

# Stratford Extension Project Environmental Impact Statement

## APPENDIX M

### LAND CONTAMINATION ASSESSMENT





On Thursday 28 June 2012, Yancoal Australia Limited was listed on the Australian Stock Exchange and merged with Gloucester Coal Ltd (GCL) under a scheme of agreement on the same date. Stratford Coal Pty Ltd is now a wholly owned subsidiary of Yancoal Australia Limited. Any reference to GCL in this Appendix should be read as Yancoal Australia Limited.

# ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



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## LAND CONTAMINATION ASSESSMENT

## STAGE 1 – PRELIMINARY INVESTIGATION

### STRATFORD EXTENSION PROJECT

The Bucketts Way  
Stratford

For  
Stratford Coal Pty Ltd









May 2012

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**Document Control Sheet**

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## Executive Summary

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The Stratford Coal Mine and Bowens Road North Open Cut (both mines referred to collectively as the Stratford Mining Complex) are located approximately 100 kilometres north of Newcastle, New South Wales (NSW) in the Gloucester Basin. The Stratford Mining Complex is owned and operated by Stratford Coal Pty Ltd (SCPL), a wholly owned subsidiary of Gloucester Coal Ltd.

The proposed Stratford Extension Project (the Project) would involve the continuation and extension of open cut coal mining and processing activities at the Stratford Mining Complex. SCPL commissioned Ardill Payne and Partners to undertake a Land Contamination Assessment for the Project.

The Land Contamination Assessment has been prepared to address State Environment Planning Policy No 55 – Remediation of Land and takes the form of a Stage 1 – Preliminary Investigation prepared in accordance with the *Managing Land Contamination Planning Guidelines* (Department of Urban Affairs [DUAP] and Environment Protection Authority [EPA], 1998) and the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 2000).

This Stage 1 – Preliminary Investigation has:

- Described the site condition and surrounding environment;
- Provided a summary of the Site history;
- Identified past and present potentially contaminating activities and potential contaminant types;
- Provided a preliminary assessment of the Site contamination;
- Assessed the need for further investigations;

- Assessed soil sample analysis results against relevant criteria; and
- Assessed the suitability of the Site for the proposed use (i.e. mining operations).

A desktop Site history assessment and a Site inspection have been conducted as part of the Stage 1 – Preliminary Investigation. The desktop Site history assessment encompassed the Site and adjacent areas. Information used to assist in the site history was also collected and collated from the following sources:

- Review of available Site history details;
- NSW Land and Property Information – Historic Title Search;
- Historical aerial photographs;
- NSW Office of Environment and Heritage's *Protection of Environment Operations Act 1997* Public Register;
- OEH's Contaminated Land – Record of Notices;
- Gloucester Shire Council's (2005) *Contaminated Land Management Policy* and associated register; and
- Section 149 Planning Certificates.

The Site inspection included:

- An inspection of the Site to identify potential areas of contamination; and
- Preliminary soil sampling at areas identified as potentially contaminated during the Site inspection.

Based on the desktop Site history assessment and the Site inspection, it was considered that two areas of environmental concern require further investigation:

- Agricultural use including sheep and cattle grazing; and
- The Stratford timber railway.

Agricultural activities have been conducted in the majority of the Site. In addition, the Stratford timber railway operated in the Mining Lease Application 1 area. No signs of contamination were noted in the Site.

Based on the desktop Site history assessment and the Site inspection, three potential contaminants of concern have been identified for the Site:

- Pesticides/herbicides;
- Metals; and
- Petroleum hydrocarbons.

Given the above, a judgmental sampling and analysis plan was undertaken. A total of seven samples were analysed for the suite of potential contaminants of concern. None of the samples submitted resulted in levels reaching or exceeding the relevant assessment criteria and were consistent with natural background levels (National Environment Protection Council, 1999).

Based on the Stage 1 – Preliminary Investigation for the Project prepared in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998), there is no evidence that the Site is contaminated.

Notwithstanding the above, in the event an area of potential land contamination is identified during the Project, the unexpected contamination would be assessed by a suitably qualified person and if necessary remediation strategies put in place to manage this contamination after approval by the appropriate authority.

Based on the above assessment it is assessed that further investigation is **not required** and that the **Site is suitable** for the proposed commercial or industrial development (i.e. the Project).



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## 1 Introduction

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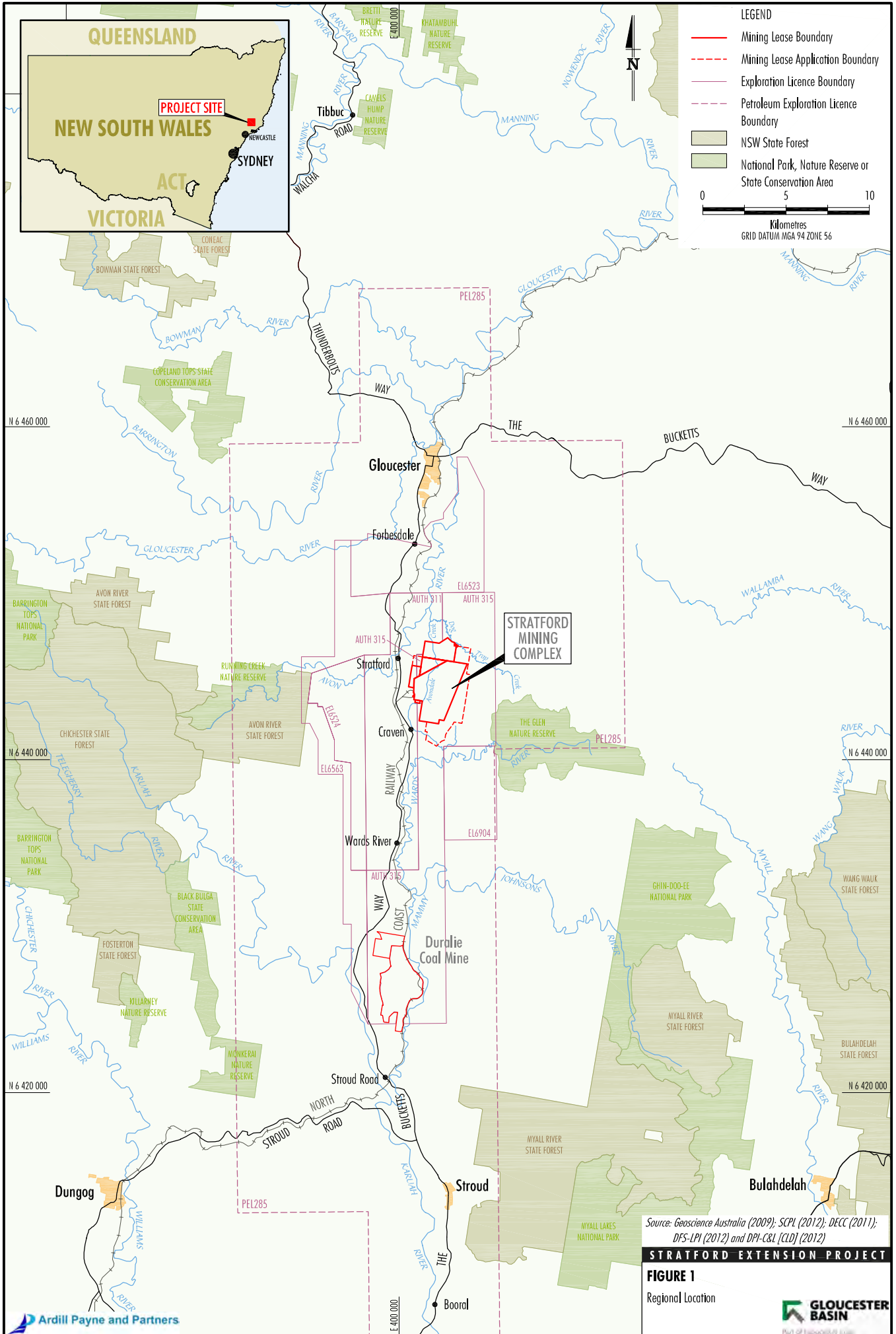
The Stratford Coal Mine (SCM) and Bowens Road North Open Cut (BRNOC) (both mines referred to collectively as the Stratford Mining Complex) are located approximately 100 kilometres (km) north of Newcastle, New South Wales (NSW) in the Gloucester Basin (**Figure 1**). The Stratford Mining Complex is owned and operated by Stratford Coal Pty Ltd (SCPL), a wholly owned subsidiary of Gloucester Coal Ltd (GCL).

The SCM commenced operations in 1995 and the BRNOC has been in operation since 2003. The proposed Stratford Extension Project (the Project) would involve the continuation and extension of open cut coal mining and processing activities at the Stratford Mining Complex.

The approximate extent of the existing and approved surface development at the Stratford Mining Complex is shown on **Figure 2**.

A detailed description of the Project is provided in Section 2 in the Main Report of the Environmental Impact Statement (EIS).

SCPL commissioned Ardill Payne and Partners (APP) to undertake a Land Contamination Assessment for the Project.



Source: Geoscience Australia (2009); SCP (2012); DECC (2011); DFS-LPI (2012) and DPI-C&L (2012)

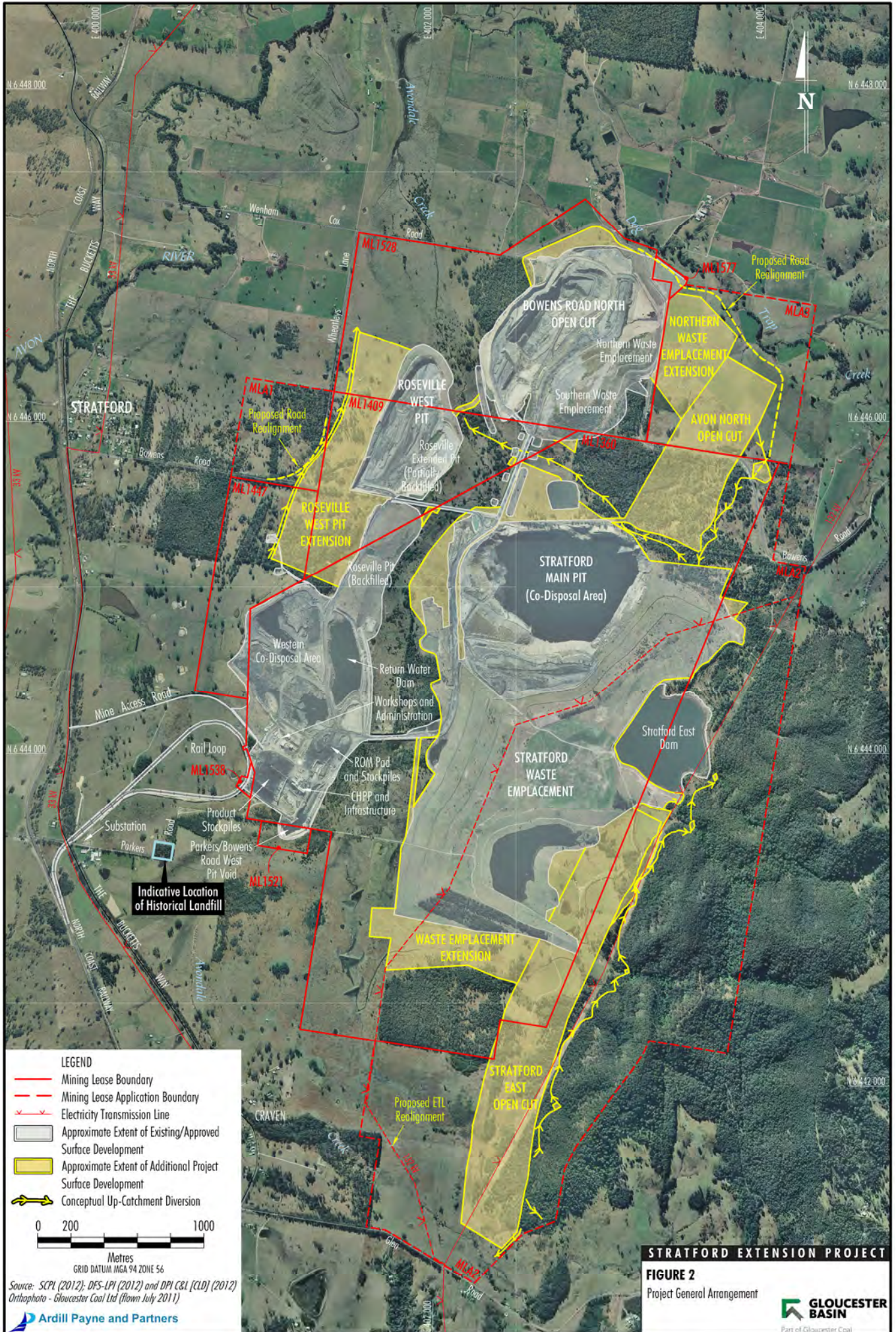
**STRATFORD EXTENSION PROJECT**

**FIGURE 1**

Regional Location









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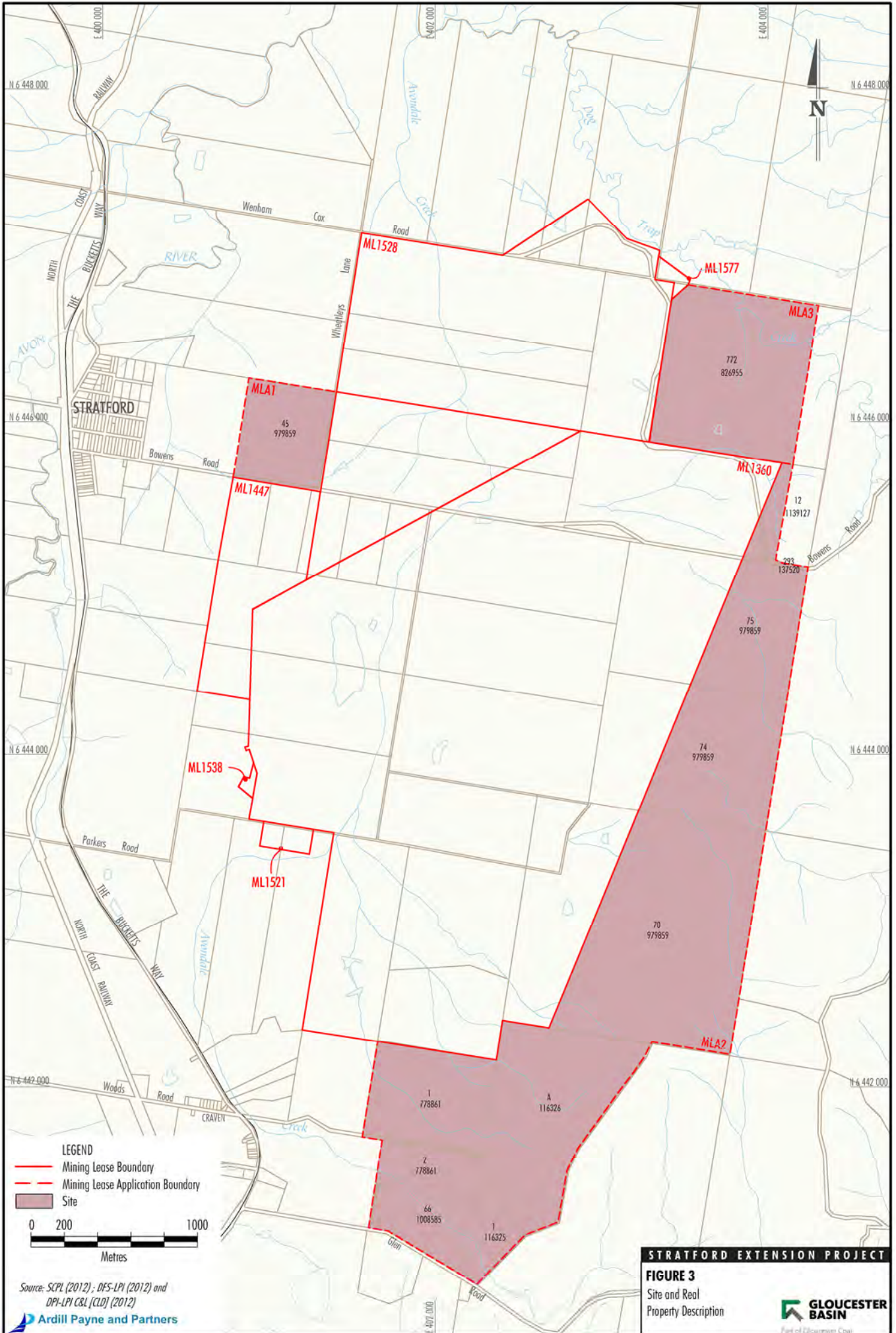
## 2 Scope of Works

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Clause 7(1) of State Environment Planning Policy No 55 – Remediation of Land (SEPP 55) states that:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use..., the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. ...”*

This Land Contamination Assessment has been prepared to address these SEPP 55 requirements. The areas of the Project site that would include a “change of use” (the Site) are within Mining Lease Application (MLA) 1, MLA 2 and MLA 3 (**Figures 2 and 3**).



