

Record of Assessment for Development Application

4.15 Evaluation

(cf previous s 79C)

- (1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

Development Application Number	DA 2021-064
Description of Development:	2 Lot subdivision (boundary adjustment)
Property Owner:	Mr Bruce David Lyons and Mrs Marisa Christelle Lyons as Trustees for BML Superannuation Fund Robert Earl Duff and Joanne Debra Duff as Trustees for Duff Superannuation Fund Tenterfield Shire Council
Applicant:	Tenterfield Surveys Pty Ltd
Property Address	Riley Street & Banksia Drive, Tenterfield
Property Title	Lots 1, 10 & 14 DP 1155323
Declared Interest	Nil

Assessment of Application Completed by Anthony Daintith

Internal Referrals

Referral Officer	Sent	Date
Director of Engineering Services - Preliminary discussions indicate that the engineering department does not have any comments or conditions relating to the proposed subdivision	Yes	
Building Surveyor	No	

REFERRALS TO CONSULTANTS		
NA		
Have referrals been considered <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

PRELIMINARY ASSESSMENT

1. Detailed Description of Development and Summary of proposal, including site location and details (use correct definition from Tenterfield LEP 2013 dictionary)

The subject land is located between Riley Street, Banksia Drive and Western Boundary Road. The site contains 2 industrial buildings. The land is cleared of vegetation. The subject land has an area of 8232m² and is zoned RU5 Village under the LEP. The application seeks Council consent for the subdivision of the subject land into 2 lots. The existing lot is depicted below.



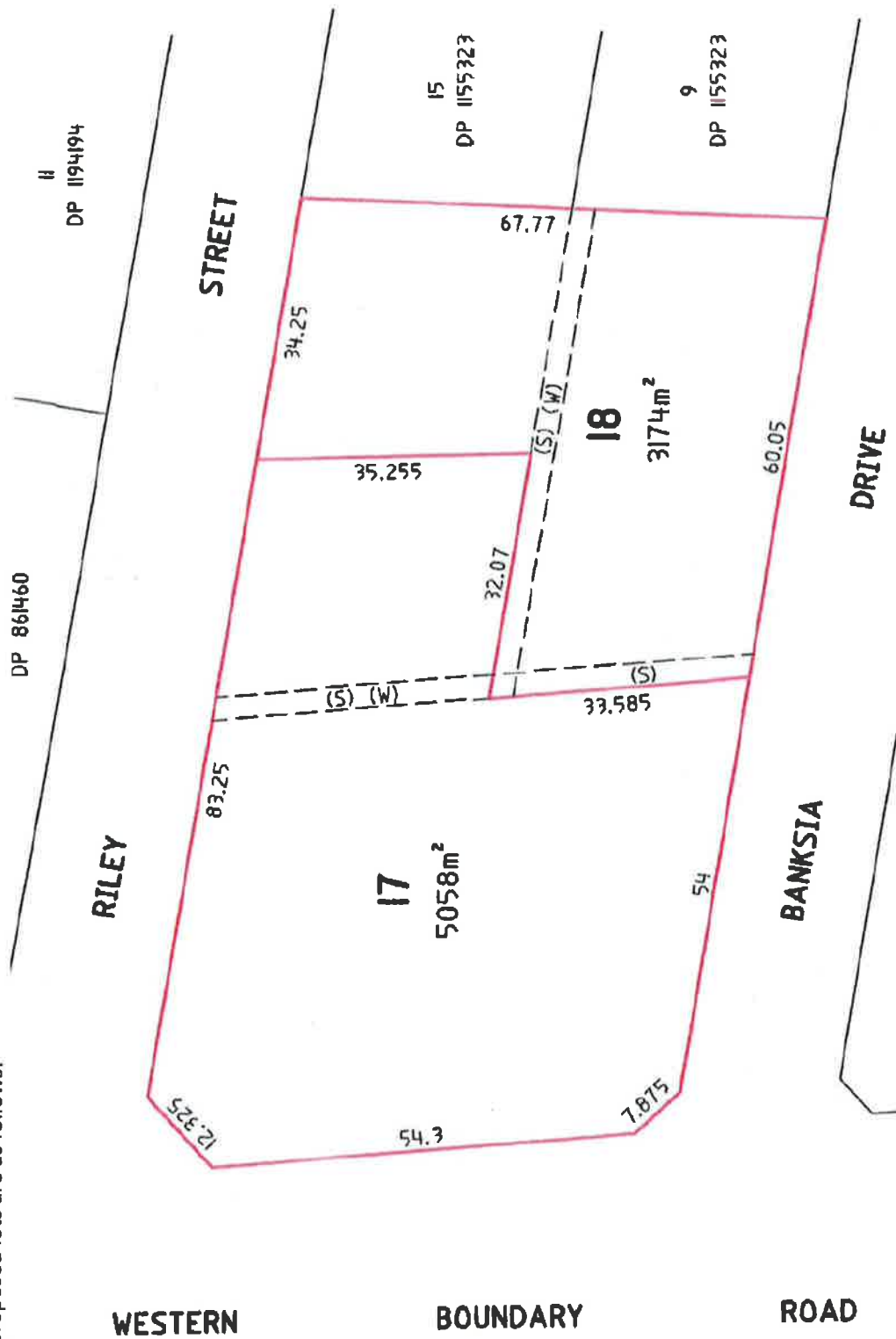
Existing building on Proposed Lot 17



Existing building on proposed Lot 18



The proposed lots are as follows:



2. Assessment Summary	
Permissibility	The proposed subdivision is permitted with consent and is recommended for approval.
Zoning:	RU5 Village
MLS	Nil
SEPPs:	NA
LEPs:	Tenterfield LEP 2013
DCPs:	Tenterfield DCP 2014
Draft EPIs or DCPs:	None applicable at time of lodgement

3. Integrated Development –refer to Section 91 of the EP & A Act, 1979 http://143.119.201.4/maintop/view/inforce/act+203+1979+cd+0+N				
		Relevant		Comment
Fisheries	<input type="checkbox"/>	Yes	X	No
Heritage Office	<input type="checkbox"/>	Yes	X	No
Rural Fire Service	<input type="checkbox"/>	Yes	X	No
Dept. Environment Climate Change & Water	<input type="checkbox"/>	Yes	X	No
Transport for NSW	<input type="checkbox"/>	Yes	X	No
NSW Office of Water (NRAR)	<input type="checkbox"/>	Yes	x	No

4. Designated Development				
Refer to Schedule 3 of Regulations		Relevant		Comment
http://143.119.201.4/viewtop/inforce/subordleg+557+2000+cd+0+N/?dq=Regulations%20under%20Environmental%20Planning%20and%20Assessment%20Act%201979%20No%20203	<input type="checkbox"/>	Yes	x	No
				The subdivision is not designated development

5. Map Info Check			
Matters for Consideration	Relevant		Comment
Bushfire Prone Land	<input type="checkbox"/>	Yes X No	
Flooding	<input type="checkbox"/>	Yes X No	
Streams	<input type="checkbox"/>	Yes X No	
Status of Roads	<input type="checkbox"/>	Yes X No	Riley Street and Banksia Drive are bitumen Council roads. There are constructed accesses to each lot.
Availability of reticulated water & sewer	<input type="checkbox"/>	Yes X No	The existing development on both lots are connected to reticulated water and sewer services.
Any relevant 88B or 88E instruments applying to property	<input type="checkbox"/>	Yes x No	
Contaminated Land	<input type="checkbox"/>	Yes x No	No indications of any likely historic contaminating uses.

6. Historical Check			
Matters for Consideration	Relevant		Comment
Previous applications or related property files	<input type="checkbox"/>	Yes x No	

7. BASIX Certificate			
Matters for Consideration	Relevant		Comment
Has BASIX Certificate been checked – in date, correct address etc	<input type="checkbox"/>	Yes X No	Not applicable.

8. Site Inspection	
Date of Inspection:	Comments
Physical and Legal Access:	Riley Street and Banksia Drive are bitumen Council roads. There are constructed accesses to each lot.
Topographic Nature of Site and Surrounds:	The subject land slopes to the north west.
Flooding:	Nil
Drainage:	Na
Effluent Disposal:	Development on both lots are already connected to reticulated sewer.
Tree Removal & Flora/Fauna Impacts/Bushfire:	No vegetation removal required.

8. Site Inspection	
Visual Amenity:	No issues have been identified.
Overshadowing:	Nil
Privacy Impacts:	Nil
Other observations from site inspection:	Nil


9. Public Participation	
Application advertised ?	Not required
If exhibition required, have notices affixed to site?	NA
Closing date of submissions:	NA
No. of objections received:	NA

10. State Environmental Planning Policies		Complies				Comment			
		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 21	Caravan Parks	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 33	Hazardous & Offensive Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 36	Manufactured Home Estates	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 55	Remediation of Land	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 64	Advertising & Signage	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP No. 65	Design Quality Residential Apartment Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Affordable Rental Housing 2009		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP BASIX 2004		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Concurrences and Consents 2018		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Educational Establishments and Childcare Facilities 2017		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Exempt & Complying Development Codes 2008		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Housing for Seniors or People with a Disability 2004		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Infrastructure 2007		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A
SEPP Koala Habitat Protection 2020		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X	<input type="checkbox"/>	N/A

10. State Environmental Planning Policies						
SEPP Mining, Petroleum Production & Extractive Industries 2007	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
SEPP Primary Production and Rural Development 2019	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
SEPP State and Regional Development 2019	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
SEPP Vegetation in Non-Rural Areas 2017	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A

11. Tenterfield Local Environmental Plan 2013						
Is the proposed development consistent with the zone objectives?	X	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
						<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To enable development of a scale that is compatible with the general residential character of village areas and that will not prejudice the viability of established shopping and commercial centres. <p>The proposed subdivision is considered to be generally consistent with the objectives of the zone. The subject land is within the industrial estate and the subdivision will have no detrimental impact on the industrial land uses on the site or on neighbouring industrial lots.</p>
Tenterfield Local Environmental Plan						
Cluses	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Part 1 Preliminary						
1.8A Savings provision relating to DA's	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
1.9A Suspension of covenants	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
Part 2 Permitted or prohibited development						
2.4 Unzoned land	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
2.5 Additional permitted uses	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
2.6 Subdivision	X	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
2.7 Demolition requires consent	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
2.8 Temporary use of land	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A

Part 3 Exempt & Complying Development						
Check Schedule 2 of the LEP – only relates to Signage						
Part 4 Principal development standards						
4.1 Min Subdivision Lot Size (refer to Map No. RRS_002)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
4.1AA Min Size Community Title	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
4.2 Rural Subdivision	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
4.2A Minimum sub lot size for strata in RU1	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
4.2B Exceptions to minimum lot sizes – Rural Residential Rings around Villages	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
4.2C Subdivision for residential accommodation in RU1	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No		N/A
4.2D Erection rural worker's dwellings	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
4.2E Erection of dual occs and dwellings in RU1	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
4.2F Exceptions to minimum subdivision lot size for lot boundary adjustments	<input type="checkbox"/>				x	
4.6 Exceptions to Dev Standards	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
Part 5 Miscellaneous provisions						
5.3 Development- Zone Boundaries (50m)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
5.4 Miscellaneous Permissible Uses B & B, Home business, Home industry, Industrial retail outlets, Farm Stay Accommodation, Kiosks, Neighbourhood shops, Roadside stalls, secondary dwellings	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
5.8 Conversion of Fire Alarms	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
5.10 Heritage Conservation Is the site listed in Schedule 5?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
5.12 Infrastructure development & Use of Existing building by the Crown	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
5.13 Eco-tourist facilities	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.14 Siding Spring Observatory – maintaining the dark sky	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.15 Defence communications facility	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.18 Intensive Livestock Agriculture	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
5.19 Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
Part 6 Additional Local Provisions						
6.1 Earthworks which are not exempt	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
There is no minimum lot size applicable to the subject land.						

6.2 Flood Planning	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
6.3 Sensitive Land –check 'sensitive land maps'	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
6.4 Essential Services – water supply, electricity, sewage disposal, stormwater & vehicular access	X	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
6.5 Location of Sex Services premises	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
6.6 Development within a designated buffer area	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A
<p>The subject land is not within the buffer area of the Tenterfield saleyards.</p> 						

12. Tenterfield Development Control Plan 2014

Clause?

