

## **11.4 REMOVAL OF POSITIVE COVENANT - WALLS CREEK ROAD, GOOBARRAGANDRA - ATTACHMENT**

### Attachment Titles:

1. 20250430 - ECM 3371353 - Request for removal of Positive Covenant - Redacted (Under separate cover)
2. 20050621 - Letter from General Manager - Removal of Positive Covenants-Redacted (Under separate cover)
3. Lot 7 and Lot 8 Still showing Positive Covenants - Formerly known as Lot 5 and Lot 6 - Redacted (Under separate cover)
4. Positive Covenant 865358 for current Lot 3 AND Lot 4 DP865358 - Redacted (Under separate cover)
5. Positive Covenant 1027218 for old lots 5 and 6 - Redacted (Under separate cover)
6. 20050426 - Former Tumut Shire Council report - Redacted (Under separate cover)
7. 20050621 - Notification to residents and update on Naturally Occurring Asbestos at Argalong Pit (Under separate cover)
8. 2004 to 2005 - Timeline of investigations into Asbestos at Argalong Pit (Under separate cover)

**Attachment 1 - 20250430 - ECM 3371353 - Request for removal of Positive Covenant**

**Sent:** Tue, 17 Jun 2025 13:52:54 +1000  
**Subject:** FW: 20250429 - request and response - positive covenant removal - [redacted]  
[redacted] & Duncan Mitchell

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**From:** [redacted] Personal Information protected under the PPIP Act 1998  
**Sent:** Wednesday, 30 April 2025 1:03 PM  
**To:** Duncan Mitchell <[dmitchell@svc.nsw.gov.au](mailto:dmitchell@svc.nsw.gov.au)>  
**Subject:** Re: Phone message from [redacted] Personal Information protected under the PPIP Act 1998 - positive covenant - road gravel brought down from the Argalong Gravel Pit

Hi Duncan Thank you for your email, greatly appreciated. We know you're busy, we want to help you by illuminating all of the relevant information that will conclude in the timely manner of the removal of these Positive Covenants on the 4 lots that were supposed to be removed back in 2005. I have lived in this location for [redacted] and was integrally involved from the very outset of the entire [redacted] subdivision in 1996 and have a totally thorough knowledge of the subject topic. When the original subdivision was done by the [redacted] in 1996, the road known as Walls Creek Road and the 176 metres of ROC through Lot 3 DP865358 had to be developed and paid for by the developer and purchasers of the 4 lots lots, I paid for the all this road construction that was built by Tumut Shire Council entirely from materials out of the Argalong Pitt. The newly constructed TSC road was a gravel road and council wanted the road to be maintained by the owners of the 4 new lots by the imposition of a positive covenant on all 4 titles.

In 2005 it was discovered that the materials from the Argalong Pitt contained Blue, Brown and Chrysotile Asbestos and Tumut Shire Council had used this material throughout the shire but especially on the Wall Creek Road. After deep and thorough examination, it was decided to seal all of the roads throughout the TSC area where this material was used to try and suppress the asbestos for public safety and to mitigate TSC legal liability. TSC conducted many public meetings regarding this disastrous situation and engaged with us and our situation and we had a meeting with Chris (GM) etc and it was decided that we were not to engage in any further maintenance activity on Walls Creek Road ( now known as Walls Creek Road East) and that TSC will revoke the Positive Covenants on Lot 3 DP 865358, Lot 4 DP865358, Lot 5 DP1027218 ( now known as Lot 7 DP1311061) and Lot 6 DP1027218( now known as Lot 8 DP1311061) and will permanently maintain this and other roads in the Tumut Shire to council's standards to mitigate any potential escape of the asbestos and to eliminate any possible adverse effects from the asbestos.

I have attached PDF's of the Positive Covenants and TSC letter to have them removed off the titles of the 4 subject lots and hope that it helps to save you and us a lot of precious time and effort and can get SVC to remove these Positive Covenants from these titles as soon as possible, they were supposed to be removed by Tumut Shire Council in 2005.

Please let us know if we can assist in any way to speed up the process of the removal of the Positive Covenants.

Regards [Personal Information protected under the PPIP Act 1998]  
GIPA s.14 Table (3)(a) and (3)(b)

On Wed, 30 Apr 2025 at 10:49, Duncan Mitchell <[dmitchell@svc.nsw.gov.au](mailto:dmitchell@svc.nsw.gov.au)> wrote:

Hi [Personal Information protected under the PPIP Act 1998],

Thank you for contacting Council – we will look into this matter and get back to you. It will take some time as this matter goes back over 20 years and Councils records since it was amalgamated in 2016 are in many different places. Hopefully we can get back to you in one months' time.

Regards

Duncan

**Duncan Mitchell** | Director Infrastructure & Works  
P: 02 6941 2402 | M: [Personal Information protected under the PPIP Act 1998]

**Duncan Mitchell**

Director Infrastructure & Works



76 Capper Street, Tumut, NSW 2720  
P: 02 6941 2402  
M: 0409 815 603  
W: [www.svc.nsw.gov.au](http://www.svc.nsw.gov.au)

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Snowy Valleys Council proudly acknowledges the traditional owners and custodians of this land and water and pay respects to their Elders past and present.

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**From:** Narelle Roddy <[nroddy@svc.nsw.gov.au](mailto:nroddy@svc.nsw.gov.au)>

**Sent:** Tuesday, 29 April 2025 4:48 PM

**To:** Duncan Mitchell <[dmitchell@svc.nsw.gov.au](mailto:dmitchell@svc.nsw.gov.au)>

**Subject:** Phone message from [Personal Information protected under the PPIP Act 1998]

Hi Duncan

Personal Information protected under the PPIP Act 1998 phoned Council earlier today wanting to speak to someone in Council who would be able to help him with the removal of a positive covenant from his property title.

Personal Information protected under the PPIP Act 1998 stated that when he first moved out to the above address and along with three other property owners the road was gravel and there was a positive covenant put onto these blocks that these owners maintain the road and gravel was brought down from the Argalong Gravel Pit. This was then discovered that there was naturally forming asbestos in the pit. Personal Information protected under the PPIP Act 1998 was sent a letter saying that the positive covenant was to cease and will be removed I think this was in 2005.

This resulted in the gravel roads around the area that had used this gravel needed to be sealed and various driveways around this area that had used this gravel.

Personal Information protected under the PPIP Act 1998 is wanting to know who he speaks to in Council that authorises this to be done. He gave me two numbers 865358 from 1997 and 1027218 from 2001. Some land has been subdivided and sold off.

Can you please contact Personal Information protected under the PPIP Act 1998 on Personal Information protected under the PPIP Act 1998 or email him on Personal Information protected under the PPIP Act 1998?

Regards  
Narelle

**Narelle Roddy** | Customer Service Officer  
**P:** 02 6941 2510 | **M:**



**Attachment 2 - 20050621 - Letter from General Manager - Removal of Positive Covenants-Redacted**

Our reference: 28.05.09

21 June 2005

The Residents / Owners  
Using Walls Creek Road  
GOOBARRAGANDRA NSW 2720



**Tumut Shire  
COUNCIL**

76 Capper St Tumut NSW 2720

phone 02 6941 2555  
admin@tumut.nsw.gov.au  
www.tumut.nsw.gov.au

Dear Sir / Madam

**Subject: Asbestos Contamination of Walls Creek Road - Confirmation Of Our Meeting For The Release Of Positive Covenants For Lot 3 DP 865358, Lot 4 DP 865358, Lot 5 DP 1027218, Lot 6 DP 1027218**

As was agreed to at the meeting, so that proper compliance of the maintenance standards necessary to suppress and contain the Asbestos on Walls Creek Road, that in the best interests of public health and safety and to mitigate any legal liability to Tumut Shire Council. Council has resolved to permanently take over the maintenance of the 215.96 metre section of the road section of Walls Creek Road, from the turn off at the junction to the gate entrance of the boundary of Lot 3 DP 865358 and bring it into its road maintenance network.

The above subject 4 lots each have a positive covenant on their individual titles to be responsible for the maintenance of that section of road and are therefore burdened in title. These Positive Covenants will be released from the titles of each of these 4 burdened lots by Tumut Shire council as soon as possible and that no action on your behalf is necessary.

Tumut Shire Council advises that as from now onwards, all of the owners of these 4 lots are not to perform or engage in any type of maintenance activity or works along this 215.96 metre section of the council road section of Walls Creek Road. It is a Tumut Shire Council asset and council is the authority that will do the ongoing maintenance from now onwards.

All maintenance requests are to be reported to the Tumut Shire Council and council will conduct any maintenance required. In the interim, if you have any questions regarding the release of the Positive Covenants, please do not hesitate to contact council on 69412400.



Yours faithfully



**Christopher Adams**  
General Manager

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Major\20050621-cea-argalon.doc

[illegible]





LAND  
REGISTRY  
SERVICES

## Title Search

InfoTrack

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7/1311061

SEARCH DATE	TIME	EDITION NO	DATE
19/3/2025	12:50 PM	3	19/3/2025

LAND

LOT 7 IN DEPOSITED PLAN 1311061  
AT GOOBARRAGANDRA  
LOCAL GOVERNMENT AREA SNOWY VALLEYS  
PARISH OF BALOO COUNTY OF BUCCLEUCH  
TITLE DIAGRAM DP1311061

FIRST SCHEDULE



(TZ AU903329)

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS (S.13.2 CROWN LAND MANAGEMENT ACT 2016) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 3 DP639752 RIGHT OF FOOTWAY TOGETHER WITH EASEMENT FOR ACCESS 20 METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- REMOVE → 4 DP865358 POSITIVE COVENANT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP865358 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE APPURTENANT TO THE PART(S) SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- REMOVE → 6 DP1027218 POSITIVE COVENANT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 7 DP1311061 RESTRICTION(S) ON THE USE OF LAND
- 8 DP1311061 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

43039T...

PRINTED ON 19/3/2025

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Received: 19/03/2025 12:50:46



**Attachment 4 - Positive Covenant 865358 for current Lot 3 AND Lot 4 DP865358**

Req:R335802 /Doc:DP 0865358 B /Rev:20-Jan-1997 /NSW LRS /Pgs:ALL /Prt:13-Aug-2021 08:02 /Seq:2 of 2  
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**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS  
 AS TO USER TO BE CREATED PURSUANT TO SECTION 88B OF THE  
 CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 2 of 2 sheets)

**DP 865358**

Subdivision of Lots 20, 23, & 24 in  
 DP 750971

Covered by Council Clerk's Certificate No.  
 95/96-085 of 30/8/1996

**PART 2**

1. Terms of positive covenant secondly referred to in the abovementioned plan.
  - A. The proprietors of the Lots burdened ("the proprietors") and their successors in title shall at all times maintain and repair the road constructed on that part of the public road reserve extending from the western boundary of Lot 3 in a northwesterly direction of approximately 215.96 metres to the intersection of the public road reserve with the Walls Creek Road to the reasonable satisfaction of the Tumut Shire Council.
  - B. The costs of such maintenance and repairs shall be borne equally by proprietors.
  - C. The name of authority empowered to release, vary or modify the Positive Covenant secondly referred to in the abovementioned plan is the Tumut Shire Council.

Signed in my presence  
 by [redacted] and  
 [redacted] who are  
 personally known to me:

Signature of Witness

Name of Witness (block letters)

Occupation of Witness

Signed by the General Manager  
 of Tumut Shire Council

The Common Seal of the Council of the Shire of Tumut was affixed hereto on the 4th December, 1996 in pursuance of a resolution passed 21st December, 1993.



General Manager

(Councillor)

For Mayor

REGISTERED 9/17-1-97

Req:R335802 /Doc:DP 0865358 B /Rev:20-Jan-1997 /NSW LRS /Pgs:ALL /Prt:13-Aug-2021 08:02 /Seq:1 of 2  
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**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS  
 AS TO USER TO BE CREATED PURSUANT TO SECTION 88B OF THE  
 CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 1 of 2 sheets)

**DP 865358**

Subdivision of Lots 20, 23, & 24 in  
 DP 750971  
 Covered by Council Clerk's Certificate No.  
 95/96-085 of 30/8/1996

**PART 1**

Full name and address of  
 Proprietor of Land:

Alistair Robert Macgown and Gunnel Olivia  
 Macgown as joint tenants, of Oak Tree Hill,  
 Lacmalac, via Tumut NSW.

1. Identity of right of carriage  
 way firstly referred to in the  
 abovenamed plan. Right of carriageway 10 wide

**Schedule of lots affected**

Lot burdened

Lot Benefitted

Lots 3,4

Lots 4,5

2. Identity of positive covenant  
 secondly referred to in the  
 abovenamed plan Positive Covenant

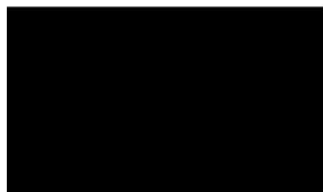
**Schedule of lots affected**

Lots burdened

Authority Benefitted

3, 4 and 5

Tumut Shire Council



**Attachment 5 - Positive Covenant 1027218 for old lots 5 and 6**

CrownLandsOffice of the Registrar-General /Src:CrownLands /Ref:

29-05-2001

(3)

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND  
RESTRICTIONS AS TO USER INTENDED TO BE CREATED  
PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

LENGTHS ARE IN METRES

(Sheet 1 Of 3 Sheets)

**PART 1****DP1027218**Subdivision covered by  
Council Clerk's Certificate  
No.97/41 Of 1998 comprised  
in Certificate of Title  
Folio Identifier 5/865358Full name and address of  
Proprietors of the Land:[REDACTED] of Residence  
12 Broken Hill Base HospitalFull name and address of  
Mortgagee of the Land:Commonwealth Bank of  
Australia, Sydney

- Identity of easement  
firstly referred to  
in abovementioned Plan

Right of Carriageway 10 wide

**Schedule of Lots affected**Lots burdenedLots benefited

6

5

- Identity of restriction  
secondly referred to in  
abovementioned Plan

Restriction as to User

**Schedule of Lots affected**Lots burdenedLots benefited

6

5 and Tumut Shire Council

- Identity of Positive  
Covenant thirdly  
referred to in  
abovementioned Plan

Positive Covenant



Crown Lands Office of the Registrar-General /Src:CrownLands /Ref:

SPT 2 of 3

③

DP1027218

Subdivision Covered by  
Council Certificate No 97/41 Dated  
30/4/1999Lots burdened

5 and 6

Lots benefited

Tumut Shire Council

**PART 2**Terms of Restriction of User secondly referred to in  
abovementioned Plan

- (a) The registered proprietor of the Lot burdened shall NOT establish intensive agriculture or horticulture within 150 metres of any dwelling situated on the Lot benefited.
- (b) Name of person or authority empowered to release, vary or modify restriction or positive covenant referred to in the plan:  
Tumut Shire Council

**PART 3**Terms of Positive Covenant thirdly referred to in the  
abovementioned Plan

- (a) The owners of the Lots burdened ("the Proprietors") and their successors in title shall at all times pay half the cost to maintain and repair the road constructed on that part of the public road reserve extending from the western boundary of Lot 3 in a north westerly direction for approximately ~~215.46~~ <sup>180.00</sup> 215.46 <sup>865358</sup> ~~5.11~~ <sup>5.11</sup> meters to the intersection of that public road reserve with the Walls Creek Road, to the reasonable satisfaction of the Tumut Shire Council.
- (b) The cost of paying half the cost of such maintenance and repair shall be borne equally by the Proprietors.
- (c) Name of authority empowered to release, vary or modify the Positive Covenant thirdly referred to in the abovementioned Plan:  
Tumut Shire Council.

Signed in my presence by [REDACTED] who is personally known to me.

Thomas Llewellyn Stacy  
Solicitor  
62 Fitzroy Street Tumut

Sheet 2 of 3 sheets



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SHT 3 of 3

③

Signature of Witness

Proprietor

Name of Witness ( BLOCK LETTERS)

Qualifications of Witness

~~Signed by the General Manager of the Tumut Shire Council~~

~~Signature of Witness~~

~~Proprietor~~

~~Name of Witness ( BLOCK LETTERS)~~

~~Qualifications of Witness~~

Signed by the Commonwealth Bank of Australia

Signature of Witness

Proprietor

Name of Witness ( BLOCK LETTERS)

Qualifications of Witness

Signed at Sydney the 16th day of  
March 2001 For Commonwealth  
Bank of Australia A.C.N. 123 123 124 by its  
duly appointed Attorney under Power of  
Attorney Book 4049 No. 321.

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
16-24 Elsie St Burwood NSW

DP1027218

Sheet 3 of 3 sheets

REGISTERED 25.5.2001

**Attachment 6 - 20050426 - Former Tumut Shire Council report**

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ORDINARY MEETING  
CEO SNOWY WS REPORT

TUESDAY, 26 APRIL, 2005

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REPORT NUMBER: CEO 1  
SUBJECT: Argalong Pit Asbestos Issue (28.17.01)  
REPORT AUTHOR: Ben Lawson  
RESPONSIBLE MANAGER: B Lawson

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PURPOSE OF REPORT: To discuss results of testing carried out and propose methods of minimising any impacts arising from locations where gravel has been used..

#### KEY ISSUES

Potential health risks associated with exposure to asbestos.

#### BUDGET IMPACTS

\$465,000 from the 04/05 local roads capital works budget to be transferred from planned carry over works.

#### SOCIAL IMPACTS

Public concern regarding health risks.

#### ENVIRONMENTAL IMPACTS

Risk to public health arising from exposure to dust containing asbestos fibres.

#### MANAGEMENT PLAN IMPACTS

Total value of works required (resealing over primer seals), assuming \$465,000 is spent in 04/05, is approximately \$796,000 over the next 3 years.

#### INTRODUCTION

The majority of information required to make an informed decision regarding the likely risk to persons exposed to dust from roads surfaced with gravel from Argalong Pit has now been obtained.

As reported to Council on 22 March 2005, analysis of rock samples taken on a grid throughout the pit identified chrysotile, tremolite and actinolite asbestos. The report on this analysis concluded that "there is a high probability that more asbestiform chrysotile will be uncovered as the bulk of the massive serpentinites are excavated. The previously excavated outer (weathered) shell of the quarry is likely to have contained some fibrous minerals but their concentration and distribution are unknown. Negligible fibre is likely to have been liberated from the doleritic rocks which appear to constitute much of the lower layers of the quarry".

Dust samples taken from monitors on the side of the road indicated the presence of fibres. Further testing was required to classify the fibres as mineral, animal, manmade

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PAGE 84

Doc ID: 3371405

Version: 6, Version Date: 01/01/1900

**ORDINARY MEETING  
CEO SNOWY WS REPORT****TUESDAY, 26 APRIL, 2005**

or vegetative. This analysis has now been undertaken and has determined that most of the fibres are in fact tremolite asbestos.

Dust samples taken from structures located on the side of roads have now been analysed further, and, while a written report is yet to be received, verbal advice is that fibres are also primarily tremolite asbestos.

**REPORT**

The key decision to be made is the treatment of roads surfaced with gravel from Argalong Pit to minimise health risks associated with exposure to dust. The future of the pit itself must also be decided.

**Risks Associated with Exposure to Dust Containing Asbestos**

Risks associated with exposure to asbestos are mainly a function of the form of asbestos, fibre dimensions, level of exposure and whether the person is a smoker.

*Form of Asbestos*

The different forms of asbestos vary in the length of time they take to break down and consequently how long the fibres persist in the lung.

Analysis of rock samples from the pit found chrysotile, tremolite and actinolite asbestos.

The chrysotile form ("white" asbestos) breaks down most readily and is believed to have a lesser effect on health, as evidenced by its only being banned recently by WorkCover.

Asbestos from the amphibole group (which includes "brown" and "blue" asbestos) takes longer to break down and has been banned for commercial use since the mid 1980's. While tremolite and actinolite, the forms of asbestos found at Argalong Pit from the amphibole group, are not used commercially, it can be assumed that they fall into the same category as these materials.

*Fibre dimensions*

Asbestos is only classed as such when it is present as a fibre (i.e. a needle-like object) small enough to be inhaled and to lodge in the lung. The minerals can be present in a non-fibrous form that does not present a risk to health. In these cases the mineral is not classified as asbestos.

Analysis of rock samples from the pit found basically all chrysotile in the fibrous form (i.e. asbestos). Tremolite and actinolite were found in both the fibrous and non-fibrous forms.

*Level of Exposure*

WorkCover have published exposure standards which specify the maximum acceptable number of fibres per millilitre of air for blue, brown and white asbestos (0.1, 0.1 and 0.5 respectively). Tremolite and actinolite could be assumed to be subject to

**ORDINARY MEETING  
CEO SNOWY WS REPORT**
**TUESDAY, 26 APRIL, 2005**

the same (more stringent) exposure limits as brown and blue asbestos given they belong to the same amphibole group.

All the dust sampling indicates is that there are fibres present in the air. The actual exposure of persons to dust from these roads will vary depending on how long they are exposed to the dust, how much dust there is and the quantity of asbestos in the dust. Consequently, it is not possible to determine whether these limits are being exceeded as each case is different, however it appears that levels are lower than the exposure limit.

Certainly, those living in houses close to the road where dust blows in will experience higher levels than a 'one off' visitor travelling to the area. Exposure levels at each property will vary with traffic volumes, prevailing wind direction, screening provided by trees, weather and actual distribution of asbestos in the gravel.

**Treatment of Roads**

The options to reduce or eliminate dust generation are:

- Apply a dust suppressant
- Overlay the existing surface with gravel from another source
- Apply a bitumen seal.

A dust suppressant would certainly be the cheapest option (around 40c/m<sup>2</sup>). However, it will require application again at some stage in the future, it will not protect the road pavement from moisture ingress as effectively as a seal (which impacts on pavement life), it will require ongoing maintenance grading (albeit not as often as would be required for untreated gravel) and it will not prevent dust generation completely. For these reasons, this is not deemed a viable option.

Overlaying with gravel from another source will cost around \$21,500/km assuming 100mm compacted thickness and a 6m formation. The level of service provided by an overlay only is certainly lower than sealing, and without widening it will reduce pavement width on what is already a narrow road in places. The overlay would last for around 12 years.

A bitumen seal will all but eliminate dust (very minor quantities from unsealed shoulders will still be generated). Preparation of the pavement and a 10mm primer seal will cost around \$21,000/km assuming a 6m wide pavement. A final seal would be required the following year, and reseals would then be ongoing every 13 years.

The estimated costs of the overlay and sealing options are presented below, compared as an annualised amount (being the net present value of the option over the maintenance cycle divided by the number of years in the cycle).

Overlay Option	Rate
Overlay 100mm compacted gravel	\$21500/km (\$3.58/m <sup>2</sup> )
Maintenance grading 1/year	\$550/km (9c/m <sup>2</sup> )
Overlay 100mm compacted gravel in year 13	\$21500/km (\$3.58/m <sup>2</sup> )
NPV UNSEALED ROAD	\$32,515
Annualised amount (NPV/13)	\$2,500/km

Bitumen Seal Option	Rate
Prep. for seal	\$1100/km (18c/m <sup>2</sup> )
7mm seal	\$16500/km (\$2.5/m <sup>2</sup> )



**ORDINARY MEETING  
CEO SNOWY WS REPORT**
**TUESDAY, 26 APRIL, 2005**

14mm reseal in year 2	\$21000/km (\$3.5/m <sup>2</sup> )
7mm reseal in year 14	\$16500/km (\$2.5/m <sup>2</sup> )
NPV SEALED ROAD	\$40,770
Annualised amount (NPV/14)	\$2,910/km

From above, the additional cost associated with sealing over the overlay option is \$400/km. Note that the highly trafficked areas of Goobragandra Road and Kell's Lane are graded twice per year (annualised amount \$2815/km), reducing the additional annualised cost to \$95/km. In fact, ignoring the capital cost of preparing the surface and providing the initial primer seal, the cost of ongoing reseals is \$1915/km annually which is a net saving against unsealed roads.

Another reason why sealing at this time is an economical option is that much of Goobragandra Road, Kell's Lane, Argalong Road, Argalong Post Office Road, Foley's Lane and Walls Creek Road have generally a good depth of gravel thanks to a large amount of work carried out in these areas over the last few years. Sealing of roads will protect existing gravel from being eroded. If sealing is delayed for some years, more gravel will need to be added before the road can be sealed. Brunsden's Road and Culbarra Road have less existing gravel however they are both surfaced with material from Argalong Pit.

Sealing of some of the subject roads has merit from an asset management perspective. Currently, the portion of Goobragandra Road particularly between the end of the sealed section completed 18 months or so ago past the Triton Trout Farm up to the Thomas Boyd Track Head (camping grounds) is unable to be effectively maintained. Topography and traffic volumes contribute to a large number of potholes developing between maintenance grades, which are probably not as frequent as desirable.

**Actual Costs to Seal Affected Roads**

Of course, while the 'annualised amounts' are not significantly higher than current levels of expenditure, the initial cost of carrying out these works is substantial, and will not be spread over many years but will be met as a lump at the start. In total, there are around 36km of roads surfaced with material from Argalong Pit. These are shown on the attached map and are tabled below. Of the roads listed, only Culbarra Road is not maintained by Council on an ongoing basis. The status of this road should be investigated prior to carrying out any works.

Road Name	Distance Unsealed (km)	Average width (m)	Approximate Area (m <sup>2</sup> )	Preparation & Primer Seal Cost @ 2.68/m <sup>2</sup>
Goobragandra Road	9.18	5.5	50,490	135,313
Kell's Lane	1.33	5.5	7,315	19,604
Argalong Road	20.08	5	100,400	269,072
Argalong Post Office Road	1.6	5	8,000	21,440
Foley's Lane	1.13	4	4,520	12,114
Brunsdan's Road	0.18	4	720	1,930
Walls Creek Road	1.06	4	4,240	11,363
Culbarra Road	1.6	5	8,000	21,440
Total	36.16km		183,685m <sup>2</sup>	\$492,276

**ORDINARY MEETING  
CEO SNOWY WS REPORT**
**TUESDAY, 26 APRIL, 2005**

Following this initial work, a final seal will be required within 2 or 3 years at most. The cost of this at \$3.50/m<sup>2</sup> will be around \$645,000. It would be best to delay the final seal in preference of primer sealing more of the affected roads in the first instance.

Some works will be necessary prior to sealing. These are set out below.

Description	Cost
Remove trees and extend culvert at Kell's Lane	\$12,000
Remove crest on Tumut side of Camp Hudson on Goobragandra Road	\$50,000
Install new culvert between Rock Flat and Camp Hudson	\$12,000
Install new culvert at Argalong Post Office Road	\$20,000
Gravel overlay of Culbarra Road	\$30,000
Total	\$124,000

Any work carried out on roads surfaced with material from Argalong Pit, including preparation for sealing and maintenance grading, will also require a licence from WorkCover to which conditions will be attached. Orange City Council, who have been preparing roads surfaced with gravel containing chrysotile asbestos, have carried out ongoing monitoring of the worksite for fibre concentration. Apart from this, the only 'additional' requirement employed was to keep the material very wet. If similar controls are approved by WorkCover for the licence, it is unlikely that costs to complete the work will be much greater than normal.

**Priorities for Sealing and Availability of Funds**

Funding for sealing should be prioritised based on traffic volumes and proximity to houses. However, if Council plans to seal all affected roads, the preparation work may as well be carried out instead of simply maintenance grading the affected roads, only to have to come back and prepare them for seal in the new financial year.

Excluding Culbarra Road (which needs further investigation before carrying out any works) the cost to prepare and seal all 35km of affected roads in the order of \$565,000.

The reconstruction of Capper Street between Wynyard and Carey Streets (around \$440,000) was planned to be carried over to next year due to resources being committed to the 5 mile project for RTA. These funds could be utilised for this project together with around \$25,000 in surpluses from local roads capital budgets or in the maintenance grading budget. The following locations are suggested to be left off the program for this year, bringing the total required to around \$465,000.

Description	Cost	Comments
Argalong Road in pine plantation adjacent to Culbarra Road (2.2km x 6 wide)	\$35,376	Recently overlaid by Forests NSW with different gravel
Argalong Road from Argalong Pit to pine plantation (6km x 4 wide)	\$64,320	This section has little gravel on it and would ideally have some further works prior to sealing
Total	\$99,696	

This work should be undertaken as a priority. Wet weather will delay completion, however, this is not a significant problem given that wet weather will also stop dust generation.

**ORDINARY MEETING  
CEO SNOWY WS REPORT****TUESDAY, 26 APRIL, 2005****Future of Argalong Pit**

Dr Hans Dieter-Hensel, the geoscientist who analysed samples of rock from the pit, concluded that the dolerite material contained in the pit, which contains a generally harmless form of asbestos (actinolite), was suitable for use as a road base. The dolerite material is overlain by serpentine, which contains the chrysotile and tremolite asbestos. This would need to be removed to access the dolerite.

Given the cost of removing the overlaying serpentine, the issues associated with working with this material, and the inability to predict the distribution of the various types of rock in the pit (thus creating a risk of exposure) the continued operation of the pit is not viable.

A rehabilitation plan detailing the means of tidying up the area, re-vegetating and stabilising the site must be prepared to guide rehabilitation efforts. The rehabilitation reserve for the pit should cover these costs however this would need to be evaluated once the scope of works is better defined.

**COUNCIL SEAL REQUIRED**

No.

**RECOMMENDATION**

That:

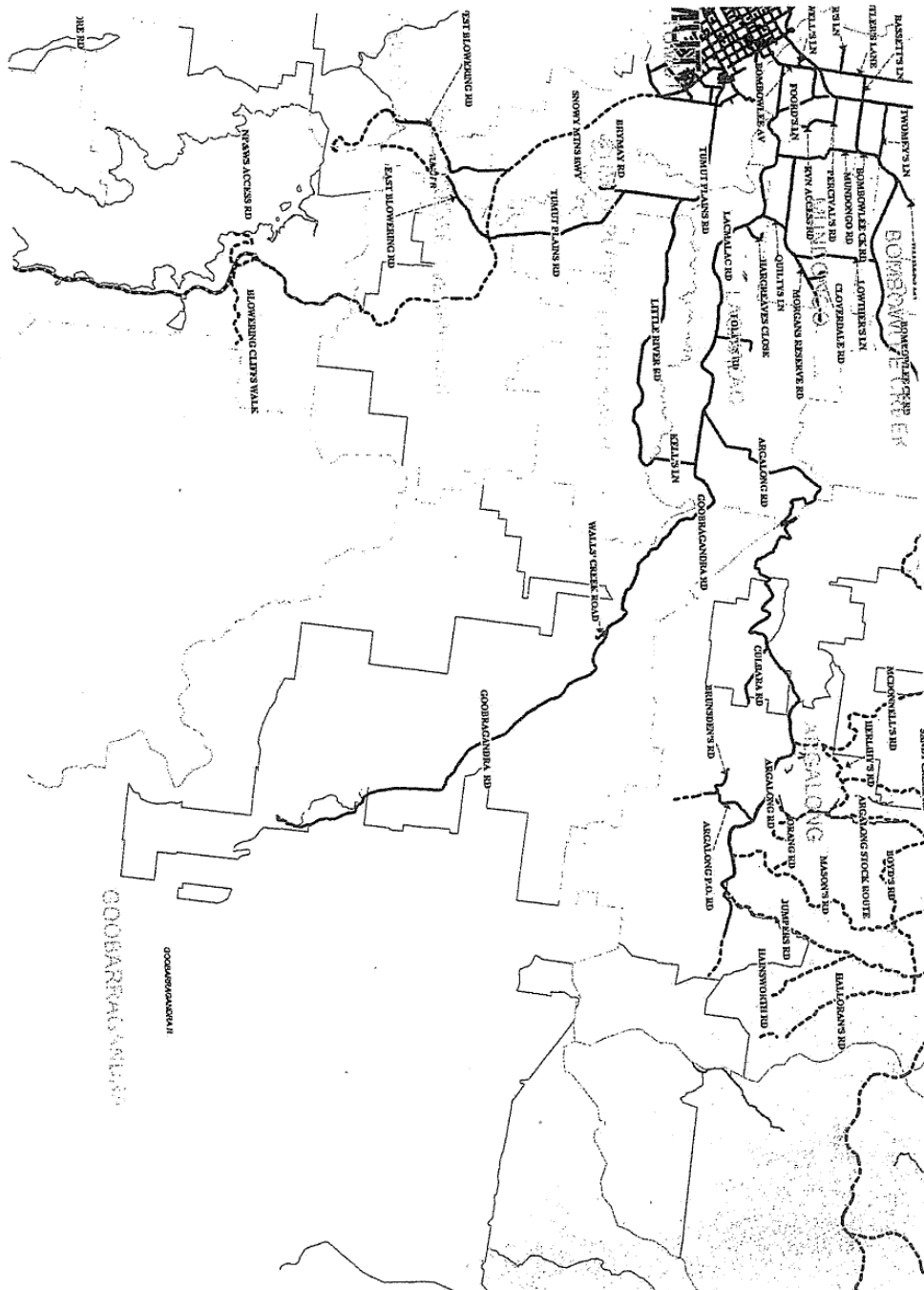
1. The following roads be sealed using funds in the 2004/05 budget which were planned to be rolled over from Capper Street redevelopment and any surpluses in local roads capital works:
  - Goobragandra Road
  - Kell's Lane
  - Foley's Lane
  - Walls Creek Road
  - Argalong Road (except from Argalong Pit to Culbarra Road)
  - 200m either side of all houses on the section of Argalong Road to be left unsealed
  - Argalong Post Office Road
  - Brunsden's Road
2. The status of Culbarra Road be assessed prior to carrying out any significant works.
3. The redevelopment of Capper Street be considered in the 2005/06 Management Plan.
4. A risk assessment be carried out of all other locations where Argalong Gravel was known to be used.
5. Argalong Pit be closed and rehabilitated utilising funds from the rehabilitation reserve following development of a rehabilitation plan.
6. A media release be prepared to inform the general public of the proposed actions.

## ORDINARY MEETING CEO SNOWY WS REPORT

TUESDAY, 26 APRIL, 2005

## ATTACHMENTS

Map of affected roads.





**MINUTES  
ORDINARY MEETING**

**TUESDAY, 26 APRIL, 2005**

**240 RESOLVED** that

1. Development Application 04/05-274 for footpath dining / drinking at the Woolpack Hotel, Tumut be approved, subject to the following conditions:
  - a. the dining / drinking area be leased. The applicant shall pay all legal costs associated with preparing the lease.
  - b. the leased area be included in the Hotel Liquor Licence under the Liquor Act 1992. A copy of the Liquor Licence shall be supplied to Council
  - c. a 2.4 metre clear passageway be maintained between the front of the building and the leased area.
  - d. the leased area be effectively screened with moveable screens (maximum 1.2 m high) and the screens be removed from the footpath at the close of business each day. The screens shall be maintained in good condition at all times and any advertising on the screen shall be approved by Council.
  - e. the applicant maintain public liability insurance over the leased area (minimum \$10M).
  - f. the use of the leased area shall be restricted to 10.00am - 11.30pm.
  - g. the Hotel shall be a party to the Tumut Liquor Accord.
2. The alcohol free zone in Wynyard Street, Tumut exclude the footpath dining / drinking area of the Woolpack Hotel.

G Proft / Cr Dumbrell

3. The Council Seal be affixed to the relevant documents.

Cr Proft / Cr B Dumbrell

**CEO 1 - Argalong Pit Asbestos Issue**

**PURPOSE OF REPORT:** To discuss results of testing carried out and propose methods of minimising any impacts arising from locations where gravel has been used.

**241 RESOLVED** that

1. the following roads be sealed using funds in the 2004 / 2005 budget which were planned to be rolled over from Capper Street redevelopment and any surpluses in local roads capital works:
  - Goobragandra Road
  - Kell's Lane
  - Foley's Lane
  - Walls Creek Road
  - Argalong Road (except from Argalong Pit to Culbarra Road)

PAGE 11

MAYOR .....

**MINUTES  
ORDINARY MEETING****TUESDAY, 26 APRIL, 2005**

- 200m either side of all houses on the section of Argalong Road to be left unsealed
  - Argalong Post Office Road
  - Brunsden's Road
2. the status of Culbarra Road be assessed prior to carrying out any significant works.
  3. the redevelopment of Capper Street be considered in the 2005 / 2006 Management Plan.
  4. a risk assessment be carried out of all other locations where Argalong Gravel was known to be used.
  5. Argalong Pit be closed and rehabilitated utilising funds from the rehabilitation reserve following development of a rehabilitation plan.
  6. a media release be prepared to inform the general public of the proposed actions.

Cr G Proft / Cr T Thomson

**242 RESOLVED** that Standing Orders be suspended for a meal break at 7.15pm.

Cr G Proft / Cr S Bulger

**243 RESOLVED** that Standing Orders be resumed at 7.45 pm.

Cr Thomson / Cr A McKenzie

**GENERAL MANAGERS REPORT:**

**GM 1 - 2005 LGMA Forum / 2005 Shires Association Annual Conference  
04.03.03**

**PURPOSE OF REPORT:** To advise Council of the 2005 LGMA Forum / 2005 Shires Association Annual Conference

**244 RESOLVED** that the Council nominate the following Councillors to attend the 2005 LGMA Forum / 2005 Shires Association Annual Conference between 06 and 08 June 2005:

Cr Thomson - 2005 LGMA Forum and 2005 Shires Association Annual Conference  
 Cr McKenzie - 2005 LGMA Forum and 2005 Shires Association Annual Conference  
 Cr Bulger - 2005 Shires Association Annual Conference  
 Cr Proft - 2005 Shires Association Annual Conference  
 Cr Vanzella - 2005 LGMA Forum and 2005 Shires Association Annual Conference

Cr Hayes - to notify Council of his intentions and

Cr Dumbrell to attend the Municipal Association of Victoria - The Future of Local Government Summit in Melbourne, in June 2005.

Cr J Hayes / Cr G Proft

**PAGE 12****MAYOR .....**

**Attachment 7 - 20050621 - Notification to residents and update on Naturally Occurring Asbestos at Argalong Pit**

Our reference: 28.05.09 cea: jsh

21 June 2005

The Resident / Owner

Dear Sir / Madam

**Subject: Update on Naturally Occurring Asbestos – Argalong Pit**

Council recently publicised the issue that naturally occurring asbestos has been found in Council's Gravel Pit on Argalong Road. While the quantities found were very small, Council engaged expert assistance to test the dust along roads that have been gravelled from this pit.

These tests confirm that naturally occurring asbestos is present in the dust on these roads but indications are that the quantities likely to be experienced by persons travelling on or living near these roads are well below WorkCover safe working limits. Despite the low levels, Council has resolved to suspend its Works Program and use the funds to seal the affected roads.

This letter is to inform you of the current situation regarding these works.

As asbestos has been identified, Council was obliged to report the situation to WorkCover. WorkCover are the State Government Agency responsible for the remediation of asbestos. WorkCover will not allow work to commence on the sealing of these roads until the extent of the asbestos is better defined and until the proper work practices are approved.

Council has engaged Robson Laboratories from Canberra, they are WorkCover approved Consultants who will prepare the necessary documentation. It is anticipated that this process will be completed within the next fortnight after which works will be allowed to commence. It is likely though that work will be very limited until Spring, as during Winter road temperatures are too low to allow bitumen sealing work to be undertaken. Hopefully the recent wet weather will continue to dampen the dust until this can be carried out.

Council has also contacted the NSW Department of Health, to determine what other actions should be taken by Council to protect public health. Unfortunately this department was unable to provide this advice.

The history of the issues is as follows:

- Council was alerted to a potential problem in October 2004 by an Roads and Traffic Authority Geoscientist who identified the rock as similar to that encountered on the Coolac Bypass Project (which also contains asbestos). This was supported by a past employee of Tumut Shire, now working at Orange City Council, where similar problems were encountered.
- Coffey Geosciences in Canberra were then engaged to analyse the rock and determine if there was asbestos present.
- Initial tests indicated that there was a probability that the material contained asbestos. Further tests were required to confirm this. These tests took some time to organise due to the lack of availability of a relevant expert Consultant by Coffey's.
- Around Christmas 2004, results of scanning electron microscope analysis of the material confirmed that low concentrates of chrysotile (white) asbestos were present in the material. Given the variability of the material, further analysis was recommended to determine exactly how much asbestos was present in the pit and on the roads surfaced with this gravel.
- Dr Hans Hensel, the Geoscientist who analysed the original samples was flown down from Brisbane to inspect the Argalong Pit on 17 January 2005. He recommended analysing both rock from the pit and dust generated by traffic from the affected roads.
- Detailed sampling of rock from the Argalong Pit was undertaken by Council in the next few days and samples were sent off for analysis by Dr Hensel.
- Dr Hensel's analysis found not only chrysotile asbestos but also tremolite and actinolite (two other forms of asbestos in the same family as 'blue' and 'brown' asbestos). Not all of the asbestos was in a harmful form (i.e. some could not easily become airborne or be inhaled).
- Based on Dr Hensel's advice that the risk presented by this material was not substantial, Council resolved at the Ordinary Meeting on 22 March 2005 to await results of the analysis of dust collected from affected roads as this would give a clearer indication of the actual exposure levels experienced by those travelling on or living adjacent to the affected roads. With this information, Council could then make an informed decision about the extent of actions appropriate, given the size of the problem.

- Scanning electron microscope results of the dust collected on road sides were received in early April 2005 and concluded that the main types of asbestos fibres present in the dust from roads was tremolite and also some actinolite.
- Based on this information, Council resolved at the Ordinary Meeting on 26 April 2005 to seal all affected roads and to close and remediate Argalong Pit.
- Since this time, Council Staff have working with Consultants Robson Laboratories to obtain WorkCover approval to undertake the sealing works.
- The application is expected to be approved before the end of June 2005.

I appreciate the patience of the community throughout this process. Unfortunately investigations into the issue have been time consuming and the preparations required to obtain approval from WorkCover have been quite involved.

Councillors and staff are eager to take action as soon as possible to fix this problem. The fact that Council has committed around \$1.2M over the next few years to prepare and seal these affected roads demonstrates that this is seen as a top priority.

Once WorkCover approval has been received, a Public Meeting will be arranged to give the community more information about the issue. Representatives from Robson Laboratories will be present to answer questions. It is also hoped that representatives from WorkCover will also be able to attend.

In the interim, if you have any questions regarding this issue, please do not hesitate to contact Ben Lawson, CEO Snowy Works and Services on 6941 2400.

Yours faithfully

**Christopher Adams**  
General Manager

**Attachment 8 - 2004 to 2005 - Timeline of investigations into Asbestos at Argalong Pit****Timeline of investigations into Asbestos at Argalong Pit****08 October 2004**

Roads and Traffic Authority Geoscientist inspects gravel samples for works on the Batlow Road. He remarked that the material was similar to that encountered on the Coolac Bypass project (which also contains asbestos). At the same time asbestos was found in a pit at Orange, and a former employee of Tumut Shire, now working in that Council, confirmed that the gravel was similar to that in the Argalong pit.

**Late October / early November 2004**

The first sample of material sent to Coffey Geosciences in Canberra, another sample required as it was not large enough, then proposal prepared for analysis (received early November 2004). Coffey engaged to undertake investigations.

**17 November 2004**

The first geoscientific analysis of the material was undertaken by Dr Hans Hensel (report dated 30 October 2004 commissioned by Coffey), indicating the presence of fibres similar to chrysotile asbestos. Further investigations using a Scanning Electron Microscope (SEM) were recommended to positively identify the material as asbestos.

**Late November / most of December 2004**

Dr Hensel was overseas and not contactable, hence further investigations stalled until his return.

**Early December 2004**

Proposal received from Coffey regarding the SEM work. Publicity regarding Orange City Council finding asbestos in a pit they operated.

**21 December 2004**

General Manager informed Council in open meeting that there was a possibility that Argalong gravel contained asbestos.

**Late December 2004**

Sign erected at Argalong pit informing of the possible presence of asbestos.

**22 December 2004**

Memo sent to all Council staff informing them of the possibility of asbestos being present in Argalong gravel.

**Late December 2004**

Results of Dr Hensel's SEM work received (report dated 28 December 2004). Report concluded that "the sample of rock provided contains chrysotile asbestos minerals. Due to the natural variability within the rock mass it is not possible to assess the potential concentration and distribution of asbestos minerals within



the quarry". Report went on to recommend sampling and analysis of more rock the quarry.

**17 January 2005**

Dr Hensel conducted a site visit at the pit and relevant roads to familiarise himself with the site before recommending further investigations. Whilst on site at the pit for several hours, he identified only 2 samples of rock that appeared likely to contain asbestos. He recommended sampling of the pit on a grid, sampling of dust generated by vehicles from roads and sampling of dust collected on structures nearby the roads to assess the scope of the problem.

**25 January 2005**

Report presented to Council updating them on results received so far and of plans for further investigations. Council resolved to carry out the further investigations and prepare a media release.

**18 February 2005** (report date)

Dr Hensel's final statement, following analysis of samples taken from the pit on a grid, was that "there is a high probability that more asbestiform chrysotile will be uncovered". The only mention of tremolite was as follows: "Unlike the chrysotile or its precursor, the formation of the fibrous and highly acicular (needle-like) minerals such as tremolite and actinolite (both amphibole) is generally closely related to shearing. However, there is also the occasional development of cross-fibres in some rocks. The development of the highly acicular fibres such as those in sample 3/2 is difficult to explain."

**14 March 2005**

On request, Dr Hensel expanded his conclusion regarding existence of tremolite concluding that:

"The occurrence and distribution of tremolite and other amphiboles is not at all predictable ... Clearly, there were many samples that contained some tremolite but most of it was very blady to acicular in form. This is essentially harmless because it is only respirable with some difficulty and will not become airborne without some effort. It is mainly where the tremolite has sheared that a fibrous form develops or becomes highly acicular. Some of the shearing is on a mm scale, some on a cm scale and some on a meter scale, each becoming more substantial in intensity. The internal structure of the quarry is so complex that it can never be satisfactorily delineated and projected with any degree of confidence.

The actinolite amphibole which is the most common and abundant ferromagnesium mineral in the doleritic rocks can be assumed to be suitable for roadbase. However, it is difficult to predict the distribution of the doleritic rocks, the best method being a visual one after excavation."

**15 March 2005**

Dust sampling (airborne fibre monitoring) by Robson Laboratories undertaken on various roads. Report dated 16 March observed "significantly high fibre counts". Further analysis was recommended using SEM to determine nature of the fibres.

**22 March 2005**

Report to Council based on Dr Hensel's report conclusions and preliminary results of dust sampling. Council resolved to await dust sample results prior to making a final decision on corrective actions to be taken.

**4 April 2005**

Results of SEM analysis of dust samples by Robson Laboratories indicate that most of the fibres are tremolite and actinolite forms of asbestos, not chrysotile as had been originally anticipated based on Dr Hensel's conclusions.

**26 April 2005**

Council resolved to seal all roads surfaced with material from Argalong Pit and to rehabilitate the pit itself.

**29 April 2005**

Briefing notes sent to Noel Arnold and Associates who handled the remediation planning and execution for Orange City Council.

**Early May 2005**

Robson Laboratories engaged to prepare remediation action plan and WorkCover application, as advice from Noel Arnold and Associates was that, due to workload, they would be unable to assist for around 2 months.

**May, June 2005**

Preparation of a remediation action plan by Robson Laboratories required to obtain exemption from WorkCover to undertake work involving disturbance of asbestos materials.

**Mid June 2005**

Exemption application received by WorkCover.