

MAHER'S SMASH REPAIRS

PLANNING PROPOSAL

PROPOSED AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

LOTS 1, 2, 3, 26 & 27 DP 37341
ARMIDALE ROAD, NEMINGAH NSW



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PLANNING PROPOSAL

PROPOSED LEP AMENDMENT

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For:

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Subject Land:

Lots 1, 2, 3 26 & 27 in Deposited Plan 37341

Armidale Road (New England Highway), Nemingha NSW
Parish of Tamworth
County of Inglis
L.G.A.: Tamworth

Declaration:

We hereby certify that we have prepared the contents of this document and to the best of our knowledge it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Name:

BATH, STEWART ASSOCIATES P/L
per: Sonya Vickery – Senior Town Planner

Signature:


.....

Date:

5 May 2014

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INTRODUCTION

This Planning Proposal has been prepared in accordance with Section 55 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated guidelines 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Infrastructure dated October 2012 which require the following matters to be addressed:

- Part 1 - Objectives or intended outcomes;
- Part 2 - Explanation of provisions;
- Part 3 - Justification;
 - Questions to consider when demonstrating justification;
- Part 4 - Mapping;
- Part 5 - Community consultation; and
- Part 6 - Project timeline.

1.0 PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL

The objective of the Planning Proposal is to amend the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) by inclusion of a site specific enabling clause under Schedule 1 'Additional permitted uses' of the TRLEP 2010. The enabling clause will permit the current business to lawfully continue and facilitate the re-development of the site.

The successful adoption of this Planning Proposal will enable the submission of a development application for the purpose of improving the current commercial operations and facilitating design and functionality improvements to the site.

Under the current planning instrument, the TRLEP 2010, the site is zoned R1 - General Residential. The current business activity being undertaken on the site is that of a '*vehicle body repair workshop*'. In accordance with the provisions of the TRLEP 2010 this land use is not considered permissible in the R1 zone. Preliminary discussions with Tamworth Regional Council have indicated that Council is generally supportive of an amendment to Schedule 1 in relation to the subject site and associated business activity.

1.1 BACKGROUND

The proponent operates a motor vehicle smash repair business in the village of Nemingha on the Armidale Road (the New England Highway) approximately 8km east of Tamworth. The business has operated in the same location for approximately 35 years. The proponent is the owner of three (3) lots occupied by the business as well as two (2) additional lots adjoining the business.

The subject lots have been zoned for residential purposes for many years. It is our understanding that the proponent has undertaken his business activities with the tacit approval of Council throughout this time. However, in recent years the business has progressively grown to the point where the current site, in its present state, does not provide adequate loading and unloading facilities, staff and customer parking or sufficient work space. Moreover, Council has indicated that in order to consider

future development applications aimed at improving the site, permissibility in relation to the current business activity must be addressed.

Council has indicated in discussions with our client that the current situation necessitates either the re-location of the business or a Planning Proposal submission aimed at enabling the current activities to be considered permissible. Re-location of the business is considered to be cost prohibitive to our client and is not a viable option.

Therefore, our client wishes to pursue a Planning Proposal which, if approved, will allow him to continue his business operations on the current site. Moreover, the successful adoption of the Planning Proposal will facilitate improvements to the site which include enhanced site design, visual amenity and improved accessibility in accordance with Council's requirements. We note that Council has indicated that from their perspective, the purpose of the Planning Proposal is not to facilitate an increase in the size of the business, the aim of the Planning Proposal is to facilitate improved business operations and site accessibility.

The following documents have been relied upon in the preparation of this Planning Proposal:

- The *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010);
- Survey and site design plans prepared by Bath Stewart Associates; and
- Contamination study undertaken by SMK Associates, Moree.

2.0 PART 2 – EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PLANNING PROPOSAL

The objectives or intended outcomes of this Planning Proposal are to be achieved by the following action:

- Amendment of Schedule 1 of the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) to enable the current vehicle repair business to be considered an *Additional Permissible Use* within the R1 General Residential zoning.

3.0 PART 3 – JUSTIFICATION

3.1 Section A – Need for the Planning Proposal

3.1.1 A1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a strategic study or report.

The New England Highway passes through the township of Nemingha which is located within close proximity to the major regional service centre of Tamworth. Nemingha features a wide variety of land uses including urban residential housing, light industrial, commercial, retail and manufacturing businesses as well as farms and rural residential holdings. The majority of commercial businesses operating in Nemingha have frontage to the Highway and are located within close proximity to the subject site. The predominant land uses located along the Highway in Nemingha are overwhelmingly commercial/industrial.

Although the subject site is zoned for residential use the current operation is not considered unsuitable for the location or incompatible with the character of the immediate locality. Council has indicated that it is supportive of small businesses in the Nemingha locality and is conscious that light industrial activity and mixed commercial development is well established and expanding in Nemingha due to high visibility and access from the New England Highway.

An examination of the key site characteristics, constraints and potential impacts of the Planning Proposal is provided in the following sections.

3.1.2 Location and Legal Description

The site is located at 508-514 Armidale Road, Nemingha NSW 2340. The proposed development site consists of five (5) allotments, legally registered as Lots 1, 2, 3, 26 and 27 in DP 37341. Title searches have been undertaken and it is established that the lots are legally held and free of restrictive covenants.

3.1.3 Site Description

The subject site is located within the village of Nemingha, approximately 8km to the east of Tamworth. The site's primary frontage is to Armidale Road (the New England Highway) which is a classified State Highway. The site's secondary frontage is to Railway Street which is classified as a Local Road.

The site is located adjacent to a four-way intersection which directs traffic heading south towards Nundle, east towards Brisbane, west towards Sydney and north towards urban development within Nemingha. Development within the immediate locality consists of a combination of residential dwellings, commercial and light industrial development and vacant land. Adjacent development consists of the Nemingha Tavern to the east, vacant land to the south and residential dwellings to the north and west.

An aerial map (with cadastral overlay) is provided below in Figure 1; the highlighted area indicates the subject lots.



FIGURE 1. AERIAL VIEW OF SUBJECT SITE

3.1.4 Constraints Affecting the Site

3.1.4.1 Stormwater/sewer

The proposed re-development of the site will involve increasing the current areas of concrete hard stand and the removal of several structures, shrubs and miscellaneous detritus. No other changes to

the current staff or visitor amenities (toilets/washroom/kitchen) are proposed or required. It is anticipated that stormwater run-off may be increased slightly due to additional hard stand areas and the clearing of some vegetation and structures. However, issues pertaining to stormwater run-off and collection will be fully explored should the Planning Proposal be approved and a future development application be submitted to Council. At this juncture it would appear that local stormwater pits located with the New England Highway road reserve are more than capable of containing current and future flows.

3.1.4.2 Traffic and Access

Traffic

The subject site occupies the north-western corner of a four-way intersection located at the eastern extremities of Nemingha. The site benefits from dual frontage to a State Highway (the New England Highway) to the south and a sealed public Local Road (Railway Street) to the east.

Future re-development of the site will not generate any additional traffic movements. The purpose of the re-development is to improve on-site parking and access arrangements and to enable the loading and unloading of vehicles to be undertaken on site. Therefore, it is considered that a comprehensive traffic impact assessment, in support of this Planning Proposal, is not necessary or warranted at this stage

Access

Access to the site is currently facilitated via a concrete layback located within the road reserve of Railway Street, which connects to an internal driveway and parking area constructed of reinforced concrete. All vehicles requiring access to the site must enter and exit via this driveway.

An additional driveway crossing is located within the road reserve of the New England Highway approximately 40m from the New England Highway/Railway Street intersection. This access has been unused for some time due to overcrowding on the site. Should the Planning Proposal be approved it is proposed that this access driveway will be activated and upgraded in order to provide a safe and appropriate point of egress for vehicles exiting the site. The subject crossing will be marked "No Entry" with appropriate signage and all incoming vehicles, including heavy vehicles, will be directed to enter the site via the existing concrete driveway located in Railway Street.

The purpose of activating this disused driveway is to facilitate traffic flows through the site in one direction, entering via Railway Street and exiting via the New England Highway. It is further proposed that all traffic exiting the site will be directed to turn left on to the New England Highway due to restricted visibility to the east.

This access arrangement is considered to be preferable to the current arrangements which create a bottle-neck in Railway Street severely limiting the safe movement of all vehicles wishing to negotiate this street. A preliminary site plan which provides details of the proposed vehicle ingress in to the site and egress from the site has been prepared. A Vehicle Movement Plan has also been prepared in order to model heavy vehicle ingress/egress and internal manoeuvrability. Furthermore, on-site parking will be facilitated via twenty two (22) dedicated car parking spaces and one (1) space for disabled persons. Please refer to Appendices D, E and F for further details.

Preliminary discussions have been undertaken with the NSW Roads and Maritime Services (NSW RMS) with regard to the proposed egress to the New England Highway. The response from NSW RMS is provided in Appendix H and discussed later in this report under section 3.2.3.1.

3.1.4.3 Flora and Fauna

The subject site consists of five parcels of urban land currently zoned for residential purposes. The sites are devoid of native trees and feature a small number of non-native trees, grasses and other shrubs. The subject lots are currently occupied by a vehicle smash repair business which involves the storage of damaged vehicles. A Flora and Fauna assessment has not been undertaken due to the absence of suitable habitat for fauna and the absence of substantial colonies or pockets of native flora. The site is considered highly unlikely to support either endangered or threatened species of flora or fauna.

3.1.4.4 Heritage (European and Aboriginal)

No items of European heritage significance have been identified on the sites. Due to the highly disturbed nature of the land it is considered highly unlikely that any Aboriginal artefacts of significance would remain on the sites. Moreover, the potential for any such artefacts to be found in the future is considered to be extremely low.

3.1.4.5 Visual Amenity and Scenic Impact

At present, our client's business does not positively contribute to the visual amenity of the locality due to overcrowding, vacant derelict buildings and minimal landscaping. The Planning Proposal aims to facilitate the proposed re-development of the site which will include the demolition of said derelict buildings, removal of excess car bodies, improvements to signage and the provision of dedicated parking areas and landscaping. It is anticipated that these improvements will make a positive contribution to the visual amenity of the Nemingha locality.

3.1.4.6 Natural Hazards

According to Council records the subject sites are not prone to flooding and are not considered to be bush fire prone. No other natural hazards are known to impact the sites.

3.1.4.7 Landscaping

The site is currently devoid of any landscaping. It is proposed that should the current business activity be permitted to continue the proposed re-development of the site will incorporate appropriate landscaping aimed at improving the visual amenity and dust/noise/odour impacts associated with the business.

3.1.4.8 Noise/Dust/Odour

As described in section 3.1.4.7 it is intended that future re-development of the site will involve appropriate landscaping aimed at minimising any potential noise, dust or odour impacts. The proponent has stated that he has never received any complaints from neighbours with regard to noise, dust or odour. The activities undertaken by the business involve the painting and restoration of damaged vehicles. The use of large extraction fans and enclosed work spaces, positioned to face away from neighbouring properties, minimises the potential for negative impacts on neighbouring businesses and/or residents.

3.1.5 SURROUNDING CONTEXT

3.1.5.1 Photos of typical land uses in the vicinity of the subject site.

As illustrated in Figure 1, the site is located within an urban environment, fronting a major highway. The site is surrounded by various forms of development including residential, commercial and industrial land uses. Plates 1-4 overleaf illustrate the land uses immediately surrounding the site and within the general locality.



Plate 1. Nemingha Tavern (adjacent development to the east of the site)



Plate 2. Light industrial businesses located in close proximity to the subject site.



Plate 3. Light industrial businesses typical of those located along the New England Highway at Nemingha



Plate 4. Easterly view of the New England Highway Nemingha.

3.1.6 A2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is required in order to comply with the requirements of the *Environmental Planning and Assessment Act 1979*. Amending the *Tamworth Regional Local Environmental Plan 2010* is the only avenue available to lawfully facilitate the continuation of the current land use.

3.2 Section B – Relationship to Strategic Planning Framework

3.2.1 B1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Tamworth Regional Development Strategy (TRDS) was produced in 2006 and adopted in 2008 in order to inform the preparation of the standard instrument Local Environmental Plan (LEP) for the Tamworth Region. The *Tamworth Regional Local Environmental Plan* (TRLEP) was subsequently adopted in 2010.

The TRDS does not specifically address Nemingha's industrial/commercial area or make recommendations with regard to future industrial/commercial strategic land use planning. However, the existing development cluster located along the New England Highway at Nemingha is singularly referred to in the strategy as an "enterprise corridor" (TRDS 2006:44-46). It should be noted that subsequent to the completion of the TRDS this "enterprise corridor" has continued to experience considerable economic growth evidenced by new market entrants and the expansion of existing operations. We consider that this economic growth and clustering of activities should not be underestimated by Council in relation to its employment and wealth generation impacts for Nemingha and the wider region.