Source: SCPL (2012); DFS-LPI (2012) and DPL-LPI C&L (CLD) (2012)

Ardill Payne and Partners



The Land Contamination Assessment takes the form of a Stage 1 – Preliminary Investigation for the Site prepared in accordance with the *Managing Land Contamination Planning Guidelines* (Department of Urban Affairs [DUAP] and Environment Protection Authority [EPA], 1998) and the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 2000).

This Stage 1 – Preliminary Investigation has:

- Described the Site condition and surrounding environment;
- Provided a summary of the Site history;
- Identified past and present potentially contaminating activities and potential contaminant types;
- Provided a preliminary assessment of the Site contamination;
- Assessed the need for further investigations;
- Assessed soil sample analysis results against relevant criteria; and
- Assessed the suitability of the Site for the proposed use (i.e. mining operations).

The background contaminant concentrations in *Schedule B1 Guideline on the Investigation Levels for Soil and Groundwater of the National Environment Protection (Assessment of Site Contamination) Measure* (NEPM) (National Environment Protection Council [NEPC], 1999) have also been considered during the preparation of the Land Contamination Assessment. Relevant guidelines and references used in the preparation of this investigation are presented in **Section 14** of this report.

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### 3 Methodology

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This Stage 1 – Preliminary Investigation has been undertaken to identify the potential for contamination within the Site. A desktop Site history assessment and a site inspection have been conducted as part of the Stage 1 – Preliminary Investigation.

The desktop Site history assessment encompassed the Site and adjacent areas. Information used to assist in the desktop Site history assessment was collected and collated from the following sources:

- Review of available Site history details;
- NSW Land and Property Information (LPI) – Historic Title Search;
- Historical aerial photographs;
- NSW Office of Environment and Heritage's (OEH) *Protection of Environment Operations Act 1997* (POEO Act) Public Register;
- OEH's Contaminated Land – Record of Notices;
- Gloucester Shire Council's (2005) *Contaminated Land Management Policy* (CLMP) and associated register; and
- Section 149 Planning Certificates.

The Site inspection included:

- Identification of potential sources and areas of contamination; and
- Preliminary soil sampling at areas identified as potentially contaminated during the Site inspection.

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## 4 Site Identification

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**Table 1** describes the Site details.

**Table 1 – Site Details**

<b>Site Address</b>	The Bucketts Way, Stratford												
<b>Site Area (ha)</b>	<table> <tr> <td>MLA 1</td> <td>32</td> </tr> <tr> <td>MLA 2</td> <td>396</td> </tr> <tr> <td>MLA 3</td> <td>84</td> </tr> <tr> <td><b>Total</b></td> <td><b>512</b></td> </tr> </table>	MLA 1	32	MLA 2	396	MLA 3	84	<b>Total</b>	<b>512</b>				
MLA 1	32												
MLA 2	396												
MLA 3	84												
<b>Total</b>	<b>512</b>												
<b>Titles</b>	See <b>Figure 3</b> and <b>Table 2</b> .												
<b>Local Government Area</b>	Gloucester Shire Council												
<b>Existing Development Approvals</b>	No relevant existing development approvals.												
<b>Zoning<sup>1</sup></b>	RU1 – Primary Production												
<b>Elevation</b>	130-360 metres (m) Australian Height Datum (AHD)												
<b>Site Location Co-ordinates</b>	<table> <tr> <td>MLA 1:</td> <td>Latitude -32.1186 S</td> </tr> <tr> <td></td> <td>Longitude 151.9520° E</td> </tr> <tr> <td>MLA 2:</td> <td>Latitude -32.1461° S</td> </tr> <tr> <td></td> <td>Longitude 151.9750° E</td> </tr> <tr> <td>MLA 3:</td> <td>Latitude -32.1160° S</td> </tr> <tr> <td></td> <td>Longitude 151.9820° E</td> </tr> </table>	MLA 1:	Latitude -32.1186 S		Longitude 151.9520° E	MLA 2:	Latitude -32.1461° S		Longitude 151.9750° E	MLA 3:	Latitude -32.1160° S		Longitude 151.9820° E
MLA 1:	Latitude -32.1186 S												
	Longitude 151.9520° E												
MLA 2:	Latitude -32.1461° S												
	Longitude 151.9750° E												
MLA 3:	Latitude -32.1160° S												
	Longitude 151.9820° E												
<b>Existing Land Use</b>	<ul style="list-style-type: none"> <li>▪ Agricultural Land (Primarily Beef Production).</li> <li>▪ Vegetated Areas.</li> <li>▪ Public Roads.</li> </ul>												

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<sup>1</sup> From *Gloucester Local Environmental Plan 2010*

**Table 1 – Site Details (cont)**

<b>Surrounding Environment</b>	<ul style="list-style-type: none"> <li>▪ Stratford Mining Complex.</li> <li>▪ Agricultural Land (Primarily Beef Production).</li> <li>▪ Forestry.</li> <li>▪ 132 kilovolt (kV) power line.</li> <li>▪ Nature Reserves (The Glen and Running Creek).</li> <li>▪ State Forest (Avon River).</li> <li>▪ North Coast Railway.</li> <li>▪ Townships of Craven and Stratford.</li> </ul>
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The real property descriptions for the Site are provided in **Table 2** and are shown on **Figure 3**.

**Table 2 – Real Property Descriptions Within the Site**

Lot Number	Deposited Plan Number
Part of 74	979859
Part of 75	979859
Part of 70	979859
Part of 293	137520
Part of 772	826955
Part of 12	1139127
A	116326
66	1008585
1	116325
1	778861
2	778861
Part of 45	979859

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## 5 Site Condition and Surrounding Environment

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This section provides a description of the Site and surrounds. A more detailed description of the Project area (including the Site) is provided in Section 4 in the Main Report of the EIS.

### 5.1 Topography

The topography of the area surrounding the Site is characterised by a north-south oriented linear ridge on the east transitioning to undulating lowlands and Gloucester Valley floodplains towards the west. The ridgeline to the east reaches approximately 475m AHD and is moderately to steeply sloping and mostly timbered, although a large percentage of this ridge has been cleared historically. The topography within the Stratford Mining Complex has been modified by open cut and waste rock emplacements.

The MLA 1 area has elevations of approximately 130 to 140m AHD and gently slopes down toward the north-east.

A north-south trending ridgeline which reaches 360m AHD lies in the eastern extent of MLA 2. MLA 2 slopes steeply down to approximately 160m AHD in the west. The south-eastern portion of MLA 2 gently slopes down towards the south-west.

The eastern edge of MLA 3 lies in the foothills of the above mentioned ridgeline. The north-eastern and south-eastern corners of MLA 3 slope down towards the banks of Dog Trap Creek which is at approximately 130m AHD.

## 5.2 Geology

A Groundwater Assessment for the Project has been prepared by Heritage Computing (2012) and is included as part of the EIS (Appendix A in the EIS). The information below is taken from Heritage Computing (2012).

The Gloucester Basin coal measures are of Permian age and contain conglomerate, sandstone, siltstone, mudstone and coal. The underlying Early Permian and Carboniferous strata, principally tuffs, mudstones and acid volcanics were also folded during formation of the basin. They form two sub-parallel lines of hills, are typically erosion-resistant and form the more prominent ridges to the east and west of the Stratford Mining Complex, while the Permian Coal Measures occupy the valley floor between.

Geological structure in the area surrounding the Site is dominated by a synclinal structure with the coal outcropping at fairly steep angles (up to 45 degrees dip) on the eastern and western limbs. The eastern flank and southern core of the coal measures are significantly affected by low-angle thrust faulting which has caused coal members in places to be stacked on top of each other, often with several repetitions of the main coal seams. The thrust fault planes are generally parallel to the axis of the syncline and range in inclination from sub-horizontal to 60 degrees. Coal seams in close proximity to the fault planes show highly distorted bedding and cleating but are not intensely brecciated. Normal faulting has also been observed. A significant east-west fault along Bowens Road (with about 60m throw) separates the Stratford Main Pit from the BRNOC.

A thin and narrow deposit of Quaternary to Recent Age alluvial deposits occurs in association with Avondale Creek and Dog Trap Creek in the vicinity of the Stratford Mining Complex. The alluvium consists of silty sands and silts with lenses of gravelly sands and sandy, coarse gravel, particularly towards the base of the alluvium. The gravel lenses correspond to former channel deposits and are evident in the present bed and banks of the creeks.

### 5.3 Hydrology

The local hydrology of the area surrounding the Site comprises a number of drainage lines and creeks flowing west and north-west towards the Avon River. The majority of the area surrounding the Site is within the Avondale Creek catchment, which flows into Avon River. As the drainage lines within the area surrounding the Site have relatively small catchments, they typically exhibit low to zero flow for extended periods during dry weather, while heavy rainfall events result in short duration, high flow events.

No watercourses are located in MLA 1 (**Figure 2**). The headwaters of Avondale Creek are located in MLA 2 and Dog Trap Creek meanders through the north-eastern section of MLA 3 (**Figure 2**).

A separate assessment of potential impacts of the Project on surface water resources (including detailed description of local hydrology and surface water quality) has been prepared by Gilbert & Associates (2012) and is included as part of the EIS (Appendix B in the EIS).

## 5.4 Groundwater

Groundwater within the area surrounding the Site occurs predominantly within coal seams and is recharged from overlying colluvium. The direction of groundwater flow is from the south-east to the north-west and the main groundwater discharge zones are Avondale and Dog Trap Creeks and Avon River. A groundwater divide is located between the Stratford Main Pit and the BRNOC. **Figure 4** shows the location of known groundwater bores in the vicinity of the Site.

A separate assessment of potential impacts of the Project on groundwater resources (including detailed description of local hydrogeology, groundwater quality and identification of groundwater users) has been conducted and is included as part of the EIS (Appendix A in the EIS).

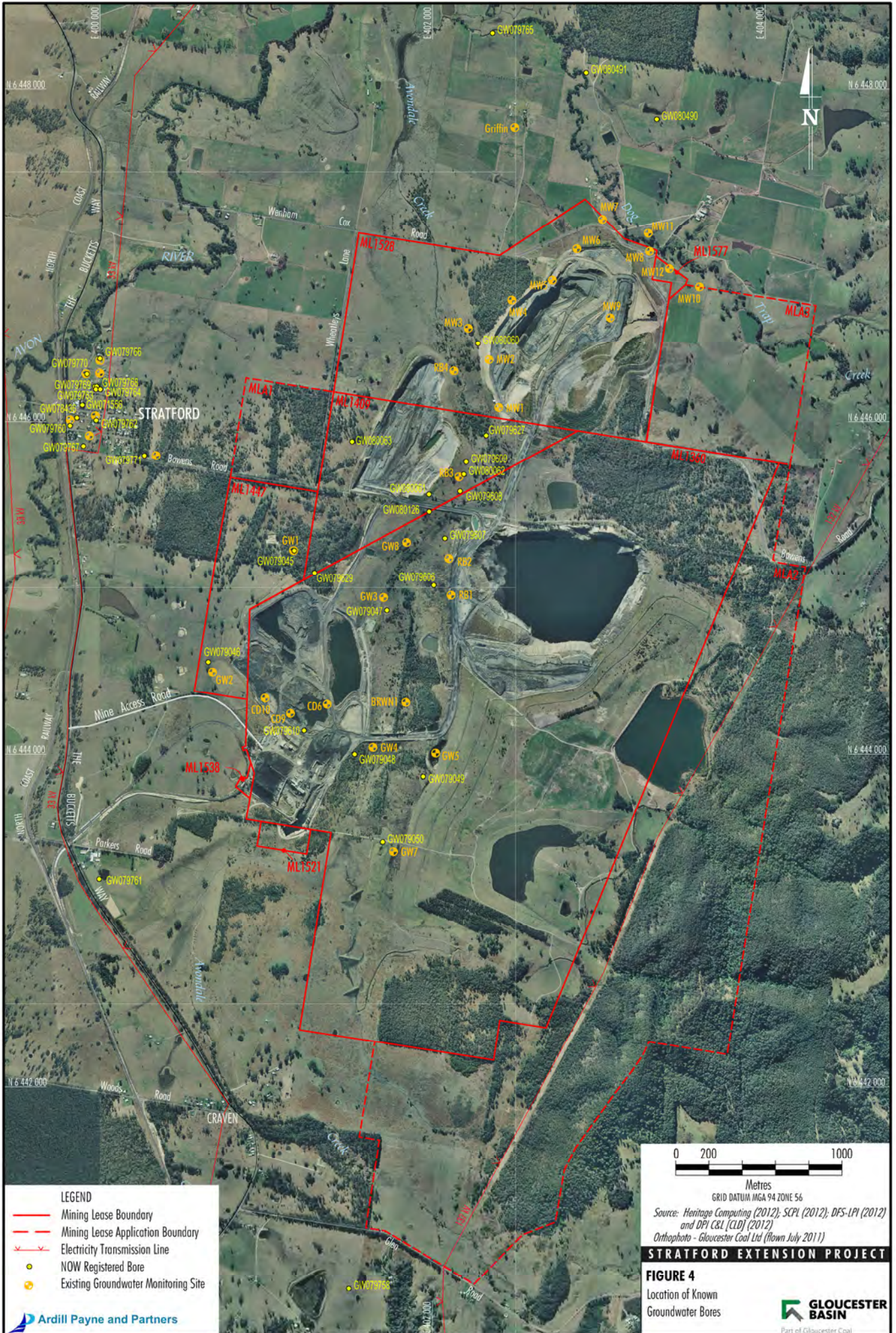
## 5.5 Land Use

The Site is located in a rural area typically characterised by cattle grazing for beef production on unimproved and improved pastures. Additional land uses in the vicinity of the Site include National Park/Nature Reserve recreational areas, mining and residential development in the villages of Stratford and Craven. Coal resource and coal seam gas development is also undertaken in the area. The majority of the Site has been cleared as part of past land use practices.

## 5.6 Dwellings

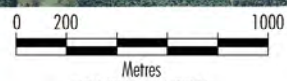
Dwellings can be a source of contamination from waste water disposal to stored chemical and farm equipment. There are no dwellings currently located within the Site (**Figure 5**) and aerial photos were also used to check for historic dwellings and none were identified (**Section 6.3**). Therefore dwellings were not considered a potential for contamination at the Site.





- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary
  - x Electricity Transmission Line
  - NOW Registered Bore
  - Existing Groundwater Monitoring Site

**Ardill Payne and Partners**



GRID DATUM MGA 94 ZONE 56  
 Source: Heritage Computing (2012); SCPL (2012); DFS-LPI (2012) and DP1 C&L (CLD) (2012)  
 Orthophoto - Gloucester Coal Ltd ( flown July 2011)

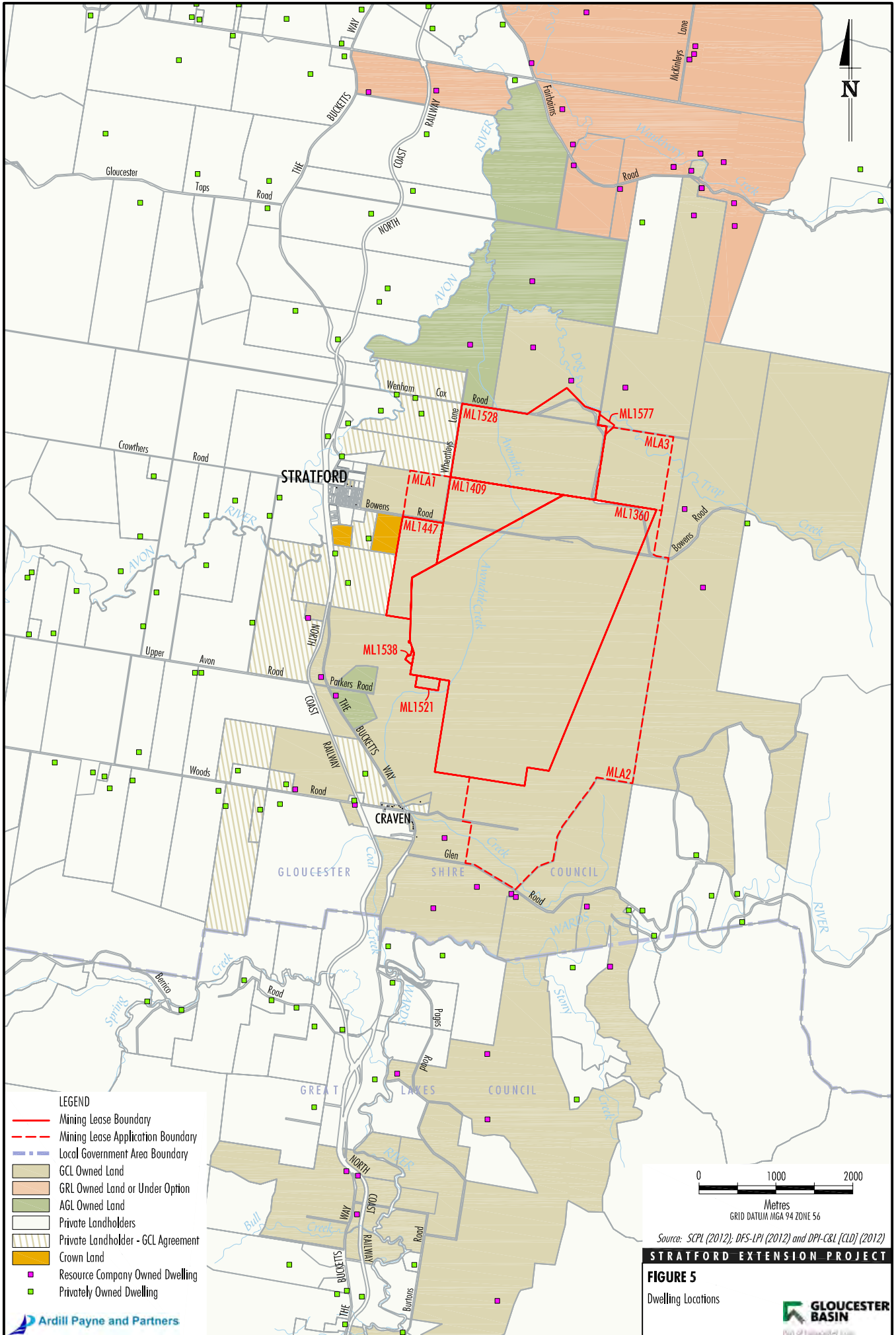
**STRATFORD EXTENSION PROJECT**

**FIGURE 4**

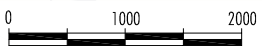
Location of Known Groundwater Bores







- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary
  - - - Local Government Area Boundary
  - GCL Owned Land
  - GRL Owned Land or Under Option
  - AGL Owned Land
  - Private Landholders
  - Private Landholder - GCL Agreement
  - Crown Land
  - Resource Company Owned Dwelling
  - Privately Owned Dwelling



Metres  
GRID DATUM MGA 94 ZONE 56

Source: SCPL (2012); DFS-LPI (2012) and DPI-C&L (CLD) (2012)

**STRATFORD EXTENSION PROJECT**

**FIGURE 5**

Dwelling Locations



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## 6 Site History

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A desktop Site history assessment was undertaken to determine the chronological history of the Site and possible sources and locations of contamination. Information used to assist in the desktop Site history assessment was collected and collated from the following sources:

- Review of available Site history details;
- LPI – Historic Title Search;
- Historical aerial photographs;
- OEH’s POEO Act Public Register;
- OEH’s Contaminated Land – Record of Notices;
- Gloucester Shire Council’s CLMP and associated register; and
- Section 149 Planning Certificates.

The findings of the desktop Site history assessment are summarised below.

### 6.1 Site History Overview

A Non-Aboriginal Heritage Assessment for the Project has been prepared by Heritage Management Consultants Pty Ltd (2012) and is included as part of the EIS (Appendix J in the EIS). The information below is taken from Heritage Management Consultants Pty Ltd (2012).

The Site was part of a very large land grant held from the early 19<sup>th</sup> century by the Australian Agricultural Company. In 1826 the Australian Agricultural Company explored the area around the Site. The Wards River/Johnsons Creek area immediately to the south of the Site seems to have been grazed by the Australian Agricultural Company’s sheep from around 1828. Australian Agricultural Company ceased sheep grazing in 1857 when it was concluded that sheep were not suited to the area.

Avon Creek, now Stratford, was used as the Australian Agricultural Company's horse station, where its horses and mules were bred. The flat land west of the present Stratford village area was divided into small paddocks with high fences, and a residence was constructed. By 1861 the house was deserted and the country abandoned to wild horses and cattle.

A mineralogical survey in 1855 identified major coal deposits in the Johnsons Creek area. In 1858 four pits were sunk and although coal was found of excellent quality, it was thought to be too costly to extract from that location. A proposal to mine the area was again raised within the company in 1872, but again dropped. It is not clear from the documentation available whether this mining activity was on Coal Creek, south-west of Craven (immediately south of the Stratford Mining Complex) or on Coal Shaft Creek some 20 km to the south.

The Australian Agricultural Company in the 1850s commenced the splitting up and sale of lands, leaving aside the land subject to a railway survey, and began by selling land along Mammy Johnsons Creek. Dairying began on this freehold land bordering the Australian Agricultural Company's land in the second half of the 19<sup>th</sup> century.

The development of sawmills, which enabled the development of a local timber industry, was greatly influenced by the advent of the North Coast Railway, which was extended from Dungog to Taree between 1911 and 1913, and runs immediately west of the Project area. In addition, Stratford timber railway at Stratford brought logs from the east to a mill located south of the village, using timber rails and horse power. A separate steel-railed standard gauge timber railway line was run west from Craven and came into operation on 1 June 1918.

The Stratford timber railway crossed the MLA 1 area (Heritage Management Consultants, 2012). The Craven timber railway was located to the immediate south of MLA 2 (Heritage Management Consultants, 2012) and therefore is not located on the Site.

It was not until 1995 that GCL began mining operations at the Stratford Mining Complex.

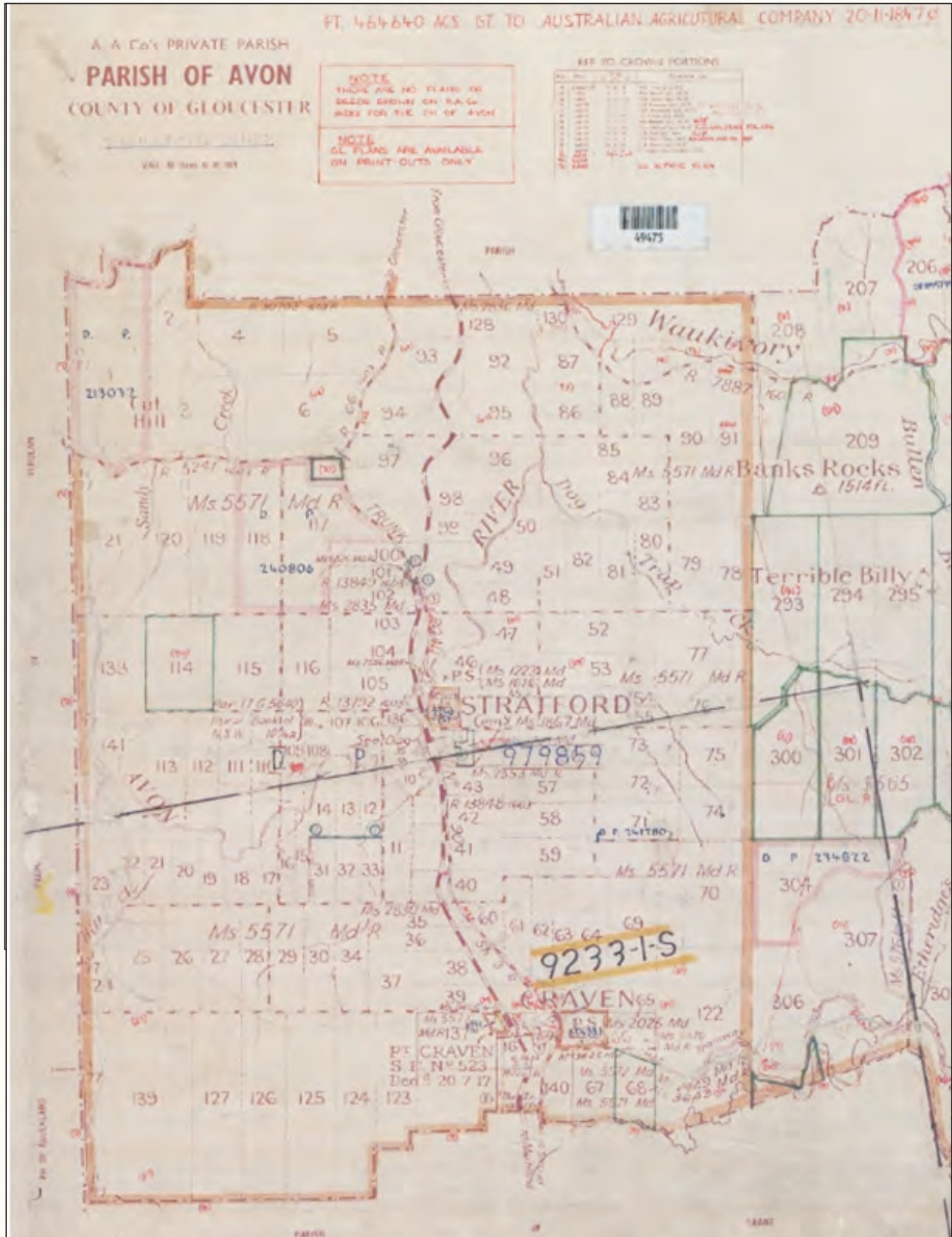
## **6.2 Historical Title Search**

The Parish Map for Stratford was obtained from the LPI. This map is presented in **Figure 6**. This map reports that the Parish of Avon was part of land granted to Australian Agricultural Company (**Section 6.1**).

As the area was recorded under 'Old System Title' prior to being converted to Torrens title, limited historical information was able to be gained from historic Torrens Title images.

## **6.3 Historical Aerial Photographs**

**Table 3** presents a summary of the available historical aerial photographs relating to the Site. Copies of aerial photographs are presented in **Figure 7** to **Figure 11**, with the approximate location of Project features shown for reference.



Source: DFS-LPI (2012)

**STRATFORD EXTENSION PROJECT**

**FIGURE 6**  
Historic Parish of Avon Map





**Table 3 – Summary of Aerial Photograph Observations**

Year	Description
1964	<p>The township of Stratford can be seen with road layout.</p> <p>The North Coast Railway can be seen to the west of The Bucketts Way.</p> <p>The Site is extensively cleared and under agricultural use.</p> <p>Pockets of vegetation and regrowth are evident along with single shade trees.</p> <p>Areas of cropping/pasture improvement/irrigation evident to the west of The Bucketts Way.</p>
1971	<p>Similar levels of vegetation to 1964 observed.</p> <p>Some earthworks to the south of Bowens Road evident directly south of Stratford.</p>
1983	<p>Lower levels of cropping/pasture improvement/irrigation evident over the area especially to the west of The Bucketts way.</p> <p>132kV power line can be seen running through a cleared easement on the east of the Site.</p>
1996	<p>Mine operations have started in the Roseville Pit and Stratford Waste Emplacement.</p> <p>Stratford East Dam under construction.</p> <p>Coal handling preparation plant (CHPP) stockpile area has been developed.</p> <p>The rail loop to the Stratford Mining Complex has been constructed.</p>
2011	<p>Bowens Road has been diverted along Wheatleys Lane and Wenham Cox Road to allow construction of the BRNOC.</p> <p>Roseville Pit has been backfilled and vegetated.</p> <p>Stratford Main Pit has been completed and is being used for co-disposal.</p> <p>Stratford East Dam is full.</p> <p>Rehabilitation on the Stratford Waste Emplacement has commenced.</p> <p>Irrigation on part of this emplacement is evident.</p> <p>CHPP stockpile area has increased in size.</p> <p>Gully Dams have been installed on Avondale Creek.</p>



- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary

Note: The location of the Tenement Boundaries on the photo is indicative only due to the historic nature of the air photo.

Sources: NSW Lands Department (2011); SCPL (2012)

**STRATFORD EXTENSION PROJECT**

**FIGURE 7**

Historic Air Photo of Stratford - 1964







- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary

Note: The location of the Tenement Boundaries on the photo is indicative only due to the historic nature of the air photo.

Source: NSW Lands Department (2011), SCPL (2012)

**STRATFORD EXTENSION PROJECT**

**FIGURE 8**

Historic Air Photo of Stratford - 1971







- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary

Note: The location of the Tenement Boundaries on the photo is indicative only due to the historic nature of the air photo.

Source: NSW Lands Department (2011); SCPL (2012)

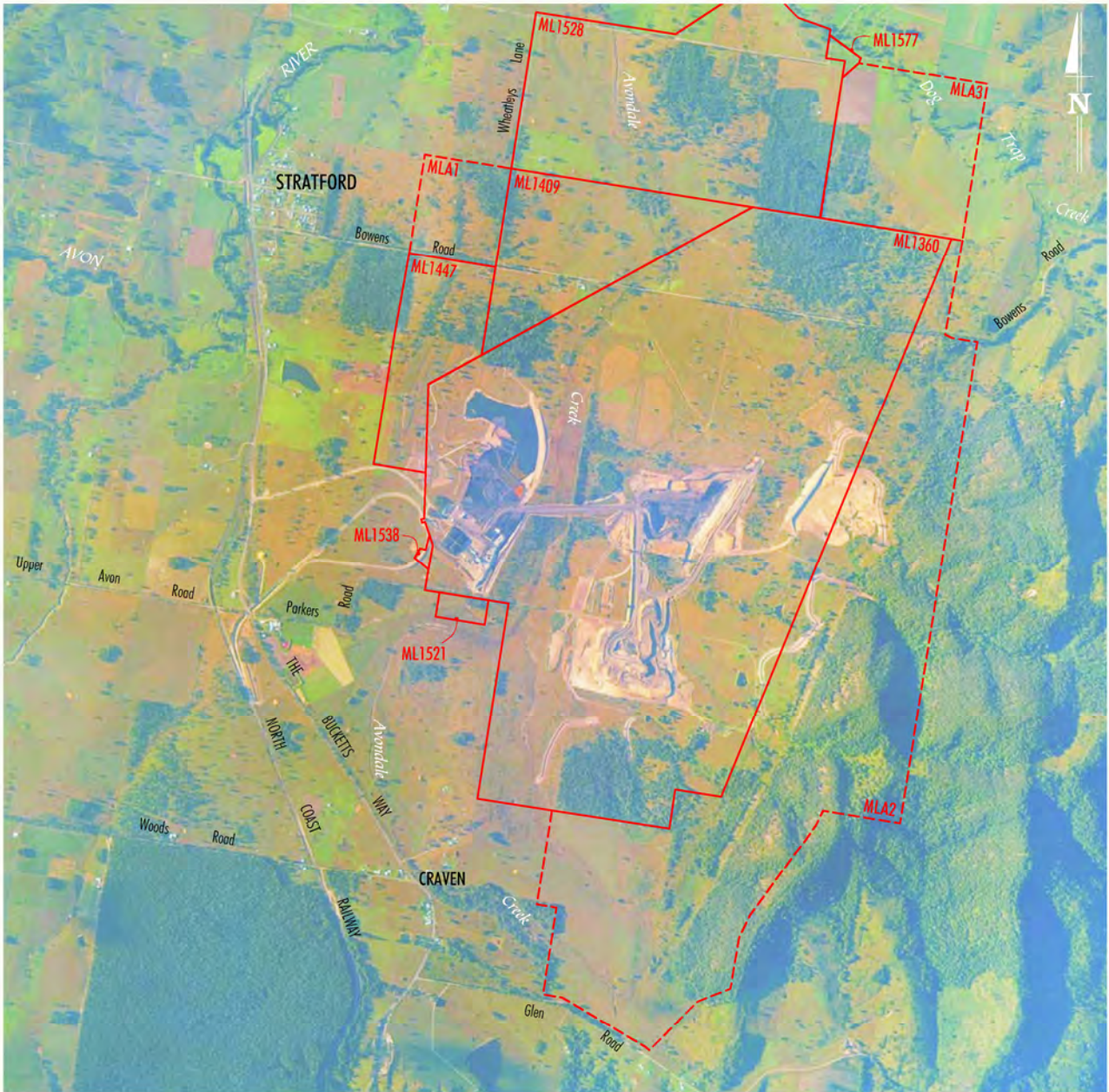
**STRATFORD EXTENSION PROJECT**

**FIGURE 9**

Historic Air Photo of Stratford - 1989







- LEGEND**
- Mining Lease Boundary
  - - - Mining Lease Application Boundary

Note: The location of the Tenement Boundaries on the photo is indicative only due to the historic nature of the air photo.

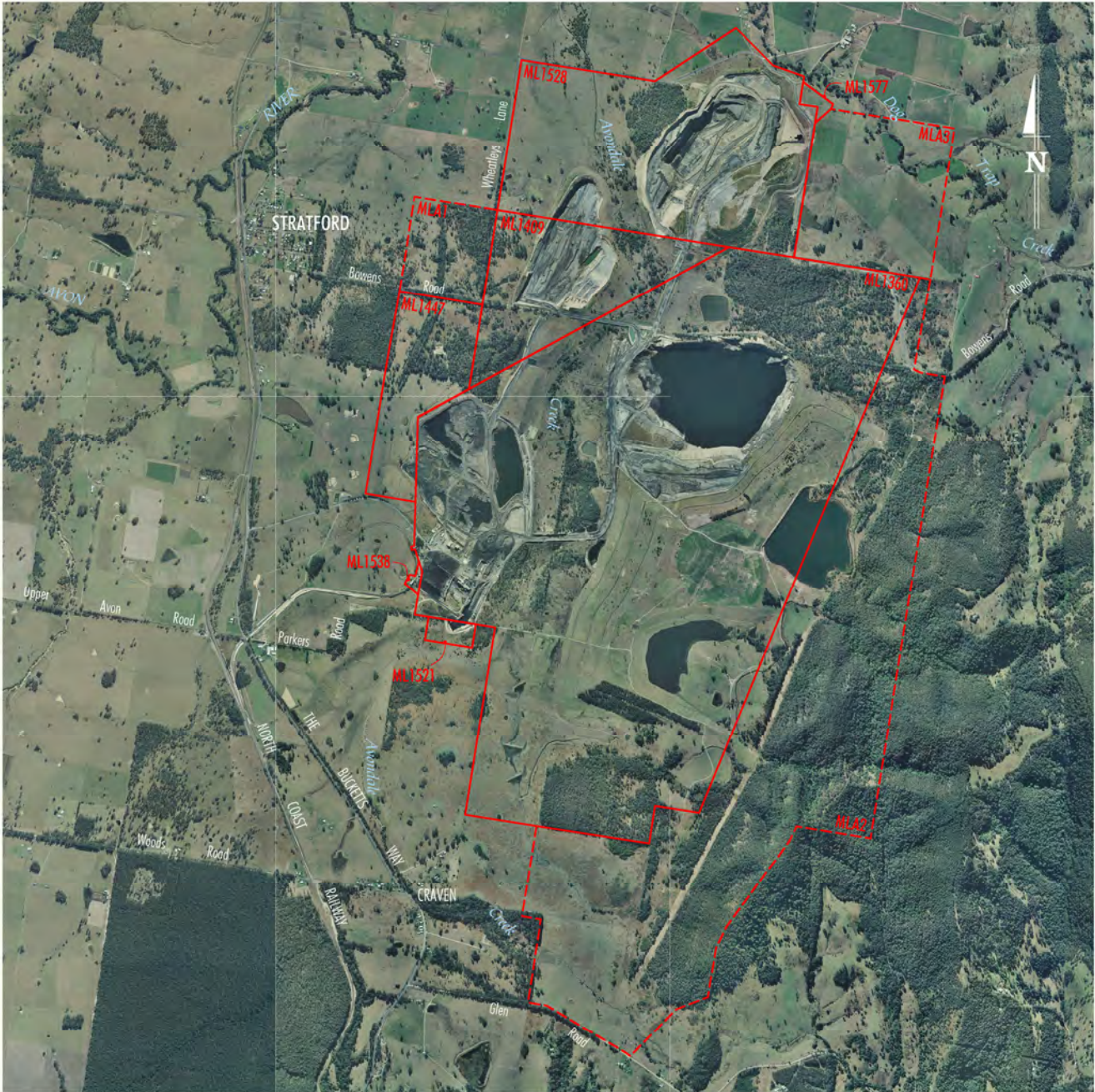
**STRATFORD EXTENSION PROJECT**

**FIGURE 10**

Historic Air Photo of Stratford - 1996







**LEGEND**  
 Mining Lease Boundary  
 Mining Lease Application Boundary

Source: SCPL (2012); Gloucester Coal Ltd (flown July 2011)  
**STRATFORD EXTENSION PROJECT**  
**FIGURE 11**  
 Air Photo of Stratford - 2011

#### 6.4 POEO Act Public Register Search

The OEH's POEO Act Public Register was searched for the area surrounding the Site and only two licenses were identified. These were related to the Stratford Mining Complex and are presented in **Table 4**. No licences related to the Site were identified.

**Table 4 – POEO Act Public Register Search**

Number	Name	Location	Type	Issued Date
5161	Stratford Coal Pty Ltd	Stratford Coal Mine (Mining Lease 1360)	POEO Act Licence	9/01/2001
11745	Stratford Coal Pty Ltd	Bowens Road North Coal Project	POEO Act Licence	16/12/2002

Source: POEO Act Public Register (Date Accessed: 13/01/2012)

#### 6.5 Contaminated Land – Record of Notices Search

The OEH's Contaminated Land – Record of Notices was searched (accessed on 13 January 2012) for the area surrounding the Site and no records were identified for the Site or surrounding area.

#### 6.6 Gloucester Shire Council CLMP Register

The CLMP lists properties in the Gloucester Shire which are considered likely to have been contaminated due to past land uses. These records are also attached to all Section 149 Planning Certificates for the properties. Properties listed in the CLMP potentially within or adjacent to the Site are detailed in **Table 5**.

**Table 5 – Properties included in the CLMP Potentially within or Adjacent to the Site**

Property Details	Address	Business Name	Type of Activity
Title 6 Lot B DP116316	Bucketts Way	Gloucester Coal	Coal Mine
Title 3 Part 1 DP 198031	Bucketts Way	Gloucester Coal	Coal Mine
Part Lot 40	Bowens Road	[not specified]	Historic Landfill

Source: Gloucester Shire Council (2005)

The following two properties listed in **Table 5** form part of the existing Stratford Mining Complex and do not form part of the Site:

- Title 6 Lot B DP 116316. No Land use change is proposed for this lot.
- Title 3 Part 1 DP 198031 (Lot 80 and 81 DP 198031), is now Part of Lot 8, 9 and 10 of DP1139127. No land use is proposed for this lot.

The third lot identified in the CLMP (i.e. Part Lot 40) contained a historical landfill and is reportedly situated along Bowens Road. There is no historical record of a Lot 40 on Bowens Road, however a Lot 40 DP 979589 was historically located on Parkers Road and has since been amalgamated along with Lot 41 and 42 into Lot 41 DP 979859.

Gloucester Shire Council (Roger Stimson - pers. com. 08/02/12) established that the location of a historical landfill along Bowens Road cannot be confirmed by any Gloucester Shire Council records or by their inquiries with long-term residents of Stratford. The Gloucester Shire Council (Roger Stimson - pers. com. 08/03/12) did however have a record of a historical landfill for “the disposal of both nightsoil and garbage” on Parkers Road (**Attachment 1**). This lot is owned by GCL and forms part of the mine access road and rail loop. The historical landfill area would not be disturbed as part of the Project (**Figure 2**).

Given the above, it is considered that the historic landfill identified in the CLMP is the landfill located on Parkers Road.



## 6.7 Section 149 Planning Certificates

Section 149 Planning Certificates were obtained from the Gloucester Shire Council (**Attachment 2**). The Section 149 Planning Certificates indicated no record that the land on the Site is significantly contaminated land.

## 6.8 Areas of Environmental Concern

Based on the desktop Site history assessment, three Areas of Environmental Concern (AEC) which can be considered to be sources of potential contaminants of concern may have occurred in or within the vicinity of the Site:

- Agricultural use including sheep and cattle grazing;
- Two railways for timber transport; and
- Mining activities including coal processing in the CHPP.

Section 3.3.2 of the *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (DUAP & EPA, 1998) states that “further information is required when a subject site is in the vicinity of or associated with an activity listed in Table 1 but it is unknown whether contamination exists”. The following activities (or related activities) from Table 1 were conducted on the Site or in the vicinity of the Site:

- Agricultural/horticultural activities;
- Railway yards; and
- Mining and extractive industries.

Given the above, an inspection of the Site was conducted to obtain further information about the AECs.

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## 7 Site Inspection

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### 7.1 Site Inspection Overview

James Foster, Environmental Engineer and Evan Elford, Principal at APP undertook a Site inspection on the 9<sup>th</sup> December 2011. The Site inspection was conducted in the company of Ms Alarna Pain, Environmental Officer, from SCPL. The purpose of the Site inspection was to obtain further information about the AECs identified during the desktop Site history assessment and to identify any additional AECs on the Site. A summary of the Site inspection is provided below.

### 7.2 MLA 1 Site Inspection

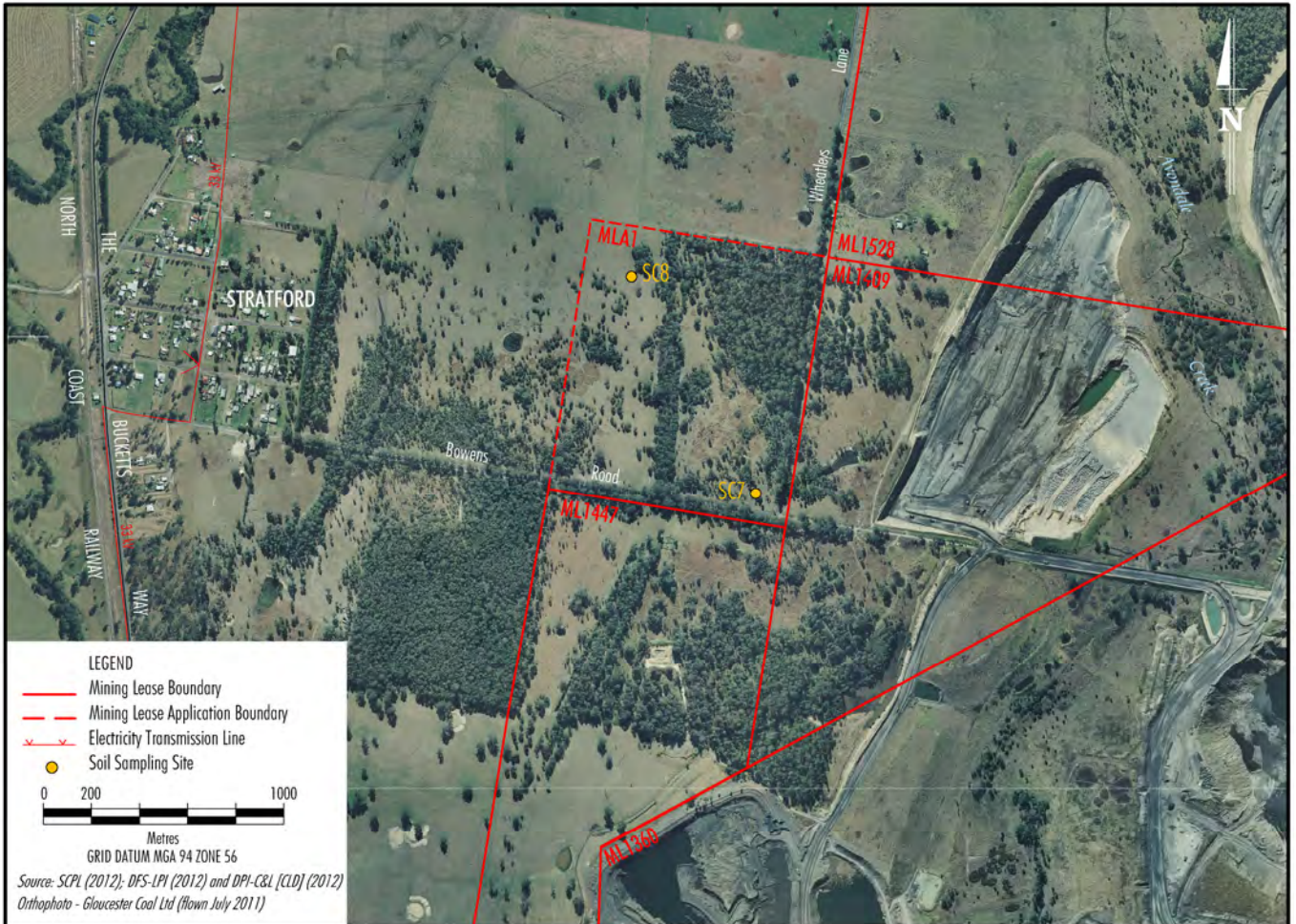
MLA 1 is located to the west of the existing Roseville West Pit and to the east of Stratford as shown on **Figures 2** and **12**. The Roseville West Pit Extension and the realignment of Bowens Road and Wheatleys Lane would occur in MLA 1 as a result of the Project (**Figure 2**).

The land within MLA 1 is typified by grazing areas containing scrubby regrowth (**Figure 13**) and is currently grazed by horses and cattle. Dams are located within MLA 1 for stock watering (these appear on some aerial photographs white areas due to reflected sunlight). No dwelling structures or machinery sheds were noted within MLA 1.

The Stratford timber railway (**Section 6.1**) crossed the MLA 1 area (Heritage Management Consultants, 2012). There were no visual indicators of contamination associated with the Stratford timber railway in MLA 1.