Subdivision in Commercial and Industrial areas

Complies
complies

Comment

The subject land is located within Catchment 1 – Tenterfield (Commercial and Industrial)



- The proposal is consistent with the aims and objectives.
- The size and shape of the proposed allotments are appropriate for their proposed use (existing industrial development and are able to accommodate the building premises, car parking, landscaping and other requirements of each site.
- There is no applicable MLS for the subject land.
- No new roads are required.
- Both lots are already connected to reticulated services and utilities.
- Appropriate stormwater infrastructure is in place (and easements proposed accordingly).
- Vehicles can enter and leave in a forward direction for each proposed lot.

12. Tenterfield Development Control Plan 2014

	<ul style="list-style-type: none"> • No vegetation removal is required. • No flora and fauna impacts identified. • No riparian areas through the subject land.
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13. Engineering Assessment –

Satisfactory	
Matters for Consideration	Satisfactory
Is OSD required?	<input type="checkbox"/> Yes – refer to engineers <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
Site drains to at least 1 street frontage?	<input checked="" type="checkbox"/> Yes - appropriate condition <input type="checkbox"/> No – answer next 2 questions <input type="checkbox"/> N/A
Site drains away from street frontage(s)?	<input type="checkbox"/> Yes – answer next question <input type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
All roof areas can drain to the street?	<input type="checkbox"/> Yes – appropriate condition <input type="checkbox"/> No – refer to engineers <input type="checkbox"/> N/A
Property potentially subject to flooding?	<input type="checkbox"/> Yes – refer to engineers <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
Existing crossing comply AS/NZS2890.1?	<input checked="" type="checkbox"/> Yes – continue assessment <input type="checkbox"/> No – advise the applicant <input type="checkbox"/> N/A
Redundant crossing (existing/proposed)?	<input type="checkbox"/> Yes – appropriate condition <input type="checkbox"/> No – continue assessment <input checked="" type="checkbox"/> N/A
New/modified vehicle crossing proposed?	<input type="checkbox"/> Yes – refer to engineers <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
New/modified parking facilities proposed?	<input type="checkbox"/> Yes – refer to engineers <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
Existing encroachments on road reserve?	<input type="checkbox"/> Yes – refer to engineers <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
Retaining walls at the street boundary?	<input type="checkbox"/> Yes – check stability impacts, drainage. If impacts then referral. <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A
Existing or proposed awning or balcony?	<input type="checkbox"/> Yes – new/changes referral <input checked="" type="checkbox"/> No – continue assessment <input type="checkbox"/> N/A

Tenterfield Shire Council Policies

Matters for Consideration	Comment
Advertising Sandwich Boards - 3.010 (PDF - 97.82KB)	NA
Aerated Wastewater Treatment Systems - 3.011 (PDF - 81.92KB)	NA

<u>Approval for the Construction of Residential Sheds, Machinery Shed and the Illegal Conversion of a Shed to a Dwelling - 3.013 (PDF - 76.74KB)</u>	NA
<u>Building Control - Building Lines - 3.020 (PDF - 61.87KB)</u>	NA
<u>Burial on Private Rural Land - 3.021 (PDF - 104.77KB)</u>	NA
<u>Construction and Maintenance of Property Access from Council Roads - 2.130 (PDF - 80.94KB)</u>	Na
<u>Dust Abatement Policy - 2.041 (PDF) (65.95 KB)</u>	NA
<u>On-Site Sewage Management - 3.150 (PDF) (260.27 KIB)</u>	NA
<u>Private Swimming Pools Safety - 3.194 (PDF - 132.36KB)</u>	NA
<u>Public Gates and Vehicle By-Passes - 2.162 (PDF) (550.26 KIB)</u>	NA
<u>Rainwater Tanks - Installation Requirements where Reticulated Water is Connected - 3.180 (PDF - 73.7KB)</u>	NA - only applicable to dwellings
<u>Sewerage - Septic Tank Connections - 3.190 (PDF - 62.33KB)</u>	NA
<u>Signage - Bed & Breakfast (B & B) Establishments (PDF - 78.01KB)</u>	NA
<u>Signage and Outdoor Advertising Policy - 2.194 (PDF) (517.84 KB)</u>	NA
<u>Street Vending - 3.191 (PDF - 69.78KB)</u>	NA
<u>Subdivision Guidelines - 3.400 (PDF - 346.18KB)</u>	Acceptable
<u>Tenterfield Heritage Strategy 2011-14 (PDF - 426.5KB)</u>	NA
<u>Tenterfield Shire Road Network Management Plan (PDF) (1004.96 KB)</u>	NA

14. Section 4.15 Assessment

Matters for Consideration	Satisfactory		Comment
	Yes	No	
Environmental Planning Instruments SEPP's, REP's, LEP's	X	<input type="checkbox"/>	RUS Village – Tenterfield LEP 2013 – permitted with consent in zone There are no SEPPs particularly relevant to the subdivision proposal
Draft Environmental Planning Instruments Only those that have been on public exhibition – i.e.. Planning Proposals	x	<input type="checkbox"/>	NA
Development Control Plans	X	<input type="checkbox"/>	Acceptable
Environmental Planning & Assessment Regulation	X	<input type="checkbox"/>	Acceptable
Likely impacts – context & settings, access, traffic, utilities, water, heritage, soil, air, environmental, social & economic, flora and fauna, waste, noise, natural	x	<input type="checkbox"/>	The likely impacts of the development are considered negligible. The imposition of appropriate conditions of consent will ensure that there are no negative impacts on surrounding

14. Section 4.15 Assessment			
hazards, crime prevention (CPTED principles), design and cumulative impacts			properties. It is noted that there are already existing developments constructed on each proposed lot.
Suitability of the site – fit into the locality, site attributes	X	Yes	No
Any submissions	X	Yes	No
Public Interest	X	Yes	No
			Suitable
			Not required to be notified
			Maintained

15. Land and Environment Court – Planning Principles - http://www.levl.nsw.gov.au/levl/principles/planning_principles.html									
Principle	Complies			Comment					
	<input type="checkbox"/>	Yes	No						
Adaptive reuse	<input type="checkbox"/>	Yes	No	N/A	There are no Land and Environment Court Principles applicable to the development				
Aesthetics (Lake Macquarie)	<input type="checkbox"/>	Yes	No	N/A					
Aesthetics (Sydney)	<input type="checkbox"/>	Yes	No	N/A					
Brothels	<input type="checkbox"/>	Yes	No	N/A					
Building Envelope	<input type="checkbox"/>	Yes	No	N/A					
Compliance	<input type="checkbox"/>	Yes	No	N/A					
DCPs & Council Policies	<input type="checkbox"/>	Yes	No	N/A					
Demolition	<input type="checkbox"/>	Yes	No	N/A					
ESD & the Precautionary Principle	<input type="checkbox"/>	Yes	No	N/A					
ESD Principles	<input type="checkbox"/>	Yes	No	N/A					
FSR	<input type="checkbox"/>	Yes	No	N/A					
General Impact (North Sydney)	<input type="checkbox"/>	Yes	No	N/A					
General Impact (Waverley)	<input type="checkbox"/>	Yes	No	N/A					
Height, bulk and scale	<input type="checkbox"/>	Yes	No	N/A					
Heritage (Strathfield)	<input type="checkbox"/>	Yes	No	N/A					
Heritage (Sydney)	<input type="checkbox"/>	Yes	No	N/A					
Landscaping	<input type="checkbox"/>	Yes	No	N/A					
Licensed Premises	<input type="checkbox"/>	Yes	No	N/A					
Master Plans	<input type="checkbox"/>	Yes	No	N/A					

15. Land and Environment Court – Planning Principles - http://www.leg.lawlink.nsw.gov.au/lec/principles/planning_principles.html

Noise	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Non-Statutory Regional Planning Policies	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Open Space	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Plan of Management	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Privacy (Sydney)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Privacy (Waverley)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Redevelopment (Auburn)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Redevelopment (Sutherland)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Redevelopment (Hornsby)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Redevelopment (Warringah)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Seniors Living	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Setbacks	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Site Dimensions	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Staged Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Subdivision	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Sunlight	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Surrounding Development	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Unusual Contemporary Design	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Use	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Views	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Zones (Lake Macquarie)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Zones (Wyong)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A

16. Section 94 or 94A Contributions or Voluntary Planning Agreement	Comment
<p>Applies to Development Applications or Complying Development Certificates as detailed in each plan:</p> <p>Contributions are not applicable in this instance.</p>	

17. Comments & Recommendations
<p>Application for a two (2) lot subdivision is permissible with Council consent in the RU5 Village Zone pursuant to Tenterfield LEP 2013, is consistent with the objectives of the zone and recommended for approval subject to conditions.</p>

<p style="text-align: center;">Determination of Application</p>
<p>1. The subdivision is to be carried out generally in accordance with the layout plan submitted with the development application, titled TE210713-SV1, dated 22/4/2021, or as varied by any conditions listed herein. Any minor modification to the approved subdivision plan will require the lodgement and consideration by</p>

Council of amended plans. Major modifications will require the lodgement of a new development application.

Reason: To ensure that the subdivision is in agreement with that approved in the development consent.

2. The final plan of survey is to be submitted to Council for approval and endorsement by Council's Authorised Officer.

Reason: To ensure that the subdivision is in agreement with the approved plans.

3. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the plan of survey can be registered with the Land & Property Information Service.

Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges (Application for Subdivision Certificate attached).

Reason: To ensure the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended.

4. The lots shall have an area within 10% of that shown on the approved plan.

Reason: To confirm that details of the application approved by Council.

Determination of Application completed by:

Anthony Daintith

Determination Date:

31 May 2021

Description of Proposal:

Two (2) Lot Subdivision

Change of Use only – BCA Classification No.: _____ Choose an item.

Change of Use only - BCA Classification Desc: **NA**

BASIX Certificate No.: _____ Dated: _____

Has the Fire Safety Schedule been prepared for 'Change of Use'? = B23	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
Has the septic tank application been forwarded to the Building Assessment Officer?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
Has the CC application been forwarded to the Building Assessment Officer?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	x	N/A

Request for Preparation of Documentation

Please use the following template: (indicate whether "Draft" X or "Final")

Notice of Determination – Residential Dwelling

Notice of Determination – Rural Dwelling

Notice of Determination - Village Dwelling

Notice of Determination - Shed

Notice of Determination – Subdivision x

Notice of Determination – (general) See conditions below

Officer delegated to sign determination Tamai

Final Checklist

Are objectors to be advised of determination?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	X	N/A
Are external authorities to be advised of determination	x	Yes	<input type="checkbox"/>	No		N/A

Request for Stamping of Plans

Fax consent to applicant?
 Email consent to applicant
 Phone applicant when ready?
 Post consent to applicant?

PLAN CHECKLIST

TENTERFIELD SHIRE COUNCIL

Approved Date for
Development Consent
Date of Approval
Consent Manager For

Is the Statement of Environmental Effects required to be stamped?

Yes

No



Birthplace of Our Nation

23 June 2021
Our Ref: IN21/C32093A
Your Ref: TE210713

Tenterfield Surveys
Survey Manager
Mr Ken Cockburn
PO Box 549
TENTERFIELD NSW 2372

Dear Mr Cockburn,

**Re: Development Application No. 2021.064
Riley Street & Banksia Drive, Tenterfield (Lots 1, 10 & 14 DP 1155323)**

Please find attached Council's formal development approval for the *Boundary Adjustment* in relation to the abovementioned properties.

Your attention is drawn to your rights of appeal should you be dissatisfied with Council's determination of your application.

Please note: Prior to issue of the subdivision certificate, all conditions of consent shall be complied with.

Should you require further information please do not hesitate in contacting Council's Planning & Development Services Department on 02 6736 6002.

Yours Sincerely,

Kylie Smith
Acting Chief Executive

Encl.

All correspondence should be addressed to:
Chief Executive

Tenterfield Shire Council
247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN: 85 010 810 083



Tenterfield Shire Council

247 Rouse Street (PO Box 214)
TENTERFIELD NSW 2372

Ph: (02) 6736 6000

e-mail: council@tenterfield.nsw.gov.au

Notice of Determination

of a Development Application

issued under Section 4.16 of the *Environmental Planning and Assessment Act 1979*

**Development Application
Number**

2021.064

Development Application

Applicant Name:

Tenterfield Surveys Pty Ltd

Applicant Address:

PO Box 549
TENTERFIELD NSW 2372

Owner of the Land

LYONS Bruce David and Marisa Christelle Lyons;
DUFF Robert Earl and Joanne Debra; and
Tenterfield Shire Council

Land to be Developed:

Lots 1, 10 & 14 DP 1155323

Address:

Riley Street & Banksia Drive, Tenterfield

Proposed Development:

Boundary Adjustment

Determination

made on (date):

23 June 2021

Determination:

~~Consent granted unconditionally~~
Consent granted subject to conditions described below
~~Application refused~~

Consent to Operate from
(date)

23 June 2021

Consent to Lapse on (date)

23 June 2026

Conditions:

Please read the conditions carefully as failure to comply with all conditions could result in the Subdivision Certificate not being endorsed by Council

Other Approvals:

list *Local Government Act 1993*

Nil.

INFORMATION ABOUT THE DECISION

RIGHTS OF REVIEW AND APPEAL

Under Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979, **any applicant** who is dissatisfied with Council's determination of their application may request the Council to **review** its determination; such a request can be made within 6 months or after an appeal to the Land and Environment Court has been lodged, but before it has been disposed of in the Land & Environment Court. A review cannot be made on designated or integrated development.

If the applicant is dissatisfied with this decision, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which the applicant received the 'Notice of Determination' under Section 4.19 of the *Environmental Planning and Assessment Act 1979*.

If the applicant appeals, Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives any person who made a submission in relation to designated development the right to be given notice of the appeal, and to be heard at the hearing of the appeal (you need to apply to the court within 28 days of the notice of the appeal).

If you are an objector to designated development, and are dissatisfied with a decision to grant consent (either unconditionally or subject to conditions), Section 8.8 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 28 days of the date of the notice of determination.

Your appeal may be made by lodging an application to the Court in accordance with the Rules of Court.

PERIOD OF APPROVAL

This approval remains valid for a period of 5 years from the date of this notice, or as otherwise identified in the consent.

(Under Section 4.53 of the Environmental Planning and Assessment Act 1979 and Section 103 of the Local Government Act 1993, the approval does not lapse if building, engineering or construction work on the land to which the approval relates is physically commenced before the date on which this approval would otherwise lapse).

DEFERRED COMMENCEMENT

In the case of an approval which is granted subject to a condition that the approval cannot operate until the applicant satisfies the Council as to any matter specified in the condition (a "deferred commencement"), the date from which the approval operates will not be endorsed on this notice. A separate notice will be issued in the event that the Council is satisfied that the applicant has satisfied such conditions.

1. The subdivision is to be carried out generally in accordance with the layout plan submitted with the development application, titled TE210713-SV1, dated 22/04/2021, or as varied by any conditions listed herein. Any minor modification to the approved subdivision plan will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

Reason: To ensure that the subdivision is in agreement with that approved in the development consent.

2. A final plan of survey, administration sheet and any relevant S88b instrument shall be submitted to Council for approval and endorsement.

Reason: To ensure that the subdivision is in agreement with the approved plans.

3. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the plan of survey can be registered with the Land & Property Information Service.

Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges (Application for Subdivision Certificate attached).

Reason: To ensure the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended.

4. The lots shall have an area within 10% of that shown on the approved plan.

Reason: To confirm that details of the application approved by Council.

Signed on behalf of the consent authority

Kylie Smith
Acting Chief Executive

23 June 2021
Date

Note This approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act 1992 to which builders/developers are specifically referred.



Application for a Subdivision certificate

Tenterfield Shire Council
PO Box 214
TENTERFIELD NSW 2372
Ph: 02 6736 6000
Email: council@tenterfield.nsw.gov.au

Fee	\$
Receipt No.	
Date of Receipt	

SUBDIVISION CERTIFICATE APPLICATION No.: 2021.064

A subdivision certificate is required to have your plan of subdivision registered with Land and Property Information NSW. You can use this form to apply for a certificate. To complete the form, please place a cross in the boxes and fill out the white sections as appropriate. To minimise delay in receiving a decision about your application, please ensure you submit all relevant information.

1. Details of the applicant

Mr Ms Mrs Dr Other

First name

Family name

Flat/street no.

Street name

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

Email

2. Identify the land

Street Address No.

Street Name

Town

Postcode

Lot No/s.

DP No.

You can find the Lot, Section & DP no's. details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or a map with these details.

3. Details of the development approvals granted

Is development consent required for the subdivision?

No

Yes Has development consent been granted after a development application was made?

Yes What is the development application no.?

2021.064

4. Information to be attached to the application

Please indicate the material you have attached by placing a cross in the appropriate boxes .

Information that must be attached:

plan of subdivision prepared by a qualified surveyor.

Additional information you may need to include:

Does your consent have a deferred commencement date?

No

Yes Please attach:

evidence that you have met all the conditions the consent authority required you to meet before the consent can commence

Does the consent have conditions that you must meet before a subdivision certificate can be issued?

No

Yes Please attach:

evidence that you have met those conditions

5. Signature

The applicant, or the applicant's agent, must sign the application.

Signature

Name if you are not the applicant

Date

In what capacity are you signing if you are not the applicant

6. Privacy policy

The information you provide in this application will enable your application to be assessed by the certifying authority. If the relevant information is not provided, your application may not be accepted.

Office use only - Plans & Attachments received for signing

- Plan of Subdivision

- Administration Page

- Other _____

Council Officer _____

MANAGEMENT PLAN



Tenterfield Shire Council
Saleyards

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Version Control



Version	Date	Modified by	Details
V1.0	Day Month 2019	Mark Cooper	Construction of Initial Saleyards Management Plan

1 INTRODUCTION

This plan supersedes the previous Saleyards Strategic Plans.

The prime objective of Council in the management of the saleyards is to provide and plan for infrastructure that allows safe, convenient and viable transactions of livestock in the local area. The achievement of this objective is constrained by the available funding received through revenue generated from the sale of stock and revenues supplemented by grants where available.

This plan seeks to responsibly allocate these limited funds across a number of programs in an equitable and responsible manner to ensure protection of the asset base already constructed and maintain the saleyards to defined standards.

Whilst the plan recognises the importance of continuing expansion, it also confirms the importance of performing maintenance activities on the existing infrastructure.

The Saleyards is fully secured with perimeter stock fencing except for a gate at the main entry to the facility. All movement of incoming and outgoing vehicles, machinery and equipment is controlled by marked roadways and signage.

Councils Objectives;

- To provide a safe and efficient working environment;
- To ensure the wellbeing of all livestock;
- To provide a facility for local graziers and farming communities to meet;
- To provide a venue to facilitate the transaction and exchange of livestock;
- To maintain a viable business unit into the future;
- To upgrade and expand to meet future trends and technologies in the industry; and
- To provide a facility that is attractive to the public and livestock venders to assist in increasing tourism.

1.1 COMMENCEMENT

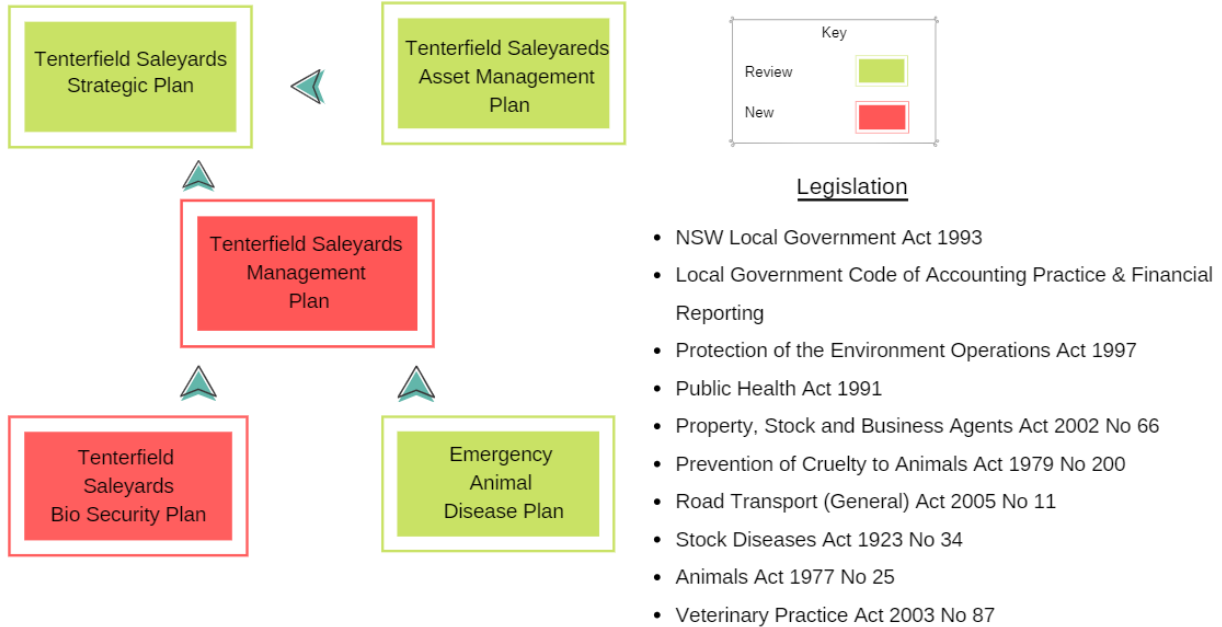
This Management Plan will commence 21 July 2021. It will remain current until a new version of the plan is created to allow for changes in legislation.

1.2 REVIEW PROCESS

This document will be reviewed every four (4) years by the Operations, Regulatory & Utilities Manager of Tenterfield Shire Council.

2.0 SALEYARDS PLANNING FRAMEWORK

This Saleyards Planning Framework is designed to provide a plan to manage Council’s Saleyards, including establishment of a framework to guide planning, construction, operation, maintenance, renewal and replacement of infrastructure essential for the Tenterfield Shire Council to provide services to the community. The Saleyards Management Plan makes up one of five (5) parts of Councils Resourcing Strategy as required under the Tenterfield Saleyards Management Plan.



3.0 PURPOSE

The purpose of this Plan is to describe the actions and responsibilities at the Tenterfield Saleyards in the relation to the management of the facility.

This Plan has been developed by a team including Saleyard Manager and Saleyard Advisory Committee.

This Management Plan applies to the Tenterfield Saleyards, operated and maintained by Tenterfield Shire Council.

A copy of the Plan will be available from;

- a) Tenterfield Saleyards.
- b) Tenterfield Shire Council Customer Service;
- c) Available for download from www.tenterfield.nsw.gov.au

4.0 SCOPE

The Saleyards Management Plan does not affect the operation of any Act or Regulation relating to the appropriate management of the Saleyards.

The following policies and standards are presently in use by Council but might not specifically be discussed in this Plan:

1. Animal Control Act 2002;
2. Work Health & Safety Act 2011;
3. Australian Saleyard Code of Practice;
4. EU Management Plan;
5. Impounding Act 1993;
6. Annual external audit conducted by Ausmeat to meet AQIS standards; and
7. Emergency Animal Disease (EAD) Response Plan.

Australia Saleyard Code of practice is recognised as an industry standard guideline and as such will be used in conjunction with Tenterfield Shire Councils Saleyards Planning Framework.

Council aims to provide the following services at the Tenterfield Saleyards,

1. Sale of livestock on Prime and Feature sale days;
2. Weighing of livestock on sale days;
3. Shower and Toilet facilities;
4. Stock impounding;
5. Livestock stopovers for long haul carriers;
6. Private weighing;
7. Provision of canteen facilities; and
8. NLIS transactions.

2 ADMINISTRATION

2.1 RECORDS

Tenterfield Shire Council will develop all plans and records for the operation of the yards. The Saleyard Manager will ensure all records are legible and sent to the correct authorities and copies to the Council Administration Office.

2.2 RECORDS TO BE MAINTAINED BY THE SALEYARDS

- a) EU processing;
- b) NLIS Transactions; and
- c) Individual Sale records.

2.3 SIGNAGE

All areas of the saleyards facilities should use signage that details acceptable patron behaviour, and other safety rules. Safety signs should be compliant with current industry standards and be displayed in a prominent location containing information that is appropriate for the nature of activities conducted at the facility.

2.4 COMMUNICATION SYSTEM

Tenterfield Saleyards must have necessary communication systems to enable the appropriate warning or notification of staff and facility patrons. (e.g., mobile phones or loud speaker located at the weighbridge.

3 WORK HEALTH & SAFETY

3.1 GENERAL COMPLIANCE

- a) All workers, including Councils employees, contractor's agents and saleyard staff will comply with Councils WHS policies and procedures at all times.
- b) Contractors conducting work on council's facilities will provide insurance and WHS policies and procedures are to be clarified at the time of engagement.
- c) All incidents are to be reported and investigated in accordance with Council's WHS procedure.

3.2 ELECTRICAL SAFETY

To ensure the safe operation of electrical equipment, the following must be followed:

- a) Electrical equipment will be tested and tagged as per AS/NZS 3760 for safety and compliance;
- b) Any faulty electrical items, the area will be isolated and the fault immediately reported;
- c) Any dangerous electrical outlets or switches, the area will be isolated and the fault immediately reported;
- d) Any power blackouts that are caused by other than a disruption in supply to the Saleyard Facility must be immediately reported;

3.3 CHEMICALS

- a) Always refer to the manufacturer's instructions outlined in the Safety Data Sheet (SDS).
- b) Do not put split chemicals back in their containers. Dispose of them in accordance with the SDS.
- c) Use correct personal protection clothing and equipment, e.g. face mask, respirator, gloves, boots, overalls, apron as identified in the SDS.
- d) Storage of all chemicals should be in accordance with section the SDS.
- e) All decanted chemicals must be in containers that are clearly labelled if they are to be stored.
- f) Skin, eyes or clothing that have come in contact with chemicals should be immediately washed with copious quantities of fresh water.

A Chemical Register and current Safety Data Sheets must continually be updated to identify:

- a) Location;
- b) Product Name;
- c) Volume;
- d) GHS;
- e) Un Number;
- f) Hazchem;
- g) Class;
- h) Packing Group; and
- i) Poison Schedule.

The register is to include all cleaning products held on site.

Copies of the Chemical Register must be kept at the Saleyard Shed

3.4 FIRST AID

All equipment must be ready for any emergency and contain the following:

- a) Sign posted and current First Aid Kit, located in the Saleyard canteen.
- b) All Council staff to be trained in first aid.

The First Aid Kit will be supplied and serviced twice a year.

3.5 EQUIPMENT SERVICING

All equipment must be serviced by a competent person in accordance with manufacturers' recommendations. Records of servicing are to be stored on Councils electronic records system.

The equipment should be checked for correct operation and adequacy prior to or at the start of each cattle sale.

3.6 PERSONAL PROTECTIVE CLOTHING (PPE)

All saleyards workers are to wear PPE appropriate to the hazards of the task being performed at the time.

PPE may include but is not limited to the following items:

- a) Wide brim hat;
- b) Long sleeve shirt;
- c) Wet weather gear; and
- d) Safety footwear.

3.7 EMERGENCIES

The contact number for emergencies is 000 (triple zero).

Business Hours;

- a) Operations, Regulatory & Utilities Manager Phone Number 0411 864 042

- b) Council's Customer Service during operating hour's 02 6736 6000
- c) Council Saleyard staff 0412 824 407 / 0428 625 733

After Hours Emergency Contacts

- a) Stanthorpe Security 0447 648 435 or (07) 4685 2931
- b) Operations, Regulatory & Utilities Manager Phone Number 0411 864 042
- c) Council Representative 0412 824 407

The Saleyards facility must have an Emergency Animal Disease Plan which has been developed specifically for hazards at the site. Refer to the site specific Tenterfield Shire Council Animal Disease Plan.

In the event of an emergency the Emergency Animal Disease Plan to be followed.

All business representative (Selling Agents), Members of the public and staff of Tenterfield Shire Council undertaking operations at Council's facility will be required to have a site induction to include, Emergency Animal Disease Plan, Saleyards Biosecurity Plan, location of first aid supplies and fire extinguishing equipment.

For large events (e.g. Feature Sale) business representatives (Selling Agents) will be responsible for ensuring all persons are accounted for by providing a list of all attendees on site on request of the Operations, Regulatory & Utilities Manager.

Induction is to include group consultation with staff to discuss trigger points for mass evacuation, identify disabled attendees who may require assistance for evacuation and to ensure appropriate number of qualified supervision is available.

All business representatives (Selling Agents) are to ensure all persons under their control leave the area quickly and in an orderly manner.

NO PERSONS WILL BE ALLOWED TO RE-ENTER THE SALEYARDS UNTIL IT IS DEEMED SAFE TO DO SO BY THE OPERATIONS, REGULATORY & UTILITIES MANAGER/SITE SUPERVISOR.

3.8 INCIDENT RESPONSE

In the event of a WHS incident, workers in the immediate area are required to respond with these actions:

- a) Protect your health and safety.
- b) Protect the health and safety of others.
- c) If necessary provide first aid to any injured person and/or call emergency services 000.
- d) Without risk to self and if trained to do so, make a dangerous area safe and or isolate area to minimise risk of further injury or damage.
- e) Notify Council Staff & Selling Agents of an incident, and or, ensure the Saleyards Manager is notified. Council employees will be responsible for ensuring Councils WHS Incident Report Form is completed before leaving the site.

The site must not be disturbed further until it is confirmed that the incident does not require notification to a regulatory authority.

3.9 INCIDENT REPORTING

All first aid treatment is to be recorded on the First Aid Register.

The Saleyard manager must be notified **immediately** of any incidents outlined in the *New South Wales Work Health and Safety Act 2011, Section 35* defines a **notifiable incident** as:

- a) death of a person, or
- b) a serious injury or illness of a person requiring hospitalisation, or
- c) a dangerous incident

In the event of a notifiable incident the Operations, Regulatory & Utilities Manager must inform Senior Management and WHS Officer immediately if they believe a notifiable incident has occurred. Senior Management in consultation with WHS will make a determination on notification requirements and ensure that appropriate notification occurs.

Councils WHS Incident Report Form is to be completed by Council employees for any injury, illness, damage or near miss occurring to them or where a notifiable incident has occurred at one of our facilities, to commence the investigation process.

3.10 FAULT REPORTING AND REPAIR

It is the responsibility of all workers and users to report all hazards which includes defects, safety issues and maintenance requirements as soon as they are identified. This should be done by reporting all hazards to the Saleyards Manager who is to inspect the item/area to ensure the hazard is noted for repair.

Control options and the priority for the work to be done will be discussed and depending on the controls required, e.g. a building maintenance request will be sent through Councils Customer Request Management (CRM) system.

4 OPERATING HOURS

4.1 SALEYARDS HOURS OF OPERATION

The Tenterfield Livestock Selling Centre is located on Boundary Road, Tenterfield NSW 2372.

- Cattle sales are held weekly between January to May and fortnightly between June and December on a Monday commencing at 8 am.

Visitors are welcome to attend.

Feature Weaner Sales are held in March and May.

The saleyards opening hours are

- **Monday to Friday - 6.00 am – 4.30pm, or while sale cattle are still present in the yards; and**
- **Sunday for cattle delivery 12.00 pm – 9.00pm (unattended)**

Access to the Saleyards out of hours for Private Yard Usage / Non sale Cattle prior notice is required by contacting Councils Saleyards Manager. Please Note: Fees will apply for yard usage (See Councils current fees and charges).

The Saleyards will have a permanent sign at the entrance displaying contact details of the Saleyards Manager and of all local Selling Agents in town

Information relating to the Selling Agents using the Tenterfield Livestock Selling Centre.

4.2 Selling Agents Contacts

Alford & Duff First National

277 Rouse Street

TENTERFIELD NSW 2372

Phone: (02) 6736 3377

Fax: (02) 6736 3272

Email: general@alfordduff.com.au

Website: www.alfordduff.com.au

Steve Alford 0428 100 328

Laurie Stenzel 0427 286 258

Harold Curry

PO Box 27

125 High Street

TENTERFIELD NSW 2372

Phone: (02) 6736 1344

Glen Curry (02) 6736 2942

Fax: (02) 6736 1561

Email: gcurry@haroldcurry.com.au

Website: www.haroldcurry.com.au

Glen Curry 0412 269 363

Matt Duff 0401 949 323

Ray White Rural Tenterfield

PO Box 10

265 Rouse Street

TENTERFIELD NSW 2372

Phone: (02) 6736 1136

After Hours: 0428 363 063

Fax: (02) 6736 2630

Email: tenterfield@raywhite.com.au

Website: www.tenterfieldnsw.raywhite.com

Ben Sharpe 0402 364 487

5 OPERATING STANDARDS

5.1 MAINTENANCE

Grassed areas will be kept at an appropriate standard. Spraying will be conducted on a regular basis when required. With regard to watering, facilities will comply with all aspects of the T.S.C drought management plan when in force.

Pens and troughs will be cleaned out at the discretion of the Saleyards Manager.

5.2 BUILDING MAINTENANCE

Buildings will be kept in a clean and serviceable state. Improvements to buildings will occur as budgetary limitations allow.

All major plant, equipment and building faults should be reported to Council immediately after being discovered. The most appropriate form of repair will then be discussed with Council. If equipment is broken by direct use by workers, an incident report must be filled out and returned to Council.

If regular maintenance provided by Council for any reason lapses, Council should be notified to correct the problem. Regular inspections of plant should be carried out prior to use to ensure that no visible problem areas are arising.

Maintenance also includes the identification of any hazards in the facility. If a hazard is identified and it is major, it should be isolated and reported to Council immediately, otherwise, the Saleyards Manager/Council Staff should rectify it straight away if it is a minor hazard.

5.3 SALEYARDS MAINTENANCE

Programmed preventative maintenance of saleyards is primarily carried out throughout the year. Maintenance issues that arise will be dealt with in a timely manner.

5.4 WORKERS QUALIFICATIONS

Tenterfield Shire Council aims to have Saleyard Manager/ Council Staff with the following qualifications as Minimum industry requirement:

Saleyards Manager, Council Staff who assist & Agents

- a) WHS Workplace safety induction certificate;
- b) WorkCover NSW approved first aid certificate – updated every 3 years; and
- c) Saleyards Induction.

Kiosk Operators

- a) Basic food handling qualification

Workers must maintain skills currency through training to be competently able to carry out their role safely and efficiently.

Most of the Council Staff will have qualifications over the minimum level. External and in-house professional development is provided for all workers by the Saleyard Manager to ensure currency of qualifications and competency of skills.

All Council Staff/Selling Agents are required to interact with cattle and should be trained in correct techniques prior to accessing the yards. The training must include:

- a) Handling cattle
- b) precautions to be taken
- c) correct use of personal protective equipment
- d) emergency procedures
- e) reporting procedures

5.5 KIOSK OPERATION

Operation of the kiosk shall comply with the provisions of the NSW Food (General) Regulation 1997.

The summary of the regulations is attached to this manual.

- a) No products should be sold in glass, including food products.
- b) No alcoholic beverages to be sold.
- c) No Tobacco products to be sold.

The Saleyards Manager is responsible for the following:

Supply and repair of all equipment held within the kiosk that is used to derive income e.g.

- a) Fridges & Freezers
- b) Cooking & Warming equipment

6 FEES

Saleyards Fees and charges will be in accordance with those set out in the Schedule of Fees and Charges that are an annexure to the Tenterfield Shire Council Delivery and Operational Plan for that year. These can be located on Councils Website.

7 BOOKINGS

7.1 GENERAL

- a) All bookings must contact the saleyards manager.

8 CONDITIONS OF ENTRY

8.1 TENTERFIELD SALEYARDS - CONDITIONS OF ENTRY

It is your responsibility to know and understand the conditions of entry. Saleyards safety is a shared responsibility that requires a cooperative and community approach. Observe the rules below:

1. Observe and obey all signs and warnings at the saleyards as well as all lawful directives given by the Saleyards Manager/Council Staff & Selling Agents.
2. Always check the pens before entering. Enter the yards in a safe manner and check for cattle and other people before entering.

3. Always be respectful of other people and the nature of their particular activity.
4. No Unauthorised Access is permitted on the Catwalk.
5. If you are involved in, or witness an incident at the saleyards, remain at the scene and identify yourself to Council Staff.
6. Do not enter the yards if your ability is impaired by drugs or alcohol.
7. Tenterfield Saleyards is a workplace and has a range of potential hazards, some life threatening, which is why it is preferable that children under the age of 16 are not brought to the facility. However, it is recognised that, on occasions, it is unavoidable, in which case, a child under the age of 16 must be accompanied by a responsible adult at all times.

9 AUTHORITY

All Council Staff/Selling Agents are authorised to:

- a) Request a person to leave the Saleyards if they do not comply with any part of this management plan and
- b) Implement a temporary or permanent prohibition on entry to the facility.

If a person who is supervising others is requested to leave the facility, the person/s they are supervising must also leave.

Poorly behaved visitors and other people may also be banned from a facility.

9.1 REFUSAL TO COMPLY

A patron refusing to comply with the directions of the Saleyards Manger may be banned from the Tenterfield Saleyards.

Saleyards Manager and Council Staff are to contact the NSW Police or Council's Compliance Department to arrange the forced removal of an offender who will not voluntarily leave. Offenders may be charged with trespassing and fined under the Enclosed Lands Protection Act NSW Section 4(1) 1901.

9.2 APPEALS

A person who wishes to appeal the imposition of a ban is entitled to write to Council for a review and state their reasons why the ban should not be enforced.

A review will be conducted within 14 days of receipt of correspondence, and the appellant notified of the outcome in writing. The ban will remain in place during the appeals process.

10 SELLING PEN ALLOCATION

Selling pens are allocated by the agents prior to sale.

11 ACCESS FOR PEOPLE LIVING WITH A DISABILITY

11.1 ASSISTANCE

Council Staff/Selling Agents are to provide all reasonable assistance to facilitate the attendance of the saleyards facilities by all patrons.

11.2 GUIDE DOGS

Trained guide dogs are permitted inside the facility.

11.3 SALEYARDS ACCESSIBILITY

Council will aim to develop disabled access to the facility.

12. Site Overview

Tenterfield Shire Council own and operate the Tenterfield Saleyards, a livestock sale facility located on Boundary Road, Tenterfield approximately ten (10) kilometres north of Tenterfield.

The location of the Tenterfield Saleyards is shown on **Figure 1**.



Figure 1 Tenterfield Saleyards Location

The original Saleyards were located in High Street where the TAFE building is now located. The current Tenterfield Saleyards opened in 1980 and consist of 120 watered selling pens and 42 watered holding pens. It also has 6 loading ramps catering from body trucks to B- doubles. The facility also has 4 adjacent paddocks with laneway access and 2 pound paddocks.

The Tenterfield Saleyards operate to a detailed Safety Management System that ensures policies and procedures are up to date and safe work systems are adopted by all who access and/or operate at the Site.

The facility includes:

- Administration building;
- Resting paddocks;
- Water for stock;
- Cattle scales;
- Three (3) individual agent Cattle crushes;
- Selling/holding pens for cattle;
- Public canteen;
- Public Disabled/Unisex Toilets;
- Purpose-built cattle drafting facility;

FIGURE 2 - TENTERFIELD SALEYARDS SITE LAYOUT

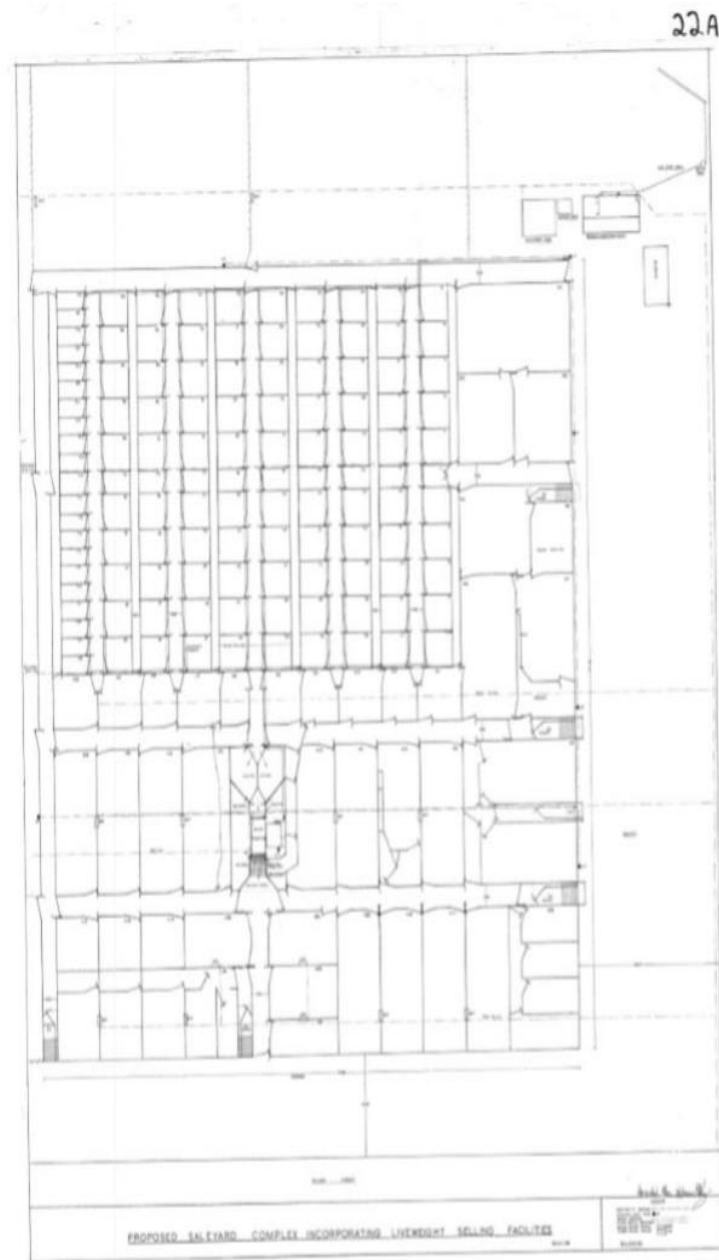
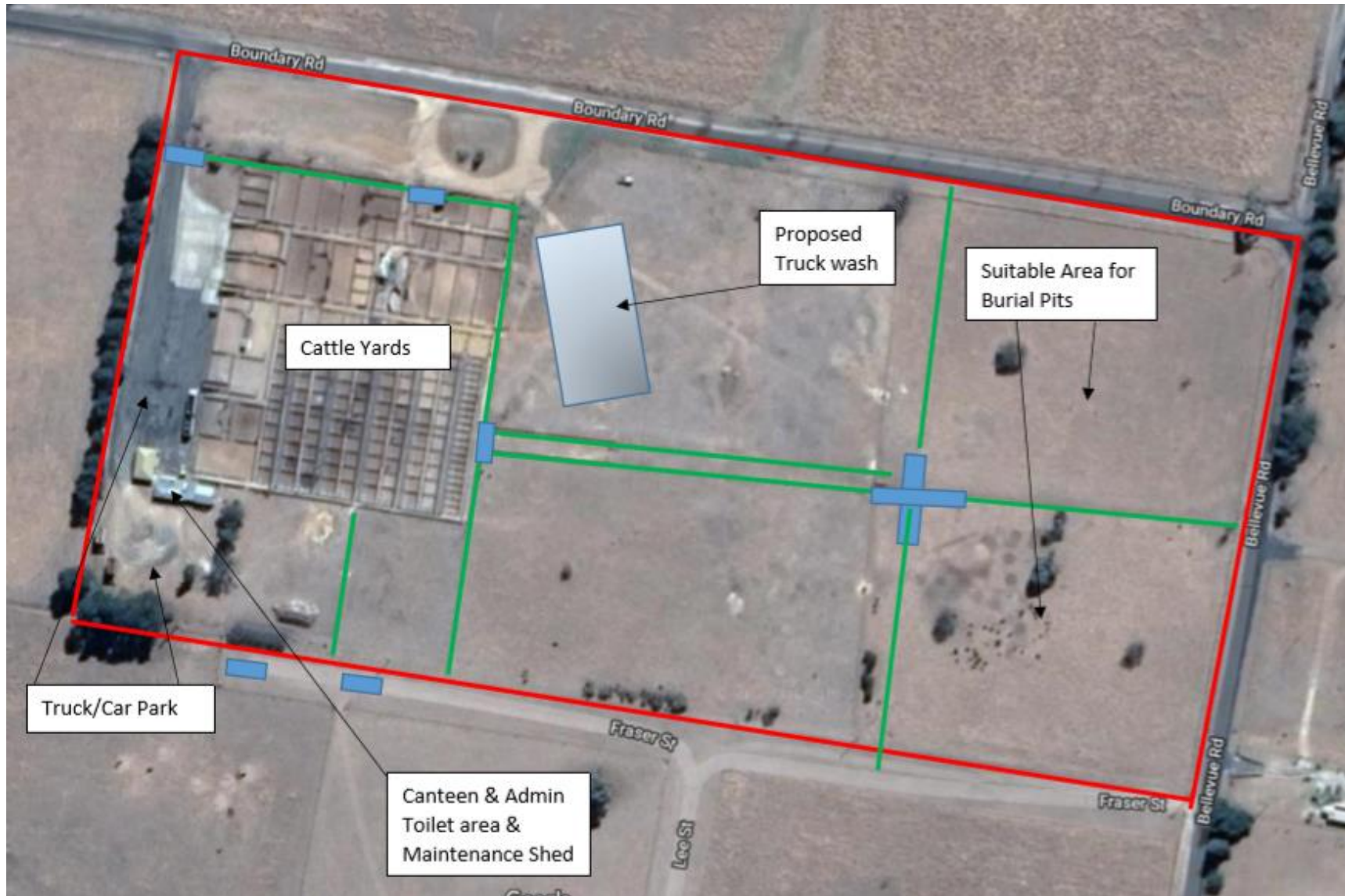


Figure 3 - PLAN OF SALEYARD





12 May 2021

Reference:
Contact: Des Schroder

Mayor Peter Petty
Tenterfield Shire Council
PO Box 214
TENTERFIELD NSW 2372

Dear Mayor Petty

Clarence Valley Council at its meetings of 26 November 2020 and 27 April 2021 adopted a position to oppose future mining in the Clarence River Catchment following a petition signed by 10,000 local residents opposing mining which will be shortly tabled in the NSW Parliament. Part of the resolution was '*Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment*'.

This letter responds to the Council resolution in asking for other Councils support of a moratorium on mining. The full resolution of the April meeting is included below and the report to the November 2020 meeting is attached. The November report overviews the past mining history (and impacts) and overviews the mining exploration licences at present in the Clarence Valley catchment.

The full April resolution (which responds to a fairly non-committal letter from the Deputy Premier- attached) is:

That Council:

- 1. Note that at the Council meeting on November 24 Council resolved inter alia to "oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences."*
- 2. Acknowledge that this motion does not affect existing mines or quarrying operations;*
- 3. Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;*
- 4. Advise Hon. John Barilaro that the council, representing the community's strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment's almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well as providing drinking water for the Clarence Valley (51,000+ residents) and Coffs Harbour City Council (76,000+ residents) and water for local agricultural industries;*
- 5. Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment;*
- 6. Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.*



Council in summary is seeking a moratorium on mining and mining exploration in the Clarence River Catchment on behalf of the community who are concerned that mining will not only have detrimental environmental affects but also puts at risk the drinking water for the Clarence and Coffs Harbour Council areas and significant industries like the fishing industry. It asks that other Councils support our position.

Yours faithfully

Jim Simmons
Mayor

Encs.

ITEM	07.21.006	RESPONSE TO JOHN BARILARO RE MINING
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Meeting	Council	27 April 2021
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Yes	

To the General Manager, Clarence Valley Council, I propose that the following notice of motion be submitted to Council.

SUMMARY

Council at its meeting on 24 November 2020 resolved:

“That Council acknowledges that:

- 1. the Clarence River System is one of the largest river systems in eastern Australia. It is the lifeblood of our community and its health is essential to the environmental, social, cultural and economic wellbeing of our constituents. The Clarence and Nymboida Rivers and their tributaries support an abundant variety of natural ecosystems, many being home to endangered species, as well as being the playground for our water based lifestyle and leisure. Our river and its surrounds hold immense spiritual and cultural importance to the local Indigenous communities, the Gumbaynggirr, Bundjalung and Yaegl people and form the common link between dreamtime stories of each Nation. The Clarence River supports a number of essential, well established local industries also, such as timber, aquaculture, including fish, shellfish, farmed and wild caught prawn sectors, agriculture, including livestock grazing, crop production and our ever growing agri-food sectors. Tourism, both international and domestic, surfing, fishing, ecotourism and nature exploration sectors also influence the success of local retail and hospitality sectors and all rely on our environment’s health. Employment within these industries makes up a high proportion of job numbers in the local area.*
- 2. there are a number of mining exploration licences active within the Valley, including those of Castillo Copper at Cangai, Corazon on Mount Gilmore Coombadjha and the Sons of Bavaria at Ewingar and Wilson Investments near Coramba.*
- 3. the potential for pollution of the waters of the Clarence and Nymboida River systems is high, despite likely assurances that will be given by mining companies to the contrary;*
- 4. some of the proposals include open cut, and full mountain-top removal mining methods which would involve the decimation of plateaus causing large amounts of sediment runoff which could contain dangerous minerals and chemicals used in the mining process;*
- 5. the current exploratory mining and the potential for full scale mining has created great concern in the local community with in excess of 10,000 signatures being gathered to date on a petition to the state government, initiated by the Clarence Catchment Alliance.*

Further that Council resolve to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences. “

PROPOSED MOTION

That Council:

1. Note that at the Council meeting on November 24 Council resolved inter alia to “oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.”
2. Acknowledge that this motion does not affect existing mines or quarrying operations;
3. Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;
4. Advise Hon. John Barilaro that the council, representing the community’s strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment’s almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well as providing drinking water for the Clarence Valley (51,000+ residents) and Coffs Harbour City Council

- (76,000+ residents) and water for local agricultural industries;
5. Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment;
 6. Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.

COUNCIL RESOLUTION – 07.21.006**Clancy/Lysaught****That Council:**

1. Note that at the Council meeting on November 24 Council resolved inter alia to “oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.”
2. Acknowledge that this motion does not affect existing mines or quarrying operations;
3. Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;
4. Advise Hon. John Barilaro that the council, representing the community's strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment's almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well as providing drinking water for the Clarence Valley (51,000+ residents) and Coffs Harbour City Council (76,000+ residents) and water for local agricultural industries;
5. Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment;
6. Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.

Voting recorded as follows:

For: Clancy, Lysaught, Novak, Ellem, Toms, Kingsley

Against: Simmons, Baker, Williamson

The Motion was put and declared CARRIED.

The meeting adjourned at 5.16pm in order for the Chair to seek advice on a point of order. The meeting resumed at 5.23pm.

LINKAGE TO OUR COMMUNITY PLAN

Themes	3 Economy and 4 Environment
Objective	3.1 To have an attractive and diverse environment for business, tourism and industry 4.1 To preserve and enhance our natural environment
Strategy	3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equality 4.1.1 Managing our coastal zone, waterways, catchments and floodplains in an ecologically sustainable manner 4.1.2 Promote sustainable natural resource management

BACKGROUND

On 24 November 2020 Council resolved to oppose mining in the Clarence River Catchment (see attached minutes) and wrote to the Hon. John Barilaro, Hon. Matt Kean, Minister for the Environment and the state and federal members, Mr Chris Gulaptis and Mr Kevin Hogan, respectively. A response was received from Mr Barilaro on 1 March 2021. It did not acknowledge Council's opposition to mining but rather explained how the approval process for mining operated. This notice of motion is lodged to respond to this letter and to advise Mr Barilaro of Council's strong stand on this issue.

KEY ISSUES – N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Implementing the motion is unlikely to involve much additional staff time as it involves writing five letters.

Policy or Regulation

Local Government Act 1993

Consultation

The mover has consulted with the Clarence Catchment Alliance.

Legal and Risk Management

N/A

Climate Change

This action of opposing mining in the Clarence Catchment will prevent the potential for large scale release of greenhouse gases associated with mining and damage to local rivers and the environment.

Attachment:	Minutes of Ordinary Council Meeting 24 November 2020 Item 6a.20.049
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ORDINARY COUNCIL MEETING

ITEM 6a.20.049 MINING IN THE CLARENCE VALLEY

Meeting	Council	24 November 2020
Directorate	Environment, Planning & Community	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

Council is receiving increasing numbers of requests from various individuals and groups on its view regarding a number of mining exploration proposals in the Clarence Valley and particularly concerns about the impacts on the Clarence River system if they move to production. At present Council has no official view on mining in the Clarence.

There are three companies who appear to be advanced in exploration activities with some potential to go to mine production in the near future being Corazon at Gordon Brook around a promising copper-cobalt-gold resource; Castillo based mainly around copper at Cangai (around the old Cangai copper mine); and by the Sons of Bavaria around the Ewingar/Drake area looking for copper/gold. The flurry of exploration has its origin in the demand for the move to greenhouse reducing technologies around battery, electric motors, solar and wind turbine production which use a lot of copper and also some cobalt in batteries.

An additional exploration application for gold and silver has also been made by Wilson Investments Pty Ltd around Coramba/Nana Glen and an area 25 kilometres south west of Grafton shown on the attached letter from Clarence Environment Centre. It is understood this application is motivated by high gold prices due to the COVID driven recession.

OFFICER RECOMMENDATION

That Council invite:

1. The Department of NSW Resources and Geoscience to address Council to overview the present mining exploration licences in the Clarence Valley - an update on the likely resources, the approval process (including EIS) and any role for Council and likely potential of these to move to full scale production; and also discuss implications of any mining licence applications in the drinking water catchment.
2. A representative of Corazon, Castillo, Wilson Investments Pty Ltd and Sons of Bavaria to address Council on their current activities, whether they see the potential for full scale production, and if so what would be their environmental safe guards, the economic impacts (including jobs) and infrastructure impacts (roads).

COUNCIL RESOLUTION – 6a.20.049

Clancy/Ellem

That Council acknowledges that:

1. **the Clarence River System is one of the largest river systems in eastern Australia. It is the lifeblood of our community and its health is essential to the environmental, social, cultural and economic wellbeing of our constituents. The Clarence and Nymboida Rivers and their tributaries support an abundant variety of natural ecosystems, many being home to endangered species, as well as being the playground for our water based lifestyle and leisure. Our river and its surrounds hold immense spiritual and cultural importance to the local Indigenous communities, the Gumbaynggirr, Bundjalung and Yaegl people and form the common link between dreamtime stories of each Nation. The Clarence River supports a number of essential, well established local industries also, such as timber, aquaculture, including fish, shellfish, farmed and wild caught prawn sectors, agriculture, including livestock grazing, crop production and our ever growing agri-food sectors. Tourism, both international and domestic, surfing, fishing, ecotourism and nature exploration sectors also influence the success of local retail and hospitality sectors and all rely on our environment's health. Employment within these industries makes up a high proportion of job numbers in the local area.**
2. **there are a number of mining exploration licences active within the Valley, including those of Castillo Copper at Cangai, Corazon on Mount Gilmore Coombadjha and the Sons of Bavaria at Ewingar and Wilson Investments near Coramba.**

ORDINARY COUNCIL MEETING

3. the potential for pollution of the waters of the Clarence and Nymboida River systems is high, despite likely assurances that will be given by mining companies to the contrary;
4. some of the proposals include open cut, and full mountain-top removal mining methods which would involve the decimation of plateaus causing large amounts of sediment runoff which could contain dangerous minerals and chemicals used in the mining process;
5. the current exploratory mining and the potential for full scale mining has created great concern in the local community with in excess of 10,000 signatures being gathered to date on a petition to the state government, initiated by the Clarence Catchment Alliance.

Further that Council resolve to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.

Voting recorded as follows:

For: Simmons, Clancy, Ellem, Lysaught, Toms, Novak

Against: Baker

FORESHADOWED MOTION

Baker

That Council invite the Department of NSW Resources and Geoscience to address Council to overview the present mining exploration licences in the Clarence Valley - an update on the likely resources, the approval process (including EIS) and any role for Council and likely potential of these to move to full scale production; and also discuss implications of any mining licence applications in the drinking water catchment.

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.2 We will foster a balance between development and the environment considering climate change impacts

Strategy 4.1.1 Manage our coastal zone, waterways, catchments and floodplains in an ecologically sustainable manner

BACKGROUND

The Clarence Valley has a long history of mining in its catchments starting in the 1840's with the discovery of gold at Timbarra (McLeods Creek) east of Tenterfield and then mines at Drake, Tooloom, Lionsville – Solferino, Jackadgery, Dalmorton, Diggers Camp, Minnie Water, Glenreagh and Coramba (Bucca Creek). Most of these, with the exception of alluvial gold in the Tooloom area and open cut at Drake (Mt Carrington), were small underground mines of very limited duration and mostly limited profitability (see *Forgotten Country - The Story of the Upper Clarence Gold Fields – Isabel Wilkinson*). Most of these short lived once thriving communities, many had peak populations above 4,000 people at the peak of the gold rush, have now disappeared completely and a few have survived as much smaller villages.

One of the most talked about mines was the open cut Baryulgil asbestos mine and its eventual tragic health impact on the mainly local Aboriginal workers. The mine was operated from 1944-1976 by James Hardie.

There is a report on the 11 August in the Northern Star that the moth balled Mt Carrington open cut gold mine is being re-looked at as gold prices (due to the COVID recession) may make it feasible to operate again.

The other historical mines of significance was the Cangai copper mine which operated from 1904-1917 (the present Castillo exploration area) and an underground coal mine at Nymboida from 1909-1975. The most recent significant mine to operate was the controversial open cut gold mine at Timbarra (Tenterfield Council) which was developed in the late 1990's and operated for a period of 6 months before closing down. Before closure there was two reported incidents with its cyanide ponds (cyanide was used to extract gold) overflowing in high rainfall events - in 2006 the site was rehabilitated at a high standard by Barrick Gold. The mine while operating was subject to ongoing protests with up to 100 arrested at various times and numerous Land and Environment Court actions.

ORDINARY COUNCIL MEETING

There was also a proposal for an antimony mine at Paddys Flat near Dorrigo in 2011 by Anchor Resources but seems this has not progressed further. This mine would have been in the Nymboida water catchment area.

The impacts of these mines on catchment health is largely unknown as little monitoring was carried out, except for Timbarra where it would seem the cyanide ponds overflowing and lack of a community social licence led to its very short life and closure.

In recent years, driven by the need for metals to underpin the growth in renewable energy in response to climate change, a number of exploration licences have been granted in the Clarence Valley catchments. These licences are mainly around copper and cobalt and a side product of gold and some other rare metals. The Federal Government has also signed a number of treaties to reduce the reliance of Australia and the world on the dominance of China for rare metals. In addition, the main world cobalt supplier, 70 percent of world production, is the Republic of Congo which is unreliable due to civil war and social unrest in the country. The main mineral exploration companies causing the most community concern due to possible impacts on the river system and currently very active in the Clarence Valley catchments are:

- Corazon based at Mt Gilmore (Gordon Brook) along the Clarence Way has discovered a potentially large copper/gold and associated cobalt resource which extends over a considerable area. Corazon has been supported by a grant by the Department of Resources and Geoscience recently for further exploration.
- Castillo is re-exploring the old Cangai mine area and has had reported good results of a large amount of high quality copper.
- The Sons of Bavaria (German and Canada based) are exploring around Drake/Ewingar and have purchased some shares in White Rock Minerals who own Mt Carrington.

As a result of this exploration there has been a rise in community concern regarding the possible impacts of these mines on the Clarence River and its tributaries. The most prominent group raising concern and populating a petition against mining is the Clarence Catchment Alliance.

In addition, Mr John Edwards Secretary of the Clarence Environment Centre has raised concerns about an exploration licence pending from Wilson Investments Pty Ltd which cover the old gold mining areas around Coramba – see attached letter.

KEY ISSUES

There are several key issues:

- The first one is that there are not a lot of facts on the exploration whether it will lead to actual mines and if so what are their long term feasibility.
- There is rightly a lot of concern about the potential environmental impacts on the Clarence River if mines do move to production especially in these high rainfall areas. Although there is concern raised about the impacts on the drinking water catchment none of the three current exploration areas is above the weir at Nymboida.
- The approval process for a mine and the EIS assessment would be determined by the Department of Planning not Council. Council's role would be very limited.
- The mines have the potential to create jobs and considerable economic impacts as can be seen around Orange with the Cadia gold, copper, molybdenum mine.
- There would also be impacts on Council roads especially Clarence Way (note this could also be an opportunity for upgrade of the road).

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

Mining could have impacts on Council roads and bridges from truck movements.

Policy or Regulation

Mining is regulated by the State Government not Council but would be subject to an EIS through the Department of Planning.

Consultation

There is considerable community concern about the possible mines as outlined in the attached examples.

ORDINARY COUNCIL MEETING

Legal and Risk Management

There are potential environmental risks to the catchment from mining.

Climate Change

The materials targeted for potential mining are needed for battery, electric motor, solar and wind technology to reduce fossil fuel dependence.

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Letters regarding concerns: <ul style="list-style-type: none">• Clarence Environment Centre Inc.• Lions Australia - Lions Club of Clarence – Environmental



CLARENCE ENVIRONMENT CENTRE Inc

87-89 Skinner Street

South Grafton 2460

Phone/ Fax: 02 6643 4611

Web site: www.cec.org.au

E-mail: admin@cec.org.au

Date: 2nd October 2020

The General Manager
Clarence Valley Council
council@clarence.nsw.gov.au

Dear Mr Lindsay

Mining, a threat to the Regional Water Supply

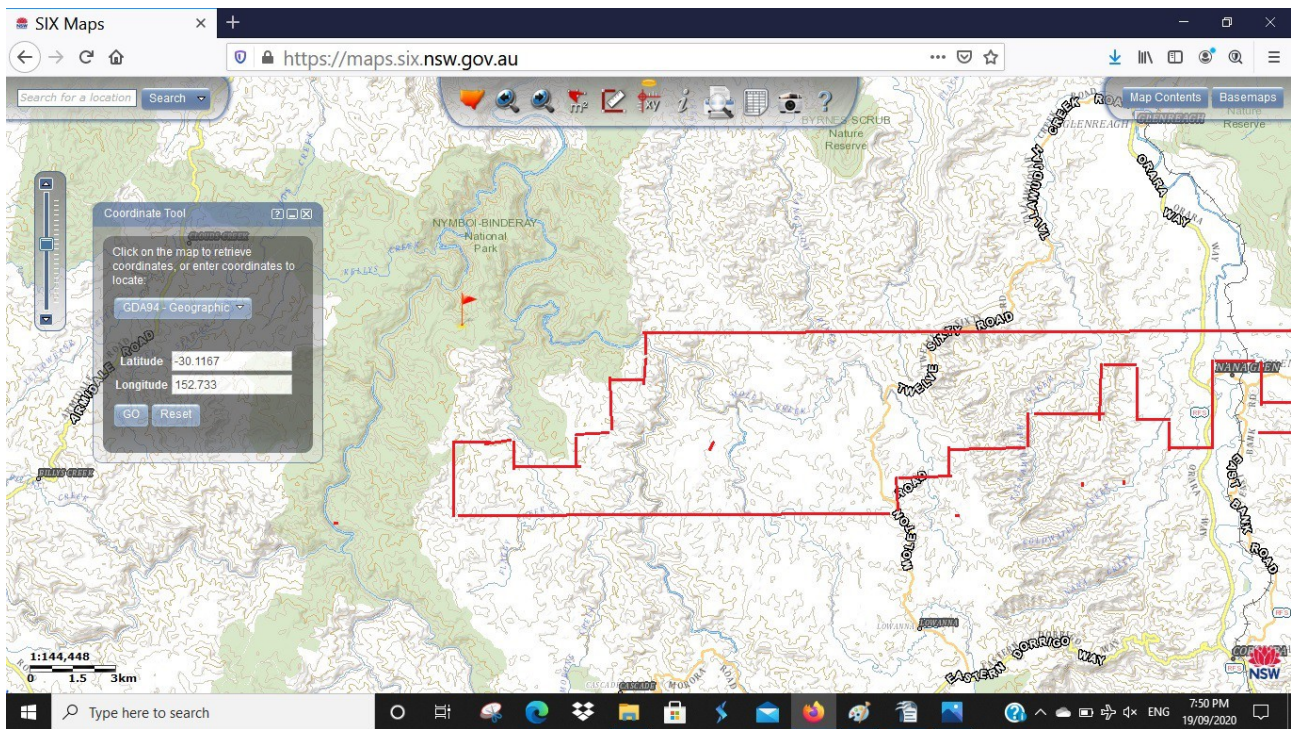
The article published by the Independent on 30th September 2020, raises what the Clarence Environment Centre believes to be a critically important issue, the threat to the region's drinking water quality and / or supply.

The Clarence Environment Centre (CEC) raised these concerns in a recent submission to the recently adopted water efficiency plans, only to have them dismissed as reported in the Independent's exposé. We also raised those concerns in a submission to a current Upper House Inquiry into proposed water infrastructure development across NSW. In that submission we also identified Forestry Corporation's pine plantation management, particularly those at Clouds Creek, where clear-felling and cultivation poses a huge risk to water quality in the Nymboida River.



This is the scene of the Clouds Creek state forest pine plantation, clear-felled and cultivated as far as the eye can see. This work was undertaken across drainage lines almost to the river itself, and the erosion potential was huge. This type of stupidity simply has to stop.

However, I do not wish to divert from the issue of greatest concern, and that is the current minerals exploration that has been on-going for the past decade at least on the Dorrigo Plateau. This has been brought into focus by the latest minerals exploration licence application by Christopher Wilson Investments, involving two mining leases, totalling a massive 198 sq kms, one of which lies across the regional water supply catchment. The western extent of that lease, almost half of it, lies directly between the Nymboida and Little Nymboida Rivers, the two waterways that deliver all drinking water to the entire region (see approximate extent of the lease below).



We understand that Council only learned of this licence application through Facebook, and that certain council officers are exceptionally concerned that the council was not officially consulted. Therefore, I was somewhat surprised to see your reported claim that the issue of the potential impacts of mining had not been raised with you.

The question we would ask is this: Does council propose to be more proactive on this issue, in the same way it has acted to oppose river diversion.

We acknowledge that these are ultimately a state government responsibility, and in the past our approaches to that body has always been answered by the, ***“it's only exploration, just drilling a hole in the ground, there's no environmental threat at all”***, argument.

However, while this may be true, if a viable mineral resource was found, the company in question would have an expectation to be allowed to extract that resource. Frankly, it would not be fair, having allowed the exploration to take place, potentially at the cost of millions of dollars, for the government to reject that mining application. In the end, as with this week's ridiculous Santos decision at Narrabri, the mining will be approved with a range of conditions, which the government will then try to persuade us will ensure there will have no detrimental impacts on the environment.

As we see it, the mining leases need to be re-mapped across the whole of Australia to identify sensitive areas, drinking water catchments, heritage sites, and places of environmental and social significance, where mining simply should not occur, and declare them off-limits.

Therefore can you, inform us as to Council's policy, if any, in regard to these potential threats, and could the issue be raised within Council with a view to eliminating those threats?

Yours sincerely

John Edwards
Honorary Secretary

lions australia



Lions Club of Clarence – Environmental

A Lions Club to highlight the importance of biodiversity in the Clarence and work toward protecting threatened species.

President: Tim Watson
Secretary: Ant van Haren

Telephone: 0457451314
Postal: P.O. Box 544 Maclean 2463

Email: clarence@lionsdistrict201n1.org.au



26th Oct 2020

Ashley Lindsay
General Manager
Clarence Valley Council
Locked Bag 23, Grafton NSW 2460

Dear Mr Lindsay

I am writing to you and our Clarence Valley Councillors to raise our Club's concern at the current exploration and possible future mining operations in the Clarence Valley Catchment. We are the Lions Club of Clarence – Environmental, and our purpose is to protect our environment, focusing on the endangered flora and fauna of the Clarence Valley. We have, through grants given to us, restored burnt out areas from recent bushfires, with plantings and weeding. We are also providing nest boxes and assistance to owners of burnt out land, for birds and small mammals, and for Koala and emu food restoration.

We have become aware of renewed activity in exploration mining leases at Cangai, Mt Gilmore, Ewingar and on the Dorrigo Plateau. We share the concern of other environmental and community groups that resultant mining could dramatically and irreversibly pollute the waters of the Mann, Orara, Nymboida and the Clarence Rivers. We believe that now is the time for the Council to take action supporting this community concern and oppose any mining or mining exploration in environmentally and culturally sensitive areas of the Clarence Valley Catchment.

Our Club raises the following concerns about mining in water catchments:

- History records many cases of where irresponsible mining practices have caused spills and accidents resulting in the irreversible contamination of water ways.
- Pollution is more significant in areas that are subject to intermittent high rainfalls (like the Clarence Valley)
- We are also still feeling the results of the recent water pollution from the bushfires
- The risk to our natural environment, and our agricultural, fisheries and tourism industries far outweighs any short term benefits of mining.
- The spiritual and cultural significance of country, including our waterways, to three our indigenous nations, Bundjalung, Gumbayngirr and Yaegl is another important reason to protect the Catchment area.

Council, as the responsible authority for our water supply, should have a profound interest in protecting this asset. The Clarence Valley Regional Economic Development Strategy 2018-2022 is dependent on the continued health of our rivers. We note the Council is considering its water conservation policy. Water supply and purity is critical for the health and wellbeing of all life in the Valley.

While mining issues are governed by State and Federal legislation, we respectfully suggest that Council should take the lead here and respond to the community's widespread concern regarding mining in the catchment and adopt a policy that supports these concerns

Yours faithfully

Ant Van Haren
Secretary, Lions Club of Clarence-Environmental
c.c. Ashley.Lindsay@clarence.nsw.gov.au
and All Clarence Valley Elected Councillors



Offon Photo

13th October 2020

Ashley Lindsay
 General Manager
 Clarence Valley Council
 Grafton NSW 2460
Ashley.Lindsay@clarence.nsw.gov.au



Dear Mr Lindsay

I am writing to you on behalf of the members and supporters of the Clarence Catchment Alliance (CCA), and the thousands of ratepayers and visitors who have and are continuing to sign a petition opposing mining exploration in the Clarence Valley Catchment. At the time of writing this letter there are over 8,000 signatories to the CCA petition.

The CCA was formed in 2018 in response to the renewed activity in exploration mining leases at Cangai, Mt Gilmore, Ewingar and the Dorrigo Plateau. The decision to form an Alliance with other action groups arose from an overwhelming community concern about how mining, that may result from the current mining exploration, could dramatically and irreversibly damage the waters of the Clarence Valley Catchment, upon which our water supply is reliant.

We formally request Council to actively oppose any mining exploration in environmentally and culturally sensitive areas in the Clarence Valley Catchment. We ask that this matter is placed on the agenda for discussion at the Council's next meeting on the 27th October 2020 (or the November meeting if time does not permit in October) with a view **to adopting a motion to formally oppose any mining in the Clarence Valley Catchment.**

In support of this request we make the following points. We understand Council, through its elected and administrative officers, has a responsibility to protect our drinking and agricultural water system from any threat of contamination from any pollutants resulting from copper, gold, cobalt and any other mining that could eventuate from these leases. In addition to this, Council has a responsibility to the First Peoples of the region, the Bundjalung, Gumbayngirr and Yaegl Nations, to protect the spiritual and cultural significance of country, the rivers and the tributaries of the Clarence Valley.

"Council as a planning and consent authority and as a land manager is committed to working with Aboriginal custodians and native title holders within the LGA to protect places of cultural significance" (Clarence Valley Council, Aboriginal & Cultural Heritage & Native Title Policy, September 2018).

It is in light of all the above that we ask Council to act decisively and strongly to protect the Clarence Valley Catchment. Mining near a water catchment, especially in an area that experiences high rainfall and adverse weather events, poses an unacceptable risk to community, to culture, and to the agricultural, fisheries and tourism industries.

While mining issues are governed by State and Federal legislation, we look to Council to represent the community's widespread interest concern regarding mining in the catchment. As Council is the responsible authority for our water supply, Council must have a profound interest in protecting this asset. Furthermore, the Clarence Valley Regional Economic Development Strategy 2018-2022 is underpinned, contingent upon and dependent on the continued health of the Clarence River.

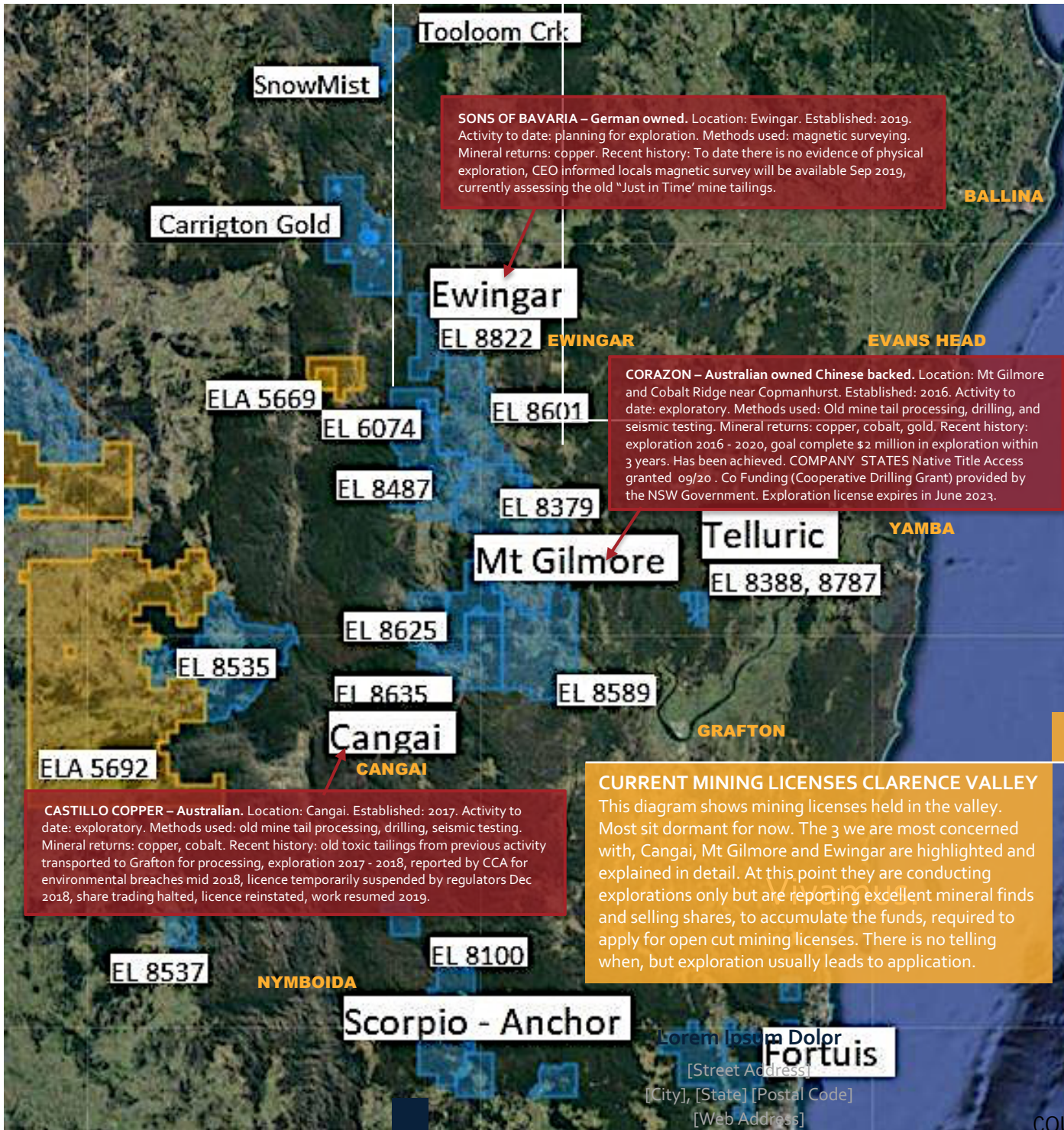
We would welcome the opportunity to have a face to face meeting with you to discuss in further detail our concerns.

Yours faithfully

Shae Fleming
 on behalf of the Clarence Catchment Alliance

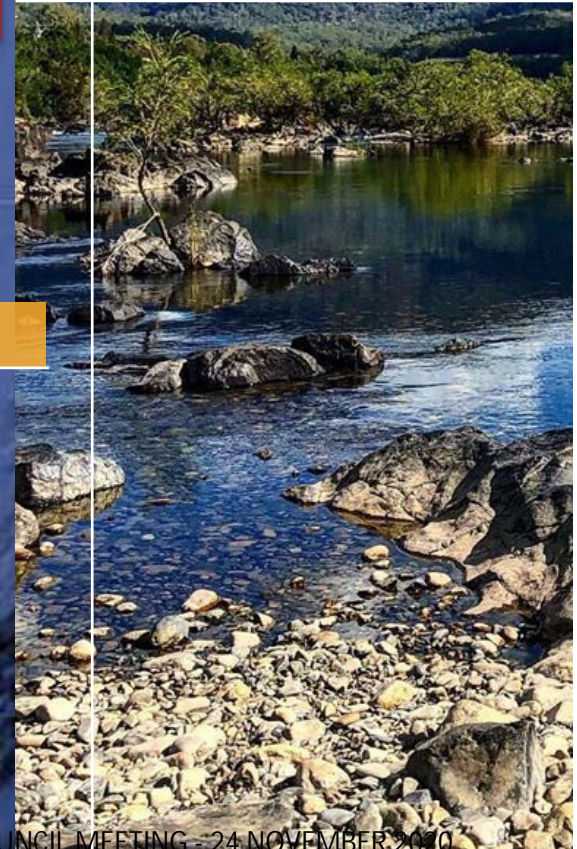
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COUNCIL MEETING - 24 NOVEMBER 2020



CLARENCE CATCHMENT ALLIANCE

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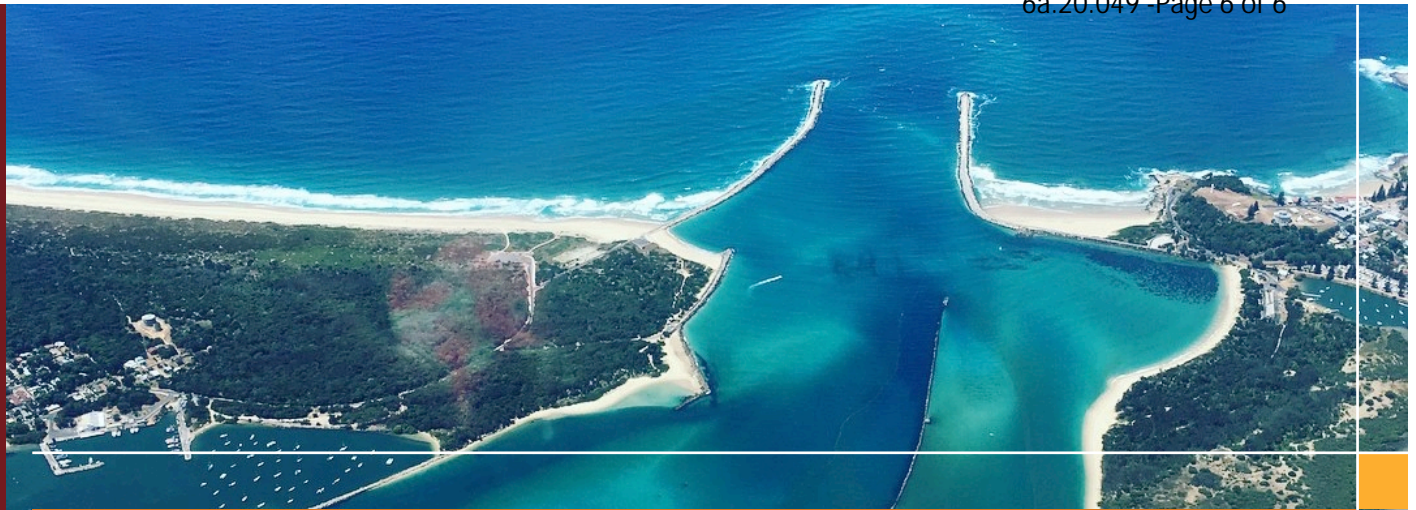


MINING IN THE CLARENCE VALLEY

Three companies are currently exploration mining in the Clarence Valley. Castillo Copper in Cangai is the most progressed. Corazon is on Mt Gilmore in Coombadjha and The Sons of Bavaria are in Ewingar. The term 'exploration' differs from site to site and is explained more on the diagram over.

The companies public reports state, that copper and cobalt finds are outstanding and shares are currently being sold to raise the capital required to apply for mining licenses. Sadly and ironically, these resources are in higher demand as the upcoming push for electric cars strengthens. Mining to save the planet. Crazy right!!

Before companies can officially mine though, they must apply for a license and prove that they meet environmental compliance regulations. We have no way of telling when they will apply but, we would hope that during this process, the ecological sensitivity, cultural significance, protected species and community opposition will ensure they are not granted. To assume this however is naïve, given our current governments stance on the environment, on mining and on making dollars at the expense of our planet. Evidence from ADANI shows that not even the Barrier Reef or Native Title deters them from approving mines. Hence, we are very worried. What is of concern, is not only the fact that entire plateaus will be removed, and replaced with open cut mines, but also that the Clarence is a water catchment area with high rainfall. Open cut mines, not only impact on flora and fauna on site, they are thirsty and need enormous amounts of water pumped from the river to assist processing. They also create acidic dust and left over toxic tailings that are stored in manmade dams forever. These dams are unstable, poorly prepared and once the mine has closed they are non-regulated. Water runs over these tailings and flows down into waterways bringing with it the acidic runoff.



THE CLARENCE CATCHMENT ALLIANCE is a group of concerned locals coming together to care for and protect, not only our local environment but also, our nature and water based way of life. We consider the long-term, negative impacts open cut mining could have on our individuals, society, economy and environment. We oppose all mining activity in the Clarence Valley, exploratory or extraction, and care deeply for the ties we all share with our river systems, land, ocean and plateaus. We are volunteers, working to do our best to facilitate affirmative action to prevent mining and provide a voice to those that have none. We believe our mountains, waterways, flora and fauna deserve this and should be recognised and treated as entities themselves. We are non political, all-inclusive, and stand together with the whole community to fight for our right to keep the Clarence Mighty.

In Cangai for instance, Castillo Copper has assured that there will be no damage caused, but we all know that water on a hill = runoff = polluted Mann River = flow on to the Clarence = flow out into the Pacific Ocean. Castillo have already had their license suspended in 2018 for environmental breaches after the CCA and CEC reported them. If they can't be trusted during 'exploration' how can we assume they will do the right thing with an open cut mine?

Once damage is done to waterways it is irreparable. Copper mining has an appalling record of waterway pollution around the world, even in Australia. Cases such as the Redbank copper mine, which poisoned Hanrahan's Creek, in the Northern Territory, and the contamination of waterways from the abandoned Mt Oxide mine at Camoweel near Mount Isa in Western Queensland, are just 2 notable examples. The latter disaster reportedly turned local waterways bright blue, and in September 2018 we learned, through the ABC's 7.30 Report, of a major pollution incident involving the 'moth-balled' Baal Gammon copper mine, south-west of Cairns, where toxic spillages have effectively rendered the previously pristine Walsh River and Jamie Creek, unusable.

The impact on our community's health, spiritual ties, way of life, tourism, leisure and business, which all revolve around our waterways, would be horrific if these mines are approved. We have no idea when they will apply for mining licenses but we have to be ready to stand up, and say no. We must ensure our right to respected cultural heritage, clean air and water, uncontaminated food sources, reputable prawn and fishing industries, tourism, fresh irrigation, drinkable water and pristine boating, fishing and surf spots remains.

As if the environmental impact isn't bad enough, the rivers and plateaus, amongst the mine sites, are the traditional lands of the Bundjalung, Gumbaynggirr and Yaegl people, and the Mann River is home to the endangered Eastern Fresh Water Cod.

If the mines are approved there is no guarantee that our waterways, flora and fauna, as well as our nature and water based way of life will be safe. BUT WE HAVE TIME TO ACT.

We would really love and appreciate your help in sending a strong message that this is not the place for open cut mining, and that our environment should not be a sad second to short term monetary reward. We are planning public rallies, events, meetings and campaigns for you to get involved in, but right now there are a few things you could do.

- Write to our local MP Christopher Gulaptis and express your opposition to mining. Instructions are on our social media pages.
- Sign the petition. Locations are on our social media pages.
- Collect petition signatures. Our government does not formally recognise online petitions so for our petition to be heard in parliament we need 10,000 handwritten signatures. The PDF can be found on our Facebook page under files.
- Post a picture of yourself signing the petition or holding a sign with the #nominesclarencevalley to socials to raise awareness.

We are also calling for new CCA members, so if you would like to join please email us.

Any assistance is truly appreciated and we thank you very much for your time and support. We know you are busy.

Clarence Catchment Alliance CCA 24 NOVEMBER 2020

