



Local Government (General) Regulation 2021

Current version for 26 November 2021 to date (accessed 22 December 2021 at 14:01)

Schedule 7

Schedule 7 Election of mayor by councillors

(Section 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section—

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.

(3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

(1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.

(3) An informal ballot-paper must be rejected at the count.

10 Count

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this section, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is—

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.

Prospective board member information

Find out more about Riverina Water's role in supplying safe and secure drinking water; and how you can represent your community on our Board.

Who is Riverina Water

Our mission is "to provide our community with safe and reliable water at the lowest sustainable cost".

Headquartered on the Murrumbidgee River in Wagga Wagga, Riverina Water serves more than 77,000 people across 15,000 square kilometres.

As a county council, Riverina Water provides water to four local government areas and operates under the provisions of the Local Government Act 1993.

Who are Riverina Water's constituent councils?

Riverina Water has four constituent councils:

- › Wagga Wagga City Council
- › Lockhart Shire Council
- › Greater Hume Council
- › Federation Council

How are constituent councils represented at Riverina Water?

Riverina Water's governing body is a Board of nine members, consisting of councillors from each constituent council.

Wagga Wagga City Council has five representatives, Greater Hume two and Federation and Lockhart one each.

Board roles and responsibilities

A Board member's role is to represent the views of their council and take a whole-of-network approach to decisions and strategy.

Every two years the Board appoints its Chairperson, who presides over meetings and performs other duties similar to a Mayor, and a Deputy Chairperson.

The Board holds ordinary meetings six times a year – once every two months. Meetings are usually held in Wagga Wagga, which may require some travel by board members.

Travel may sometimes be required to inspect sites, for official functions or for conferences.

Board members and the Chairperson are remunerated in the same manner as general purpose councils through adopting a fee set by the Local Government Remuneration Tribunal.

Staff and structure

Riverina Water employs more than a hundred people and the organisation is led by the Chief Executive Officer.

The organisation has two Directors; Engineering – responsible for water quality and the supply network – and Corporate Services – responsible for financial management, customer service and human resources and other functions.

