

**IN THE LAND AND  
ENVIRONMENT COURT  
OF NEW SOUTH WALES**

No. 40152 of 1996

**AL OSHLACK**

Applicant

**IRON GATES PTY LIMITED**

First Respondent

**RICHMOND RIVER SHIRE  
COUNCIL**

Second Respondent

Order

**THE COURT ORDERS THAT:**

1. The First Respondent shall remediate the land known as the Iron Gates site, being portions 276 and 277, Parish of Riley, in deposited plan 755624 ("the site") in accordance with the remediation plan annexed and marked "A".
2. The work referred to in Order 1 shall be commenced immediately, be pursued as quickly as reasonably practical and shall be completed within two (2) years of the date of this judgment.
3. Liberty granted to all parties to apply on three (3) days notice.
4. The question of costs is reserved.
5. The exhibits may be returned with the exception of Exhibit M.

**ORDERED: 4 July 1997**



If IRON GATES PTY LTD disobeys this Order then IRON GATES PTY LTD and its directors GRAEME ANGUS INGLES and PATRICIA ANN STRAWBRIDGE will be liable to fine or sequestration of property or both, and the said directors to imprisonment.

## **ANNEXURE "A"**

### **REMEDIATION PLAN**

#### **Work to be carried out by Iron Gates Pty Ltd**

1. Iron Gates Pty Ltd ("Iron Gates") must carry out the work referred to in this Remediation Plan on the Iron Gates site, being portions 276 and 277, Parish of Riley, in Deposited Plan 755624 ("the Site").
2. The "Authority" referred to in this Remediation Plan is the NSW Department of Land and Water Conservation, or its delegate which must hold written authorisation to act.
3. In the event that the NSW Department of Land and Water Conservation refuses or is unable to act as the Authority, the Authority will be an independent expert, as mutually agreed in writing between Iron Gates, the Minister for Urban Affairs and Planning and Alan Oshlack to act as the Authority. In default of agreement, the Authority shall be the person appointed by the Court.

#### **Testing of water tables beneath littoral rainforest and wetland**

4. Carry out borehole or any other testing to the satisfaction of the Authority in respect of both the littoral rainforest adjacent to the western drain and the wetland to the east of the eastern drain to determine:
  - (a) whether impermeable layers exist beneath those areas which support water table in those locations;
  - (b) if so, the nature and location of those layers; and
  - (c) whether those layers have been breached.



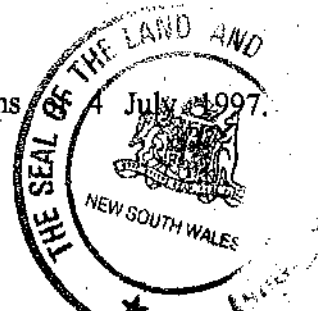
5. The testing of the water tables referred to in paragraph 4 above must be carried out and completed to the satisfaction of the Authority within two months of 4 July 1997.
6. If the impermeable layers have been breached, or if, in the Authority's opinion, there is some other reason for which it is necessary to protect those water tables, Iron Gates must undertake remedial measures to promptly restore those layers to the satisfaction of the Authority.

**Backfilling of drains**

7. The eastern and western drains on the Site must be backfilled.
8. Fill for both drains must be:
  - (a) the original material excavated from those drains so far as and to the extent that such material is available for the purpose, or
  - (b) fill from an appropriate source off the Site.
9. The source of the fill for the backfilling of the drains must be approved by the Authority before it is deposited in the drains.
10. The drains must be backfilled to the satisfaction of the Authority within three months of 4 July 1997.

**Roads**

11. The roads be scarified and the bitumous road material, or any road base contaminated with bitumous material, be removed from the Site.
12. Removal of the roads must be completed within two months of 4 July 1997.



#### **Earthworks**

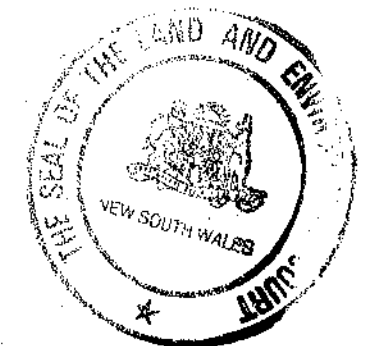
13. Earthworks be carried out to restore the Site to its original, free-draining topography. In so far as is practicable, the Site must be contoured to reflect the original site contours as indicated on the original contour plans which form annexures A and B to the affidavit of Lindsay Ian Walker sworn 8 May 1997.
14. The earthworks referred to in the paragraph above must be carried out and completed to the satisfaction of the Authority within three months of 4 July 1997.

#### **Mitigation of soil erosion**

15. Soil erosion measures are to be used at all times on the Site as directed by, and to the satisfaction of, the Authority.

#### **Remediation of soil**

16. After the roads have been removed, the drains filled and the remedial earthworks have been completed as referred to in paragraphs 7 - 14 above, the remaining soil on the allotments must be tested to determine whether it has an appropriate pH balance before the revegetation programme commences. Soil testing must be carried out to the satisfaction of the Authority.
17. If soil affected by acid-sulfate is found, the affected soil must be either removed or remediated in accordance with Environment Protection Authority and Department of Land and Water Conservation guidelines. The soil remediation must be carried out under the direction of, and to the satisfaction of, the Authority.



### **Revegetation**

18. Within one month of 4 July 1997, Iron Gates must:
  - (a) commission a nursery approved of by the Authority to grow native plants for the purpose of revegetating the Site;
  - (b) direct that nursery to collect seed from the Site and any adjoining areas (after first obtaining any adjoining landholders' consent); and
  - (c) direct that nursery to grow the species referred to in the affidavit of Marilyn Dale Fox sworn 21 April 1997.
19. Once the soil has been remediated in accordance with paragraphs 16 and 17 above (if this is found to be necessary), the Site must be prepared using hydro-mulching and brush-matting.
20. The Site must be revegetated generally in accordance with the revegetation plan which forms part of Exhibit "M" and paragraphs 23 - 32 of the affidavit of Marilyn Dale Fox sworn 21 April 1997.
21. Replanting must be completed within nine months of 4 July 1997.

### **Cost of remediation work**

22. All costs of complying with this Remediation Plan must be paid by Iron Gates.

