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Bega Valley Local
Environmental Plan 2013

Planning Proposal:
Rural Residential Lot Sizes

Coolagolite Initial Site
Contamination Assessment

February 2014



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Introduction

The Department of Planning Gateway Determination for the Rural Residential Planning Proposal (Ref: PP_2013_BEGAV_002_00) included the requirement that "Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 Remediation of Land in relation to land at Bermagui-Cobargo Road, Coolagolite. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone."

In accordance with the Gateway Determination, this report details the three allotments proposed to be zoned to E4 Environmental Living at Bermagui-Cobargo Road, Coolagolite and assesses the impacts of the planning proposal for these three allotments as well as adjoining allotments within the subject area in relation to potential site contamination.

Clause 6 of SEPP 55 specifies contamination and remediation to be considered in zoning or rezoning proposal (See Appendix 1). Clause 6(2) of SEPP 55 states that "Before including land in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines."

This report has been produced in accordance with the 1998 Department of Urban Affairs and Planning, Environmental Protection Authority 'Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land'.

Objective

The objective of this report is to provide a summary of the subject lands history and to assess the potential contamination of the subject area.

Methodology

The initial evaluation was based on information regarding current and past zonings and permissible uses, past development and building applications within the subject area, property files, knowledge of Council staff and site inspections.

The following documents were utilised as part of the desktop review:

- Council's property, Development Application and Building Application files
- Current and historical aerial photographs including LiDAR imagery 2008
- 1:25000 Cobargo Topographic Map (REF:8825-2s 3rd Edition). Land and Property Information
- NSW Environment Protection Authority notices under the Contaminated Land Management Act (1997)
- Contaminated Sites: Guidelines on the Duty to report Contamination under the Contaminated Land Management Act 1997 (Department of Environment Climate Change and Water 2009)

1 Desktop Review

Site location and description

The subject area comprises 23 allotments and is generally located to the south of Cobargo-Bermagui Road, bounded by Westrops and Ridge Roads in the locality of Coolagolite, approximately 10km west of Bermagui and 10km east of Cobargo.



Map 1: Subject area

The subject area comprises undulating land with levels of approximately 110m AHD within the western area of the subject site down to 20m AHD at the south eastern boundary. The subject area generally slopes down to the south via various gullies that intersect with Coolagolite Creek. The majority of the land is forested and has been periodically logged.

Subdivision in the area is characterised by rural residential allotments which generally range from 2 to 10ha. The majority of allotments in the subject area are developed for rural residential purposes including dwellings and ancillary structures including garages, carports and pet/livestock enclosures. Four of the subject allotments are vacant and are owned by either the NSW State Government or Bega Valley Shire Council.

No evidence of intensive agricultural uses which may have caused contamination through pesticide spraying, livestock dips or the like within the subject area was identified in a review of past and recent aerial photography.

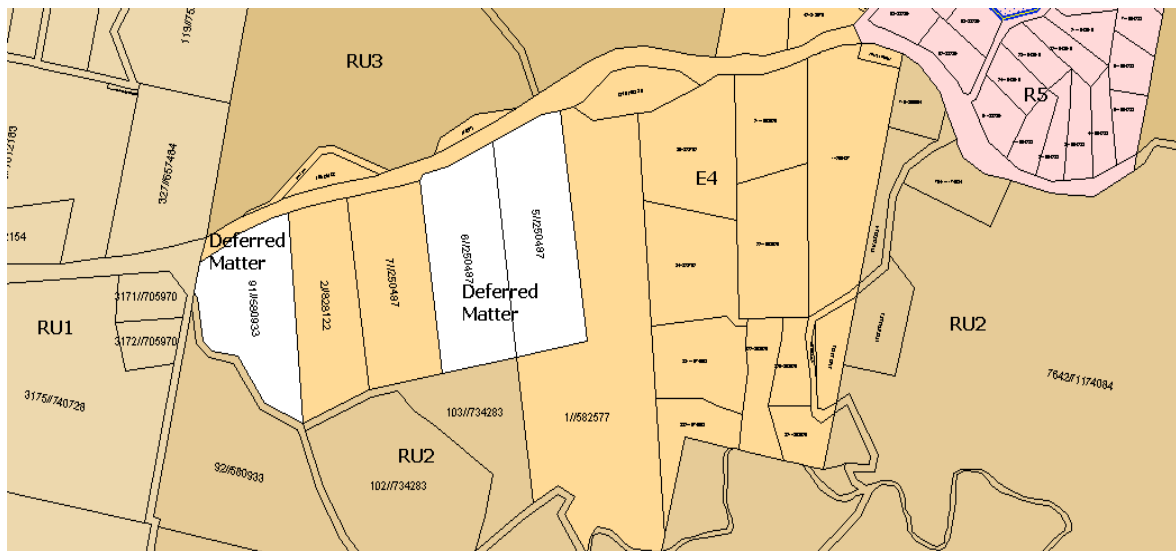
Two sites were identified within the study area where the land has been used for non-residential purposes being a disused quarry on Lot 271 DP752130 and a small sawmill on Lot 322 DP853926.

Surrounding Land Uses

The land adjoining the subject area is currently utilised for quarrying and forestry activities, similar large lot rural residential and extensive agricultural land. Two operational extractive industries are located within the vicinity of the subject area on Lot 102 DP 734283 and Lot 12 DP 811287 and both produce road base materials. These quarries are subject to regulation by Council or the Environmental Protection Authority. The buffers around these quarries encroach onto the subject land and consequently consultation of the planning proposal with the Department of Primary Industries will be undertaken.

Zoning

The subject area is generally zoned E4 - Environmental Living under Bega Valley Local Environmental Plan (BVLEP) 2013 except lots Lots 5 & 6 DP250487 and Lot 91 DP580933 that are deferred from BVLEP 2013 and are currently zoned 1(c) Rural Residential under BVLEP 2002.



Map 2: Subject area: BVLEP 2013 zones

EPA Contaminated Land Management register search

There were no notices or notified contaminated sites within the Coolagolite area in the Environmental Protection Authority (EPA) records on 11 February 2013.

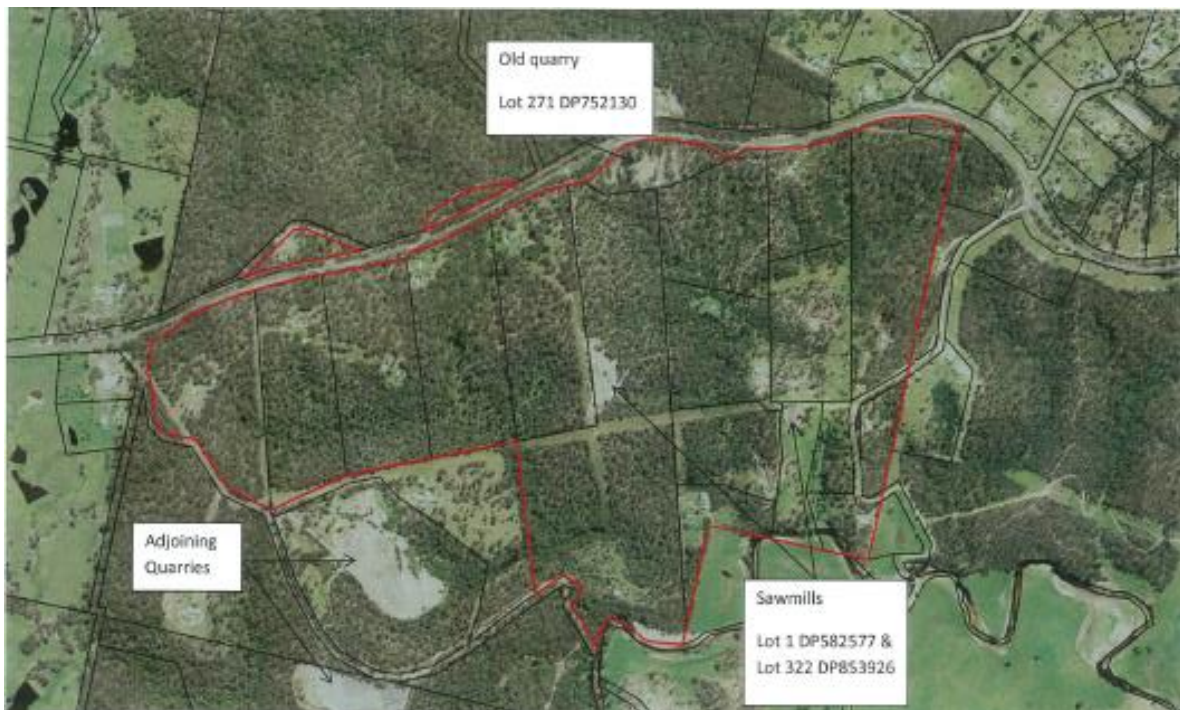
2. Site Inspections

Site inspections and a review of past and recent aerial photography did not indicate any activities that may result in contamination of the subject area. Most allotments contain single dwellings and ancillary structures with a mix of maintained gardens and forested areas. Generally lots appeared to be clean and well maintained with only domestic items stored within and adjacent to dwellings and ancillary structures.

Remnants of past quarrying activities were evident on Lot 271 DP752130, Bermagui-Cobargo Road despite natural rehabilitation of the area with native trees (see Map 3). The quarry appeared to have been operated by the general ripping method with the use of dozers and material being loaded directly onto trucks. No areas of oil spills or the like were identified within the site.

Two small operational sawmills were identified during the site inspection on Lot 1 DP582577 Mill Road off Bermagui-Cobargo Road and Lot 322 DP853926 Elata Lane off Westrops Road. Lot 1 also contains a dwelling with access to Ridge Road and the remainder of the lot is well vegetated (see Map 3).

Lot 102 DP 734283 – 61 Ridge Road, Coolagolite and Lot 12 DP 811287 – 183 Lyrebird Ridge Road, Coolagolite are located in close proximity to the subject area. Both lots contain operational quarries that have operated for over 20 years. The quarries are accessed via Ridge Road and operate through general ripping method with occasional blasting, crushing and screening of materials is also periodically conducted on site.



Map 3: Location of quarries and sawmills

3. Council Records

The search of Council's property, Development Application and Building Application files was undertaken for each allotment within the subject area and the two additional extractive industries in the vicinity of the subject area to ascertain past approvals and other information relevant to contamination issues. The table below contains a summary of this review together with key points from the site visit.

Property	Approved Development	Site inspection notes
Lot 34 DP828792 - 72 Westrops Road, Coolagolite	DA 2004.251 dwelling	No issues identified.
Lot 35 DP828792 – Bermagui-Cobargo Road, Coolagolite	No approvals identified	Timbered allotment. No issues identified.
Lot 21 DP1098926 – Bermagui-Cobargo Road, Coolagolite	To Note with Lot 22 DP1098926 - DA2004.938 2 lot subdivision. No approvals for structures on-site.	No issues identified.
Lot 22 DP1098926 - 70 Westrops Road, Coolagolite	DA 2011.274 dwelling	No issues identified.
Lot 1 DP250487 - 66 Westrops Road, Coolagolite	DA 2003.751 dwelling addition & carport	No issues identified.
Lot 31 DP828792 & Lot 311 DP850102 - 69 Westrops Road, Coolagolite	BA 1977.77 dwelling	No issues identified.
Lot 91 DP580933 – 33 Ridge Road, Coolagolite	BA 1980.2 dwelling DA 1980.23 dwelling	No issues identified.
Lot 1 DP582577 – 112 Ridge Road or Mill Rd off Bermagui-Cobargo Road, Coolagolite	BA1982.639 dwelling	Existing dwelling off Ridge Road and sawmill off Mill Road. No issues identified.
Lot 331 DP 1074953 – 69 Elata Lane (off Westrops Road), Coolagolite	DA/CC 2005.131 dwelling	Evidence of past logging. No issues identified.
Lot 332 DP1074953 – 19 Elata Lane (off Westrops Road), Coolagolite	BA1995.112 dwelling	No issues identified.
Lot 321 DP853926 – Westrops Road, Coolagolite	DA2004.524 dwelling & detached garage	No issues identified.
Lot 320 DP853926 – Westrops road, Coolagolite	DA2002.983 Use of land for dwelling purposes	Building site in proximity to adjoining sawmill. No issues identified.
Lot 322 DP853926 – Elata Lane (off Westrops Road), Coolagolite	No approvals identified	Evidence of sawmilling on-site. No issues identified.
Lot 7317 DP1164527 – Bermagui-Cobargo Road, Coolagolite	No approvals identified	Reserve owned by state government. Timbered allotment. No issues identified.

Lot 5 DP250487 – 685 Bermagui-Cobargo Road, Coolagolite	DA2004.1784 shed (adjacent to existing dwelling)	No issues identified.
Lot 271 DP752130 – Bermagui-Cobargo Road, Coolagolite	Land owned by Bega Valley Shire Council.	Evidence of past quarrying activities. No issues identified.
Lot 1 DP828122 – Bermagui-Cobargo Road, Coolagolite	DA1999.1362 dwelling	No issues identified.
Lot 7 DP250487 – 711 Bermagui-Cobargo Road, Coolagolite	BA1995.369 farm shed DA1982.110 dwelling DA1985.1253 dwelling DA1990.642 dwelling	No issues identified.
Lot 6 DP250487 – 709 Bermagui-Cobargo Road, Coolagolite	BA1992.582 dwelling DA1982.296 dwelling BA1982/438 Farm Machinery Shed	No issues identified.
Lot 2 DP828122 – Bermagui-Cobargo Road, Coolagolite	BA1996.408 Additions to existing dwelling BA1995.450 storage shed BA1992.47 dwelling addition 1992.578 swimming pool DA1991.1433 dwelling house and shed	No issues identified.
Lots 3 & 4 DP42841 – Bermagui-Cobargo Road, Coolagolite	Owned by the NSW Government.	Timbered, appears to be old crown road reserve. No issues identified.
Lot 102 DP 734283 – 61 Ridge Road, Coolagolite	DA1975.40B Extension of existing use for quarrying of blue metal & crushing of material. DA2001.2063 Erection of shed	Quarrying activities, extensive cut, shed. Non quarry areas timbered. No issues identified.
Lot 12 DP 811287 – 183 Lyrebird Ridge Road, Coolagolite	DA1991.1124 Extractive Industry	Quarrying activities, extensive cut, powerline easement. Non quarry areas timbered. No issues identified.

Findings

The existing and past uses identified through the desktop assessment were assessed to determine the likelihood of contamination likely to result from chemical handling or disposal practices, accidental spillages or leakages of chemicals during manufacturing or storage, polluted groundwater or dust generated remotely from the site.

Non-residential uses were identified on the following sites:

Lot 271 DP752130 Bermagui-Cobargo Road

Contamination of the lot from past extractive industry activities, particularly from fuels and greases associated with refuelling and maintenance of plant and equipment, is not evident and the possibility of contamination is extremely low.

Due to the previous use of the site, any future development application will require further consideration of possible site contamination. It is highly unlikely that land contamination will impede development of the land for rural residential purposes.

Lot 1 DP582577 Mill Rd off Bermagui-Cobargo Road and Lot 322 DP853926 Elata Lane off Westrops Road

The potential for possible contaminants from the operation of sawmill activities such as fuels and greases associated with refuelling and maintenance of plant and equipment, and sawdust affecting the subject area is extremely low.

The location and extent of the sawmill activities is known and therefore it is considered that any future Development Application can suitably address remediation of the site from the impacts of this use of land.

Lot 102 DP 734283 – 61 Ridge Road, Coolagolite and Lot 12 DP 811287 – 183 Lyrebird Ridge Road, Coolagolite

The two gravel quarries currently operating immediately south of the study area are located down slope of the subject area. Because of the topography and existing operational contamination mitigation practices, it is highly unlikely that potential contaminants from these quarrying activities will affect future development within the subject area.

Conclusion

In accordance with the requirements of Clause 6 of SEPP55, the subject area has been considered to ascertain the likelihood of contamination.

The three allotments that are proposed to be rezoned E4 Environmental Living under BVLEP 2013 are currently zoned Rural 1(c) Rural Residential under BVLEP 2002 and are utilised for rural residential purposes. This assessment has demonstrated that it is highly unlikely that these three allotments are contaminated from past uses or existing uses on the land or other uses in the vicinity.

The proposal to reduce the minimum allotment size for all lots within the subject area, while not subject to the requirements of Clause 6 of SEPP 55, has also been considered. This assessment has demonstrated that the subject area has generally been utilised for rural residential land uses and increasing the opportunities for additional rural residential development in the area is highly unlikely to result in land contamination or be affected by contamination from non-residential uses in the vicinity.

Appendix 1

State Environmental Planning Policy No 55—Remediation of Land:

Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

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

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

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

(5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.