Prospective board member information

Riverina Water by the numbers

2022/23 snapshot

Assets totalling \$412M

12,586 megalitres of safe and reliable drinking water produced

Total income of \$28.1M

Total expenditure of \$26.8

What our community & customers say

Overall trust: 4.30 out of 5

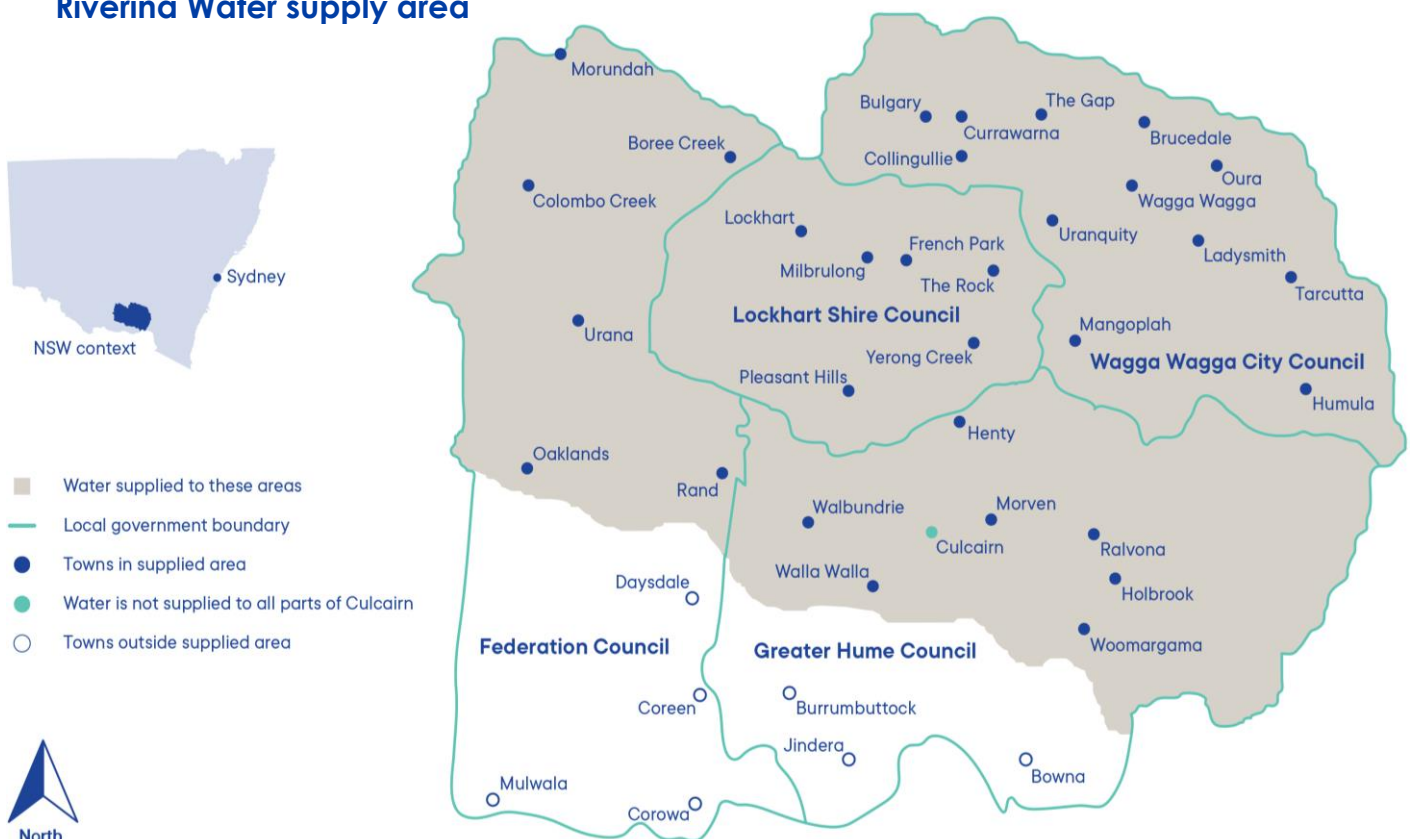
Overall water quality: 4.24 out of 5

Overall customer service: 4.54 out of 5

Customer priorities: supply reliability, quality, customer service, affordability

We provide quality drinking water to more than 77,000 people across 15,000 square kilometres with 33,000 service connections

Riverina Water supply area



Clean-Up Notice



Greater Hume Shire Council
44 970 341 154
40 Balfour Street
CULCAIRN NSW 2644

Attention: Greg Blackie

Notice Number 3508757
Reference Number REG-4996
Date 28-05-2024

Clean-up Notice

Why is the EPA writing to you?

The Environment Protection Authority (EPA) reasonably suspects that a pollution incident has occurred or is occurring on land being Lot 5 DP785168, 58 RED HILL ROAD TABLE TOP 2640 (**Premises**). The EPA has issued you with this Clean-up Notice. Further information is set out in the Notice below.

What are you required to do?

Please read this notice carefully and carry out the clean-up actions specified in this notice by the dates required. If you have any queries about this matter, please contact Allan PRICE on (02) 6983 4920.

BACKGROUND

- A. The EPA has responsibility for the administration and enforcement of the *Protection of the Environment Operations Act 1997 (Act)*.
- B. Section 91(1)(b) of the Act provides that an appropriate regulatory authority may, by notice in writing, direct a person who is reasonably suspected by the EPA of causing or having caused a pollution incident to take clean-up action as specified in the notice and within such period as specified in the notice.
- C. Greater Hume Shire Council is reasonably suspected by the EPA of causing or having caused a pollution incident at the Premises for the purposes of s 91(1)(b) of the Act.
- D. Pursuant to section 6(2)(c) of the Act, the EPA is the appropriate regulatory authority for the purposes of the Act, for any activities that are carried out by the State or by a public authority. 'Public authority' is defined in Schedule 6 of the Act as a public or local authority constituted by or under an Act, and includes a local council.

Activities carried out at the Premises

- E. The Premises are owned by Mr Craig PROCTOR (**landowner**).

Clean-Up Notice

- F. On 4 November 1992, Development Application No 69/92 (**DA**) was approved for the Premises to be used as an extractive industry for the winning of construction gravel. The applicant for the DA was Hume Shire Council.
- G. As a result of a local government restructure in 2004, the Premises is now in the Albury City Council Local Government Area and activities approved under the DA are being carried out by Greater Hume Shire Council.
- H. The DA includes a condition that any excavated and restored areas shall be covered with not less than 150 millimetres topsoil depth to support landscaping (**remediation works**).
- I. Greater Hume Shire Council does not hold an environment protection licence for the activities it carries out at the Premises.

The EPA was notified by the landowner of waste deposited at the Premises

- J. On 28 February 2024, the landowner reported to the EPA's Environment Line that material imported to the Premises and applied to the land as part of the remediation works (**imported fill material**) was contaminated with material classified as General Solid Waste and had been applied to the land at the Premises as part of the remediation works.
- K. The landowner provided the EPA with a copy of a 'Material Classification' report completed by Aitken Rowe Geotechnical Engineering (ACN 058 315 138) (**Material Classification Report**), who were engaged by the landowner to complete an independent assessment of the imported fill material.
- L. The Material Classification Report:
 - i) includes test results for ten (10) soil samples of the imported fill material collected across the site;
 - ii) notes that all samples were found to contain 'foreign material' that exceeded the relevant thresholds set out in the Excavated Natural Material Order 2014 (**ENM Order**); and
 - iii) on this basis, classifies the imported fill material in accordance with the *NSW EPA Waste Classification Guidelines* (2014) as General Solid Waste.

EPA inspection of the Premises

- M. On 18 March 2024, EPA officers met with the landowner to inspect the Premises and observed that the imported fill material appeared to be contaminated with foreign material, including fragments of concrete, plastic, broken pipe, asphalt and bitumen ('hot mix').
- N. During the inspection, the landowner advised the EPA that an estimated 7000 cubic metres of the imported fill material had been applied to land at the Premises. This estimate was later confirmed to the EPA by Greater Hume Shire Council on 19 March 2024.

Requirements of the relevant resource recovery order and exemption have not been satisfied

Clean-Up Notice

- O. The ENM Order and the Excavated Natural Material Exemption 2014 (**ENM Exemption**) require specific conditions to be met by a person who applies or intends to apply excavated natural material to land (**consumer**) in order for a consumer to be exempted from the requirement to hold an environment protection licence for the scheduled activity of waste disposal (application to land).
- P. Section 7.1. of the ENM Exemption provides:
- “At the time the excavated natural material is received at the premises, the material must meet all chemical and other material requirements for excavated natural material which are required on or before the supply of excavated natural material under ‘the excavated natural material order 2014’.”
- Q. Section 4.6 and Table 4 of the ENM Order stipulates the absolute maximum concentration of rubber, plastic, bitumen, paper, cloth, paint and wood (**foreign material**) in any excavated natural material must not exceed 0.1%.
- R. On the basis of the visual inspection of the Premises carried out by EPA officers on 18 March 2024 and the Material Classification Report, the EPA reasonably suspects that foreign material in the imported fill material exceeded the absolute maximum concentration for foreign material in the ENM Order and meets the definition of waste under the Act.

Statutory basis for issue of this notice

- S. Definitions of the following relevant terms are found in Schedule 6 of the Act:
- **Clean-up action**—
 - (a) in relation to a pollution incident—includes—
 - a) action to prevent, minimise, remove, disperse, destroy or mitigate pollution resulting or likely to result from the pollution incident, and
 - b) ascertaining the nature and extent of the pollution incident and the actual or likely resulting pollution, and
 - c) preparing and carrying out a remedial plan of action to deal with the pollution incident, and
 - d) actions required to restore the environment to a state that is as close as possible to the state the environment was in immediately before the pollution incident, and
 - e) carrying out—
 - (A) specified tests or environmental monitoring, and
 - (B) action to facilitate testing by the appropriate regulatory authority, and
 - f) giving the appropriate regulatory authority a specified test, monitoring or a report, and
 - (b) also includes action to remove or store the following—
 - (i) waste disposed of on land unlawfully,
 - (ii) chemicals,

Clean-Up Notice

(iii) products or articles containing chemicals.

- **Pollution incident** means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.
- **Pollution** includes land pollution.
- **Land pollution** or **pollution of land** means placing in or on, or otherwise introducing into or onto, the land (whether through an act or omission) any matter, whether solid, liquid or gaseous -
 - (a) that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or
 - (b) that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter, but does not include placing in or on, or otherwise introducing into or onto, land any substance excluded from this definition by the regulations.

Pollution incident

- T. The EPA reasonably suspects that a pollution incident involving land pollution has occurred or is occurring at the Premises due to the following circumstances:
- i. Approximately 7,000 cubic metres of imported fill material was applied to land at the Premises in the area identified as the 'Basin Invert' (coloured yellow) on the map at **Attachment A** to this notice.
 - ii. The EPA reasonably suspects that the imported fill material contains foreign material that meets the definition of waste under the Act and does not comply with the ENM Order and ENM Exemption.
 - iii. The EPA reasonably suspects that the waste brought to the Premises in the imported fill material and applied to the land is causing or likely to cause degradation of the land resulting in actual or potential loss or property damage incurred by the landowner that is not trivial, consistent with the definition of 'land pollution' in the Act.

The EPA is the ARA in respect of the pollution incident

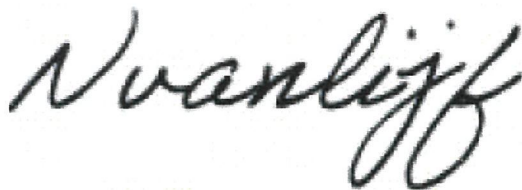
- U. The EPA is the appropriate regulatory authority (**ARA**) pursuant to s 6(2)(c) of the Act as the activities related to the pollution incident were carried out by Greater Hume Shire Council.
- V. By this notice, the EPA directs the Greater Hume Shire Council to take clean-up action as the person reasonably suspected by the EPA of causing or having caused a pollution incident at the Premises for the purpose of s 91(1)(b) of the Act.

DIRECTION TO TAKE CLEAN-UP ACTION

The EPA directs Greater Hume Shire Council to take the following clean-up action:

Clean-Up Notice

1. By no later than **5pm on 18 June 2024**, provide to the EPA in writing a detailed plan outlining works that will be undertaken to remove waste contained in the imported fill material from the Premises (**Waste Removal Plan**), including any associated timeframes for the works. The Waste Removal Plan must also include the following:
 - (a) Outcomes of a representative trial undertaken to demonstrate that the proposed method of waste removal from the material imported to the Premises is able to achieve full compliance with section 4.6 of the ENM Order, including details of the sampling methodology used and associated test results; and
 - (b) Details of mitigation measures and controls that will be implemented at the Premises during any proposed works or activities to prevent potential impacts to the environment and nearby receptors.
2. Following the EPA's approval of the Waste Removal Plan and by no later than **5pm on 16 August 2024**, all waste must be:
 - (a) collected and removed from the Premises in accordance with the Waste Removal Plan,
 - (b) classified in accordance with the NSW Waste Classification Guidelines, and
 - (c) taken to a facility that can lawfully accept the waste.
3. If the outcome of the trial is deemed to be unsuccessful or not to the EPA's satisfaction, Greater Hume Shire Council must remove all imported fill material from the premises and take it to a facility that can lawfully accept it by **5pm on 16 August 2024**.
4. By no later than **5pm on 30 August 2024**, engage a suitably qualified person/consultant to undertake post validation sampling representative of the area where imported fill material has been applied at the Premises, and provide a report that adequately demonstrates the material remaining at the Premises complies with section 4.6 of the ENM Order.
5. By no later than **5pm on 20 September 2024**, provide the EPA with the following information and/or records in relation to the removal and disposal of the waste:
 - (a) The name, address, and contact details of the waste facility where the waste was taken;
 - (b) Copies of all invoices and/or receipts for waste transportation and disposal;
 - (c) A report detailing the outcomes of the post validation sampling that demonstrates all material that is to remain at the Premises (in-situ) complies with section 4.6 of the ENM order;
 - (d) Photographs of the completed works.
6. All documentation must be submitted via email to info@epa.nsw.gov.au (Attn: Notice No. 3508757, Regional Manager Operations)



Clean-Up Notice

Nick Van Lijf
Unit Head
(by Delegation)

FEE TO BE PAID

You are required by law to pay a fee for the administrative costs of issuing this Notice. An invoice for the fee has been attached to this Notice.

It is an offence not to pay this fee. However, you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this Notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

WARNINGS AND INFORMATION ABOUT THIS CLEAN-UP NOTICE

This Notice is issued under section 91 of the Act.

It is an offence against the Act not to comply with a clean-up notice unless you have a reasonable excuse.

Details provided in this Notice will be available on the Public Register in accordance with s 308 of the Act

When this Notice begins to operate

This Notice operates from the day the Notice is given, unless a later date is specified in the Notice.

Continuing obligation

Under s 319A of the Act, your obligation to comply with the requirements of this Notice continues until the Notice is complied with in full, even if the due date for compliance has passed.

Penalty for not complying with this Notice

The maximum penalty that a court may impose for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty that a court may impose for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

Recovery of compliance costs from the person who caused the incident

If you comply with this Notice but you are not the person who caused the pollution incident to which the notice relates, you have a right to go to court to recover your costs of complying with the Notice from the person who caused the incident.

Variation of this Notice

The requirements of this Notice may only be varied or revoked by written notice issued by the EPA.

Deadline for paying the fee

The fee must be paid by **no later than 30 days after the date of this Notice**, unless the EPA extends the time to pay the fee or waives the fee.

How to pay the fee

Possible methods of payment are listed on the last page of the attached invoice/statement.

Please include the payment slip from the attached invoice/statement with your payment.

How to apply for an extension of time to pay/waive the fee

Clean-Up Notice

An application for an extension of time to pay the fee or for the fee to be waived must be made in writing to the EPA. The application should set out clearly why you think your application should be granted.

Other costs

The Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this Notice, ensuring the Notice is complied with and associated matters.

If you are required to pay these other costs and expenses, you will later be sent a separate Notice called a 'Notice Requiring Payment of Reasonable Costs and Expenses'.

Variation of Clean-up Notice



Greater Hume Shire Council
44 970 341 154
46 Young Street
HOLBROOK NSW 2644

Attention: Greg BLACKIE

Notice Number 3509416
Reference Number VN-1192
Date 14-06-2024

VARIATION OF NOTICE OF CLEAN-UP ACTION



Why is the EPA writing to you?

The Environment Protection Authority (EPA) reasonably suspects that a pollution incident has occurred or is occurring on land being Lot 5 DP78516858, 58 RED HILL ROAD TABLE TOP 2640 (**Premises**). The EPA has issued you with this Varied Clean-up Notice as being the responsible party for general solid waste being applied to the above Premises. Further information is set out in the notice below.

What are you required to do?

Please read this notice carefully and carry out the clean-up action specified in this notice by the date required. If you have any queries about this matter, please contact Allan PRICE on 0436 969 189.

DEFINITIONS

'**Premises**' refers to the land that forms part of 58 RED HILL ROAD TABLE TOP 2640 (Lot 5 DP78516858).

'**The Act**' refers to the Protection of the Environment Operations Act 1997.

Variation of Clean-up Notice

BACKGROUND

- A. The EPA has responsibility for the administration and enforcement of the Protection of the Environment Operations Act 1997 (Act).
- B. Section 91(1)(b) of the Act provides that an appropriate regulatory authority may, by notice in writing, direct a person who is reasonably suspected by the EPA of causing or having caused a pollution incident to take clean-up action as specified in the notice and within such period as specified in the notice.
- C. Greater Hume Shire Council is reasonably suspected by the EPA of causing or having caused a pollution incident at the Premises for the purposes of s 91(1)(b) of the Act ('the alleged incident').
- D. Pursuant to section 6(2)(c) of the Act, the EPA is the appropriate regulatory authority for the purposes of the Act, for any activities that are carried out by the State or by a public authority. 'Public authority' is defined in Schedule 6 of the Act as a public or local authority constituted by or under an Act, and includes a local council.
- E. On 28 May 2024 the EPA issued Notice of Clean-up Action No. 3508757 ('the Notice') to Greater Hume Shire Council in relation to the alleged incident.
- F. On 7 June 2024 the EPA received an email from Greater Hume Shire Council requesting a two-week extension to the timeframes specified in the notice due to unforeseen delays associated with accessing the premises and other possible delays associated with potential wet weather.
- G. The EPA has reviewed the information provided, and after careful consideration, determined to accept the requested extension.

VARIATION OF NOTICE OF CLEAN-UP ACTION

- 1. By this notice the EPA varies Notice of Clean-up Action No. 3508757 ("the previous notice") in the following manner:

The Requirements of the Clean Up notice which states that:

- 1. *By no later than **5pm on 18 June 2024**, provide to the EPA in writing a detailed plan outlining works that will be undertaken to remove waste contained in the imported fill material from the Premises (**Waste Removal Plan**), including any associated timeframes for the works. The Waste Removal Plan must also include the following:*
 - (a) *Outcomes of a representative trial undertaken to demonstrate that the proposed method of waste removal from the material imported to the Premises is able to achieve full compliance with section 4.6 of the ENM Order, including details of the sampling methodology used and associated test results; and*
 - (b) *Details of mitigation measures and controls that will be implemented at the Premises during any proposed works or activities to prevent potential impacts to the environment and nearby receptors.*
- 2. *Following the EPA's approval of the Waste Removal Plan and by no later than **5pm on 16 August 2024**, all waste must be:*
 - (a) *collected and removed from the Premises in accordance with the Waste Removal Plan,*

Variation of Clean-up Notice

- (b) classified in accordance with the NSW Waste Classification Guidelines, and*
 - (c) taken to a facility that can lawfully accept the waste.*
- 3. *If the outcome of the trial is deemed to be unsuccessful or not to the EPA's satisfaction, Greater Hume Shire Council must remove all imported fill material from the premises and take it to a facility that can lawfully accept it by **5pm on 16 August 2024**.*
- 4. *By no later than **5pm on 30 August 2024**, engage a suitably qualified person/consultant to undertake post validation sampling representative of the area where imported fill material has been applied at the Premises, and provide a report that adequately demonstrates the material remaining at the Premises complies with section 4.6 of the ENM Order.*
- 5. *By no later than **5pm on 20 September 2024**, provide the EPA with the following information and/or records in relation to the removal and disposal of the waste:*
 - (a) The name, address, and contact details of the waste facility where the waste was taken;*
 - (b) Copies of all invoices and/or receipts for waste transportation and disposal;*
 - (c) A report detailing the outcomes of the post validation sampling that demonstrates all material that is to remain at the Premises (in-situ) complies with section 4.6 of the ENM order;*
 - (d) Photographs of the completed works.*
- 6. *All documentation must be submitted via email to info@epa.nsw.gov.au (Attn: Notice No. 3508757,Regional Manager Operations)*

is replaced by:

1. By no later than **5pm on 2 July 2024**, provide to the EPA in writing a detailed plan outlining works that will be undertaken to remove waste contained in the imported fill material from the Premises (**Waste Removal Plan**), including any associated timeframes for the works. The Waste Removal Plan must also include the following:
 - (a) Outcomes of a representative trial undertaken to demonstrate that the proposed method of waste removal from the material imported to the Premises is able to achieve full compliance with section 4.6 of the ENM Order, including details of the sampling methodology used and associated test results; and
 - (b) Details of mitigation measures and controls that will be implemented at the Premises during any proposed works or activities to prevent potential impacts to the environment and nearby receptors.
2. Following the EPA's approval of the Waste Removal Plan and by no later than **5pm on 30 August 2024**, all waste must be:
 - (a) collected and removed from the Premises in accordance with the Waste Removal Plan,
 - (b) classified in accordance with the NSW Waste Classification Guidelines, and
 - (c) taken to a facility that can lawfully accept the waste.
3. If the outcome of the trial is deemed to be unsuccessful or not to the EPA's satisfaction, Greater Hume Shire Council must remove all imported fill material from the premises and take it to a facility that can lawfully accept it by **5pm on 30 August 2024**.

Variation of Clean-up Notice

4. By no later than **5pm on 13 September 2024**, engage a suitably qualified person/consultant to undertake post validation sampling representative of the area where imported fill material has been applied at the Premises, and provide a report that adequately demonstrates the material remaining at the Premises complies with section 4.6 of the ENM Order.
5. By no later than **5pm on 4 October 2024**, provide the EPA with the following information and/or records in relation to the removal and disposal of the waste:
 - (a) The name, address, and contact details of the waste facility where the waste was taken;
 - (b) Copies of all invoices and/or receipts for waste transportation and disposal;
 - (c) A report detailing the outcomes of the post validation sampling that demonstrates all material that is to remain at the Premises (in-situ) complies with section 4.6 of the ENM order;
 - (d) Photographs of the completed works.
6. All documentation must be submitted via email to info@epa.nsw.gov.au (Attn: Notice No. 3508757,Regional Manager Operations).



Nick Van Lijf
Unit Head
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on the EPA's Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.
- This notice is issued under section 110 of the Protection of the Environment Operations Act 1997.
- This notice operates from the date of issue of this notice unless a later date is specified in this notice.

Variation of Clean-up Notice



Greater Hume Shire Council
44 970 341 154
46 Young Street
HOLBROOK NSW 2644

Attention: Greg BLACKIE

Notice Number 3509530
Reference Number VN-1211
Date 25-06-2024

VARIATION OF NOTICE OF CLEAN-UP ACTION



Why is the EPA writing to you?

The Environment Protection Authority (EPA) reasonably suspects that a pollution incident has occurred or is occurring on land being Lot 5 DP78516858, 58 RED HILL ROAD TABLE TOP 2640 (Premises). The EPA has issued you with this Varied Clean-up Notice as being the responsible party for general solid waste being applied to the above Premises. Further information is set out in the notice below.

What are you required to do?

Please read this notice carefully and carry out the clean-up action specified in this notice by the date required. If you have any queries about this matter, please contact Allan PRICE on 0436 969 189.

DEFINITIONS

'Premises' refers to the land that forms part of 58 RED HILL ROAD TABLE TOP 2640 (Lot 5 DP78516858).

'The Act' refers to the Protection of the Environment Operations Act 1997.

The EPA has responsibility for the administration and enforcement of **The Act**.

Variation of Clean-up Notice

BACKGROUND

- A. Section 91(1)(b) of the Act provides that an appropriate regulatory authority may, by notice in writing, direct a person who is reasonably suspected by the EPA of causing or having caused a pollution incident to take clean-up action as specified in the notice and within such period as specified in the notice.
- B. Greater Hume Shire Council is reasonably suspected by the EPA of causing or having caused a pollution incident at the Premises for the purposes of s 91(1)(b) of the Act ('the alleged incident').
- C. Pursuant to section 6(2)(c) of the Act, the EPA is the appropriate regulatory authority for the purposes of the Act, for any activities that are carried out by the State or by a public authority. 'Public authority' is defined in Schedule 6 of the Act as a public or local authority constituted by or under an Act and includes a local council.
- D. On 28 May 2024 the EPA issued Notice of Clean-up Action No. 3508757 ('the notice') to Greater Hume Shire Council in relation to the alleged incident.
- E. On 7 June 2024 the EPA received an email from Greater Hume Shire Council requesting a two-week extension to the timeframes specified in the notice due to unforeseen delays associated with accessing the premises and other possible delays associated with potential wet weather.
- F. On 14 June 2024 the EPA issued Notice of Clean-Up Action No. 3509416 to Greater Hume Shire Council in relation to the alleged incident and request for an extension.
- G. On 17 June 2024 the EPA received a further request from Greater Hume Shire Council requesting an additional period of time to complete the works. This was as a result of further weather delays and discussions with the landowner.
- H. On 21 June 2024, the EPA contacted Greg BLACKIE to discuss the requested extension period.
- I. The EPA has reviewed the information provided, and after careful consideration, determined to approve an extension to the timeframes under Notice No. 3509416 as follows.

VARIATION OF NOTICE OF CLEAN-UP ACTION

- 1. By this notice the EPA varies Notice of Clean-up Action No. 3509416 ('the previous notice') in the following manner:

The Requirements of the Clean Up notice which states that:

- 1. *By no later than 5pm on 2 July 2024, provide to the EPA in writing a detailed plan outlining works that will be undertaken to remove waste contained in the imported fill material from the Premises (Waste Removal Plan), including any associated timeframes for the works. The Waste Removal Plan must also include the following:*

- (a) Outcomes of a representative trial undertaken to demonstrate that the proposed method of waste removal from the material imported to the Premises can achieve full compliance with section 4.6

Variation of Clean-up Notice

- of the ENM Order, including details of the sampling methodology used and associated test results; and
- (b) Details of mitigation measures and controls that will be implemented at the Premises during any proposed works or activities to prevent potential impacts to the environment and nearby receptors.
2. Following the EPA's approval of the Waste Removal Plan and by no later than **5pm on 30 August 2024**, all waste must be:
- (a) collected and removed from the Premises in accordance with the Waste Removal Plan,
 - (b) classified in accordance with the NSW Waste Classification Guidelines, and
 - (c) taken to a facility that can lawfully accept the waste.
3. If the outcome of the trial is deemed to be unsuccessful or not to the EPA's satisfaction, Greater Hume Shire Council must remove all imported fill material from the premises and take it to a facility that can lawfully accept it by **5pm on 30 August 2024**.
4. *By no later than **5pm on 13 September 2024**, engage a suitably qualified person/consultant to undertake post validation sampling representative of the area where imported fill material has been applied at the Premises, and provide a report that adequately demonstrates the material remaining at the Premises complies with section 4.6 of the ENM Order.*
5. *By no later than **5pm on 4 October 2024**, provide the EPA with the following information and/or records in relation to the removal and disposal of the waste:*
- (a) The name, address, and contact details of the waste facility where the waste was taken;*
 - (b) Copies of all invoices and/or receipts for waste transportation and disposal;*
 - (c) A report detailing the outcomes of the post validation sampling that demonstrates all material that is to remain at the Premises (in-situ) complies with section 4.6 of the ENM order;*
 - (d) Photographs of the completed works.*
6. *All documentation must be submitted via email to info@epa.nsw.gov.au (Attn: Notice No. 3508757, Regional Manager Operations).*

Variation of Clean-up Notice

is replaced by:

1. By no later than **5pm on 12 August 2024**, provide to the EPA in writing a detailed plan outlining works that will be undertaken to remove waste contained in the imported fill material from the Premises (**Waste Removal Plan**), including any associated timeframes for the works. The Waste Removal Plan must also include the following:
 - (a) Outcomes of a representative trial undertaken to demonstrate that the proposed method of waste removal from the material imported to the Premises can achieve full compliance with section 4.6 of the ENM Order, including details of the sampling methodology used and associated test results; and
 - (b) Details of mitigation measures and controls that will be implemented at the Premises during any proposed works or activities to prevent potential impacts to the environment and nearby receptors.
2. Following the EPA's approval of the Waste Removal Plan and by no later than **5pm on 11 October 2024**, all waste must be:
 - (a) collected and removed from the Premises in accordance with the Waste Removal Plan,
 - (b) classified in accordance with the NSW Waste Classification Guidelines, and
 - (c) taken to a facility that can lawfully accept the waste.
3. If the outcome of the trial is deemed to be unsuccessful or not to the EPA's satisfaction, Greater Hume Shire Council must remove all imported fill material from the premises and take it to a facility that can lawfully accept it by **5pm on 11 October 2024**.
4. By no later than **5pm 25 October 2024**, engage a suitably qualified person/consultant to undertake post validation sampling representative of the area where imported fill material has been applied at the Premises, and provide a report that adequately demonstrates the material remaining at the Premises complies with section 4.6 of the ENM Order.
5. By no later than **5pm on 15 November 2024**, provide the EPA with the following information and/or records in relation to the removal and disposal of the waste:

Variation of Clean-up Notice

- (a) The name, address, and contact details of the waste facility where the waste was taken;
 - (b) Copies of all invoices and/or receipts for waste transportation and disposal;
 - (c) A report detailing the outcomes of the post validation sampling that demonstrates all material that is to remain at the Premises (in-situ) complies with section 4.6 of the ENM order;
 - (d) Photographs of the completed works.
6. All documentation must be submitted via email to info@epa.nsw.gov.au (Attn: Notice No.3509530, Regional Manager Operations).



Nick Van Lijf
Unit Head
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on the EPA's Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.
- This notice is issued under section 110 of the Protection of the Environment Operations Act 1997.
- This notice operates from the date of issue of this notice unless a later date is specified in this notice.