3.2.2 B2. Is the Planning Proposal consistent with a Council's Local Community Strategic Plan, or other Local Strategic Plan?

This Planning Proposal is not inconsistent with Council's Community Strategic Plan or other Local Strategic Plans as the locality is not specifically addressed in any such plans.

3.2.3 B3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of relevant State Environmental Planning Policies (SEPPs) against the Planning Proposal is provided in the table below:

Table 1: Relevant State Environmental Planning Policies

SEPP	Objectives	Relevance and Implications
SEPP1 – Development Standards	This SEPP aims to improve flexibility with regard to development standards.	The Planning Proposal has no implications in terms of SEPP 1
SEPP 4 – Development without Consent and Miscellaneous Complying Development	This SEPP allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	This SEPP clarifies requirements in relation to storey, floor and levels.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 15 – Rural Land Sharing Communities	This SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria outlined in the policy.	The Planning Proposal has no implications in terms of the application of the SEPP.

SEPP 21 – Caravan Parks	This SEPP provides for the development of caravan parks.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 22 – Shops and Commercial Premises	This SEPP provides for the change of use of commercial premises.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 30 – Intensive Agriculture	This SEPP provides considerations for consent for intensive agriculture.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	This SEPP makes provisions for the redevelopment of urban land suitable for multi-unit housing and related development.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 33 – Hazardous & Offensive Development	This SEPP provides considerations for consent in relation to hazardous and offensive development.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 36 – Manufactured Home Estates	This SEPP aims to facilitate the development of manufactured home estates where suitable.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW greater than 1 hectare that is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas.	The Planning Proposal has no implications in terms of the application of this SEPP. The subject site is heavily disturbed and devoid of any native trees capable of supporting koalas.
SEPP 55 – Remediation of Land	This SEPP applies to land in NSW considered to be unsuitable for development due to contamination.	Relevant – see commentary
SEPP 64 – Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Relevant – see commentary
SEPP 65 – Design Quality of Residential Development	This SEPP relates to residential flat development throughout NSW through the application of a series of design principles.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Building Sustainability Index: BASIX 2004	This SEPP provides for the implementation of BASIX in NSW.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Housing for Seniors or People with a Disability 2004	This SEPP aims to encourage the provision of housing for seniors, including residential care facilities.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Major Development 2005	This SEPP defines certain major projects to be assessed under Part 3A of the EP&A Act 1979.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Infrastructure 2007	This SEPP provides a consistent approach for infrastructure and the provision of services across NSW.	The subject sites are already fully serviced and will place no additional strain on

		infrastructure services in the area. However, the subject site fronts a classified road therefore consultation with the NSW Road & Maritime Service (RMS) is required, see SEPP commentary for further discussion.
SEPP Mining, Petroleum Production and Extractive Industries 2007	This SEPP aims to guide the proper management of mineral, petroleum and extractive material resources.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Temporary Structures 2007	This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Exempt and Complying Development Codes 2008	This SEPP provides exempt and complying development codes that have state-wide application.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Rural Lands 2008	This SEPP aims to facilitate the economic use and sustainable development of rural lands, reduce land use conflicts and provides development principles.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP Affordable Rental Housing 2009	This SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	The Planning Proposal has no implications in terms of the application of the SEPP.
SEPP State and Regional Development 2011	This SEPP aims to identify development and infrastructure that is considered state significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	The Planning Proposal has no implications in terms of the application of the SEPP.

3.2.3.1 SEPP Commentary

SEPP 55 – Remediation of Land

This SEPP provides that land must be remediated, should contamination be identified, to an appropriate level to safely facilitate its proposed use. The subject site operates as a vehicle smash repair business which involves the painting and restoration of damaged vehicles as well as the temporary storage of same.

A preliminary site contamination investigation was undertaken in November 2013 by 'SMK Consultants', Moree. The site was inspected for visible signs of contamination and soil samples were taken from various locations and subsequently screened. The report concluded that while contaminants were present at various locations no sites of concern were identified. The report's author states that "contamination levels on the site present no risk to the proposed development in relation to soil contamination" (*SMK Consultants, November 2013*). Moreover, the author considers

that no further investigation of the area is deemed necessary. A full copy of the report is provided in Appendix G.

SEPP 64 – Advertising and Signage

The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The erection of new or additional signage will be addressed in a future development application which will consider the relevant provisions of SEPP 64.

SEPP Infrastructure (2007)

The subject site fronts a classified State Highway, the 'New England Highway'. Current traffic movements are directed to and from the site via Railway Street which forms the eastern boundary of the subject site and forms part of the four-way intersection with the New England Highway adjacent to the site. Council has provided traffic counts in relation to the immediate locality, however as the proposed re-development will not generate any **additional** traffic movements we do not consider that a comprehensive traffic impact assessment is necessary at this stage.

As described in section 3.1.4.2 it is proposed that, should the Planning Proposal be approved, the re-development of the site will include the activation of a disused access driveway which will facilitate the movement of vehicles through the site in one direction. Ingress will be directed to the access driveway in Railway Street and egress will be provided via the driveway located within the New England Highway road reserve.

Consultation with relevant parties at the NSW Department of Roads and Maritime Services (RMS) has been undertaken in order to provide early feedback with regard to this proposal. A copy of the proposed site re-development plan was submitted to the RMS and the following comments were received:-

The following comments are provided to assist you in the preparation of a planning proposal and/or development application;

1. It is understood the planning proposal seeks to amend the Tamworth Local Environment Plan (LEP) to enable an additional permissible use within the current zoning to accommodate an existing commercial use. Council will need to consider the likely impact of the additional permissible use on the future safety and efficiency of the classified road.
2. Council could request the LEP amendment be accompanied by a supporting development application that would enable Council to consider appropriate consent conditions to regulate further development of the site and associated traffic generation.
3. Any development application should be supported by a Traffic Impact Assessment (TIA) undertaken by a suitably qualified consultant. The assessment should address the requirements of the current Austroads Guidelines and the RTA Guide to Traffic Generating Developments.
4. The driveway crossing on the New England Highway does not meet current minimum design standards. Any proposal to reactivate or formalise this driveway would need to demonstrate that the driveway was previously granted a lawful approval and that any associated conditions of approval have been complied with.

Any application to formalise the driveway will need to address *Clause 101(2) of the State Environmental Planning Policy (Infrastructure) 2007* by justifying the necessity for access to a classified road where site

access is existing and available from a local road (Railway Street). Consideration should be given to regulating access to any proposed driveway to the New England Highway to prevent inappropriate use and to encourage all light vehicles to enter and exit via Railway Street.

Please note that a final decision as to whether access to the New England Highway will be permitted will be subject to a full assessment of the proposed development under a formal development application.

5. An inspection of the driveway has identified that any right-turn movement generated by the proposed access would be constrained by the nearby intersection with Railway Street and the available sight distance to the east. Consideration of a 'left out only' design may be appropriate to physically control traffic movements.

6. It is suggested that consideration be given to enclosing the internal car parking area to limit its visibility from the highway frontage. This will assist in minimising the potential for customers to attempt access via any proposed exit point.

7. For any works on the classified road, including driveway construction, the Developer will be required to enter into a 'Works Authorisation Deed' (WAD) and a Pre-Qualified Contractor will be required to complete all road works under the WAD to the satisfaction of Roads and Maritime. The Developer will be responsible for all costs associated with the works and administration of the WAD.

It is acknowledged that the re-activation of the disused driveway will require relevant investigations and/or justification as part of the development application process. Discussions held with the RMS indicated they are supportive of the re-activation of the driveway provided the recommended signage is deployed and that the relevant approvals are obtained. The RMS acknowledged that encouraging heavy vehicles to enter and exit the site in one forward motion is a significant improvement on the current access arrangements. However, with regard to the recommendation that light vehicles be encouraged to enter and exit via Railway Street we reserve the right to address this point should a development application proceed. Please refer to Appendix H for a copy of the letter received from the NSW RMS.

3.2.4 B4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions, under s.117(2) of the Environmental Planning and Assessment Act, 1979. Refer to Table 2 below.

Table 2: Relevant Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	The Planning Proposal is not affected by this Direction. However, we note that the subject business is located in an area defined as an "enterprise corridor" in the TRDS. The subject business is a key contributor to the commercial profile of Nemingha and a significant employer.

1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The Planning Proposal is not affected by this Direction.
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and to facilitate the economic development of rural land for rural related purposes.	The Planning Proposal is not affected by this Direction.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally significant or sensitive areas.	The Planning Proposal is not affected by this Direction.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance.	The Planning Proposal is not affected by this Direction.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The aim is encourage a variety of housing types to provide for existing and future housing needs and to minimise the impact of residential development on the environment and resource lands.	The subject site is currently zoned for residential purposes. However, it is considered that the current commercial land use activity represents a more efficient and economic use of the land considering its proximity to similar land uses and frontage to a major highway.
3.2 Caravan Parks and Manufactured Home Estates	The aim of this direction is to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.	The Planning Proposal is not affected by this Direction.
3.4 Integrating Land Use and Transport	The aim of this direction is to ensure that urban structures, building forms, land use localities, development designs, subdivision and street layouts achieve sustainable transport objectives.	The Planning Proposal is not affected by this Direction
4. HAZARD RISK		
4.1 Acid Sulphate Soils	The aim of this direction is to avoid adverse environmental impacts arising from the use of land that has a probability of containing acid sulphate soils.	The Planning Proposal is not affected by this Direction.
4.3 Flood Prone Land	The aims of this direction are to ensure the development of flood prone land consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> and that the provisions of an	The Planning Proposal is not affected by this Direction. According to Council, the subject sites are not considered to be flood prone.

	LEP relative to flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts, both site-specific and site external.	
4.4 Planning for Bushfire Protection	The aims of this direction are to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas.	The Planning Proposal is not affected by this Direction. According to Council, the subject sites are not considered to be bush fire prone.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in various regional strategies.	The Planning Proposal is not affected by this Direction. There are no regional strategies targeted at the New England or North West region.
6. LOCAL PLANNING		
6.1 Approval and Referral Requirements	The aim of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not increase the requirements for the concurrence or referral of other bodies as outlined in this Direction.
6.2 Reserving Land for Public Purposes	This direction aims to facilitate the provision of land for public purposes by reserving such land for public use.	The Planning Proposal is not affected by this Direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal has been prepared for the purpose of enabling a current land use to continue.

3.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

3.3.1 C1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is heavily disturbed and devoid of any significant native or non-native flora or fauna. Therefore, it is considered highly unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be present on the site.

3.3.2 C2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects envisaged as a result of this Planning Proposal. The s.149 (2) Certificates indicate that the subject lands are not affected by any land use planning or environmental constraints.

3.3.3 C3. How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal aims to ensure that a long-standing business which provides both employment and necessary services to the Nemingha and Tamworth regional communities is able to continue trading in its current location. The social and economic benefits associated with retaining this relatively large local employer are considered significant. The business employs up to twenty (20) full-time and part-time staff, all of whom reside either within Nemingha or surrounding localities. Moreover, the business utilises many locally produced goods and services and has developed close relationships with local, regional and inter-state suppliers.

The Nemingha commercial landscape has become well established over a number of years, due in part to the longevity of many of the light industrial and commercial businesses operating in this locality. The business which is the subject of this Planning Proposal is no exception. The proprietor considers that the long term occupation of the current site has contributed to the ongoing success of his business. The social and economic consequences arising from a forced re-location are considered likely to result in negative socio-economic flow-on effects to the surrounding communities.

3.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

3.4.1 D1. Is there adequate public infrastructure for the Planning Proposal?

The subject site is fully serviced with existing water, sewer, power and telecommunications services. The proposed re-development of the site will not trigger the requirement for upgrades to stormwater capabilities or other public infrastructure.

3.4.2 D2. What are the views of state and Commonwealth Public Authorities consulted in accordance with the Gateway determination?

The following state authorities have been consulted with regard to the Planning Proposal:

- NSW Roads and Maritime Services.

Other State and Commonwealth public authorities will be consulted following the outcome of the gateway determination, if required. Consultation will be carried out in accordance with section 57 of the EP&A Act.

4.0 PART 4 – MAPPING

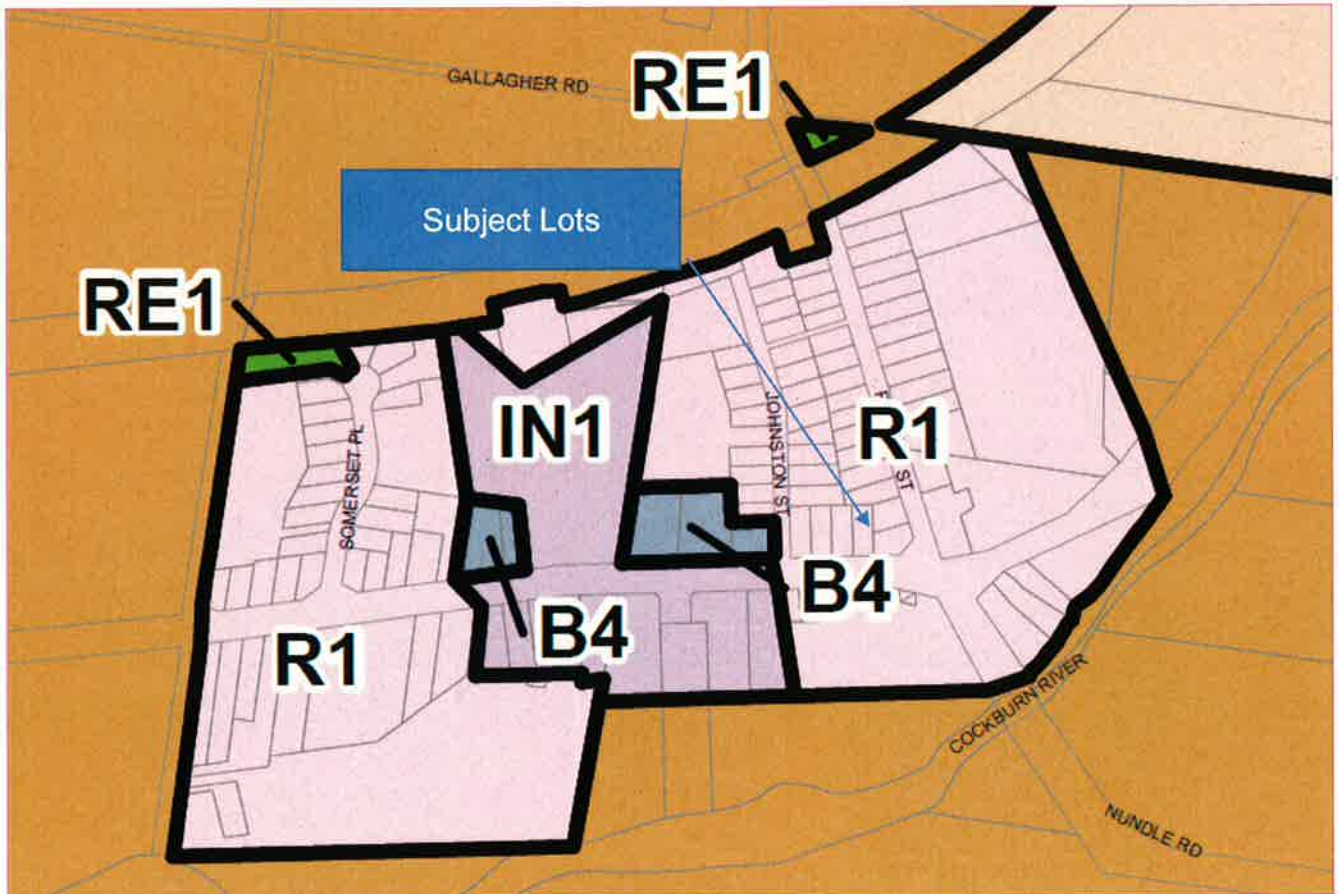


Figure 2. MAP 1 ZONING MAP – Map reference 004G

Zone			
B1	Neighbourhood Centre	R5	Large Lot Residential
B2	Local Centre	RE1	Public Recreation
B3	Commercial Core	RE2	Private Recreation
B4	Mixed Use	RU1	Primary Production
B5	Business Development	RU3	Forestry
B7	Business Park	RU4	Primary Production Small Lots
E1	National Parks and Nature Reserves	RU5	Village
E2	Environmental Conservation	RU6	Transition
E3	Environmental Management	SP1	Special Activities
IN1	General Industrial	SP2	Infrastructure
IN3	Heavy Industrial	SP3	Tourist
R1	General Residential		
R2	Low Density Residential		

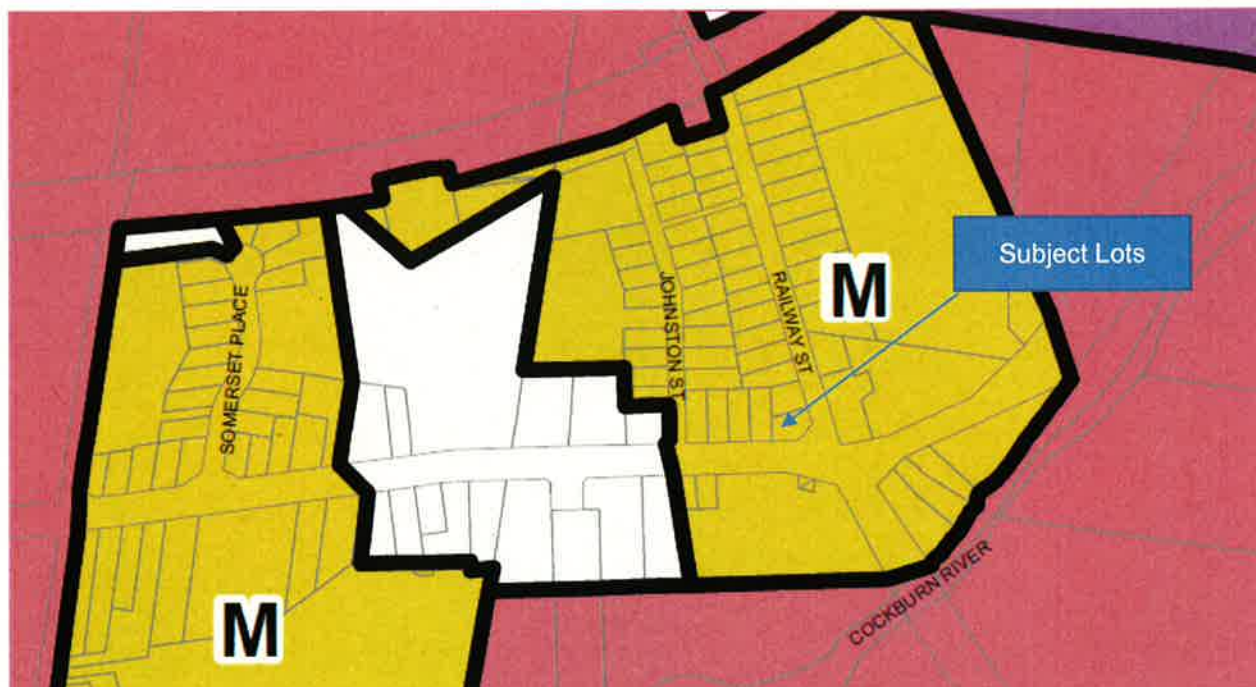


Figure 3. MAP 2 LOT SIZE MAP – Map reference LSZ_004G

Minimum Lot Size (sq m)	
M	600
U	1000
V	2000
W	4000
Y	1 ha
	2 ha
AA1	5 ha
AA2	9.9 ha
AB1	20 ha

AB2	40 ha
AD	100 ha
AF	400 ha
AH	800 ha

5.0 PART 5. COMMUNITY CONSULTATION

Under Section 57(2) of the Environmental Planning and Assessment Act, before community consultation is undertaken, the Director-General of the Department of Planning must approve the form of Planning Proposals to comply with the Gateway determination.

We are of the view that this site meets the criteria as a 'low impact Planning Proposal' in its "Guide to Preparing Local Environmental Plans" therefore we consider this Planning Proposal should be exhibited for a minimum of 14 days.

We suggest that the Planning Proposal should be advertised in the following manner:-

- Advertisement in the local daily newspaper('Northern Daily Leader');
- Exhibited material will be on display at Council's Chambers throughout the duration of the exhibition period;
- Exhibition material will also be made available on Council's website throughout the duration of the exhibition period; and
- Letters will be issued to adjoining property owners advising them of the Planning Proposal.

6.0 PART 6. TIMEFRAME

The following timeframe is indicative only and is subject to change. It is estimated that the expected total timeframe for this Planning Proposal (should it be approved) is six to eight months.

Table 3. Project Timeline

Item	Estimated Time Frame
Gateway Determination	3 months from submission of the Planning Proposal to Council
Revisions/Additional Studies (if required)	2 months from Gateway determination
Consultation with government agencies	1 month from Gateway determination
Public Exhibition	2 months from Gateway determination
Public hearing (if required)	Within 2 weeks of the end of the public exhibition period
Consideration of submissions	2 weeks following completion of public exhibition
Report to Council	2 weeks following consideration of submissions
Submission of Planning Proposal to DoP&I	4 weeks following report to Council
Anticipated timeframe for Council to adopt the PP	4 weeks following response from DoP&I
Anticipated timeframe for Council to forward Plan to DoP&I for notification.	2 weeks following Council's adoption of Planning Proposal.

CONCLUSION

The Planning Proposal will facilitate the re-development of a site for commercial purposes. The Proposal is considered to be consistent with the relevant statutory and policy provisions.

Commercial development which is compatible with the surrounding environment, is well serviced and site responsive will invariably add to the Tamworth region's appeal for employment generating activities. The adoption of this Planning Proposal will help enable a

long standing employer to continue his commercial operation in a more efficient and effective manner by improving visual and functional amenity.

Appendix A – Certificates of Title

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 4082-36

SEARCH DATE	TIME	EDITION NO	DATE
4/12/2013	10:58 AM	-	-

VOL 4082 FOL 36 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA TAMWORTH REGIONAL
PARISH OF TAMWORTH COUNTY OF INGLIS
TITLE DIAGRAM DP37341

FIRST SCHEDULE

OWEN JOHN MAHER
DIANNE MARGARET MAHER
AS JOINT TENANTS (T Q882223)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EXCEPTING THE LAND IN RESUMPTION F389746 AS SHOWN IN VOL 4082 FOL 36 (BUT NOT THE MINERALS THEREUNDER-S.141 PUBLIC WORKS ACT, 1912)
- 3 Q882224 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 1-2 IN DP37341.

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 3/37341

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
5/5/2014	1:50 PM	4	18/9/1990

LAND

LOT 3 IN DEPOSITED PLAN 37341
AT NEMINGHA
LOCAL GOVERNMENT AREA TAMWORTH REGIONAL
PARISH OF TAMWORTH COUNTY OF INGLIS
TITLE DIAGRAM DP37341

FIRST SCHEDULE

OWEN JOHN MAHER
DIANNE MARGARET MAHER
AS JOINT TENANTS (T Z231280)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE
IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 26/37341

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2014	1:52 PM	4	27/4/2001

LAND

LOT 26 IN DEPOSITED PLAN 37341
LOCAL GOVERNMENT AREA TAMWORTH REGIONAL
PARISH OF TAMWORTH COUNTY OF INGLIS
TITLE DIAGRAM DP37341

FIRST SCHEDULE

OWEN JOHN MAHER
DIANNE MARGARET MAHER
AS JOINT TENANTS (T 7567079)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE
IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
COMPRISED IN THIS FOLIO.
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Information Provided Through
Aussearch
Ph. 02 9267 9728 Fax. 02 9267 9226

Title Search

InfoTrack
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 27/37341

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2014	1:53 PM	4	27/4/2001

LAND

LOT 27 IN DEPOSITED PLAN 37341
AT NEMINGHA
LOCAL GOVERNMENT AREA TAMWORTH REGIONAL
PARISH OF TAMWORTH COUNTY OF INGLIS
TITLE DIAGRAM DP37341

FIRST SCHEDULE

OWEN JOHN MAHER
DIANNE MARGARET MAHER
AS JOINT TENANTS

(T 7567079)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE
IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

13246

PRINTED ON 5/5/2014

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Appendix B – Consent of owner

CONSENT OF OWNER

Property Location: 508-514 Armidale Road Nemingha NSW 2340

Subject Land: Lots 1, 2, 3, 26 & 27 in DP 37341

Registered Proprietor: Owen John and Diane Margaret Maher

Description of Development: Planning Proposal

We the above registered proprietors of the subject lands hereby consent to **Sonya Vickery** of Bath, Stewart Associates Pty Limited, executing any document which directly relates to applications lodged with Tamworth Regional Council required to obtain consent for the Planning Proposal in relation to the subject land, pursuant to the provisions of the Environmental Planning & Assessment Act, 1979.