No other signs of contamination were noted in MLA 1.









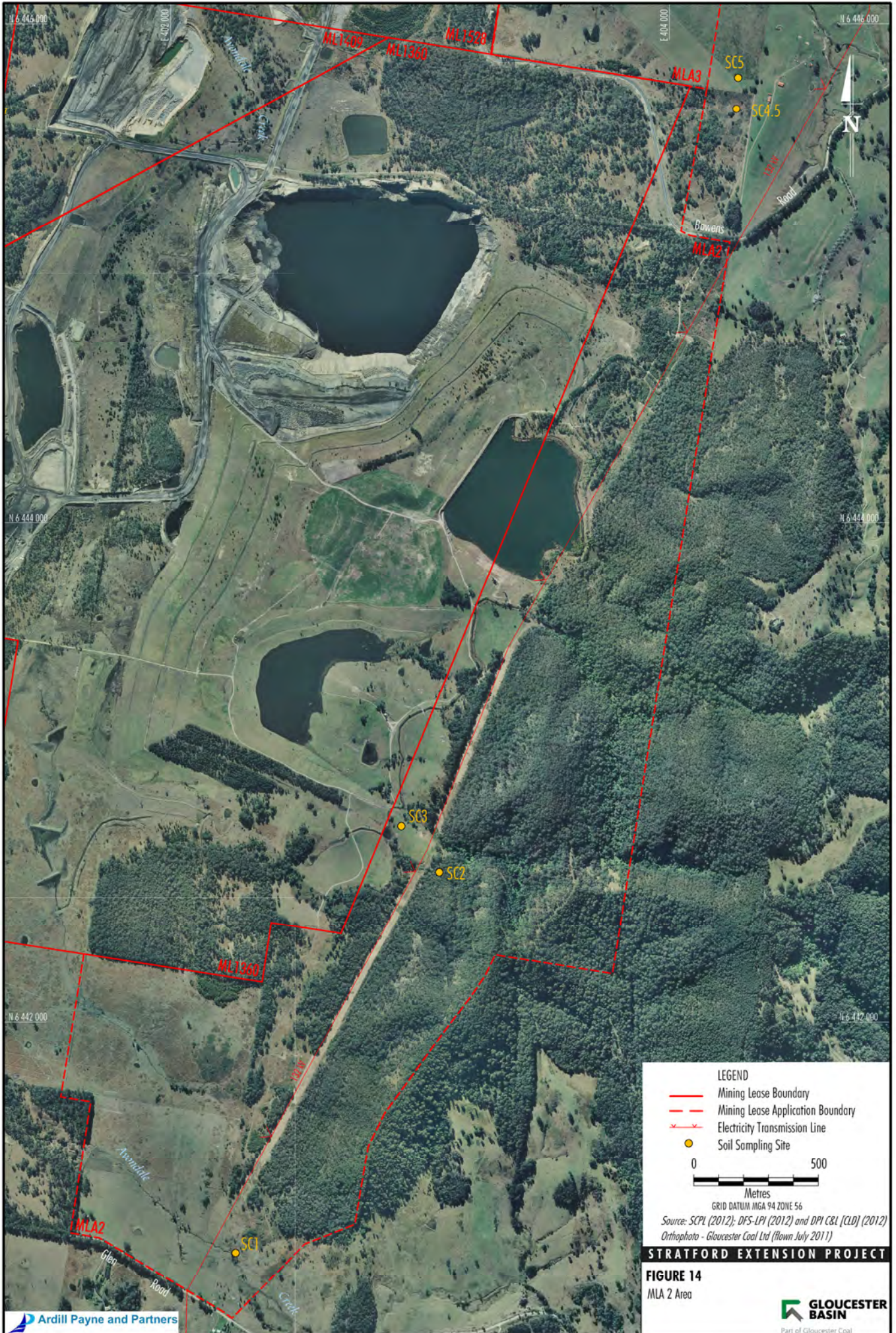
**Figure 13 – Vegetation Regeneration in MLA 1 (Taken at SC7 [refer to Figure 20] Looking North)**

### **7.3 MLA 2 Site Inspection**

MLA 2 is a long parcel of land located to the east of the Stratford Mining Complex as shown in **Figure 14**. MLA 2 is proposed to be the location of the Stratford East Open Cut (**Figure 2**). This would necessitate the realignment of an existing 132kV power line (**Figure 2**).

The southern section of MLA 2 contained cleared agricultural areas (**Figure 15**). This has historically been used for grazing and has also previously been logged.





**LEGEND**

- Mining Lease Boundary
- Mining Lease Application Boundary
- Electricity Transmission Line
- Soil Sampling Site

0 500  
Metres  
GRID DATUM MGA 94 ZONE 56  
Source: SCPL (2012); DFS-LPI (2012) and DPI &L (2012)  
Orthophoto - Gloucester Coal Ltd (flown July 2011)

**STRATFORD EXTENSION PROJECT**

**FIGURE 14**  
MLA 2 Area





**Figure 15 – Cleared Agricultural Land in MLA 2 (Taken at SC1 [refer to Figure 20] Looking South)**

The eastern portion of MLA 2 contains forest and has steep relief climbing to the east (**Figure 16**). This area is potentially regrowth after previous logging. The power line easement traverses this area of MLA 2.

An area in the western section of MLA 2 has been rehabilitated and is now leased for grazing (**Figure 17**). This area has undergone on-going pasture improvement via fertilising with “Dynamic Lifter” and other organic fertilisers.

The northern section of MLA 2 consisted of cleared agricultural lands with scattered vegetation. This has historically been used for grazing. **Figure 18** shows the area in the vicinity of MLA 2.



**Figure 16 – Vegetation Regrowth in MLA 2 (Taken from SC2 [refer to Figure 20] Looking North**



**Figure 17 – Area of Improved Pasture in MLA 2 (Taken at SC3 [refer to Figure 20] Looking West**





**Figure 18 – Cleared Agricultural Land in MLA 2 (Taken at SC4.5 [refer to Figure 20] Looking North West**

No dwelling structures or machinery sheds were noted within MLA 2. No signs of contamination were noted on MLA 2.

#### **7.4 MLA 3 Site Inspection**

MLA 3 is a square shaped parcel of land located in the north-western corner of the Project as shown in **Figures 2 and 12**. MLA 3 is directly east of the existing BRNOC and would include the northern waste emplacement extension, the Avon North Open Cut and the realignment of Bowens Road/Wenham Cox Road (**Figure 2**).

Currently MLA 3 contains cleared agricultural land used for cattle grazing. **Figure 19** shows the area in the vicinity of MLA 3. No dwelling structures or machinery sheds were noted within MLA 3.



**Figure 19 – Cleared Agricultural Land in MLA 3 (Taken at SC5 [refer to Figure 20] Looking North.**

## **7.5 Summary of Site Inspection**

Based on the Site inspection, it is considered that two AECs require further investigation:

- Agricultural use including sheep and cattle grazing; and
- The Stratford timber railway.

Agricultural activities have been conducted in the majority of the Site. In addition, the Stratford timber railway operated in the MLA 1 area.

No signs of contamination were noted in the Site.

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## 8 Sampling and Analysis Plan

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Based on the Site inspection, it is considered that two AECs require further investigation:

- Historical agricultural use including sheep and cattle grazing; and
- The Stratford timber railway.

Section 2.1 of the *Sampling Design Guidelines* (EPA, 1995) states that a preliminary sampling and analysis program may be required where investigations indicate possible sources of contamination. Given the above, sampling and analysis have been undertaken at the Site.

### 8.1 Sampling Objective

In accordance with *Sampling Design Guidelines* (EPA, 1995), the rationale behind sampling is to gather information concerning the location, nature, level and extent of contamination found on the Site. Given the low risk to human health from the proposed development activity on the Site (i.e. coal mining), a judgemental sampling pattern for soils was selected.

During the Site inspection, sampling points were selected based upon different environmental descriptors, either anthropogenic (presence/absence of disturbance, agricultural activity etc) or areas of higher perceived risk.

No sampling of groundwater was undertaken as part of this investigation. Monitoring of surface and groundwater is routinely conducted by SCPL.



## 8.2 Field Investigations

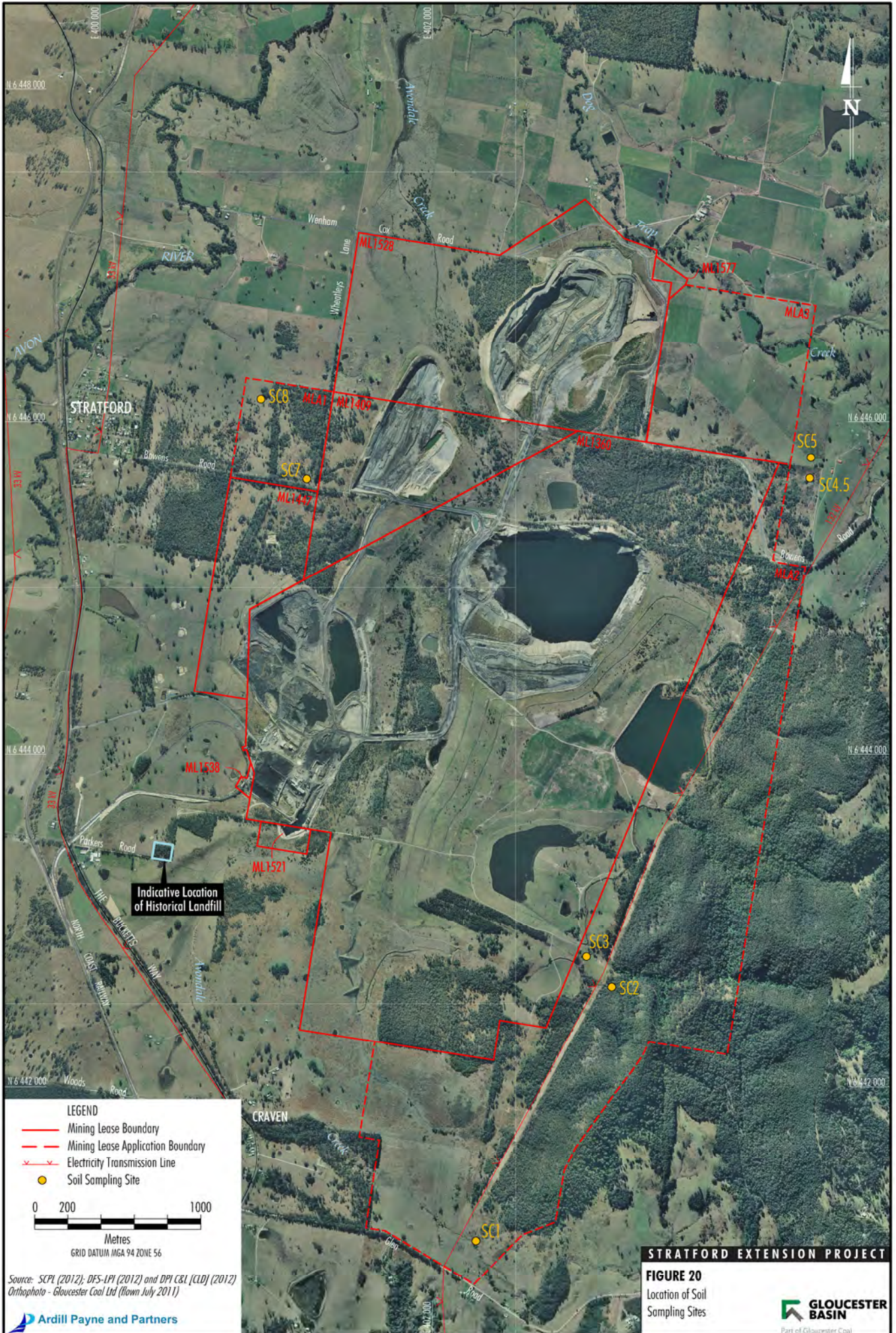
The field sampling investigation was conducted on the 9<sup>th</sup> December 2011. This involved the collection of seven samples. These were collected from below the root zone to 150 millimetres (mm) below ground level in accordance with the *Sampling Design Guidelines* (EPA, 1995). Soil sampling locations are shown on **Figure 20** and summarised in **Table 6**.

**Table 6 – Sampling Details**

Sample	Depth (mm)	Lat/ long	Site Area	Description
SC1	0-150	32 09.775 S 151 57.869E	MLA2	Agricultural Area – Grazing Area.
SC2	0-150	32 08.916S 151 58.358E	MLA 2	Forested Area.
SC3	0-150	32 08.820S 151 58.287E	MLA 2	Agricultural Area – Improved Pasture Area.
SC4.5	0-150	32 07.276 S 151 59.154E	MLA 2	Agricultural Area – Grazing Area with Natural regrowth.
SC5	0-150	32 07.219S 151 59.160E	MLA 3	Agricultural Area – Grazing Area.
SC7	0-150	32 07.282S 151 57.195E	MLA 1	Agricultural Area – Grazing Area with Natural regrowth.
SC8	0-150	32.07.048S 151 57.091E	MLA 1	Agricultural Area – Grazing Area with Natural regrowth.

It should be noted that at the time of sampling SC4.5 and SC5 were located in MLA 2 and MLA 3, respectively. Subsequent to sampling the MLA 2 and MLA 3 boundaries were modified. Sites SC4.5 and SC5 remain in the Development Application area and are still considered to be generally representative of the adjoining MLA 2 and MLA 3.





**LEGEND**

- Mining Lease Boundary
- - - Mining Lease Application Boundary
- x x Electricity Transmission Line
- Soil Sampling Site

0 200 1000  
Metres  
GRID DATUM MGA 94 ZONE 56

Source: SCPL (2012); DFS-LPI (2012) and DPI C&I (CLD) (2012)  
Orthophoto - Gloucester Coal Ltd (flown July 2011)

**Ardill Payne and Partners**

**STRATFORD EXTENSION PROJECT**

**FIGURE 20**  
Location of Soil Sampling Sites

**GLoucester BASIN**  
Part of Gloucester Coal



### 8.3 Sampling Methodology

Soil samples were collected in the field by suitably qualified and experienced staff members from APP. Soil samples were collected from the shovel as soon as they were removed from the ground to minimise loss of volatile substances (petroleum related compounds). Compositing was not performed on any samples.

### 8.4 Field Quality Assurance/Quality Control (QA/QC)

Sampling equipment was cleaned thoroughly between each sample location by washing in a mixture of water and phosphate-free detergent prior to a thorough rinsing in freshwater and drying with a paper towel.

All samples were placed into their relevant containers, stored in an iced esky and transported to the SCU Environmental Analysis Laboratory for testing. One field duplicate was collected during this investigation.

Chain of Custody (COC) documents were recorded for each sample and are attached in **Attachment 3**. The COC indicates the sample number, time sampled, sampler and analytical requirements.

### 8.5 Potential Contaminants of Concern

Based on the outcomes of the desktop Site history assessment and the Site inspection, three potential contaminants of concern have been identified for the Site:

- Pesticides/herbicides;
- Metals; and
- Petroleum hydrocarbons.

These are discussed in more detail below.

### ***Pesticides/Herbicides***

Herbicides and pesticides can be used during agricultural and horticultural activities to kill organisms that are deemed to be harmful.

Some pesticides contain heavy metals, organo-chlorine and organo-phosphates. Pesticides may cause acute and delayed health effects in those who are exposed to such. Pesticide exposure can cause a variety of adverse health effects. These effects can range from simple irritation of the skin and eyes to more severe effects such as affecting the nervous system, mimicking hormones causing reproductive problems, or causing cancer.

### ***Metals***

Metals occur naturally in the ecosystems with large variations in concentration. Anthropogenic sources of metals, from pollution, fertilisers, pesticides/herbicides and combustion products of fossil fuels can be introduced to an ecosystem.

Sources of metal contamination could potentially occur at either of the AECs identified on Site (i.e. agricultural or railway yard land uses).

### ***Petroleum Hydrocarbons***

Petroleum fuel products are a complex mixture of hydrocarbons that vary within fuel types and manufacturers. Petroleum products are made up of over 250 hydrocarbon compounds, of which only a few are identified as potential contaminants of concern (Indiana Department of Environment Management, 2006) including:

- Total Petroleum Hydrocarbons is the name assigned to petroleum hydrocarbon mixtures composed of compound with carbon fractions ranging from C6-C36.

- Benzene, toluene, ethyl benzene and xylene, also known as BTEX. BTEX compounds are not readily absorbed into soil particles and are readily leached into groundwater. BTEX compounds are soluble in water, highly mobile, volatile and degrade rapidly. These compounds present the greatest risk to receptors such as humans from vapours or consumption of groundwater. Benzene is a known human carcinogen, whereas all BTEX compounds are neurotoxins and cause damage to the heart, lungs, kidneys and ears (US Department of Health and Human Services Public Health Service Agency for Toxic Substances and Disease Registry, 2004).
- Polycyclic Aromatic Hydrocarbons (PAHs) are less mobile, more strongly absorbed into soil particles, less volatile and more slowly biodegraded than BTEX compounds. The greatest risk of exposure is from contact with surface soil. Benzo(a)pyrene is a known carcinogen (NEPC, 1999) and evidence suggests naphthalene has carcinogenic properties (US Department of Health and Human Services Public Health Service Agency for Toxic Substances and Disease Registry, 2005).

Sources of petroleum hydrocarbon contamination could potentially occur at either of the AECs identified on Site (i.e. agricultural or railway yard land uses).

Given the above, all samples were screened for the analytes presented in **Table 7**.



**Table 7 – Analytes Requested for Laboratory Analysis**

Analytes Tested	Use/Potential Contamination Source
Metals	Agricultural chemicals, pesticides, herbicides and fertilisers, industrial chemicals.
Organo-chlorine Pesticides	Agricultural pesticide/herbicides.
Organo-phosphate Pesticides	Agricultural pesticide/herbicides.
Polychlorinated Biphenyl (PCBs)	Dielectric fluid found in electricity transformers, capacitors and electric motors.
Total Petroleum Hydrocarbons (C6 – C36)	Farm machinery/vehicle use, petroleum storage, timber preservatives, lubrication oils.
Benzene, Toluene, Ethylbenzene and Xylene (BTEX)	Volatile Organic Compounds which are contained in petroleum, lubricating fluids, and some plastics. Farm machinery/vehicle use, petroleum storage, timber preservatives, lubrication oils.
Poly Aromatic Hydrocarbons (PAH's)	Atmospheric pollutants. By-product from the combustion of petroleum products. Naturally occurring in coal, oil and tar deposits.  Direct contamination from coal reserves. Indirect contamination from burning of fossil fuel in machinery. Potential by-product of bushfire.

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## 9 Assessment Criteria

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The *Contaminated Land Management Act 1997* allows the OEH to approve guidelines for purposes associated with the *Contaminated Land Management Act 1997*, such as contaminated land assessments.

For the purpose of assessing site contamination of soil at the Site, investigation levels from OEH's approved guidelines have been selected for the protection of human health and ecological impacts via exposure to contaminants.

### 9.1 Soils Assessment Criteria

OEH recommends using the NEPM (NEPC, 1999) for assessing soil contamination, which includes a range of investigation levels for various land uses that are designed to be used for guidance purposes to determine if further investigation is needed. For the purpose of this investigation the following soil assessment criteria from *Schedule B1 Guideline on the Investigation Levels for Soil and Groundwater* of the NEPM (NEPC, 1999) has been adopted:

- NEPM Health Investigation Levels (HILs) exposure setting F (HIL F) for Commercial and Industrial land use.

The HILs from the NEPM only cover non-volatile and semi-volatile substances. Therefore other guidelines have been adopted to cover other contaminants. Investigation levels from the *Guidelines for Assessing Service Station Sites* (EPA, 1994) have been used for petroleum based compounds. In instances where these documents provided insufficient investigation level criteria, information from the *Risk-based Assessment of Soil and Groundwater Quality in the Netherlands: Standards and Remediation Urgency* (Swartjes, 1999) have been used as interim investigation levels.

The function of the NEPM HILs is to be an indicator for contamination, and they are not to be used as maximum permissible levels that would preclude the intended land use. The NEPM guidelines recommend further investigation and health risk assessments are undertaken where soil exceeds the HILs.

The adopted soil assessment criteria are considered suitable to represent the proposed land use.

## **9.2 Assumptions and Limitations of Criteria**

The selected criteria have been sourced from various documents which are currently accepted by the EPA. The threshold and background levels contained in these documents have been established through toxicity tests and field and laboratory experiments. In some cases insufficient data currently exists to provide thresholds. In these cases, the data is simply used as an indicator of the presence and extent of contamination.

The NEPM HILs have been derived considering all exposure routes including ingestion, dermal exposure and inhalation, however most HILs have been derived and are based on oral ingestion exposure pathways. It must be stressed that in a commercial/industrial setting limited contact with soil will occur, thus reducing the potential for ingestion of soil. These investigation levels are used as a guide for further investigation if investigation levels are exceeded.

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## 10 Laboratory Analysis Results

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The soil sample laboratory analysis results for the Site and relevant assessment criteria are presented in **Table 8**.

### 10.1 Results

None of the samples submitted resulted in levels reaching or exceeding the relevant assessment criteria and were consistent with natural background levels (NEPC, 1999).

**Table 8 – Soil Sample Laboratory Analysis Results**

Analyte	Assessment Criteria	SC1	SC2	SC3	SC4.5 <sup>4</sup>	SC5 <sup>4</sup>	SC7	SC8	DUP QA/QC
Silver (mg/kg DW)	<15 <sup>2</sup>	<0.5	<0.5	<0.5	<0.5	0.5	<0.5	<0.5	<0.5
Arsenic (mg/kg DW)	<500 <sup>1</sup>	5	2	3	7	8	6	11	7
Lead (mg/kg DW)	<1,500 <sup>1</sup>	14	6	12	16	14	16	22	14
Cadmium (mg/kg DW)	<100 <sup>1</sup>	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Chromium (mg/kg DW)	<500 <sup>1</sup>	3	3	4	7	7	7	9	6
Copper (mg/kg DW)	<5,000 <sup>1</sup>	2	5	4	5	3	4	2	3
Manganese (mg/kg DW)	<7,500 <sup>1</sup>	65	84	147	1064	447	974	97	532
Nickel (mg/kg DW)	<3,000 <sup>1</sup>	1	3	3	4	3	6	6	2
Selenium (mg/kg DW)	100 <sup>2</sup>	0.6	0.3	0.6	0.4	0.8	0.7	0.5	0.7
Zinc (mg/kg DW)	<35,000 <sup>1</sup>	6	30	14	24	18	28	36	20
Mercury (mg/kg DW)	<75 <sup>1</sup>	<0.05	<0.05	<0.05	<0.05	0.08	<0.05	<0.05	<0.05
Iron (% DW)	na	2.03	1.00	1.15	1.77	2.26	1.67	5.61	2.03
Aluminium (% DW)	na	0.44	1.34	0.95	1.06	0.88	1.10	0.59	0.86
<b>Pesticide Analysis Screen</b>									
4, 4 DDT (mg/kg)	<1,000 <sup>1</sup>	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Other Organochlorine Pesticides (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Other Organophosphate Pesticides (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
PCB's (mg/kg)	<50 <sup>1</sup>	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1



**Table 8 – Soil Sample Laboratory Analysis Results (cont)**

Analyte	Assessment Criteria	SC1	SC2	SC3	SC4.5	SC5	SC7	SC8	DUP QA/QC
<b>Hydrocarbon Analysis Results</b>									
<b>BTEX</b>									
Benzene (mg/kg)	<1 <sup>3</sup>	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene (mg/kg)	<130 <sup>3</sup>	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene (mg/kg)	<50 <sup>2</sup>	<1	<1	<1	<1	<1	<1	<1	<1
Total m+p-Xylenes (mg/kg)	<25 <sup>2</sup>	<2	<2	<2	<2	<2	<2	<2	<2
o-Xylene (mg/kg)	na	<1	<1	<1	<1	<1	<1	<1	<1
Total BTEX	na	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected
<b>Total Petroleum Hydrocarbons</b>									
C6-C9 (Volatile) Fraction (mg/kg)	<65 <sup>3</sup>	<25	<25	<25	<25	<25	<25	<25	<25
C10-C14 Fraction (mg/kg)	na	<50	<50	<50	<50	<50	<50	<50	<50
C15-C28 Fraction (mg/kg)	na	<100	<100	<100	<100	<100	<100	<100	<100
C29-C36 Fraction (mg/kg)	na	<100	<100	<100	<100	<100	<100	<100	<100
Sum of C10-C36 (mg/kg)	<1,000 <sup>3</sup>	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected

**Table 8 – Soil Sample Laboratory Analysis Results (cont)**

Analyte	Assessment Criteria	SC1	SC2	SC3	SC4.5	SC5	SC7	SC8	DUP QA/QC
<b>Polycyclic Aromatic Hydrocarbons (PAH)</b>									
Naphthalene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Anthracene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Pyrene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benz(a)anthracene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Chrysene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b)&(k)fluoranthene (mg/kg)	na	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene (mg/kg)	5 <sup>1</sup>	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(1,2,3-c,d)pyrene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenz(a,h)anthracene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(g,h,i)perylene (mg/kg)	na	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Sum of reported PAHs (mg/kg)	100 <sup>1</sup>	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected

<sup>1</sup> NEPM (1999) HIL-F.

<sup>2</sup> Risk-based Assessment of Soil and Groundwater Quality in the Netherlands: Standards and Remediation Urgency (Swartjes,1999).

<sup>3</sup> EPA (1994).

<sup>4</sup> At the time of sampling SC4.5 and SC5 were located in MLA 2 and MLA 3, respectively. Subsequent to sampling the MLA 2 and MLA 3 boundaries were modified. Refer to Section 8.2 for additional discussion.

Note: mg/kg = milligrams per kilogram      mg/kg DW = milligrams per kilogram dry weight      % DW = percentage dry weight.

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## 11 Remediation

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Based on the outcomes of this Stage 1 – Preliminary Investigation, it is considered that no remediation would be required for the Project.

Notwithstanding the above, in the event that an area of potential land contamination is identified during the Project, work in that immediate area would cease and the area made safe. The unexpected contamination would be assessed by a suitably qualified person and remediation strategies put in place to manage this contamination if necessary after approval by the appropriate authority.

The land contamination assessment would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).

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## 12 Conclusions

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APP has undertaken a Stage 1 – Preliminary Investigation for the Project in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998). The Project would involve the continuation and extension of open cut coal mining and processing activities at the Stratford Mining Complex. This is considered to be a commercial/industrial land use for the purposes of this land contamination assessment.

This Stage 1 – Preliminary Investigation has:

- Described the site condition and surrounding environment;
- Provided a summary of the Site history;
- Identified past and present potentially contaminating activities and potential contaminant types;
- Provided a preliminary assessment of the Site contamination;
- Assessed the need for further investigations;
- Assessed soil sample analysis results against relevant criteria; and
- Assessed the suitability of the Site for the proposed use (i.e. mining operations).



A desktop Site history assessment and a Site inspection have been conducted as part of the Stage 1 – Preliminary Investigation. The desktop Site history assessment encompassed the Site and adjacent areas. Information used to assist in the site history was also collected and collated from the following sources:

- Review of available Site history details;
- LPI – Historic Title Search;
- Historical aerial photographs;
- OEH’s POEO Act Public Register;
- OEH’s Contaminated Land – Record of Notices;
- Gloucester Shire Council’s CLMP and associated register; and
- Section 149 Planning Certificates.

The Site inspection included:

- An inspection of the Site to identify potential areas of contamination; and
- Preliminary soil sampling at areas identified as potentially contaminated during the Site inspection.

Based on the desktop Site history assessment and the Site inspection, it was considered that two AECs require further investigation:

- Agricultural use including sheep and cattle grazing; and
- The Stratford timber railway.

Agricultural activities have been conducted in the majority of the Site. In addition, the Stratford timber railway operated in the MLA 1 area. No signs of contamination were noted in the Site.

Based on the desktop Site history assessment and the Site inspection, three potential contaminants of concern have been identified for the Site:

- Pesticides/herbicides;
- Metals; and
- Petroleum hydrocarbons.

Given the above, a judgmental sampling and analysis plan was undertaken. A total of seven samples were analysed for the suite of potential contaminants of concern.

None of the samples submitted resulted in levels reaching or exceeding the relevant assessment criteria and were consistent with natural background levels (NEPC, 1999).

Based on the Stage 1 – Preliminary Investigation for the Project prepared in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998), there is no evidence that the Site is contaminated.

Notwithstanding the above, in the event an area of potential land contamination is identified during the Project, the unexpected contamination would be assessed by a suitably qualified person and if necessary remediation strategies put in place to manage this contamination after approval by the appropriate authority.

Based on the above assessment it is assessed that further investigation is **not required** and that the **Site is suitable** for the proposed commercial or industrial development (i.e. the Project).

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## 13 General Notes

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### **General**

Geotechnical and environmental reports present the results of investigations carried out for a specific project and usually for a specific phase of the project (e.g. preliminary design). The report is based specific criteria, such as the nature of the project, underground utilities or scope of service limitations imposed by the Client. The report may not be relevant for other phases of the project (e.g. construction), after some time or where project details and clients change.

### **Soil and Rock Description**

Soil and rock descriptions are based on AS1726-1993 using visual and tactile assessment except at discrete locations where field and/or laboratory tests have been carried out. Refer to the terms and symbols sheet for definitions.

### **Groundwater**

The water levels indicated are taken at the time of measurement and depending on material permeability may not reflect the actual groundwater level at those specified locations. Also groundwater levels can vary with time due to seasonal fluctuation, construction activities and other external factors.

### **Interpretation of Results**

The discussion and recommendations in the accompanying report are based on extrapolation/interpolation from data obtained at discrete locations and other external sources and guidelines. The actual interface between the materials may be far more gradual or abrupt than indicated. Also actual conditions in areas not sampled may differ from those predicted.

The report is based on significant background details that only the authors can be aware off, and therefore implementation of the recommendations by others may lead to misinterpretation and complications. Therefore this company should be consulted to explain the reports implications to other involved parties.

Reporting relies on interpretation of often limited factual information based on judgment and opinion which has a level of uncertainty and ambiguity attached to it, and is far less exact than other design disciplines. This should be considered by users of the report when assessing the implications of the recommendations.

### **Change in Conditions**

Subsurface conditions can change with time and can vary between test locations. Construction operations at or adjacent to the site and natural events such as floods, earthquakes or groundwater fluctuations can also affect subsurface conditions.



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## 14 References

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1. *Department of Urban Affairs and Planning and the Environment Protection Authority (1998). Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land.*
2. *Environment Protection Authority (1994). Guidelines for Assessing Service Station Sites.*
3. *Environment Protection Authority (1995). Sampling Design Guidelines.*
4. *Environment Protection Authority (2000). Guidelines for Consultants Reporting on Contaminated Sites.*
5. *Gilbert & Associates (2012). Stratford Extension Project Environmental Assessment Surface Water Assessment.*
6. *Gloucester Shire Council (2005). Contaminated Land Management Policy.*
7. *Heritage Computing (2012). Stratford Extension Project Groundwater Assessment: A Hydrogeological Assessment of the Stratford Extension Project Environmental Assessment.*
8. *Heritage Management Consultants Pty Ltd (2012). Stratford Extension Project Non-Aboriginal Heritage Assessment.*
9. *Indiana Department of Environment Management (2006). Risk Integrated System of Closure (RISC) Technical Guide.*
10. *National Environment Protection Council (1999). National Environment Protection (Assessment of Site Contamination) Measure.*
11. *Office of Environment and Heritage Contaminated Land: POEO Public Register - Accessed 13/01/2012*  
<<http://www.environment.nsw.gov.au/prpoeoapp/searchregister.aspx>>
12. *Office of Environment and Heritage Contaminated Land: Record of Notices - Accessed 13/01/2012*  
<<http://www.environment.nsw.gov.au/prclmapp/searchregister.aspx>>

13. Swartjes, F.A. (1999). *Risk-based Assessment of Soil and Groundwater Quality in the Netherlands: Standards and Remediation Urgency*. *Risk Analysis* 19(6): 1235-1249.
14. U.S. Department of Health and Human Services Public Health Service Agency for Toxic Substances and Disease Registry (2004). *Interaction profile for: Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX)*.
15. U.S. Department of Health and Human Services Public Health Service Agency for Toxic Substances and Disease Registry (2005) *Division of Toxicology ToxFAQs – Napthalene*

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15 Glossary

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Below is a list of commonly used abbreviations in the report:

AEC – Areas of Environmental Concern

APP – Ardill Payne and Partners

COC – Chain of Custody

EPA – Environment Protection Authority

HILs – Health Investigation Levels (for soil)

NEPM – National Environment Protection Measure

OEH – Office of Environment & Heritage

QA/QC – Quality Assurance and Quality Control

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## 16 Attachments

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- Attachment 1      Historical Landfill Record
- Attachment 2      Section 149 Planning Certificates
- Attachment 3      Chain of Custody Documents

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**ATTACHMENT 1**

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**Attachment 1**  
Historical Landfill  
Record



MEETING OF THE BOARD OF HEALTH, held at 2 p.m.

Tuesday, the 8th day of January, 1929.

LOCAL GOVERNMENT ACT:

Application by Gloucester Shire Council for approval of a site, described hereunder, for use as a sanitary depot for Stratford and Craven:

Decided that the application be forwarded to the Minister for Public Health with a recommendation that the situation of the area be approved in accordance with the provisions of Section 283 (4) of the "Local Government Act, 1919", provided that adequate provision be made, by means of suitable trenches, to prevent surface water from adjacent land gaining access to the burial site, and water from burial site gaining access to adjacent roads.

DESCRIPTION OF AREA:

All that piece or parcel of land situate in the Parish of Avon County of Gloucester, being part of Lot 41 of Avon sub-division commencing at the south-eastern corner of the aforesaid lot and bounded thence on the east for a distance of 400 links by part of the eastern boundary of the lot aforesaid, thence on the north by a line bearing west 500 links, thence on the west by a line bearing south 400 links, and thence on the south by the southern boundary of lot aforesaid for a distance of 500 links to the point of commencement, containing an area of two acres

FILE  
17 JAN 1929

*James D. Potter*  
Acting Secretary.

Forwarded for favour of submission to the Minister for Public Health.

The Under Secretary,  
Department of Public Health,  
11th January, 1929.

*James D. Potter*  
Acting Secretary.  
MR. ANDERSON  
12 JAN 1929

CHIEF SANITARY INSPECTOR  
17 JAN 1929  
*Noted*

SUBMITTED for Ministerial approval.

The Acting Secretary to the Director General of Public Health.

APPROVED.

*R.A.*  
15 JAN 1929

*U.S.*  
15.1.29.

E.B. HARKNESS,

Sydney, 27th January 1961

# HEALTH INSPECTION BRANCH

from Health Inspector, s Anderson and Bailey

## TO THE CHIEF INSPECTOR

**SUBJECT:** Proposed use of Gloucester nightsoil depot for the disposal of both nightsoil and garbage.

Date of Inspection: 16/6/60

MI 1128 A. H. PETTIFER, GOVERNMENT PRINTER

*Action might be taken as Recd. RRR 27/1*

*(1) Secretary  
(2) Director General of Public Health*

*Approved [Signature]*

27 FEB 1961

Following advice from Gloucester Shire Council on 2nd November 1959 that it intended to render garbage removal services to the Villages of Barrington and Stratford and extend the garbage scavenging district in the Town of Gloucester, an inspection of the existing nightsoil depot was made in company with Council's Health Inspector, Mr. Truscott with a view to its use for garbage disposal. The depot was approved by the Board of Health for nightsoil disposal on 9/9/53.

It was found that garbage is already being deposited on a section of the depot and was only partially covered. A large number of loose pieces of paper were seen on the ground.

The area being used for nightsoil disposal was found to be nearly worked out, although the nightsoil was being dealt with satisfactorily and no odour or flies were in evidence.

The reason for the depot being almost worked out is the fact that a large area has been used for the illegal disposal of garbage for some years.

**RECOMMENDATION:-**

The Local Authority might be informed as follows:-

Following a recent inspection of the Gloucester Shire Sanitary Depot by Officers of this Department in company with Council's Health Inspector Mr. Truscott, it was noted that the area available for future nightsoil and garbage disposal was limited, and it is therefore recommended that Council take steps to acquire a new sanitary depot site of adequate area to meet future requirements.

Council's attention is drawn to the fact that garbage being deposited on the depot was uncovered. It is suggested that in future the "trench and cover" method be used in order to ensure that the garbage is adequately covered and in any case that the requirements of Clause 7, Ordinance 51, Local Government Act 1919 relating to the disposal of garbage be enforced.

In view of recent complaints concerning the existing Depot a further inspection and investigation will be made by this Department before consideration is given to recommending its approval for use for garbage disposal.

*[Signature]*  
HEALTH INSPECTOR

**PARTICULARS RESPECTING SANITARY DEPOT SITE proposed to be used by the Council of the Municipality or Shire of GLOUCESTER.**

(LOCAL GOVERNMENT ACT 1919, SECTION 283.)

<p>1. Full description of site—area, locality (Municipality or Shire, County, Parish, Reserve, Portion, frontage to roads, streets, &amp;c.)</p>	<p>The site comprises an area of 2 acres in the South East corner of Lot 41 of Avon Subdivision in Gloucester Shire, County of Gloucester, Parish of Avon and has a frontage to reserved road on the South of 5 chains and on the East 4 chains.</p>
<p>2. Nature and depth of soil, and area available for trenching.</p>	<p>Friable gritty soil on clay subsoil with a depth ranging from twelve to twentyfour inches. The whole of the area would be available for trenching if required.</p>
<p>3. Kind and amount of growth (trees, scrub, &amp;c., or whether cleared).</p>	<p>No standing green timber. Land is cleared excepting the removal of a few stumps and logs.</p>
<p>4. Presence of water; distance, nature of nearest supply available; possibility of obtaining supply by sinking.</p>	<p>No water on or adjacent to the area and there seems to be no indication that it could be got by sinking unless at considerable expense. It would however be possible to conserve sufficient surface water to meet washing requirements.</p>
<p>5. Drainage from; full particulars as to safety of any waters which are, or may be, used for drinking or domestic purposes.</p>	<p>No pollution can possibly result from the presence of the depot.</p>
<p>6. Dwellings in neighbourhood; distance of and direction (with reference to prevailing winds).</p>	<p>No dwelling closer than about half a mile. The area having fairly well sheltered surroundings the existence of the depot will never be noticeable at any dwelling now within the scavenging district.</p>
<p>7. Distance from central point of dwellings to be served.</p>	<p>About <math>1\frac{3}{4}</math> miles.</p>
<p>8. Accessibility (road good or bad, &amp;c., hills, state in bad weather).</p>	<p>Accessibility is good excepting about 30 chains of road leading into the depot from the Main Road and which will be attended to before service starts.</p>
<p>9. Expenditure required to fit for use (considerable or otherwise).</p>	<p>To improve this length of road and clear logs and stumps off area will take an expenditure of about £90.</p>
<p>10. Any important objection raised by any party concerned; its nature and weight (in surveyors' opinion).</p>	<p>There are no objections raised.</p>
<p>11. Sketch map to be furnished also ..</p>	<p>Sketch plan will be found attached.</p>

To be completed and returned to—

THE SECRETARY TO THE BOARD OF HEALTH,

(Signed)

*M. J. Jordan*

(Office held)

Health Officer.

# — PLAN —

— of area for Nightsoil Depot to serve —

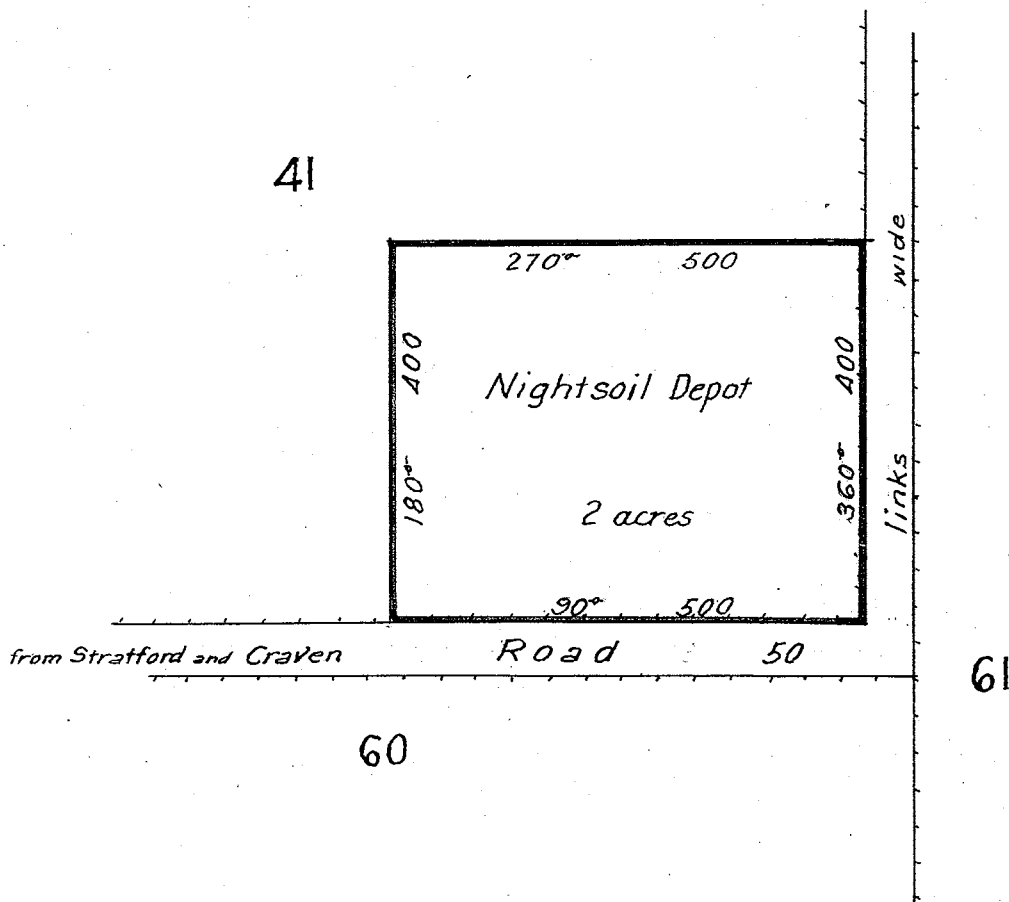
— Villages of Stratford and Craven —

— being (part of Portion A1) —

Parish of Avon, County of Gloucester and Subdivision of Avon

— Shire of Gloucester —

— Scale 2 chains to an inch. Measurements in links. —



## DESCRIPTION:-

All that piece or parcel of land situate in the Parish of Avon, County of Gloucester, in the Shire of Gloucester and in the State of New South Wales and being part of Lot 41 of Avon Subdivision COMMENCING at the South East corner of the aforesaid Lot and bounded thence on the East for a distance of 400 links by part of the Eastern boundary of the Lot aforesaid thence on the North by a line bearing West 500 links thence on the West by a line bearing South 400 links and thence on the South by the Southern boundary of Lot aforesaid for a distance of 500 links to the point of commencement containing an area of two acres.

*N. J. Fordyce*

Shire Engineer,  
6th December 1928.

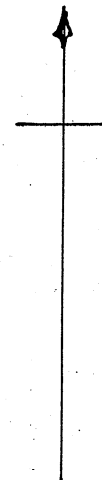


PLAN

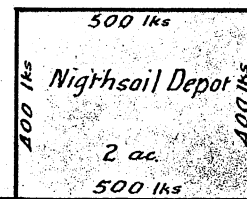
showing location of Nightsoil Depot for Scavenging District  
— to serve Villages of Stratford and Craven —

Gloucester Shire  
County of Gloucester, Parish of Avon

Scale 4 chains to an inch

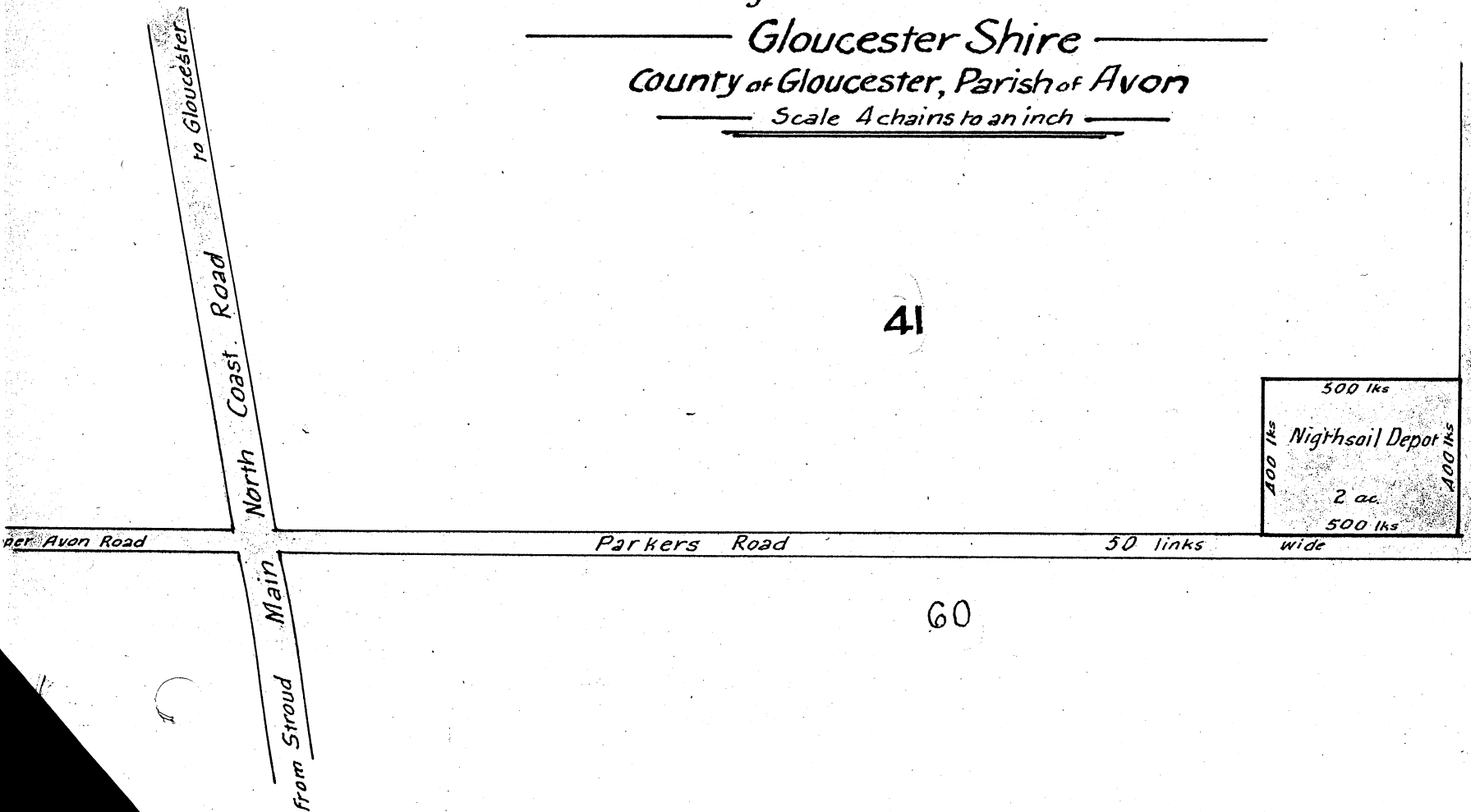


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**ATTACHMENT 2**

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**Attachment 2**  
Section 149 Planning  
Certificates

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 503/2012

**Document No.:** 32505.29

**Parcel No.:** 502003

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Lot: 45 DP: 979859      **Parish:** Avon

**PRESCRIBED MATTER**

**1 Names of relevant planning instruments and DCPs**  
 (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

**INFORMATION**

**1 Names of relevant planning instruments and DCPs**  
 (1) (a) Gloucester Local Environmental Plan 2010  
 (b) State Environmental Planning Policies:

- State Environmental Planning Policy No 1— Development Standards
- State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development
- State Environmental Planning Policy No 6— Number of Storeys in a Building
- State Environmental Planning Policy No 15— Rural Landsharing Communities
- State Environmental Planning Policy No 21— Caravan Parks
- State Environmental Planning Policy No 22— Shops and Commercial Premises
- State Environmental Planning Policy No 30— Intensive Agriculture
- State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy No 33— Hazardous and Offensive Development
- State Environmental Planning Policy No 36— Manufactured Home Estates
- State Environmental Planning Policy No 44— Koala Habitat Protection
- State Environmental Planning Policy No 50— Canal Estate Development

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production



(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(b) any environmental planning instrument, or

(c) any resolution of the council.

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

**9 Contributions plans**

The name of each contributions plan applying to the land.

(a) No

(b) No

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

No

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

**7A Flood related development controls information**

(1) No

(2) No

**8 Land reserved for acquisition**

No

**9 Contributions plans**

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure


Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No



<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 503/2012

**Document No.:** 32505.29

**Parcel No.:** 502003

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Lot: 45 DP: 979859      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
For General Manager

Date: 23 February 2012

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 504/2012

**Document No.:** 32505.29

**Parcel No.:** 502008

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 74 DP: 979859      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010            (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>

(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

(3) The name of each development control plan that applies to the carrying out of development on the land.

(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

(2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

(4) Council has not been notified of any draft state or regional environmental plan applying to the land.

- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production



(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the *Roads Act 1993*, or

(b) any environmental planning instrument, or

(c) any resolution of the council.

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

**9 Contributions plans**

The name of each contributions plan applying to the land.

(a) No

(b) No

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

No

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

**7A Flood related development controls information**

(1) No

(2) No

**8 Land reserved for acquisition**

No

**9 Contributions plans**

Gloucester Shire Council Section 94 Contributions Plan  
Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012



**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 504/2012

**Document No.:** 32505.29

**Parcel No.:** 502008

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 74 DP: 979859      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Council does not maintain an access road to this land.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

**For General Manager**

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 505/2012

**Document No.:** 32505.29

**Parcel No.:** 502009

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 75 DP: 979859      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>

(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

(3) The name of each development control plan that applies to the carrying out of development on the land.

(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

(2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

(4) Council has not been notified of any draft state or regional environmental plan applying to the land.

- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(b) any environmental planning instrument, or

(c) any resolution of the council.

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

**9 Contributions plans**

The name of each contributions plan applying to the land.

(a) No

(b) No

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

No

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

**7A Flood related development controls information**

(1) No

(2) No

**8 Land reserved for acquisition**

No

**9 Contributions plans**

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.



**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

(a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (i) the period for which the certificate is current, and
- (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 505/2012

**Document No.:** 32505.29

**Parcel No.:** 502009

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 75 DP: 979859      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

\_\_\_\_\_  
**For General Manager**

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 506/2012

**Document No.:** 32505.29

**Parcel No.:** 4562

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt 70 DP: 979859      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>



(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

(3) The name of each development control plan that applies to the carrying out of development on the land.

(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

(2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

(4) Council has not been notified of any draft state or regional environmental plan applying to the land.

- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(e) No

(f) whether the land includes or comprises critical habitat,

(f) No

(g) whether the land is in a conservation area (however described),

(g) No

(h) whether an item of environmental heritage (however described) is situated on the land.

(h) No

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure


Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No



<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
 For General Manager

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 506/2012

**Document No.:** 32505.29

**Parcel No.:** 4562

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 70 DP: 979859      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Council does not maintain an access road to this land.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
For General Manager

Date: 23 February 2012

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 507/2012

**Document No.:** 32505.29

**Parcel No.:** 500880

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Mr R C & Mrs C A  
 Clarke

**Address:** 12 Kens Road  
 FRENCHS FOREST  
 NSW 2086

**Description of Land**

**Property Address:** 453 Bowens Road STRATFORD 2422

**Property Title:** Lot: 293 DP: 137520      **Parish:** Avon      **Area:** 204.5000 Hectares

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> <li>• State Environmental Planning Policy No 55—</li> </ul>

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
  - State Environmental Planning Policy No 64— Advertising and Signage
  - State Environmental Planning Policy No65— Design Quality of Residential Flat Development
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
  - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
  - State Environmental Planning Policy (Infrastructure) 2007
  - State Environmental Planning Policy (Major Projects) 2005
  - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
  - State Environmental Planning Policy (Rural Lands) 2008
  - State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or road realignment under:

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment



(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

(a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:

(i) the period for which the certificate is current, and  
(ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
 For General Manager

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 507/2012                      **Document No.:** 32505.29                      **Parcel No.:** 500880

**Fees:** \$133.00                      **Receipt No.:** 195333

**Owner:** Mr R C & Mrs C A Clarke                      **Address:** 12 Kens Road  
FRENCHS FOREST  
NSW 2086

**Description of Land**

**Property Address:** 453 Bowens Road STRATFORD 2422

**Property Title:** Lot: 293 DP: 137520                      **Parish:** Avon                      **Area:** 204.5000 Hectares

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
For General Manager

Date: 23 February 2012

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 508/2012

**Document No.:** 32505.29

**Parcel No.:** 503145

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 772 DP: 826955      **Parish:** Avon

**PRESCRIBED MATTER**

**1 Names of relevant planning instruments and DCPs**

(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

**INFORMATION**

**1 Names of relevant planning instruments and DCPs**

(1) (a) Gloucester Local Environmental Plan 2010  
 (b) State Environmental Planning Policies:

- State Environmental Planning Policy No 1—  
Development Standards
- State Environmental Planning Policy No 4—  
Development Without Consent and  
Miscellaneous Exempt and Complying  
Development
- State Environmental Planning Policy No 6—  
Number of Storeys in a Building
- State Environmental Planning Policy No 15—  
Rural Landsharing Communities
- State Environmental Planning Policy No 21—  
Caravan Parks
- State Environmental Planning Policy No 22—  
Shops and Commercial Premises
- State Environmental Planning Policy No 30—  
Intensive Agriculture
- State Environmental Planning Policy No 32—  
Urban Consolidation (Redevelopment of Urban  
Land)
- State Environmental Planning Policy No 33—  
Hazardous and Offensive Development
- State Environmental Planning Policy No 36—  
Manufactured Home Estates
- State Environmental Planning Policy No 44—  
Koala Habitat Protection
- State Environmental Planning Policy No 50—  
Canal Estate Development



- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

(a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (i) the period for which the certificate is current, and
- (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
 For General Manager

Date: 23 February 2012



**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 508/2012

**Document No.:** 32505.29

**Parcel No.:** 503145

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt. 772 DP: 826955      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
For General Manager

Date: 23 February 2012

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 509/2012

**Document No.:** 32505.29

**Parcel No.:** 503870

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd &  
 others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 12 DP: 1139127      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(e) No

(f) whether the land includes or comprises critical habitat,

(f) No

(g) whether the land is in a conservation area (however described),

(g) No

(h) whether an item of environmental heritage (however described) is situated on the land.

(h) No

### 3 Complying development

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

No

(a) adopted by the council, or

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

- (a) Council has not been notified of any certificate.

- (b) No consent has been issued.



## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 509/2012

**Document No.:** 32505.29

**Parcel No.:** 503870

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Bucketts Way South STRATFORD 2422

**Property Title:** Pt: 12 DP: 1139127      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Yes. Authorisation No. 311 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

\_\_\_\_\_  
For General Manager

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 510/2012

**Document No.:** 32505.29

**Parcel No.:** 500784

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** 3054 Bucketts Way South CRAVEN 2422

**Property Title:** Lot: 1 DP: 116325      **Parish:** Avon

**PRESCRIBED MATTER**

**1 Names of relevant planning instruments and DCPs**

(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

**INFORMATION**

**1 Names of relevant planning instruments and DCPs**

(1) (a) Gloucester Local Environmental Plan 2010  
 (b) State Environmental Planning Policies:

- State Environmental Planning Policy No 1—  
Development Standards
- State Environmental Planning Policy No 4—  
Development Without Consent and  
Miscellaneous Exempt and Complying  
Development
- State Environmental Planning Policy No 6—  
Number of Storeys in a Building
- State Environmental Planning Policy No 15—  
Rural Landsharing Communities
- State Environmental Planning Policy No 21—  
Caravan Parks
- State Environmental Planning Policy No 22—  
Shops and Commercial Premises
- State Environmental Planning Policy No 30—  
Intensive Agriculture
- State Environmental Planning Policy No 32—  
Urban Consolidation (Redevelopment of Urban  
Land)
- State Environmental Planning Policy No 33—  
Hazardous and Offensive Development
- State Environmental Planning Policy No 36—  
Manufactured Home Estates
- State Environmental Planning Policy No 44—  
Koala Habitat Protection
- State Environmental Planning Policy No 50—  
Canal Estate Development

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(e) No

(f) whether the land includes or comprises critical habitat,

(f) No

(g) whether the land is in a conservation area (however described),

(g) No

(h) whether an item of environmental heritage (however described) is situated on the land.

(h) No

### 3 Complying development

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

No - Complying development is not permissible within this zone.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* land that comprises, or on which there is a heritage item or a draft heritage item.

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or



road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

- (a) Council has not been notified of any certificate.

- (b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
 For General Manager

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 510/2012

**Document No.:** 32505.29

**Parcel No.:** 500784

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** 3054 Bucketts Way South CRAVEN 2422

**Property Title:** Lot: 1 DP: 116325      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
For General Manager

Date: 23 February 2012

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 511/2012

**Document No.:** 32505.29

**Parcel No.:** 500787

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** 89 Glen Road CRAVEN 2422

**Property Title:** Lot: 66 DP: 1008585      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>



- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –  
 Zone No. Gloucester LEP 2010  
 RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(e) No

(f) whether the land includes or comprises critical habitat,

(f) No

(g) whether the land is in a conservation area (however described),

(g) No

(h) whether an item of environmental heritage (however described) is situated on the land.

(h) No

### 3 Complying development

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

No - Complying development is not permissible within this zone.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* land that comprises, or on which there is a heritage item or a draft heritage item.

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 511/2012

**Document No.:** 32505.29

**Parcel No.:** 500787

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** 89 Glen Road CRAVEN 2422

**Property Title:** Lot: 66 DP: 1008585      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Only limited maintenance of the access road to this land is carried out by Council.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

\_\_\_\_\_  
For General Manager



**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 512/2012

**Document No.:** 32505.29

**Parcel No.:** 500788

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** 89 Glen Road CRAVEN 2422

**Property Title:** Lot: A DP: 116326      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>

(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

(3) The name of each development control plan that applies to the carrying out of development on the land.

(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

(2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

(4) Council has not been notified of any draft state or regional environmental plan applying to the land.

- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan  
Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

- (a) Council has not been notified of any certificate.

- (b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012



**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 512/2012                      **Document No.:** 32505.29                      **Parcel No.:** 500788

**Fees:** \$133.00                      **Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd                      **Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** 89 Glen Road CRAVEN 2422

**Property Title:** Lot: A DP: 116326                      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Council does not maintain an access road to this land.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

\_\_\_\_\_  
For General Manager

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 513/2012

**Document No.:** 32505.29

**Parcel No.:** 3878

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Glen Road CRAVEN 2422

**Property Title:** Lot: 1 DP: 778861      **Parish:** Avon

**PRESCRIBED MATTER**

**1 Names of relevant planning instruments and DCPs**  
 (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

**INFORMATION**

**1 Names of relevant planning instruments and DCPs**  
 (1) (a) Gloucester Local Environmental Plan 2010  
 (b) State Environmental Planning Policies:

- State Environmental Planning Policy No 1— Development Standards
- State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development
- State Environmental Planning Policy No 6— Number of Storeys in a Building
- State Environmental Planning Policy No 15— Rural Landsharing Communities
- State Environmental Planning Policy No 21— Caravan Parks
- State Environmental Planning Policy No 22— Shops and Commercial Premises
- State Environmental Planning Policy No 30— Intensive Agriculture
- State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy No 33— Hazardous and Offensive Development
- State Environmental Planning Policy No 36— Manufactured Home Estates
- State Environmental Planning Policy No 44— Koala Habitat Protection
- State Environmental Planning Policy No 50— Canal Estate Development

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

**2 Zoning and land use under relevant LEPs**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
  - Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

**2 Zoning and land use under relevant LEPs**

Gloucester Local Environmental Plan 2010 –  
 Zone No. Gloucester LEP 2010  
 RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(e) No

(f) whether the land includes or comprises critical habitat,

(f) No

(g) whether the land is in a conservation area (however described),

(g) No

(h) whether an item of environmental heritage (however described) is situated on the land.

(h) No

### 3 Complying development

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(a) No

(b) any environmental planning instrument, or

(b) No

(c) any resolution of the council.

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

No

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(1) No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(2) No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions plans**

**9 Contributions plans**

The name of each contributions plan applying to the land.

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

(a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:

(i) the period for which the certificate is current, and  
(ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.

## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No



<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

  
 \_\_\_\_\_  
 For General Manager

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 513/2012

**Document No.:** 32505.29

**Parcel No.:** 3878

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Glen Road CRAVEN 2422

**Property Title:** Lot: 1 DP: 778861      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Council does not maintain an access road to this land.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

  
\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**GLOUCESTER SHIRE COUNCIL**  
**PO Box 11, Gloucester 2422**  
**Phone: 6538 5250 Fax: 65582343**

**PLANNING CERTIFICATE UNDER SECTION 149(2)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
 BALLINA NSW 2478

**Certificate No.:** 514/2012

**Document No.:** 32505.29

**Parcel No.:** 3879

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
 Macquarie Street  
 SYDNEY NSW  
 2000

**Description of Land**

**Property Address:** Glen Road CRAVEN 2422

**Property Title:** Lot: 2 DP: 778861      **Parish:** Avon

PRESCRIBED MATTER	INFORMATION
<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p>	<p><b>1 Names of relevant planning instruments and DCPs</b></p> <p>(1) (a) Gloucester Local Environmental Plan 2010                      (b) State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 1— Development Standards</li> <li>• State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development</li> <li>• State Environmental Planning Policy No 6— Number of Storeys in a Building</li> <li>• State Environmental Planning Policy No 15— Rural Landsharing Communities</li> <li>• State Environmental Planning Policy No 21— Caravan Parks</li> <li>• State Environmental Planning Policy No 22— Shops and Commercial Premises</li> <li>• State Environmental Planning Policy No 30— Intensive Agriculture</li> <li>• State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)</li> <li>• State Environmental Planning Policy No 33— Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 36— Manufactured Home Estates</li> <li>• State Environmental Planning Policy No 44— Koala Habitat Protection</li> <li>• State Environmental Planning Policy No 50— Canal Estate Development</li> </ul>

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),

- State Environmental Planning Policy No 55— Remediation of Land
- State Environmental Planning Policy No 62— