN
FORMER AMPOL COOTAMUNDRA
DEPOT (SITE ID: 28798D)
219 SUTTON STREET
COOTAMUNDRA NSW 2590**

Prepared for:

Caltex Australia Petroleum Pty Ltd
Level 24, 2 Market Street
Sydney NSW 2000

Report Date: 11 October 2012
Project Ref: ENAURHOD02010AC

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ENAURHOD02010AC-R03

11 October 2012

Caltex Australia Petroleum Pty Ltd
Level 24, 2 Market Street
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Attention: Colin Roberts

Dear Colin

**RE: Remedial Works Plan, Former Ampol Cootamundra Depot (28798d)
219 Sutton Street, Cootamundra NSW 2590**

Coffey Environments Australia Pty Ltd (Coffey Environments) is pleased to present this Remedial Works Plan (RWP) for the former Ampol Depot located at 219 Sutton Street, Cootamundra, NSW.

We draw your attention to the enclosed sheet entitled "Important Information about Your Coffey Environmental Report" which should be read in conjunction with the report.

This report may be relied upon by Caltex and the immediate owner of the site following divestment by Caltex (Council). Reliance on the report by any party other than Council will require authorisation from Coffey.

We trust that this document meets your requirements. If you require any further information regarding this document, please do not hesitate to contact the undersigned.

For and on behalf of Coffey Environments Australia Pty Ltd



Benedict Smith
Associate

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ABBREVIATIONS

AEC	Areas of Environmental Concern
AHD	Australian Height Datum
ANZECC	Australian and New Zealand Environment and Conservation Council
ASS	Acid Sulfate Soil
AST	Aboveground Storage Tank
C6-C36	Hydrocarbon chain length fraction
bgs	below ground surface
BTEX	Benzene, Toluene, Ethylbenzene and Xylenes
COPC	Contaminants of Potential Concern
GME	Groundwater Monitoring Event
HIL	Health-based Investigation Level
LOR	Limit of Reporting
LPG	Liquefied Petroleum Gas
MW	Monitoring Well
NEPC	National Environment Protection Council
NSW DEC	New South Wales Department of Environment and Conservation
NSW DECCW	New South Wales Department of Environment, Climate Change and Water
NSW EPA	Environment Protection Authority of New South Wales
NSW OEH	New South Wales Office of Environment and Heritage
PAH	Polycyclic Aromatic Hydrocarbon
PID	Photoionisation Detector
PULP	Premium Unleaded Petrol
RWP	Remedial Works Plan

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II

ABBREVIATIONS

SEPP	State Environmental Planning Policy
TCLP	Toxicity Characteristics Leaching Procedure
TPH	Total Petroleum Hydrocarbon
ULP	Unleaded Petrol
UST	Underground Storage Tank
VAC	Validation Acceptance Criteria
VHC	Volatile Halogenated Compounds

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III

1 INTRODUCTION

1.1 Background

Caltex Australia Petroleum Pty Ltd (Caltex) commissioned Coffey Environments Australia Pty Ltd (Coffey) to prepare a Remedial Works Plan (RWP) for the former Ampol Cootamundra Depot (ID: 28798d) located at 219 Sutton Street in Cootamundra, NSW (refer to Figure 1), referred to as 'the site' in this report.

Coffey understands that the site has supported a petroleum storage depot since the early 1940s, which is likely to have been developed to support World War 2 air force operations. Prior to this time the site supported undeveloped open land (possibly used for agricultural purposes). Infrastructure at the site has included above ground and underground bulk fuel storage infrastructure and buildings including two drum stores and a fuel pump room.

This work plan presents the proposed remedial, management and validation strategy for addressing site contamination to allow possible future use of the site as public open space. The proposed works were discussed amongst representatives of Cootamundra Shire Council, Caltex and Coffey on 19 June 2012 at Council's offices. A site walkover was also undertaken for site familiarisation.

1.2 Objectives

The objective of this RWP is to provide the current remediation and management strategy, along with a validation plan to render the site suitable for Council's proposed future use as public open space.

1.3 Scope of Works

The scope of works undertaken in preparing this RWP included:

- Prepare a summary of the site identification and condition;
- Prepare a summary of previous environmental investigation works undertaken at the site;
- Establish remediation goals;
- Establish validation acceptance criteria for the identified contaminants of concern;
- Identify and assess remediation options;
- Recommend a preferred remediation option/s; and
- Outline procedures and activities that are required for the implementation of the preferred remediation option/s.

The works proposed to be carried out by as part of this Remedial Works Plan are limited to those set out in Sections 6 and 7.

2 SITE DESCRIPTION

2.1 Site Identification

General site information is provided in Table 2.1.

Table 2.1: Site Identification

Site Name:	Former Ampol Cootamundra Depot
Site Identification Number:	28798d
Site Address:	219 Sutton Street, Cootamundra, NSW The location of the site is shown on Figure 1 and the site layout plan is shown on Figure 2.
Approximate Site Area:	43,700m ² (4.37Ha) based on lot boundary plans
Title Identification Details:	Lot 12 DP85690 (previously Lot 112 DP 136005)
Current Zoning:	Non Urban 1(b) under Interim Development Order No 1 - Cootamundra Shire Council
Previous Land use:	Petroleum Depot
Current Land use:	The site is currently not operational.
Proposed Land use:	Parkland – public open space
Adjoining Site Uses:	North: Residential properties East: Residential Properties and railway corridor South: Sutton Street and railway line, Cootamundry Creek, Caltex Rail Siding (not operational) with parkland beyond West: Cootamundry Creek and farmland with Sutton Street and railway line beyond
Site Coordinates:	34°39'13.78"S and 148°00'53.10"E (based on the south-eastern corner of the site)

For the purposes of this report, the site is defined as Lot 12 DP85690 (previously Lot 112 DP 136005) which extends to Cootamundry Creek in the southwest. For the purposes of this report the term 'on-site' refers to land within the above lot, not the fenced boundary of the site.

2.2 Site Description

The site is an irregularly shaped parcel of land located to the north of the intersection of Sutton Street/Olympic Highway and the Albury to Cootamundra rail line. Seven above ground storage tanks (ASTs) are located at the site, ranging in capacity from 300kL to 60kL. Four underground storage tanks (USTs) are located in the southern area of the site. A pump house, two drum stores, a gantry and a cottage/office building are also located within the southern portion of the site.

The following fuel infrastructure is present at the site:

- Two 300kL AST camouflaged tanks (labelled as T1 and T2);
- One 200 - 220kL unleaded petrol AST (labelled as T3);
- Two 550 – 600kL petrol AST (labelled as T4 and T5);
- One 5kL UST (probably T6 or T7);
- One 2.5kL UST (probably T6 or T7);
- One UST (size unknown; T10)

The following fuel infrastructure has been removed from the site:

- One 60kL heating oil AST on concrete slab (labelled as T8);
- One suspected former AST (contents unknown; labelled as T9); and
- One 55 - 80kL diesel AST on concrete slab (labelled as T11).

Other infrastructure includes:

- The south-western drum shed, previously licensed to store up to 40kL of combustible liquid;
- The southern drum shed, previously licensed to store up to 5kL of combustible liquid; and
- Fuel distribution infrastructure which remains in place between the ASTs and distribution points; and
- A fire fighting facility called the 'foam house' is located adjacent to the eastern boundary of the site, and associated water / foam lines between the ASTs and the foam house.

The location of known and suspected former site infrastructure is shown on Figure 2.

3 ENVIRONMENTAL SITE SETTING

3.1 Topography and Hydrology

Observations of the site indicated a slope from the eastern boundary towards the southern and western boundaries, the southern portion of the site toward Sutton Street is generally level.

Reference to the 1:25,000 Cootamundra topographic map (8528-2N) indicates that the site lies at an elevation of approximately 340m Australian Height Datum (AHD).

The surrounding area exhibits an overall downward gradient towards the Cootamundry Creek which is adjacent to the southwest part of the site. Cootamundry Creek flows in a broadly southern to south-eastern direction, and eventually joins the Murrumbidgee River approximately 40km to the south of the site.

3.2 Geology

3.2.1 Regional Geology

Reference to the 1:250,000 Cootamundra geological map (Sheet SI/55-11) indicates that the site lies on the boundary of Quaternary-aged alluvium, gravel, sand, silts and clays, overlying the geological boundary between early Devonian-aged Cootamundra Group Mutta Creek Siltstone, which comprises siltstone and shale, and Cowcumbala Rhyolite, which comprises flow-banded, pink to purple rhyolitic to rhyodacitic lavas.

The Mutta Creek Siltstone formation overlies the Cowcumbala Rhyolite which has been observed at the site.

3.2.2 Site-specific Geology

During previous investigations undertaken at the site (Coffey, 2011), the following subsurface conditions were observed.

Table 3.1: Site-specific Geology

Depth Range (bgs)	Soil Type / Description - All Areas Excluding South
0-0.2	FILL: Extremely weathered rhyolite comprising fine to coarse gravelly sand, brown to grey (limited extent) CONCRETE or ASPHALT (south west corner only)
0.0-0.5 0.2-2.0 (End of Investigation)	Clayey SAND: fine to medium, dark brown with some coarse gravel (MW14 only). Gravelly clayey SAND: fine to coarse, brown (SB1 only)

Depth Range (bgs)	Soil Type / Description - All Areas Excluding South
0.0-4.0	Highly weathered RHYOLITE comprising fine to coarse gravelly sand, brown to grey.
0.2-10.0 (End of Investigation)	Moderately weathered to fresh RHYOLITE: grey to white.

bgs: below ground surface

Offsite wells indicate granular superficial deposits including sand and sandy gravel in boreholes close to Cootamundry Creek and rhyolite bedrock from 2m bgs in MW6 which is further away from the creek.

3.3 Acid Sulfate Soils

Review of the Australian Soil Resource Information System acid sulfate soil (ASS) risk map for the area (<http://www.asris.csiro.au>) indicates that there is an extremely low probability of the occurrence of ASS beneath the site.

3.4 Hydrogeology

Information gathered as part of previous groundwater investigations carried out on-site (Coffey, 2011) indicates that shallow groundwater in the southwest corner of the site lies at approximately 2m to 3.5m below ground surface. Shallow groundwater in the southwest corner appears to occur as a perched water bearing zone with groundwater levels in bedrock observed approximately 1.5 to 2m below the top of perched water. This separation may be attributed to the variable depth of bedrock (moderately weathered rhyolite) beneath the site. Groundwater levels indicate that both perched and deeper groundwater flow to the southwest toward Cootamundry Creek in the vicinity of the site.

Regional groundwater flow is expected to be towards the southeast due to the influence of structural features in bedrock.

3.4.1 Registered Groundwater Bores

A groundwater bore search was undertaken on the NSW Water Information database website (<http://nratlas.nsw.gov.au>). Twelve registered bores identified within 500m of the site boundary comprising seven domestic bores, three domestic stock bores and two bores for which details were not included on the register. These bores are located either up gradient or cross gradient of the site. However, nearby bores may have a 'zone of influence' associated with the groundwater extraction which extends into the site.

The closest bores are situated approximately 15m, 110m and 280m to the northeast and 250m southeast of the site. These bores are reported to be used for domestic (northeast) and domestic stock (southeast) purposes and extract water from bedrock (logged as granite or shale) from depth of between 4.5m bgs and 154m bgs.

4 WORKS COMPLETED TO DATE

4.1 Previous Investigations

Several contamination assessments have been undertaken at the site by Coffey, and are outlined below.

Environmental Site Assessment, April to May 2010. Works included the drilling of 16 soil bores on and off the site to a maximum depth of 13 metres below ground surface (bgs), and completion of four of the bores to groundwater monitoring wells. The wells were gauged, purged and sampled approximately one week following installation and development.

Additional Environmental Site Assessment, April to May 2011. Works included the analysis of 23 surface samples, drilling of 13 soil bores, four hand auger bores and installation of 8 monitoring wells to a maximum depth of 10 metres bgs, on and off the site. The wells were gauged, purged and sampled approximately three weeks after installation and development.

Additional Well Installation and Sampling, June 2011. Two monitoring wells (MW17 and MW18) were installed in bedrock to the east of the site, down-gradient of MW1 and to the top of bedrock down-gradient of the former pump house. MW17 was gauged, purged and sampled approximately one week after installation and development (MW18 was found to be dry).

Groundwater Monitoring Event, September 2011. Works included the gauging, purging and sampling of 8 onsite and 2 offsite monitoring wells.

4.2 Environmental Site Assessment

4.2.1 General

Contamination assessment identified hydrocarbon contamination predominantly in the vicinity of the petroleum distribution infrastructure in the southwest corner of the site. Concentrations of contaminants in soil were reported above the preliminary site assessment criteria, which are applicable to sensitive end uses such as residential, and are indicated on Figure 4.

Concentrations of groundwater impact reported above the groundwater investigation levels (GILs) are indicated on Figure 5.

4.2.2 Soils

Concentrations of Phenol, PCBs, pesticides and metals were below the human health assessment criteria.

Concentrations of TPH C₁₀-C₃₅ were identified in the shallow samples collected from SB1, SB3, SB4, SB8, MW09, MW17, MW18, SS2, SS5 and SS9 above the site assessment criteria.

Concentrations of Benzene, Ethylbenzene, Xylenes, TPH C₆-C₉ and C₁₀-C₃₅ were identified in SB1 at depths of 2.0 and 4.0m above the site assessment criteria.

Hydrocarbon odours were observed in the vicinity and down-gradient of the former pump house and ethyl blending pit in the southwest of the site. However, volatile contamination usually associated with these odours was not reported in the samples. An extensive suite of testing was undertaken including

Volatile Organic Compounds (VOCs; 55 compounds) and Volatile Petroleum Hydrocarbons (VPHs; 14 compounds) and lead due to the potential for tetraethyl lead (anti-knock fuel additive historically). Elevated concentrations of these contaminants were not recorded and the contamination is therefore not considered to present a health risk based on the contaminants analysed.

Based on the absence of odours in undisturbed ground in this area and the proposed recreational open space use of the site, the observed odours are unlikely to present an aesthetic concern unless disturbed in the future.

4.2.3 Groundwater and Surface Water

Gauging results indicate perched water is present above the bedrock and the groundwater flow direction is generally to the south or southwest, towards Cootamundra Creek.

Concentrations of contaminants in groundwater were reported above the GILs predominantly in the southern and south-western areas of the site which is consistent with the identified location of contaminated soils.

Concentrations of TPH C6-C36 were reported in groundwater or perched water from MW1, MW2, MW3, MW9 and MW12. Elevated benzene, toluene, ethylbenzene and / or xylene was also reported in MW1, MW9 and MW12.

Impact to groundwater was not reported in MW17 which is a deeper down-gradient groundwater well installed within bedrock adjacent to MW9 between the creek and the main area of impact around MW1. Impacts were also not reported in the remaining wells installed within the bedrock down-gradient of the fuel tanks (MW5, MW14A or MW15) or in offsite wells to the south of Sutton Street.

Concentrations of contaminants above the relevant GILs were not reported in surface water samples SW1 to SW4 although benzene, ethylbenzene and / or xylene was detected in downstream samples SW3 and SW4. This impact to surface waters is attributed to contamination from the rail siding site to the south of Sutton Street.

Coffey notes that the reported concentrations have also been assessed against CRC CARE Health Screening Levels (HSLs) applicable to the proposed future use of the site and potential receptor scenarios. This site specific risk screening is discussed in Section 4.5.

4.2.4 Data Gaps

Coffey identified the following gaps in site assessment data:

- Assessment data is not available beneath or immediately adjacent to above ground storage tanks, the camouflaged tanks or the pump house due to the topography of the site and associated access restrictions. Soil samples and groundwater monitoring wells were placed approximately down-gradient and as close to these structures as practicable. However, Coffey understands that Council wishes to retain these structures due to their heritage value and associated public interest. Coffey consider that there is unlikely to be an exposure pathway associated with these structures whilst they remain intact.
- Beneath existing site buildings such as the former drum stores. Additional assessment and validation will be required as part of future works after demolition.

4.2.5 Potential Sources of Impact

Based on summary of previous environmental investigations, potential sources of soil and groundwater contamination include possible leaks and spills from the former bulk fuel storage and distribution infrastructure including tanks, fuel lines, the ethyl blending pit near the pump house and drum stores.

Asbestos may also be present in the vicinity of buildings which contain Asbestos Containing Materials (ACM) due to weathering / damage and from asbestos gaskets / seals on pipework.

4.2.6 Contaminants of Potential Concern

Based on the previous investigations, COPC for the on-site and off-site locations include:

- Benzene;
- Toluene;
- Xylenes;
- Ethylbenzene;
- TPH (C₆-C₉);
- TPH (C₁₀-C₃₆);
- Lead; and
- Polycyclic aromatic hydrocarbons, including Naphthalene and Benzo(a)pyrene; and
- Asbestos.

4.3 Contaminant Transport Mechanisms

The primary transport mechanisms applicable to the migration of petroleum hydrocarbon impact identified at the site include:

- Volatilisation and atmospheric dispersion;
- Volatilisation and accumulation within enclosed spaces;
- Migration via preferential pathways such as course fill used as a drainage medium in service corridors or other underground structures; and
- Groundwater transport.

4.4 Contaminant Exposure Pathways

For contaminated soil and groundwater to pose a risk to a receptor, a complete exposure pathway must exist between the impacted medium and the receptor. A complete exposure pathway consists of the following elements:

- A source and mechanism for release;
- A storage and/or transport medium (e.g., contaminants stored in soil, volatilise and are transported into the atmosphere);

- An exposure point, where the receptor comes in contact with the contamination; and
- An exposure route (e.g. inhalation).

Potential exposure pathways for contaminants at the site include:

Soil:

- There is potential for exposure of recreational site users / members of the public, excavation, construction or maintenance workers and / or off-site maintenance workers via dermal contact, inhalation and / or incidental ingestion of impacted surface soils and / or subsurface soils.
- Impacted soils may pose an issue for future excavations at the site, decommissioning, redevelopment or installation of underground services etc; and
- Potential permeation of volatile hydrocarbons (such as BTEX or TPH C₆-C₉) through plastic water supply pipes if impacted soils are present in the vicinity of water supply pipes. Water supply pipes present on the site currently are understood to be metallic and this exposure pathway is therefore unlikely unless new plastic water supply pipes are installed through areas of residual contamination after the remediation.

Groundwater:

- The potential migration through perched groundwater to Cootamundra Creek adjacent to and down-gradient of the site.

Air:

- There is potential for exposure of site users and construction or maintenance workers through the inhalation of hydrocarbon vapours released to ambient air from an excavation on the site.

4.5 Assessment of Risks to Proposed Future Land Users

The assessment criteria adopted in the previous environmental assessments for petroleum hydrocarbons is predominantly the NSW EPA (1994) Guidelines for the Assessment of Service Station Sites. These guidelines are based on assessment of risks in relation to sensitive land uses including residential with gardens and childcare facilities.

Currently there is limited or no NSW EPA endorsed guidelines for the majority of petroleum hydrocarbon related contaminants with the exception of some TPH compounds where fractionated analysis is necessary to be able to assess the results against the applicable criteria. However, site-specific health risk assessment can be used to demonstrate whether identified contamination presents a potential risk to potential site users under various land use scenarios. CRC CARE has published Health Screening Levels (HSLs) applicable to various land uses, including less sensitive land uses, and these may be used for risk screening purposes to assess potential risks to applicable land users, prior to completion of site specific Health Risk Assessment.

The CRC CARE HSLs applicable to 'maintenance workers' (in a 1m deep trench) and 'recreational / open space' land use / potential receptor scenarios have been used to assess potential risks, at a preliminary level, to future site users or maintenance workers from the identified contamination. The HSLs apply to inhalation of vapours, dermal contact and / or incidental ingestion of contaminated soils.

The assessment has indicated that the reported concentrations of petroleum hydrocarbon impact to soil outlined on Figure 4 does not present an unacceptable health risk to future users of the site as recreational / open space or maintenance workers where excavation is required. Non-petroleum contaminants were below the assessment criteria including asbestos. However, fragments of suspected ACM were observed by the office in the southern part of the site and will need to be emu-picked as part of future pre-demolition hazardous materials removal works. Any ACMs remaining onsite after the remediation (e.g. gaskets on pipework) will require management to ensure the material is not likely to be exposed during future works at the site or from weathering.

The findings of the HSL screening will be confirmed through completion site-specific HRA modelling following remediation works.

4.6 Assessment of Risks to Groundwater and Surface Water Receptors

Although reported concentrations of dissolved phase hydrocarbons in groundwater do not present an unacceptable health risk to future users of recreational / open space or maintenance workers, they represent an ongoing impact to groundwater or perched water beneath the site. Concentrations of TPH have not been recorded in surface water samples to date and concentrations of BTEX recorded in downstream samples (possibly associated with the rail siding site beyond Sutton Street) were below the assessment criteria. Risks from migration of impacted groundwater to surface water receptors would be further reduced following primary and secondary contamination source removal.

4.7 Potentially Complete Contaminant Migration and Exposure Scenarios

Based on the available site assessment information and the health screening assessment undertaken, the following potentially complete contaminant migration and exposure scenarios exist in relation to a future recreational open space land use:

- The potential migration of hydrocarbon contamination in perched groundwater to Cootamundry Creek adjacent to and down-gradient of the site.
- Potential migration of contaminated perched groundwater to deeper groundwater within bedrock in the south and / or southeast of the site. No impact to groundwater within the underlying bedrock has been recorded to the southwest of the site (MW17) and the likelihood based on the currently available information is considered to be low. Further investigation and assessment of groundwater in bedrock between the site and the nearby offsite bore is recommended as part of future remediation works. The purpose is to confirm that unacceptable migration of contamination to groundwater within the deeper bedrock (which may be within the zone of influence of the offsite domestic extraction bore) is not occurring.

Coffey recommend that another round of surface water sampling be undertaken to demonstrate the absence of elevated concentrations of contamination in Cootamundry Creek adjacent to and down-gradient of the site.

4.8 Identification of Potential Receptors at Risk

The following potentially sensitive areas and possible receptors located within a 500m radius of the site should be considered during the remediation works:

- Future construction workers during demolition of the existing infrastructure and remediation works;
and

- Users of groundwater which may be impacted by on-site contamination.

4.9 Areas Requiring Additional Assessment or Remediation / Management

Based on the results of the previous assessments, the following areas require additional assessment and / or potentially remediation / management:

Additional Assessment

- Surface soils / fill across the site where asbestos was observed (following emu-pick of ACM);
- Surface soils beneath current or former above ground fuel lines (where not assessed to date);
- Beneath existing site buildings which are due to be demolished (i.e. drum stores); and
- Deeper groundwater within bedrock in the south / southeast of the site between MW1 and the offsite extraction bore to the east.

Management

- Areas near the location of the above ground storage tanks, camouflaged tanks, associated petroleum distribution infrastructure and foam house which are proposed to remain in-situ and where assessment beneath or immediately adjacent to was not practicable; and
- ACM remaining on the site after remediation works (i.e. within heritage structures or remaining infrastructure such as fuel pipes).
- Restriction on extraction of groundwater for beneficial reuse onsite.

Remediation

- Areas near the contamination sources / previous soil sample locations and groundwater monitoring wells where potentially unacceptable petroleum hydrocarbons concentrations were recorded (i.e. in vicinity of USTs in south and southwest where grossly impacted soils are likely present).

4.10 Post-Remediation Site Management and Monitoring

Based on the information currently available to Coffey, we consider that a formal post-remediation Environmental Management Plan (EMP) for control of residual contamination on the site will not be necessary as we consider that potential risks to the proposed land users following remediation will be demonstrated to be low (through a site specific Health Risk Assessment). Coffey also consider that that potential risks to groundwater or surface water receptors will also be demonstrated to be low through confirmation of a stable or reducing trend in contaminant concentrations in groundwater.

Caltex propose that the site will be handed over to Council following the soil remediation and completion of the Site Validation Report and Health Risk Assessment. Post-remediation groundwater monitoring required to demonstrate a stable or reducing trend in contamination concentrations over time (expected to be 6 to 18 months) in groundwater is proposed to be undertaken following Council's ownership of the site.

Requirements for future management measures that may be required to be implemented by Council comprise:

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- Implementation of appropriate management measures should the existing structures to be retained on the site (ASTs, pump house etc) be demolished or undergo alterations in the future;
- ACMs remaining on the site after the remediation works (i.e. non-accessible gaskets / seals on pipework and tanks being retained, bonded asbestos cement sheeting on the roof of pump house, down pipes, guttering and gable end etc) will need to be recorded in a Hazardous Materials Report and an Asbestos Management Plan which is kept up to date (minimum review / update period every five years dependent on the location and nature of the ACM). Coffey will prepare these documents for Caltex as part of the remediation works, for Council's review and approval; and
- Council should not extract, nor authorise extraction of groundwater from beneath the site, unless the groundwater in the proposed extraction area has been tested and is demonstrated to be suitable for the proposed use.

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5 VALIDATION ACCEPTANCE CRITERIA

The following validation criteria have been adopted above which no further action is required and is based on the following guidance documents:

- *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd Edition) (DEC, 2006);*
- *Contaminated Sites: Guidelines for Assessing Service Station Sites (NSW EPA, 1994);*
- *Management of asbestos in the non-occupational environment (enHealth, 2005);*
- *Australian Drinking Water Guidelines (NRMRC 2011);*
- *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC, 2000);*
- *Guideline on Investigation Levels for Soil and Groundwater, National Environment Protection (Assessment of Site Contamination) Measure (NEPC, 1999); and*
- *Western Australia Department of Health: Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (WA DOH, 2009).*

5.1 Soils - Human Health Criteria

5.1.1 Heavy metals, PAH, total phenols, OCP, OPP and PCB

The NSW Environment Protection Authority (NSW EPA) endorsed assessment criteria for assessment of soil analytical results for heavy metals, PAH, phenol, OCP and PCB are listed in Appendix II of NSW DEC (2006) guidelines and are based on guidance provided in NEPC (1999). These guidelines present a range of Health-based Investigation Levels (HILs) for soils which are considered to be appropriate for four broad classes of land use on urban sites in NSW.

Given the Non Urban setting of the site, and the possible future use of the site as public open space (park land), the adopted VAC for the site are those for parks, recreational space and playing fields (Column 3 in Appendix II of NSW DEC (2006)).

5.1.2 TPH/BTEX

NSW DEC (2006) guidelines do not provide levels for volatile petroleum hydrocarbon compounds. The *Guidelines for Assessing Service Station Sites* (NSW EPA, 1994) provide an indication of acceptable levels for sensitive land use for petroleum hydrocarbons compounds for sensitive land use. For semi-volatile petroleum hydrocarbons (C16–C35 and >C35) investigation levels are provided in the NSW DEC (2006) Guidelines, however, these are based on the NEPC (1999) health-based investigation levels, which require the laboratory analysis to unequivocally differentiate between aromatic and aliphatic compounds. The relevant values in NSW EPA service station guidelines will be applied in the first instance as broad criteria to assess TPH concentrations.

Recorded concentrations above the NSW EPA (1994) criteria will be initially screened against the CRC Care HSLs and if they pass, will then be used to complete a site-specific HRA to confirm that concentrations do not present an unacceptable risk to future recreational / public open space land users or maintenance workers.

5.1.3 Asbestos

There are currently no national or NSW EPA endorsed guidelines relating to human health or environmental assessment of soil impacted by asbestos on sites. NSW DEC (2006) requires that auditors exercise their "professional judgement when assessing whether a site is suitable for a specific use in light of evidence that asbestos may be a contaminant of concern". In enHealth (2005), guidance is provided on the assessment and management of asbestos in soil which recommends that where fragments of asbestos cement are found that the type of asbestos present should be confirmed by microscopy and that the whole area where fragments are located should be regarded as contaminated and action taken.

For this site, as an initial screening criterion, Coffey has adopted a conservative criterion for asbestos of no asbestos detected in the analysed samples. Subject to the results and if sampling is undertaken using the methodology in the *Western Australia Department of Health: Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia* (WA DOH, 2009), then these guidelines will be used to assess risks posed by asbestos.

This guideline takes a risk based, and where necessary, conservative approach to uncertainties associated with protecting the public from asbestos contaminated sites.

Based on the above guidelines, Coffey proposes to adopt the following as the acceptance criteria for assessment:

- No visible fragments of asbestos containing material (ACM) present at the surface;
- No respirable fibres of asbestos in soil validation samples identified using trace analysis;
- The concentration of asbestos fines (AF) and/or friable asbestos (FA) should not exceed 0.001% w/w; and
- If one or more fragments of asbestos containing material (ACM) are found in validation samples, then the concentration of ACM should not exceed 0.05% w/w.

5.2 Environmental and Aesthetic Considerations

Due to the site's possible future use as park land and open space consideration should also be given to ecological and aesthetic factors relating to the site. From an ecological standpoint the site should be able to support and sustain adequate vegetation. Similarly hydrocarbon staining and odours should not be evident at the site nor impair the use of the site as park land by members of the public.

5.3 Adopted Soil Validation Acceptance Criteria

A summary of adopted validation criteria or remediation screening criteria for soil, above which any exceedances will require site-specific Health Risk Assessment, is presented in Table 5.1.

Table 5.1: Validation / Remediation Screening Criteria for Soil

Analyte	Health Investigation Levels (HILs) (mg/kg) ⁽¹⁾	Sensitive Land Use (mg/kg) ^{(2) (4)}	Provisional Phytotoxicity Based Investigation Levels	Adopted Criteria (mg/kg)
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HIL E				
METALS / METALLOIDS				
Lead	600	300	600	600
Zinc	14,000	-	200	200
ORGANICS				
Total PAHs	40	20	-	40
Benzo(a)pyrene	2	1	-	2
Aldrin + dieldrin	20	-	-	20
Chlordane	100	-	-	100
DDT+DDD+DDE	400	-	-	400
Heptachlor	20	-	-	20
Total PCB	20	-	-	20
TPH C ₁₀ -C ₂₅	-	65	-	65 ⁽⁴⁾
TPH C ₁₀ -C ₄₀	-	1,000	-	1,000 ⁽⁴⁾
Benzene	-	1	-	1 ⁽⁴⁾
Toluene	-	1.4	-	1.4 ⁽⁴⁾
Ethylbenzene	-	3.1	-	3.1 ⁽⁴⁾
Xylenes	-	14	-	14 ⁽⁴⁾
Asbestos	-	-	-	ND (Initial screening) If WA DOH 2009 sampling used 0.001% - FA and AF 0.05% - ACM

1. NSW DEC (2006) *Guidelines for the NSW Site Auditor Scheme* (2nd Edition).
2. NSW EPA (1994) *Guidelines for Assessing Service Station Sites*.
3. NSW DEC (2006) *Guidelines for the NSW Site Auditor Scheme* (2nd Edition)
4. Where concentrations exceed the VAC for TPH / BTEX then site specific Health Risk Assessment will be undertaken to confirm the concentrations do not present an unacceptable risk to human health of site users or maintenance workers based on the proposed recreational / open space future land use. Qualitative assessment will also be necessary to demonstrate that the residual concentrations are unlikely to present an ongoing risk to groundwater and this will be further supported by post-remediation groundwater monitoring.

FA = Friable asbestos

AF = Asbestos fines

ACM = Asbestos containing materials (fragments >7mm)

5.4 Groundwater Environmental Values and Beneficial Use

For assessing groundwater quality, it is first necessary to assess the environmental values and beneficial uses of groundwater both on and down gradient of the site. Potential environmental values and beneficial uses for groundwater associated with this site are considered below.

5.4.1 On Site Values

Not applicable – proposed restriction on extraction of groundwater onsite for beneficial reuse.

5.4.2 Off Site Values

- Use of extracted groundwater for domestic and stock watering purposes; and
- Migration of perched water / groundwater to Cootamundra Creek which may support freshwater aquatic ecosystems.

Due to the location of twelve registered domestic and domestic stock watering bores within a 500m radius of the site, domestic (including consumption) and agricultural water supply are considered potential beneficial uses of the groundwater which could be impacted by groundwater quality beneath the site.

5.5 Adopted Groundwater Validation Acceptance Criteria

A summary of adopted validation criteria or remediation screening criteria for groundwater, above which any exceedances will require site-specific Health Risk Assessment, is presented in Table 5.2.

Table 5.2: Validation Acceptance Criteria for Groundwater

Analyte	Laboratory Limit of Reporting	Australian Agricultural Livestock Guidelines (2004) (µg/L)	Australian Drinking Water Guidelines (2004) (µg/L)	ANZECC (2000) Freshwater Aquatic Ecosystems (µg/L)
Lead	-	100	10	3.4
Zinc	-	200	-	-
Benzo(a)pyrene	0.1	-	0.01	0.1
Naphthalene	0.1	-	-	16
Anthracene	0.1	-	-	Exceed NATA Laboratory LOR ⁶
Phenanthrene	0.1	-	-	0.6 ⁵
Fluoranthene	0.1	-	-	1 ⁵
TPH C ₈ -C ₉	20	-	-	Exceed NATA Laboratory LOR ⁷
TPH C ₁₀ -C ₁₄	50	-	-	
TPH C ₁₅ -C ₂₈	100	-	-	
TPH C ₂₉ -C ₃₆	100	-	-	
Benzene	1	-	1	950
Toluene	1	-	800	180 ⁵
Ethylbenzene	1	-	300	80 ⁵
o-Xylene	-	-	-	350
m-Xylene	-	-	-	75 ⁵
p-Xylene	-	-	-	200
Total Xylene	3	-	600	75 ^{5,6}

1. ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Section 4.2
2. ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Table 5.2.3
3. NHRMC (2004) Australian Drinking Water Guidelines – health based guideline (aesthetic based in brackets)
4. Fresh water low reliability value for 95% protection level in ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Value for 2, 4-dimethylbenzene should be used as indicative interim working level only.
5. Fresh water low reliability value for 99% protection level in ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality
6. Conservatively assumes xylene is m-xylene
7. Laboratory LOR used for comparison
8. Laboratory LOR used for comparison due to trigger value of 0.01µg/L which is not an achievable limit of reporting by the laboratory.

LOR Limits of Reporting

6 REMEDIATION STRATEGY

6.1 Remediation Goal

The remediation goal is to render the site suitable for possible future use as public open space (recreational park land) and to protect Cootamundry Creek through improvement or stabilisation of groundwater quality beneath the site.

6.2 Remediation Strategy Assessment

Coffey has reviewed remedial options taking into consideration the remediation hierarchy in the National Environment Protection (Assessment of Site Contamination) Measure (NEPC, 1999).

The development of remediation goals involves initially listing all possible remediation goals that can be used to truncate the exposure pathways identified for a given set of site conditions. The first part of this process is to evaluate remediation goals for the site in each of the following categories:

- Primary and Secondary Source Control – removal / treatment actions to remove the contaminant source(s) or reduce them to an acceptable level;
- Transport Control - containment measures to limit contaminant transport; and
- Exposure Pathway Control - institutional controls to limit human or environmental exposure to contamination.

Based on the data review, the following remediation strategies have been identified.

On-site

- Demolition of site buildings on the southern part of the site (excluding the pump house and adjacent concrete ethyl blending pit, unless necessary due to contamination in this area) and removal of USTs and associated infrastructure.
- Removal and disposal or recycling of all stairs and ladders to tanks (unless otherwise advised by Caltex or Council), with the exception of the spiral stairs to Tank 5;
- Removal of visible fragments of asbestos from the ground surface and validation that asbestos fibres do not pose an unacceptable health risk.
- Removal of general wastes from the ground surface across the site.
- Targeted removal of petroleum hydrocarbon contamination with the intent of removing a large proportion of contaminant mass from the site within practical limits. Removal of contaminated soil would further reduce risks to future users of the land and also remove a source of groundwater impact.
- Completion of a site-specific Health Risk Assessment (HRA) using the residual concentrations of petroleum hydrocarbon contamination in soil and groundwater to assess potential risks to human health of future recreational users of the site and future maintenance workers.
- Monitor groundwater to demonstrate that concentrations of petroleum hydrocarbons are either stable or reducing.

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Off-site

- Monitor groundwater and surface water quality to demonstrate that concentrations of petroleum hydrocarbons are either stable or reducing and are not impacting potential sensitive receptors (Cootamundry Creek).

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7 ADDITIONAL ASSESSMENT, REMEDIATION AND VALIDATION

7.1 On-site

7.1.1 Demolition, Tank Removal and Targeted Soil Excavation

Demolition of on-site buildings on the southern part of the site (excluding the pump house) is proposed along with the removal of the remaining petroleum fuel storage infrastructure on the southern part of the site. This will include the mechanical excavation of the remaining USTs and areas of potentially unacceptable petroleum hydrocarbon concentrations.

Suspected asbestos containing material identified within the building and petroleum distribution infrastructure (to be removed) during the 2011 Hazardous Material Survey will be removed by a licensed asbestos removal contractor in accordance with relevant WorkCover permits, licences, codes of practice and standards for this type of work.

It should be noted that the following features are considered to be of heritage significance and / or are not proposed to be removed:

- Camouflaged tanks (T1 and T2) on the northern part of the site;
- Remaining above ground storage tanks (T3-T5) on the central-southern parts of the site. However, all stairs and ladders to tanks will be removed and disposed or recycled (unless otherwise advised by Caltex or Council), with the exception of the spiral stairs to Tank 5;
- The foam house and remaining above ground water tank within the building adjacent to the north-eastern boundary of the site. However, the water tank will be drained of water;
- The fuel pump house and adjacent ethyl blending pit in the southwest (unless additional assessment indicates this is required);
- Remaining fuel and water lines across the site including those between the tanks and pump house.
- Fuel distribution infrastructure beyond the depot site boundary and beneath Sutton Street. Coffey proposes that this pipework be decommissioned in-situ by slurry filling both ends of the pipework.

In the event that demolition / removal and disposal of the pump house and adjacent concrete ethyl blending pit is required due to contamination then this will be undertaken by the civil contractor. If demolition of the pump house is not required then the bonded ACM will be removed from the roof of the building and disposed offsite. Sufficient corrugated iron sheeting from the roof of the drum store will be retained onsite for future re-roofing of the pump house by Council.

The intent is to remove the primary sources (or potential future sources) of contamination and a large proportion of contaminant mass from the site, within practical limits.

7.1.2 Removal of ACM Fragments around Office

Fragments of suspected ACM were observed by the office in the southern part of the site and will need to be emu-picked as part of future pre-demolition hazardous materials removal works.

Following ACM removal, validation of the surface soil across the formerly impacted area will be carried out. Where suspected ACM is identified, samples will be collected and forwarded to the laboratory for asbestos identification.

This validation process is considered to be consistent with Table 7 of the WA DOH guidelines.

7.1.3 General Waste Removal

General waste such as scrap metal and rubbish on the ground surface across the site will be cleared and disposed or recycled offsite at an appropriate licensed waste or recycling facility.

7.1.4 Soils Treatment and Disposal

The soils will be treated onsite using bioremediation techniques such as controlled landfarming or biopiling, to reduce the contaminant mass in the soils. Soils not amenable to bioremediation may be disposal offsite at an appropriately licensed landfill.

The remediation areas will be located within the fenced boundaries of the site and on either remaining areas of hardstand or on plastic sheeting, to avoid cross contamination of underlying non-impacted soils.

The soils will be turned as and when required to promote aerobic degradation of the contaminant mass and will be validated prior to backfill into the excavations.

7.1.5 Validation of Excavations

Upon completion of excavation works, soil validation samples will be collected from the excavations at the following sampling density:

- One sample per 25m² for the base of each excavation with a minimum of one sample per excavation; and
- One sample per 8.5 lineal metres for the walls with a minimum of one sample per wall. At each sampling point along the excavation walls, two samples will be collected, depending upon the depth of excavation – one from the upper half of the excavation (i.e. 0.0-2.0m) and one from the lower half of the excavation (i.e. 2.0-4.0m), depending upon the final depth of excavation. Excavation below groundwater is unlikely to occur unless gross contamination below groundwater level is observed.
- Samples will be submitted for laboratory analysis for TPH, BTEX, PAH and lead.

7.1.6 Validation of Imported Fill

Where it is required to import fill to the site for backfilling of excavations, the following will be carried out:

- A visual inspection of the source site and the proposed fill material to check that it is likely to meet the requirements of Virgin Excavated Natural Material (VENM); and
- Collection and laboratory analysis of spatially representative samples of the proposed fill material at a rate of approximately one sample per 100m³ of imported fill, with a minimum of two samples per source site.

Samples will be submitted for laboratory analysis for one or more of TPH, BTEX, PAH, OC/OP Pesticides, PCB, heavy metals and asbestos. The range of contaminants requiring analysis may need

to be revised, depending on the environmental consultant's understanding of historical source site usage and the visual assessment of the material.

If the material to be brought to the site is not VENM, then the material would be required to satisfy conditions of Excavated Natural Material under the excavated natural material exemption 2008 of the Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A.

Coffey will observe all material from each source site as it is delivered to site to check that it appears consistent with the source and that there is no visual or olfactory evidence of contamination such as staining, anthropogenic materials or odours.

Copies of dockets pertaining to imported fill soils will be provided by the remediation contractor to confirm the source, type and quantities of materials.

7.1.7 Validation Report

Following the completion of the targeted soil excavation and validation works, and addressed asbestos-based impacts; a Site Remediation and Validation Report will be prepared by Coffey and submitted to Council in general accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites* (2011) and NSW DECCW *UPSS Technical Note: Site Validation Reporting* (2010).

7.1.8 Groundwater Monitoring

Onsite groundwater monitoring will be carried out following remediation works to demonstrate that concentrations of petroleum hydrocarbons are stable or reducing.

Each well would be gauged, purged and sampled and the samples analysed for TPH, BTEX, PAH and lead. At this stage, monitoring is likely to comprise at least two post-remediation monitoring rounds between three and six months apart. The requirement for further monitoring would be assessed using trend in the groundwater quality.

7.2 Off-site

Offsite land comprises land beyond Lot 12 DP85690 (previously Lot 112 DP 136005).

7.2.1 Groundwater and Surface Water Monitoring

Off-site groundwater and surface water monitoring will be carried out following remediation works to demonstrate that concentrations of petroleum hydrocarbons are stable or reducing, and are not impacting the Cootamundry Creek or other potential sensitive receptors.

Each well would be gauged, purged and sampled and the samples analysed for TPH, BTEX, PAH and lead. At this stage, monitoring is likely to comprise at least two to three post-remediation monitoring rounds at approximately 4 weeks, 3 months and 6 months after completion of soil remediation works. The requirement for further monitoring would be assessed using trend in the groundwater quality.

7.3 Excluded Works

The proposed scope to be undertaken on behalf of Caltex, as outlined in Section 6 and 7, is based on discussions and agreement between Caltex and Council. All other works required to render the site suitable for use as open space / recreation is to be undertaken by other parties commissioned by

Council. Coffey understand that Caltex will not be liable for the cost for these works, which may include some or all of the following:

- Reconstruction of the roof of the pump house (if retained) following removal of the current asbestos cement sheeting on the roof;
- Completion of a detailed photographic record of the pump house and adjacent structures if demolition / removal is required;
- Construction of new water pipes from the water main entering the site;
- Removal of the water tank within the foam house;
- Installation of drainage infrastructure (e.g. in the vicinity of AST(s));
- Fencing of site infrastructure that is retained; and / or
- Removal, repair, making safe or other works to the spiral stairs associated with Tank 5 in the southeast of the site (see Figure 2).

8 ENVIRONMENTAL MANAGEMENT

8.1 General

The main environmental impact associated with the proposed remedial works arises from removal of contaminated soil. Soil removed during the excavation works will be temporarily stockpiled and remediated on-site in a secure area on an impervious surface. Where practicable, soils below the VAC would be reused on site.

Bioremediation or controlled land farming of the soils will be undertaken to reduce hydrocarbon concentrations to a level suitable for reuse of treated soil on site. Should land farming to a level suitable for reuse not be achievable, the soil will be classified and disposed off-site to a licensed landfill.

Stockpiled material will be enclosed by silt-trapping barriers for the control of silt and surface water runoff. Sediment and erosion control devices shall be installed and will be maintained throughout the remediation process. An Environmental Management Plan (EMP) for the remediation works will be prepared to define an acceptable standard for remediation works on the site and a copy of the EMP shall be kept on-site at all times. Additional environmental management controls are outlined in the following sections.

The possible requirement for a post-remediation EMP on parts of the site will be assessed further as part of the site validation works.

8.2 Air Emissions

The main type and source of air emissions from the site during ex-situ remedial works are anticipated to be odours released from the walls and base of open excavations and during handling of excavated impacted soil. The actual concentrations of the air emissions will vary depending on weather conditions and the composition of the impacted soils.

Air emission and odour suppression will endeavour to control odours so that no offensive odours can be detected at the site boundary.

If considered necessary, the following odour management procedures could be used:

- Undertaking the excavation works in a staged manner to limit the surface area of odorous material exposed;
- Application of odour suppressants (Anotec 0307®) via spray applicator; and
- Covering of the stockpiled soil, to suppress the release of the odours.

In addition, as a precautionary management measure, air monitoring will be carried out during the excavation works using a PID that measures VOCs. Air quality within the work area and within workers' breathing zones will be monitored during the site activities using a PID. Workers will immediately withdraw from the immediate work area if VOCs are greater than 10ppm in the workers' breathing zone. A range of actions including the use of respirators by site personnel, watering or covering of stockpiles, and suspension of site works will be assigned to different PID action levels.

Records of air monitoring conducted during excavation works will be made available to relevant regulatory officers upon request.

8.2.1 Dust

The remedial works would involve excavation of the subsurface, stockpiling, transportation and placement of soil, and general movement of vehicles across the site. As such, dust generation is considered an environmental aspect which has the potential to move beyond the site boundary.

The following management measures will be implemented to control dust emission beyond the site boundary:

- General Work Area
 - High density weave shade cloth will be placed around the remediation work zone or at the site boundary; and
 - A communication and complaints register will be operated on site to ensure that any concerns of local residents and businesses are recorded and addressed.
- Excavation Areas
 - Silt fences will be used around the perimeter of the excavation areas to reduce spread of fine materials which have high dust generating potential;
 - Dust suppression using water sprays would be applied in dry weather; and
 - If dust migration from excavation areas is considered excessive due to high winds, the works will be delayed or limited during these periods.
- Stockpile Areas
 - Temporary stockpiling of the impacted soils may result in dust generation. The material will be covered by a high density polyethylene (HDPE) sheet which will aid in minimising the off-site movement of dust;
 - Stockpiles will be positioned where erosion of the stockpile will be minimised and/or securely covered with tarpaulin where this is not possible;
 - Regular dampening of stockpiles with water mist may be carried out to minimise dust generation. Note that the amount of water used for dust suppression needs to be minimal in order to prevent runoff;
 - Stockpiles will not exceed the height of the fencing in order to reduce dust and odours spreading to the surrounding environment; and
 - Impervious polyethylene sheeting will be placed under stockpiles to prevent contaminants from seeping into uncontaminated soils.
- Haulage of Soils
 - Trucks transporting contaminated soil or imported fill to and from the site must be covered in order to minimise dust generation;
 - Consideration for a tyre grid/wash may be required to prevent soil being transported off-site via vehicular movement to and from the site. The following procedures will be followed on-site to limit the potential for transport of soil/dust off-site via vehicular movement;
 - Contractors working on-site will be briefed on the requirement to keep dust generation to a practical minimum. If observed dust levels are unacceptable, work will cease until measures have

been undertaken to reduce the dust, or until weather conditions are more suitable. This may involve an alteration of the work plan or the use of water sprays.

8.2.2 Noise Controls

Any noise impact associated with the site works is acknowledged as an important environmental issue. Some noise will be generated during the excavation activities when using machinery such as excavators, backhoes and soil screening equipment.

Contractors must comply with statutory regulations regarding noise limitations in residential and commercial areas, and hours as restricted by Cootamundra Shire Council.

8.2.3 Storm Water and Sediment Control

At this stage we anticipate excavated soils will be stockpiled on either high density plastic sheeting. The stockpiled soils will be required to be bunded with adequate provision for stormwater control. This can include providing silt fencing and hay bales around the stockpiled soils. The following general soil erosion and sedimentation control measures will be implemented for the proposed works:

- Silt fencing and hay bales should be placed around stockpiled soils to filter runoff;
- Have additional sediment erosion and control structures readily available on site in case installed controls fail;
- Stockpiles will be placed on 2-ply high density polyethylene (HDPE) or hardstanding surfaces and where deemed necessary, covered with single ply HDPE at the end of each day;
- Divert high velocity runoff away from the excavation and stockpiles (if required);
- Vehicles leaving the site should be adequately cleaned to remove any excess soil and should ensure that soil does not reach the road, any soil carried to the road should be removed by sweeping, not hosing; and
- Water that may accumulate in excavations following rain should be tested for potential contaminants and disposal options assessed based on the results prior to removal. The water may be removed by a licensed liquid waste contractor for disposal offsite (note sometimes this can be done without prior testing). Water may be stored on site for reuse in dust suppression.

Routine maintenance will include replacement of damaged sediment control structures as required.

8.2.4 Management of Groundwater

Water has accumulated in the existing excavations and some additional groundwater may enter the excavations. Water will be either pumped, treated and discharged to sewer (under agreement with the appropriate authorities) or will be pumped out and disposed off-site by a licensed contractor to a NSW EPA approved Liquid Waste Treatment Facility.

8.2.5 Waste Disposal

Soil wastes to be disposed offsite will be stored, transported and disposed in accordance with the relevant sections of the POEO (Waste Regulation) Clause 42. General waste generated from remedial activities may include domestic rubbish, disposable PPE and disused sediment and erosion control structures. The domestic rubbish and disposable PPE will be collected and disposed of appropriately at