 _____ (Date) 5-5-14.

(Signature)

 _____ (Date) 5-5-14

(Signature)

Appendix C – Minutes of meeting with TRC dated 23/8/13

109826/2013

Minutes of the Meeting

Maher's Smash Repairs

512-514 Armidale Road, Nemingha

Present: Jackie Kruger (Director, Planning & Community Services)
David Lewis (Manager, Development and Approvals)
Sam Lobsey (Senior Development Assessment Planner)
Genevieve Harrison (Manager, Strategic Planning)
Andrew Maher (Maher's Smash Repairs)

Held at: 3.00pm on 14 May 2013

Held in: Ray Walsh House - Development and Approvals Meeting Room

A meeting was held between Council Officers and Andrew Maher of Maher's Smash Repairs, to discuss outstanding matters regarding the current operations of the business, the existing development application and the enquiry into a possible re-zoning of land at No. 512-514 & No. 508-510 Armidale Road, Nemingha. The following notes from the meeting are provided:

Planning Proposal

Where a planning proposal is considered on the subject land, there are two options which can be considered. The first is a land rezone from R1 General Residential to an Industrial zone where a vehicle body repair station is permitted. The second option is to maintain the existing general residential land use, and provide an additional permitted use on that land; in this case, the use of a vehicle body repair station would be included with other permissible land uses in a general residential zone. In each case, all four lots would be required to be consolidated.

The following external consultant's report/plans will need to be submitted as part of a Planning Proposal application, these are (included but not limited to) the following:

- Survey Plan (Consolidation of Lots);
- Contamination Study;
- Traffic Study; and ✓
- Servicing Strategy.

Council's Planning Proposal application fee is \$7,000 (3 stages) and other external consulting fees for the preparation of the above documents will also need to be considered. The likely time frame for a planning proposal application is 8-10 Months, which includes formal consultation with neighbours.

Whilst this is the path to pursuing land rezoning, it is advised that while a favourable outcome is possible, there is no guarantee of success, both Council and the NSW Planning Department could still say no.

First steps

Prior to considering a planning proposal application (for rezoning), it is advised that a site plan be developed to show how the site would operate in the event that the Planning Proposal was approved. The following matters will be considered and reviewed by Council prior to any planning proposal application.

- Plan how you are going to use the site (all business must take place on the property, including the storage of any vehicles);
- Provide details showing vehicular movements on site (how it works, vehicles should exit the site in a forwards direction);
- Buffer with all adjoining neighbours (so no noise , dust, odour, run off etc and looks attractive);
- General Parking requirements (this is based on floor space ratio); and
- How are you dealing with trade waste (explain the set up) – Car wash bay.

It is understood by Council that the proposed modifications to the site are to improve the existing business operations and not increase the size of the business.

Development Application

In regards to the current Development Application (DA0203/2013) for the construction of a new storage shed and alterations and additions on the subject land. Council agrees to table this application in the short term until the next step is decided. In the event that a new plan is to be submitted and the current application is withdrawn, Council will consider a part reimbursement of the development application fee.

Current Operations

The Director agreed to hold off issuing a fine for non-compliance subject to Mr Maher following up with Sam Lobsey about future plans within 2 weeks from the date of the meeting, being 28 May 2013 and subject to all vehicles under repair being removed from Railway Street by 1 June 2013.

You are requested to contact Council within two weeks to discuss your intentions with regards to a Planning Proposal and the Development Application (DA0203/2013).

Contact Sam Lobsey of Council's Planning and Community Services Division on 6767 5432



Sam Lobsey

Senior Development Assessment Planner
15 May 2013

Appendix D – Existing site diagram

APPENDIX D

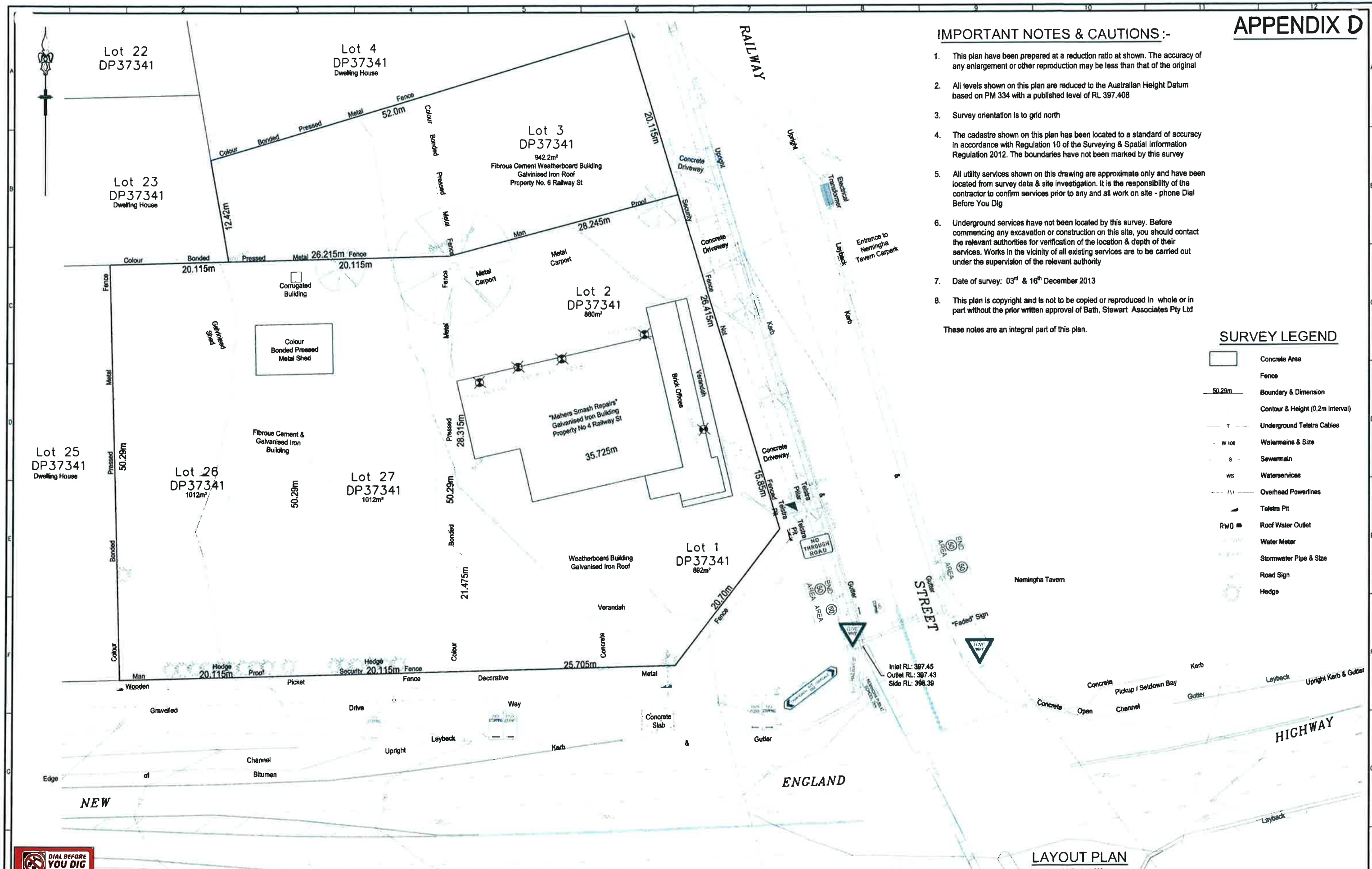
IMPORTANT NOTES & CAUTIONS :-

1. This plan have been prepared at a reduction ratio at shown. The accuracy of any enlargement or other reproduction may be less than that of the original
2. All levels shown on this plan are reduced to the Australian Height Datum based on PM 334 with a published level of RL 397.408
3. Survey orientation is to grid north
4. The cadastre shown on this plan has been located to a standard of accuracy in accordance with Regulation 10 of the Surveying & Spatial Information Regulation 2012. The boundaries have not been marked by this survey
5. All utility services shown on this drawing are approximate only and have been located from survey data & site investigation. It is the responsibility of the contractor to confirm services prior to any and all work on site - phone Dial Before You Dig
6. Underground services have not been located by this survey. Before commencing any excavation or construction on this site, you should contact the relevant authorities for verification of the location & depth of their services. Works in the vicinity of all existing services are to be carried out under the supervision of the relevant authority
7. Date of survey: 03rd & 16th December 2013
8. This plan is copyright and is not to be copied or reproduced in whole or in part without the prior written approval of Bath, Stewart Associates Pty Ltd

These notes are an integral part of this plan.

SURVEY LEGEND

	Concrete Area
	Fence
	Boundary & Dimension
	Contour & Height (0.2m Interval)
	Underground Telstra Cables
	Watermain & Size
	Sewermain
	Waterservices
	Overhead Powerlines
	Telstra Pit
	Roof Water Outlet
	Water Meter
	Stormwater Pipe & Size
	Road Sign
	Hedge



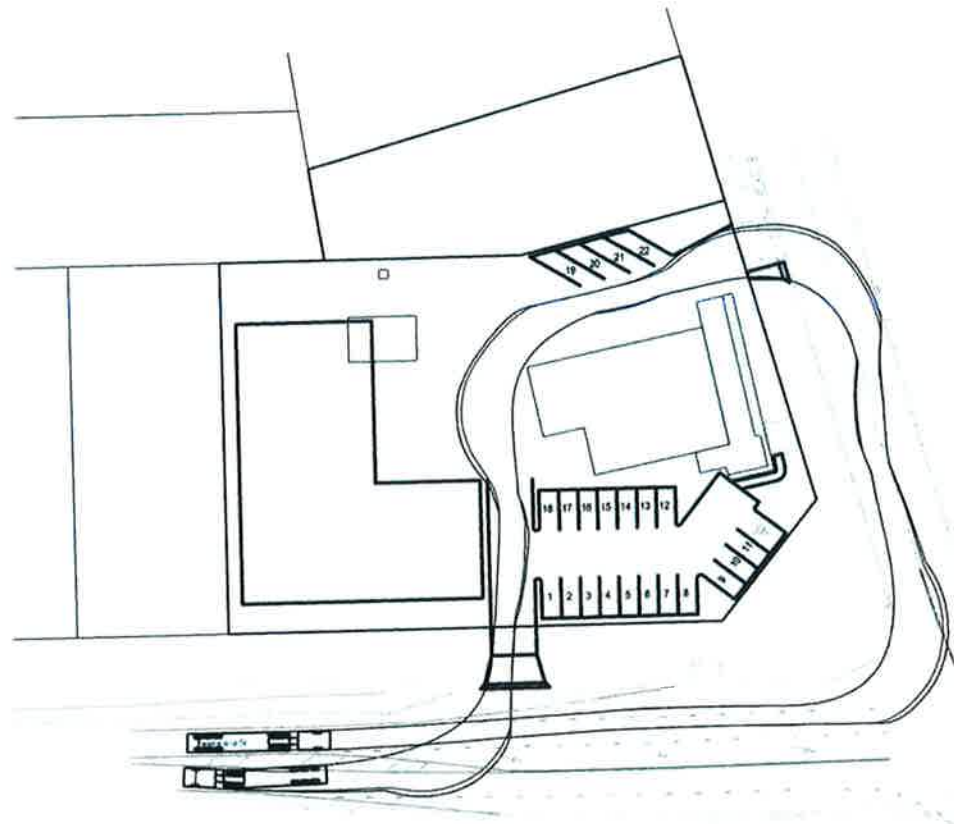
LAYOUT PLAN

A1 Scale 1:200

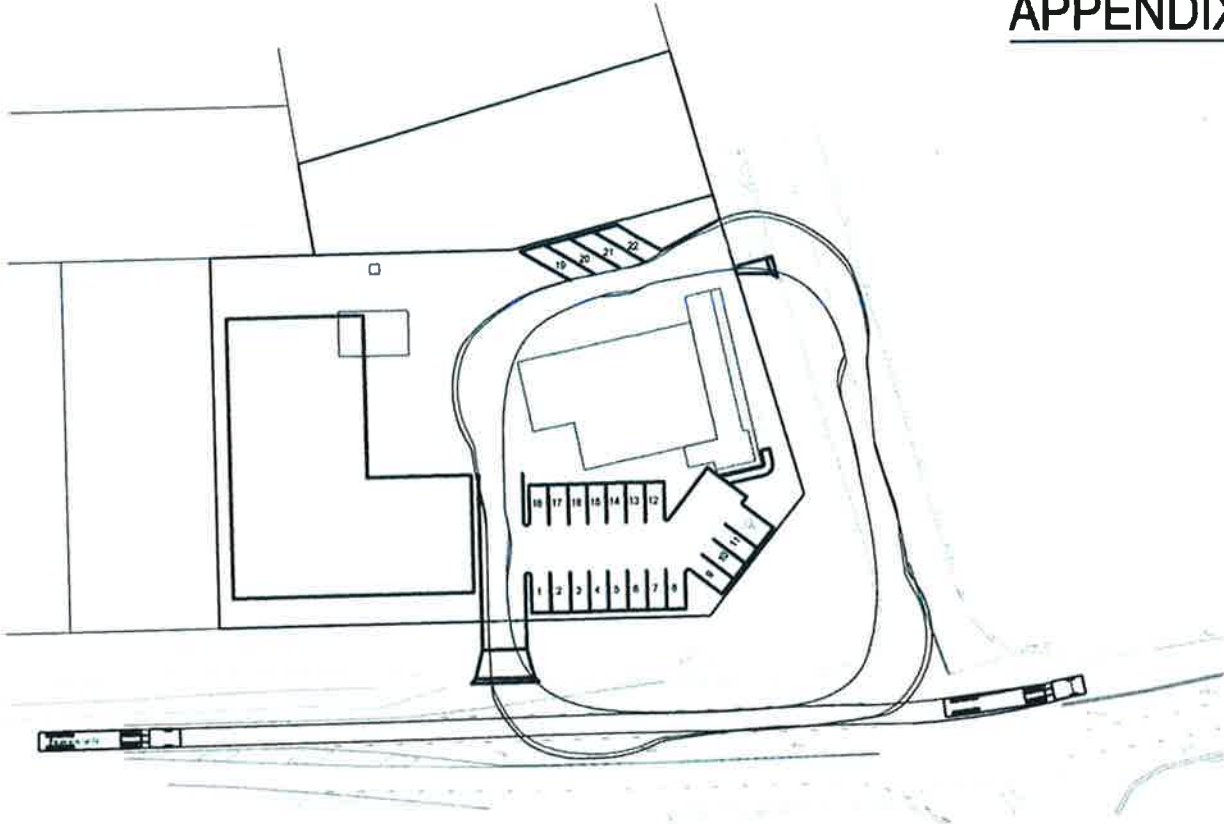


LEGEND (EXISTING - LIGHT PROPOSED - DARKER)		Rev.	DESCRIPTION	APPROVED	DATE	Cad Name: 13246	Original A1 Drawing Scale Bar	BATH STEWART ASSOCIATES Ply Ltd Inc in NSW A.C.N. 002 745 020 SURVEYORS - PLANNERS - PROJECT MANAGERS 239 Marius Street TAMWORTH NSW 2340 Telephone (02) 6766 5966 Facsimile (02) 6766 5140	MR ANDREW MAHER 4 RAILWAY STREET, NEMINGHA LOTS 1, 2, 3, 26 & 27 IN DP37341 PROPOSED REZONING APPENDIX ? - CURRENT SITE PLAN	Ref. No:
CENTRE LINE KERB AND GUTTER TOP OF BATTER SURFACE DRAINAGE EDGE OF BITUMEN SEAL FENCING LINE SEWERMAIN WATERMAIN (6" SIZE) STORMWATER DRAINAGE OVERHEAD POWER UNDERGROUND ELECTRICAL	 TREE SHRUB SIGN SEWER MANHOLE, INSPECTION PIT DOWNPIPE & ROOFWATER OUTLET POWER POLE STREETLIGHT GUIDE POST WATER (HYDRANT VALVE, METER) TELSTRA PIT AND CABLES					Civilcad Home\3246\VD1 Survey by: C.BOURKE Drawn by: M.BEATH Datum Description PM334 (AHD RL 397.408) LOCATED IN THE VERGE ON THE NORTHERN BOUNDARY OF LOT 10 IN DP1022768	SCALE OF METRES 1:200 2.0 0 2.0 4.0 1000000			13246
		B	ISSUED AS PART OF REZONING APPLICATION	M.BEATH	01.04.2014	Designed by: M.BEATH				Sheet No 01 of 03
		A	ISSUED FOR CLIENT INFORMATION, COUNCIL COMMENTS & APPROVAL	D.LORD	06.01.2013	Checked by: D.LORD				Revision B

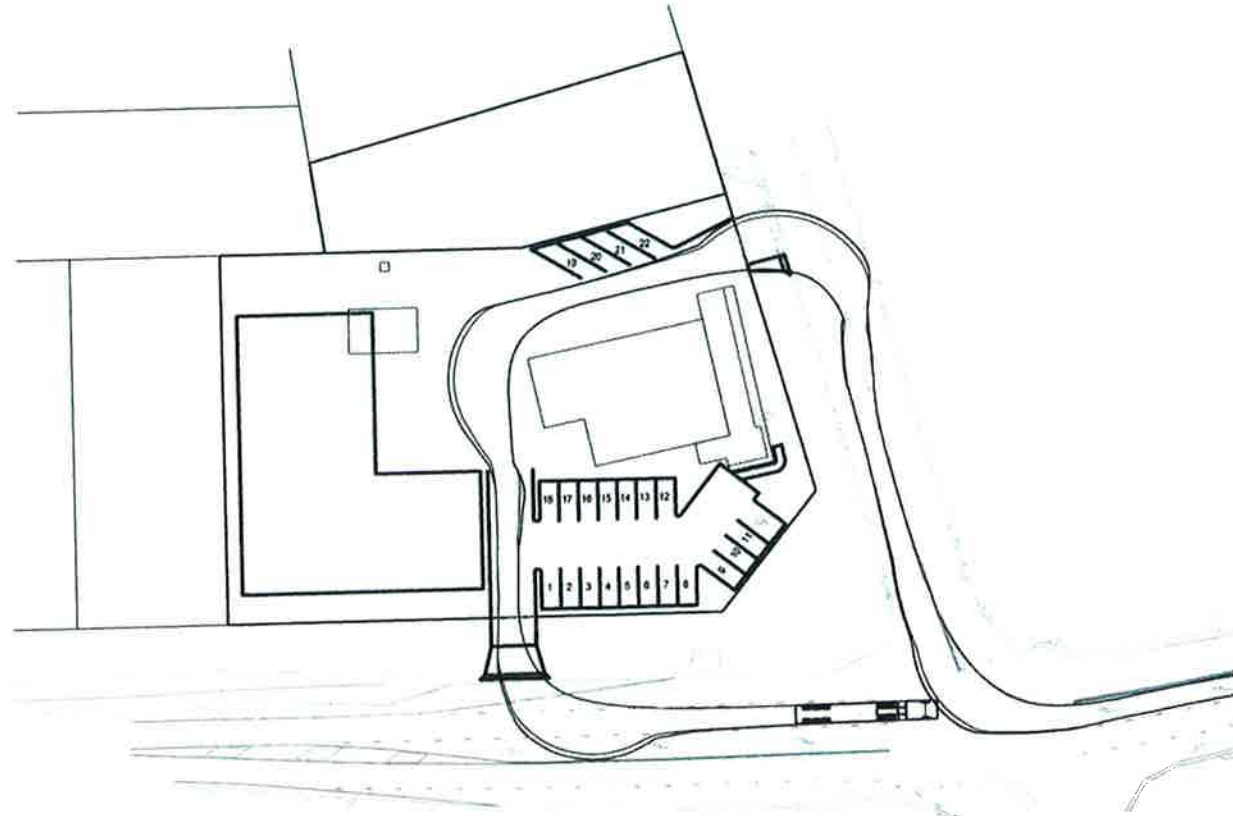
Appendix E – Vehicle movement plan



MOVEMENT - 1
Not to Scale
19m Long Semi Trailer Vehicle
Left into Railway St and Right Out of Site



MOVEMENT - 2
Not to Scale
19m Long Semi Trailer Vehicle
Left into Railway St and Left Out of Site



MOVEMENT - 3
Not to Scale
19m Long Semi Trailer Vehicle
Right into Railway St and Left Out of Site



LEGEND (EXISTING - LIGHT PROPOSED - DARKER)	
CENTRE LINE	---
KERB AND OUTER	----
TOP OF BATTER	=====
SURFACE DRAINAGE	~~~~~
EDGE OF BITUMEN SEAL	=====
FENCELINE	----
SEWERMAN (A SIZE)	----
STORMWATER DRAINAGE	----
OVERHEAD POWER	----
UNDERGROUND ELECTRICAL	----
TRACE	---
SHRUB	---
SIGN	---
SEWER MANHOLE, INSPECTION PIT	---
DOWNPIPE & ROOFWATER OUTLET	---
POWER POLE	---
STREETLIGHT	---
GUIDE POST	---
WATER (HYDRANT, VALVE, METER)	---
TELEPHONE PIT AND CABLES	---

Rev.	DESCRIPTION	APPROVED	DATE
B	ISSUED AS PART OF REZONING APPLICATION	M.BEATH	01.04.2014
A	ISSUED FOR CLIENT INFORMATION, COUNCIL COMMENTS & APPROVAL	D.LORD	06.01.2013

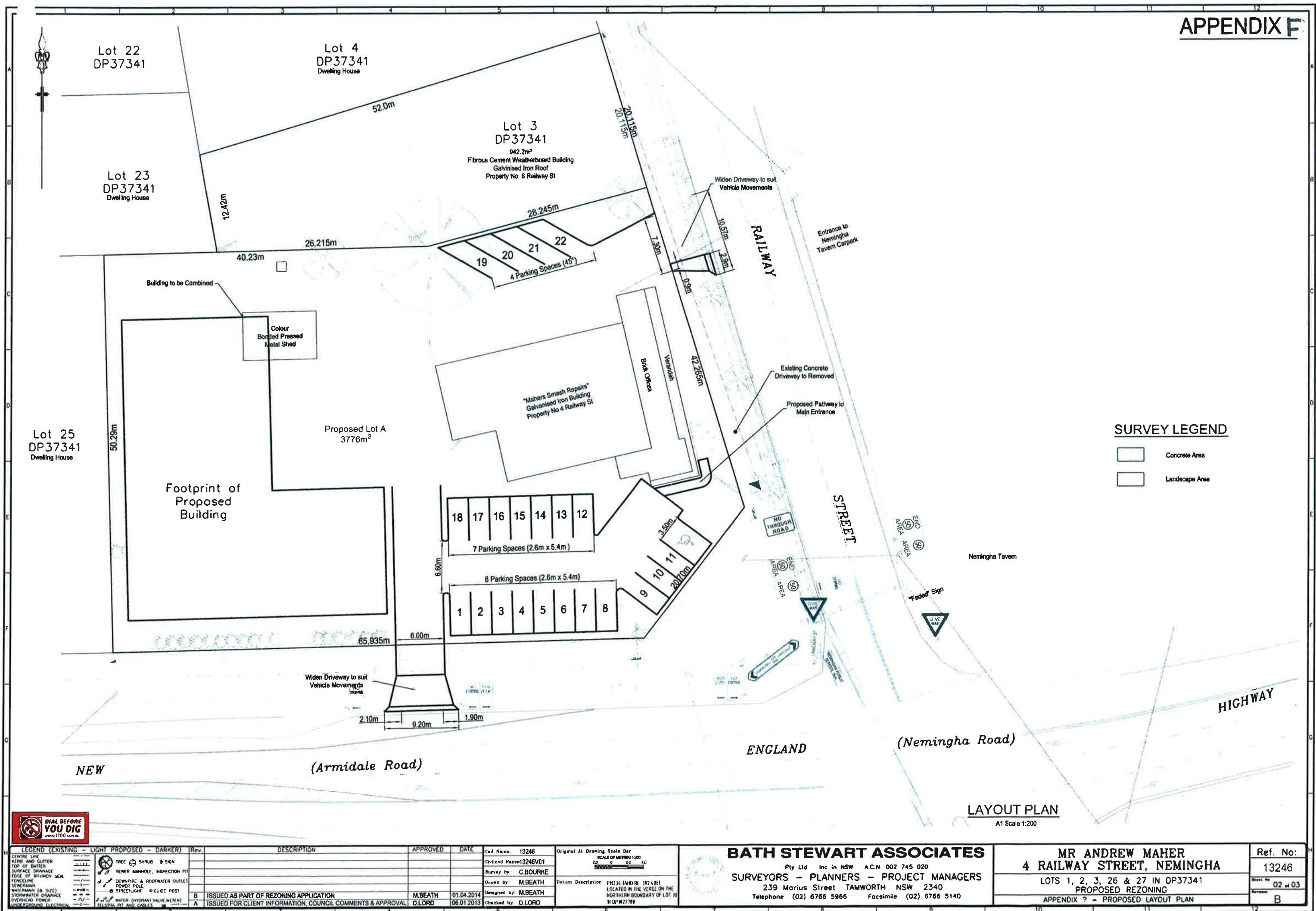
Cad Name:	13246
Civilised Name:	13246V01
Survey by:	C.BOURKE
Drawn by:	M.BEATH
Designed by:	M.BEATH
Checked by:	D.LORD

Original AI Drawing Scale Bar	SCALE OF METRES 1:200
20 0 20 40	
Datum Description:	PN334 (AND RL 391.400)
LOCATED IN THE VERGE ON THE NORTHERN BOUNDARY OF LOT 30 IN DP1022788	

BATH STEWART ASSOCIATES
Pty Ltd Inc in NSW A.C.N. 002 745 020
SURVEYORS - PLANNERS - PROJECT MANAGERS
239 Marius Street TAMWORTH NSW 2340
Telephone (02) 6766 5966 Facsimile (02) 6766 5140

MR ANDREW MAHER 4 RAILWAY STREET, NEMINGHA LOTS 1, 2, 3, 26 & 27 IN DP37341 PROPOSED REZONING APPENDIX ? - VEHICLE MOVEMENT PLAN	Ref. No: 13246 Sheet No 02 of 03 Revision B
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Appendix F – Proposed layout plan



Appendix G – Contaminated site assessment report

SMK CONSULTANTS

surveying – irrigation – environmental - town planning

ABN 63 061 919 003

39 Frome Street
PO Box 774
Moree NSW 2400
Ph 02 6752 1021
Fax 02 6752 5070
ptaylor@smk.com.au

Other offices:
Goondiwindi, Gatton,
Brisbane, Miles
www.smk.com.au

Contaminated Site Assessment Report for SEPP 55 Review of “Maher’s Smash Repairs” 4 Railway Street, Nemingha-Tamworth NSW 2340 Parish of Tamworth County of Inglis

**Prepared for: Maher’s Smash Repairs
4 Railway Street
Nemingha-Tamworth NSW 2340**

**Prepared by: SMK Consultants
39 Frome Street
Moree, NSW 2400**

November 2013

1. Executive Summary

SMK Consultants was instructed by “Maher’s Smash Repairs” to undertake a Contaminated Site assessment to satisfy the requirements of SEPP 55. The investigation is required as part of a Development Application process involving partial redevelopment of the property occupied by the smash repair business.

The land occupied by the business consists of Lots 1, 2, 3, 26 and 27 in DP 37341. At present, the property is used as commercial premises for Maher’s Smash Repairs. Adjoining properties are primarily residential, with the exception of the Nemingha Tavern.

The infrastructure on the property includes a primary residence, office building, workshed (incl. spray booth), two smaller sheds, and two former residences that are utilised for storage. The land is zoned as residential under the LEP.

Due to the potential impacts of the current land-use, a SEPP 55 investigation of the site was determined to be necessary in order to process the proponent’s development application.

Commercial operations include automotive repair, dismantling, painting and the storage of vehicles and parts.

Soil samples were obtained from selected locations within the property to identify potential contaminants that may be present as a result of the smash repair business. Sample site selection was based on observation of internal run-off from the concrete driveway and spray drift from the painting booth. The samples were screened for a range of industrial metals and hydrocarbons to determine whether contamination was present.

The results of the analysis indicated that all parameters tested for were below published threshold levels or below the limit of testing. The threshold criteria for this site were based on residential land use.

The remainder of the property was inspected for visible signs of contamination. No sites of concern were identified.

On this basis, the preliminary site assessment indicates that contamination levels on the site present no risk to the proposed development in relation to soil contamination.

2. Introduction and Scope of Works

This report has been prepared on behalf of “Maher’s Smash Repairs” as part of a development application process to partially redevelop the site including construction of a new shed and improved access via New England Highway. The assessment is required to determine whether the proposed development of the property is acceptable in regard to matters raised under SEPP-55 Contaminated Land legislation.

The assessment involves the investigation of the land occupied by the smash repair business to determine whether contaminated land is present and if so, whether this land requires remediation or is acceptable when considering the intended land use and zoning. The proposed use is considered to be semi-industrial based operations; however, considering the neighbouring residential properties and residential zoning of this land, the threshold criteria and potential risk relating to contamination were set as the minimum standard for determination of appropriate threshold levels for contamination. The standard of these thresholds relates to potential ingestion of chemicals or chemical residues.

The scope of the investigation was to carry out a ‘Preliminary Site Investigation’ to determine if any contamination existed. If contamination was found to exist at a level that was considered unsuitable for the intended land use and zoning, the study was to be extended to provide an appropriate course of action, such as remediate the site or to place suitable restrictions around the site to minimise the risk to the intended land use.

This report presents the results and recommendations of the investigations.

3. Site Details

“Maher’s Smash Repairs” is located on Railway Street, Nemingha-Tamworth. Nemingha is an outlying suburb of the city of Tamworth, consisting primarily of residential housing and some general industry.

The property occupied by Maher’s Smash Repairs consists of Lots 1, 2, 3, 26 and 27 in DP 37341. The local address is 4 Railway Street, Nemingha-Tamworth. The attached Figure 1 presents an aerial photograph of the project area.

The site has historically been utilised as multiple residences prior to business commencing in 1978. The neighbouring properties are primarily residential, with the exception of the Nemingha Tavern.

4. Land Use

The property has been used as commercial premises for an automotive vehicle smash repairs since 1978.

Current on-site infrastructure includes the primary residence to the north, an office building and adjoined work shed including spray booth and concrete driveway, two smaller sheds and two former residences utilised for storage of materials associated with the smash repair business.

Onsite activities include automotive dismantling, repairs and storage of vehicles and parts. No mechanical services are undertaken and no oil is stored on property. Painting is conducted from the spray booth located at the rear of the workshed.

5. Site Condition, History and Adjoining Land Use

The commercial premises are considered as typical of this type of industry. Much of the available space not occupied by existing building infrastructure is utilised as storage for vehicles awaiting repairs or to be removed.

Prior to the commercialisation of the site, the sole land use was for residential purposes. Business commenced in 1978. Since then, the workshop has been built, then extended to include a spray booth (with extraction fan) and the concrete driveway.

Business operations are limited to vehicle body work and painting. No mechanical services are undertaken on site, thus no oil or fuel is stored on the property other than minor amounts obtained on an "as needed" basis only. Additionally, all old and unused paints are stored in drums and allowed to harden before being removed from the site for disposal and recycling.

The smaller sheds and former residences are utilised for the storage of automotive parts. The old residence on the western side of the site includes bonded asbestos sheeting that remains in a bonded state, but will require appropriate treatment and a clearance certificate if demolition is proposed.

The surrounding area is primarily residential, with the exception of the Nemingha Tavern located on the eastern side of Railway Street. No other industrial development is present in the immediate vicinity that would have the potential to introduce contamination onto the property.

An inspection of the area did not identify any areas of obvious contamination in the form of soil staining, odours or dead vegetation in areas that are not regularly used during normal business activity.

The main entrance to the site from Railway Street is concrete paved. The concrete runs onto a gravelled section to provide access to the remainder of the yard which is downslope of Railway Street. The land within the remainder of the yard has been retained on the natural soils which support a range of grasses and weeds. The yard area is densely packed with vehicles awaiting repair.

A new shed is located in the centre of the site. This shed is primarily used for storage and mixing of paint. The shed has a concreted floor. The paint used in the smash repair business is stored in mainly tins which are then attached to a paint mixing device to provide the required colours for repainting the cars. The paint system is an enclosed system therefore avoiding waste and spillage.

6. Sampling and Analysis Plan

A Preliminary Site Investigation was undertaken in accordance with NSW Office of Environment and Heritage (DECC) Guidelines. The investigation involved an assessment of previous land use and identification of potential contamination. The objective of the investigation was to determine whether contamination existed on the property and whether this may impact on the proposed or future land use.

Areas receiving run-off from the concrete driveway and wind drift from the spray booth were identified as potential sites of contamination and therefore a selective field sampling regime was determined to be appropriate for this site.

Potential contaminants of concern associated with the land use include hydrocarbons and VOC's pertaining to the use of vehicular fuels and oils, as well as a range of metalloids including Zinc, Chromium and Lead that are commonly present in auto paints.

Many auto paints contain lead in varying quantities. The majority of the contaminants of concern are not readily water soluble and therefore heavily leached through the soil unless spilt in large quantities.

The risk associated with the contamination relates to ingestion of soil or handling of soil if soil is disturbed in the area. On this basis, appropriate soil sample depth was determined to be 00mm to 300mm given that the business site is located on clayey topsoil which has a relatively low rate of permeability. The chemicals that were potentially used on the site are relatively immobile in clay soil.

The sample locations were based on a selective sampling process. Five soil samples were obtained from within the commercial premises. The locations of these samples were based on the potential water flow from the concrete driveway and likely wind drift from the spraying booth.

The samples were obtained in accordance with standard SMK Consultant sampling procedure as presented in appendix 2. A NATA accredited laboratory was used for the laboratory assessment of the soils and water. As this is a preliminary assessment, no duplicate field samples were obtained. Appropriate quality assurance was adopted using a chain of custody form and surrogate sampling within the laboratory.

7 Relevant Guidelines

The NSW EPA guidelines present parameters for a range of soil parameters and contaminants that are recommended levels in soil before they have the potential to affect health or the environment. The guideline values or site criteria are referred to as “Health Based Investigation Levels (HIL’s). Other similar documents have been prepared by NSW EPA and National Authorities to provide additional Threshold Levels for contaminants. The following list of Guidelines were utilised to determine acceptable levels of contamination during the preparation of this report:

- (1) *Contaminated Sites: Guidelines for Assessing Former Orchards and Market Gardens* NSW EPA, 2005
- (2) *Contaminated Sites – Guidelines for the NSW Site Auditor Scheme* – NSW EPA 1998
- (3) *Contaminated Sites – Guidelines for Assessing Service Station Sites* – NSW EPA 1994
- (4) *Health based soil investigation levels*, National Environmental Health Forum (NEHF), 1999

A series of other Guidelines are available.

The Guidelines for maximum threshold levels are based on the existing or potential landuse for the site investigation area. The chosen guideline levels should be based on the more stringent criteria of land use and therefore risk of exposure to the contaminant material.

In this case, the property is currently utilised as a commercial business and light industry where minimal contact with soil occurs as a result of activity on the site such as children ingesting soil or plants absorbing contaminants into fruit or leaves.

The site is zoned as residential and advice provided in the development planning process indicates that the residential zoning would remain on this site. Continuation of the business would not alter the zoning.

A review of soil investigation thresholds indicates that residential use of land has more stringent threshold levels than the actual landuse being light industry. On this basis, contamination level threshold should be meet the values published for residential landuse.

The following table 1 presents a copy of soil investigation levels for urban development sites in NSW which are sourced from: *Contaminated Sites – Guidelines for the NSW Site Auditor Scheme* – NSW EPA, 1998. Column 1 in the table presents the threshold criteria for the investigation site.

Table 1: Threshold Criteria for soils in NSW

APPENDIX II

Soil investigation levels for urban development sites in NSW

Substance	Health-based investigation levels ¹ (mg/kg)				Provisional phytotoxicity-based investigation levels ² (mg/kg)
	Residential with gardens and accessible soil (home-grown produce contributing < 10% fruit and vegetable intake; no poultry), including children's day-care centres, preschools, primary schools, townhouses, villas (NEHFA) ³	Residential with minimal access to soil including high-rise apartments and flats (NEHFD)	Parks, recreational open space, playing fields including secondary schools (NEHFE)	Commercial or industrial (NEHFF)	
	Column 1	Column 2	Column 3	Column 4	Column 5
Metals and metalloids					
Arsenic (total)	100	400	200	500	20
Beryllium	20	80	40	100	–
Cadmium	20	80	40	100	3
Chromium (III) ⁴	12%	48%	24%	60%	400
Chromium (VI)	100	400	200	500	1
Cobalt	100	400	200	500	–
Copper	1,000	4,000	2,000	5,000	100
Lead	300	1,200	600	1,500	600
Manganese	1,500	6,000	3,000	7,500	500
Methyl mercury	10	40	20	50	–
Mercury (inorganic)	15	60	30	75	1 ⁵
Nickel	600	2,400	600	3,000	60
Zinc	7,000	28,000	14,000	35,000	200
Organics					
Aldrin + dieldrin	10	40	20	50	–
Chlordane	50	200	100	250	–
DDT + DDD + DDE	200	800	400	1,000	–
Heptachlor	10	40	20	50	–
PAHs (total)	20	80	40	100	–
Benzo(a)pyrene	1	4	2	5	–
Phenol ⁶	8,500	34,000	17,000	42,500	–
PCBs (total)	10	40	20	50	–
Petroleum hydrocarbon components⁷					
> C16–C35 (aromatics)	90	360	180	450	–
> C16–C35	5,600	22,400	11,200	28,000	–
> C35 (aliphatics)	56,000	224,000	112,000	280,000	–
Other					
Boron	3,000	12,000	6,000	15,000	– ⁸
Cyanides (complex)	500	2,000	1,000	2,500	–
Cyanides (free)	250	1,000	500	1,250	–

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7. Laboratory Results and Analysis

A description of the sample identification is presented in table 1. Table 2 presents a summary of laboratory results of samples obtained on-site and published threshold levels that have been selected as representative of the proposed landuse around the site.

Table 2: Sample details and identification

SMK Sample number	Sample Description	Sample Depth (mm)	ALS Laboratory Sample Number
12-331-1	Soil: downslope of main driveway	00–300	ES1324542001
12-331-2	Soil: highway – SW cnr downslope, loam near mulberry tree	00–300	ES1324542002
12-331-3	Soil: NW cnr, downslope, beneath old car, clay soil	00–300	ES1324542003
12-331-4	Soil: Beneath vehicles in SE cnr, adjacent to front yard of original house	00–300	ES1324542004
12-331-5	Soil: general spray drift area at south doors to spray booth (west side of existing sheds)	00–300	ES1324542005

Table 3: Summary of Laboratory Results and comparison of general threshold criteria

Analyte	Published Threshold Criteria	13-331-1	13-331-2	13-331-3	13-331-4	13-331-5
Total Metals (mg/kg)						
Arsenic	100	<5	5	6	72	11
Cadmium	20	<1	<1	<1	<1	<1
Chromium	100	16	30	21	28	37
Copper	6000	40	34	28	54	66
Lead	300	17	31	51	106	142
Nickel	400	11	20	15	16	21
Zinc	7400	65	132	83	297	586
Mercury	40	<0.1	<0.1	<0.1	<0.1	0.1
Total Petroleum Hydrocarbons (mg/kg)						
C6 - C9 Fraction		<10	<10	<10	<10	<10
C10 - C14 Fraction		<50	<50	<50	<50	<50
C15 - C28 Fraction		<100	<100	<100	<100	<100
C29 - C36 Fraction		<100	<100	<100	<100	<100
C10 - C36 Fraction (sum)		<50	<50	<50	<50	<50
Total Recoverable Hydrocarbons - NEPM 2013 (mg/kg)						
C6 - C10 Fraction	60	<10	<10	<10	<10	<10
C6 - C10 Fraction minus BTEX (F1)		<10	<10	<10	<10	<10
>C10 - C16 Fraction	330	<50	<50	<50	<50	<50
>C16 - C34 Fraction		<100	<100	<100	<100	<100
>C34 - C40 Fraction		<100	<100	<100	<100	<100
>C10 - C40 Fraction (sum)		<50	<50	<50	<50	<50
BTEXN (mg/kg)						
Benzene	0.8	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	560	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene		<0.5	<0.5	<0.5	<0.5	<0.5
meta- & para-Xylene		<0.5	<0.5	<0.5	<0.5	<0.5
ortho-Xylene		<0.5	<0.5	<0.5	<0.5	<0.5
Sum of BTEX		<0.2	<0.2	<0.2	<0.2	<0.2
Total Xylenes	130	<0.5	<0.5	<0.5	<0.5	<0.5
Naphthalene	6	<1	<1	<1	<1	<1

Source of Threshold Level (HIL):

1. Contaminated Sites: Guidelines for Assessing Former Orchards and Market Gardens – NSW EPA, 2005
2. Contaminated Sites – Guidelines for the NSW Site Auditor Scheme – NSW EPA 1998
3. Contaminated Sites – Guidelines for Assessing Service Station Sites – NSW EPA 1994
4. National Environment Protection (*Assessment of Site Contamination*) Measure 1999 – NEPC 1999

Where no Threshold level is published, the fate and transport of the chemicals must be assessed.

Laboratory results and Certificate of analysis are presented in the attached appendix 1. Standard protocols were followed during the sampling and submission of samples. The laboratory completed a standard in-house quality assurance process using surrogate sampling techniques to ensure the results presented are considered reliable.

8. Discussion

The landuse on this site since 1978 has involved a smash repair and panel beating business that involves the use of paint and similar products to restore mainly cars and light commercial vehicles. The paint and similar products are considered as potential contaminants. The management of the site has involved containment of areas where paint is sprayed or stored. The business does not undertake activities where fuel or oils could be spilt or need storing on the site other than minor quantities which are generally contained within the shed facilities.

The wash down process adopted on the site results in some localized wet areas, however observation of this indicated that the wash down process involves the removal of dust or dirt from the vehicles and not products such as paint or oils.

No specific areas of contamination were identified on the site. The investigation therefore aimed at sites of longer term accumulation of surface runoff or runoff dissipation where potential contaminants would accumulate.

The results in Table 3 presents the results of sample analysis. The samples were tested for a range of common metals that could be associated with the facility and a range of hydrocarbon ingredients and derivatives which may have accumulated in the surface soils. Selected threshold criteria are also presented in the table.

No soil samples displayed contaminant levels exceeding threshold criteria for residential landuse.

With the exception of Cadmium, all other tested metalloids were found to be present within the investigation area, in varying concentrations. Sites 1-3, located in the eastern half of the property, all exhibited reasonably low concentrations of the metals identified. Site 4 contains elevated concentrations of both Lead (106 mg/kg) and Arsenic (72 mg/kg), while Site 5 also shows elevated levels of Lead (142 mg/kg). These elevated concentrations are possibly a result of wind drift deposition from the nearby spray booth, and while significantly higher than other samples taken, are still within acceptable criteria.

No other areas of contamination were identified on the property.

9. Recommendations

On the basis of the above results and the proposed developments continuation of the existing land use, the preliminary site assessment indicates that contamination levels on the site of Maher's Smash Repairs present no risk to the proposed development and no further investigation of the area was determined to be necessary.

James Maxwell

James Maxwell M Env Mgmt, BSc
SMK Consultants

Peter Taylor

Peter Taylor B.Sc. MEIANZ
Director

Limitations

This report is based on observation at the time of the investigation and history of the site provided by the property owner. The conclusions and recommendations are based on the scope of works adopted, the methodology presented in this report and the results of laboratory analysis undertaken for this investigation.

Appendix 1 – Laboratory Analysis and Certificate of Analysis.



CERTIFICATE OF ANALYSIS

Work Order	ES1324542	Page	1 of 5
Client	SMK CONSULTANTS	Laboratory	Environmental Division Sydney
Contact	MR PETER TAYLOR	Contact	Client Services
Address	P.O. Box 774 30 FROME STREET MOREE NSW, AUSTRALIA 2400	Address	277-288 Woodpark Road Smithfield NSW Australia 2104
E-mail	ptaylor@smk.com.au	E-mail	sydney@alsglobal.com
Telephone	+61 02 6752 1021	Telephone	+61-2-8784 8666
Facsimile	+61 02 6752 5070	Facsimile	+61-2-8784 8600
Project	MAHER'S SMASH REPAIRS	QC Level	NEPM 2013 Schedule B(3) and ALS QCS3 requirement
Order number	---	Date Samples Received	12-NOV-2013
C-O-C number	---	Issue Date	19-NOV-2013
Sampler	---	No. of samples received	5
Site	---	No. of samples analysed	5
Quote number	---		

This report supersedes any previous report(s) with this reference. Results apply to the sample(s) as submitted. All pages of this report have been checked and approved for release.

This Certificate of Analysis contains the following information

- General Comments
- Analytical Results
- Surrogate Control Limits



NATA Accredited Laboratory 025

Accredited for compliance with
ISO/IEC 17025.

Signatories

This document has been electronically signed by the authorized signatories indicated below. Electronic signing has been carried out in compliance with procedures specified in 21 CFR Part 11.

Signatories	Position	Accreditation Category
Celine Conceicao	Senior Spectroscopist	Sydney Inorganics
Pabi Subba	Senior Organic Chemist	Sydney Organics
Phalati Inthalsone	Laboratory Manager - Organics	Sydney Organics

ALSGLOBAL 277-288 Woodpark Road Smithfield NSW Australia 2104 Phone: +61-2-8784 8666 Facsimile: +61-2-8784 8600
Environmental Division Sydney 277-288 Woodpark Road Smithfield NSW Australia 2104



www.alsglobal.com

ENCLOSURE 13/11/2013 15:25:25 13/11/2013 15:25:25



General Comments

The analytical procedures used by the Environmental Division have been developed from established internationally recognized procedures such as those published by the USEPA, APHA, AS and NEDMA. In-house developed procedures are employed in the absence of documented standards or by client request.

Where moisture determination has been performed, results are reported on a dry weight basis.

Where a reported result is higher than the LOR, this may be due to primary sample extract/digestate dilution and/or insufficient sample for analysis.

Where the LOR of a reported result differs from standard LOR, this may be due to high moisture content, insufficient sample (reduced weight employed) or matrix interference.

When sampling time information is not provided by the client, sampling dates are shown without a time component. In these instances, the time component has been assumed by the laboratory for processing purposes.

Key : CAS Number - CAS registry number from database maintained by Chemical Abstracts Services. The Chemical Abstracts Service is a division of the American Chemical Society.

LOR - Limit of reporting

* - This result is computed from individual analyte detections at or above the level of reporting



Analytical Results

SUB-MATRIX: SOIL (Matrix: SOIL)

Client Sample ID:

Compound	CAS Number	LOR	Unit	Client Sampling Date / Time	13-331-1 DOWNSLOPE OF MAIN DRIVEWAY	13-331-2 HIGHWAY SOUTH-WEST AND DOWNSLOPE, NEAR MULBERRY TREE	13-331-3 NW CNR, DOWNSLOPE, BENEATH OLD CAR	13-331-4 BENEATH VEHICLES IN SE CNR, ADJACENT TO FRONT YARD OF ORIGINAL HOUSE	13-331-5 GENERAL SPRAY DRIFT AREA AT SOUTH DOORS TO SPRAY BOOTH (WEST SIDE OF EXISTING SHEDS)
					06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00
					E51324542-001	E51324542-002	E51324542-003	E51324542-004	E51324542-005
Client Sampling Date / Time									
EA055: Moisture Content									
Moisture Content (dried @ 103°C)			%		5.6	12.6	7.7	13.9	11.5
EG005T: Total Metals by ICP-AES									
Arsenic	7440-38-2	5	mg/kg		<5	5	6	72	11
Cadmium	7440-43-9	1	mg/kg		<1	<1	<1	<1	<1
Chromium	7440-47-3	2	mg/kg		16	30	21	28	37
Copper	7440-50-8	5	mg/kg		40	34	28	54	66
Lead	7439-92-1	5	mg/kg		17	31	51	106	142
Nickel	7440-02-0	2	mg/kg		11	20	15	16	21
Zinc	7440-66-6	5	mg/kg		65	132	83	297	566
EG035T: Total Recoverable Mercury by FIMS									
Mercury	7439-97-6	0.1	mg/kg		<0.1	<0.1	<0.1	<0.1	0.1
EP080071: Total Petroleum Hydrocarbons									
C6 - C9 Fraction		10	mg/kg		<10	<10	<10	<10	<10
C10 - C14 Fraction		50	mg/kg		<50	<50	<50	<50	<50
C15 - C28 Fraction		100	mg/kg		<100	<100	<100	<100	<100
C29 - C36 Fraction		100	mg/kg		<100	<100	<100	<100	<100
C10 - C36 Fraction (sum)		50	mg/kg		<50	<50	<50	<50	<50
EP080071: Total Recoverable Hydrocarbons - NEPM 2013									
C6 - C10 Fraction	C6_C10	10	mg/kg		<10	<10	<10	<10	<10
C6 - C10 Fraction minus BTEX (F1)	C6_C10-BTEX	10	mg/kg		<10	<10	<10	<10	<10
>C10 - C16 Fraction	>C10_C16	50	mg/kg		<50	<50	<50	<50	<50
>C16 - C34 Fraction		100	mg/kg		<100	<100	<100	<100	<100
>C34 - C40 Fraction		100	mg/kg		<100	<100	<100	<100	<100
>C10 - C40 Fraction (sum)		50	mg/kg		<50	<50	<50	<50	<50
>C10 - C16 Fraction minus Naphthalene (F2)		50	mg/kg		<50	<50	<50	<50	<50
EP080: BTEX									
Benzene	71-43-2	0.2	mg/kg		<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	106-98-3	0.5	mg/kg		<0.5	<0.5	<0.5	<0.5	<0.5



Analytical Results

Sub-Matrix: SOIL (Matrix: SOIL)

Substrate: SOIL (Matrix: SOIL)		Client sample ID		Client sample ID				
		Client sampling date / time		Client sample ID				
Compound	CAS Number	LOR	Unit	13-331-1 DOWNSLOPE OF MAIN DRIVEWAY	13-331-2 HIGHWAY SOUTH-WEST AND DOWNSLOPE, NEAR MULBERRY TREE	13-331-3 NW CNR, DOWNSLOPE, BENEATH OLD CAR	13-331-4 BENEATH VEHICLES IN SE CRN, ADJACENT TO FRONT YARD OF ORIGINAL HOUSE	13-331-5 GENERAL SPRAY DRIFT AREA AT SOUTH DOORS TO SPRAY BOOTH (WEST SIDE OF EXISTING SHEDS)
				06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00	06-NOV-2013 15:00
E81324542-001				E81324542-003				
E81324542-004				E81324542-005				
EP080: BTEXN - Continued								
Ethylbenzene	100-41-4	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
meta- & para-Xylene	106-38-3 106-42-3	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
ortho-Xylene	95-47-6	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
* Sum of BTEX	—	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
* Total Xylenes	1330-20-7	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Naphthalene	91-20-3	1	mg/kg	<1	<1	<1	<1	<1
EP080S: TPH(V)/BTEX Surrogates								
1,2-Dichloroethane-D4	17060-07-0	0.1	%	116	115	107	112	116
Toluene-D8	2037-26-5	0.1	%	105	105	117	59.4	101
4-Bromofluorobenzene	460-00-4	0.1	%	105	107	116	100	103

Appendix 2 - Procedures for Quality Control

SMK Consultants - Soil Sampling, Storage, Transport and Laboratory Procedures

1. Field sampling

- **Preparation of Equipment** - All equipment to be utilised for the excavation, collection and storage of field samples is to be cleaned prior to entering the investigation site.
- **Onsite Sampling** - All equipment used for sample collection and excavation is to be cleaned between sampling action. Cleaning to be done using clean water and cleaning equipment to be dried prior to the next sampling action to ensure that all soil and water is removed from the sampling implement.
- **Field Observations** - The sampler is to record date of sampling, location of sampling, conditions of sampling (weather), observation of condition of soil, odours, potential contamination, level and type of contamination.
- **Sampling Order** - Where it is envisaged that parts of the investigation area are more contaminated than other parts, the less contaminated areas are to be sampled before contaminated areas.

2. Sample Storage

- All samples are to be placed in cold storage (esky, fridge) and chilled to approximately 3-4 C° as soon as practicable.
- All samples are to be documented and forwarded to the selected laboratory as soon as practicable.

3. Transport of Samples

- Chain of Custody forms are to be prepared for inclusion with samples for Transport. Forms are to include project reference, Client, date of sampling, listing of laboratory testing to be done on each sample, sample container description, date of transport, condition of samples at time of despatch.
- Laboratory to be advised by fax/email of pending arrival date for samples and type of testing to be done. (E.g. Forward a copy of COC form)
- Samples to be securely packed in esky with sufficient ice to maintain the sample temperature at the required level until received by the Laboratory.
- Courier to be contacted for pick-up of samples at latest possible time

4. Laboratory Analysis

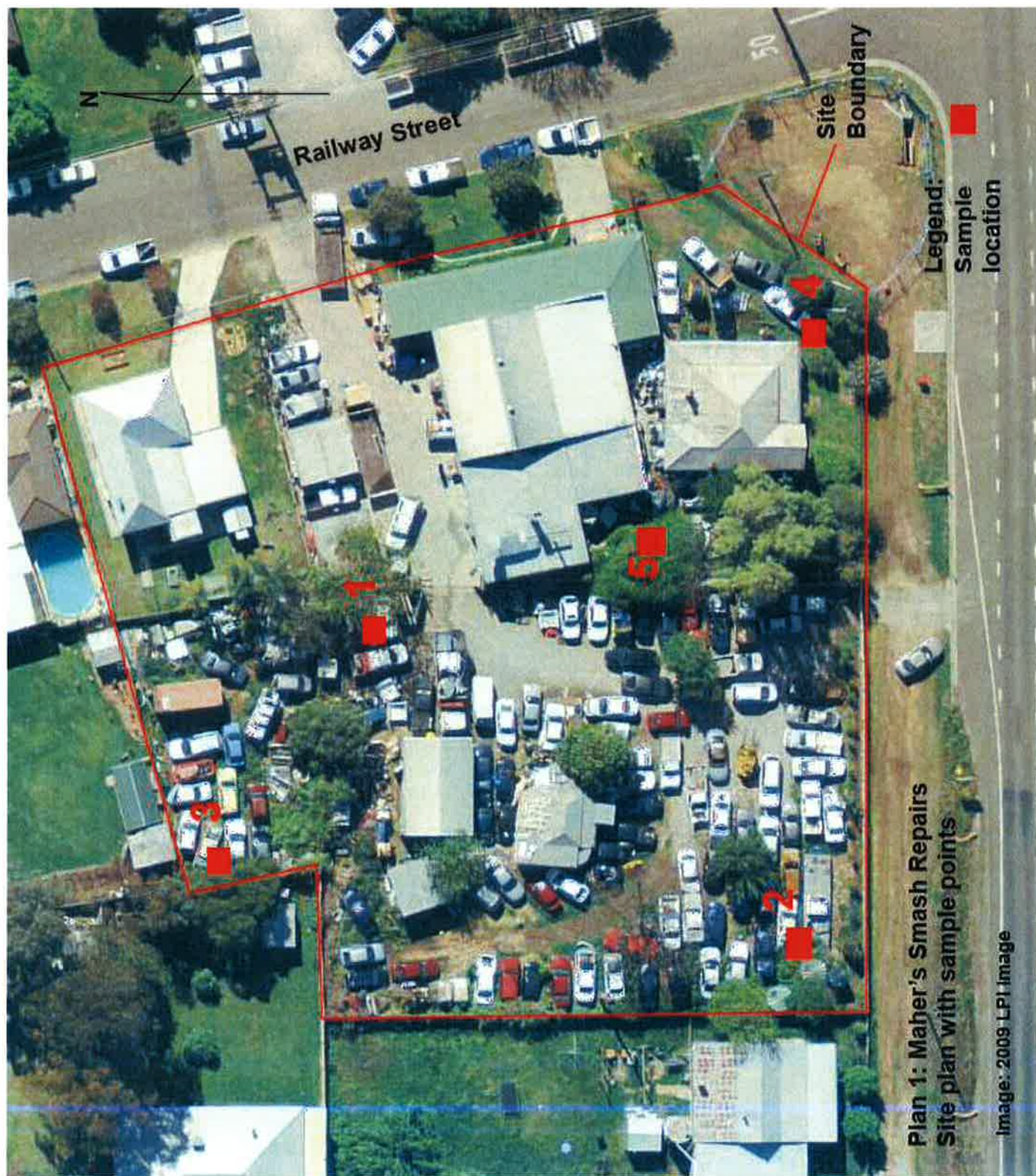
- The laboratory is to prepare a response COC to indicate that samples were delivered in suitable condition to maintain integrity of samples, a list of testing required was received and expected date for issue of results.
- The Laboratory is to undertake the required and documented QC/QA procedures as set out by the national Association of Testing Authorities (NATA)
- Where the Laboratory has its own procedures, these procedures are to be documented and noted on the test results.
- Laboratory to maintain their appropriate system of internal check samples, duplicates and external laboratory comparisons.

5. Correlation of Field Observations and Laboratory Results

- Field observations are to be correlated with laboratory results.
- Where a laboratory results does not correlate with a field observation, the investigation must consider re-sampling of the site to provide additional evidence to determine whether the contamination is present.

6. Laboratory Duplication Requirements

- Laboratory duplications are required during a detailed site investigation where the risk of contamination and the potential consequences of contamination are considered as significant to human health or the environment, or where the laboratory operates this procedure as part of standard quality assurance management practices.
- Duplications are to be in two forms when it is determined that duplications are required.
- Field duplications are to be undertaken at a rate of one sample per 10-field samples. The field duplicate preparation involves obtaining sufficient sample material from the randomly selected point to prepare two samples. The duplicate is to be identified with a reference known to the sampler to ensure that the laboratory is unaware of the field duplicate identification or reference. The duplicate sample is to be tested for the same parameters as the original sample and then results are to be compared once laboratory results are provided. The scientist/sampler is then required to assess the results for the duplicated sample to determine variations in laboratory results. If a significant variation is noted, the laboratory should be advised to enable retesting of the sample to determine whether the results are correct or whether procedural errors have occurred in the laboratory.
- Laboratory duplicates and external duplicates to be determined by the Laboratories QC/QA system. Laboratory to be advised of duplicate requirements prior to submission of samples.



Plan 1: Maher's Smash Repairs
Site plan with sample points

Image: 2009 LPI Image



Page : 5 of 5
Work Order : ES1324542
Client : SMK CONSULTANTS
Project : MAHERQ SMASH REPAIRS

Surrogate Control Limits

Sub-Matrix: 808			
Compound	CAS Number	Recovery Limits (%)	
		Low	High
EP880S: TPH/CVBT/TEX Surrogates			
1,2-Dichloroethane-D4	17060-07-0	72.6	133.2
Toluene-D8	2037-26-5	73.9	132.1
4-Bromofluorobenzene	468-03-4	71.5	130.0

Appendix H – Letter from NSW RMS



File No: NTH14/00027; CR2014/001773

The Manager
Bath Stewart Consulting Surveyors
P.O. Box 403
TAMWORTH NSW 2340

Attention: Sonya Vickery – Senior Town Planner

Dear Ms Vickery,

Proposed Property Access to 508-514 Armidale Road, New England Hwy, Nemingha

I refer to your email correspondence of 1 April 2014 regarding the abovementioned development proposal forwarded to Roads and Maritime Services for consideration.

Roles & Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

Armidale Road forms part of the New England Highway (HW9), which is a classified (state) road. Tamworth Regional Council is the 'Roads Authority' for this road and all other public roads in the area. Roads and Maritime concurrence is required for Council's approval of works on this road under Section 138 of the Roads Act.

Pursuant to Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of a classified road where a development has frontage to a classified road.

It is emphasised that the following response is provided as pre-lodgement advice and is based upon the information provided in your enquiry. The comments are not to be interpreted as binding and final comment will be subject to an assessment of any development application referred by the relevant consent authority.

Roads and Maritime Response

The following comments are provided to assist you in the preparation of a planning proposal and/or development application;

1. It is understood the planning proposal seeks to amend the Tamworth Local Environment Plan (LEP) to enable an additional permissible use within the current zoning to accommodate an existing commercial use. Council will need to consider the likely impact of the additional permissible use on the future safety and efficiency of the classified road.

2. Council could request the LEP amendment be accompanied by a supporting development application that would enable Council to consider appropriate consent conditions to regulate further development of the site and associated traffic generation.
3. Any development application should be supported by a Traffic Impact Assessment (TIA) undertaken by a suitably qualified consultant. The assessment should address the requirements of the current Austroads Guidelines and the RTA Guide to Traffic Generating Developments.
4. The driveway crossing on the New England Highway does not meet current minimum design standards. Any proposal to reactivate or formalise this driveway would need to demonstrate that the driveway was previously granted a lawful approval and that any associated conditions of approval have been complied with.

Any application to formalise the driveway will need to address *Clause 101(2) of the State Environmental Planning Policy (Infrastructure) 2007* by justifying the necessity for access to a classified road where site access is existing and available from a local road (Railway Street). Consideration should be given to regulating access to any proposed driveway to the New England Highway to prevent inappropriate use and to encourage all light vehicles to enter and exit via Railway Street.

Please note that a final decision as to whether access to the New England Highway will be permitted will be subject to a full assessment of the proposed development under a formal development application.

5. An inspection of the driveway has identified that any right-turn movement generated by the proposed access would be constrained by the nearby intersection with Railway Street and the available sight distance to the east. Consideration of a 'left out only' design may be appropriate to physically control traffic movements.
6. It is suggested that consideration be given to enclosing the internal car parking area to limit its visibility from the highway frontage. This will assist in minimising the potential for customers to attempt access via any proposed exit point.
7. For any works on the classified road, including driveway construction, the Developer will be required to enter into a 'Works Authorisation Deed' (WAD) and a Pre-Qualified Contractor will be required to complete all road works under the WAD to the satisfaction of Roads and Maritime. The Developer will be responsible for all costs associated with the works and administration of the WAD.

Further information on undertaking Private Developments adjacent to classified roads can be accessed at:

http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html

If you have any questions regarding the above comments then please contact Matt Adams on 6640 1362 or email: development.northern@rms.nsw.gov.au

Yours sincerely



5 May 2014

Monica Sirol
Network and Safety Manager, Northern Region

cc: Lucy Walker – Tamworth Regional Council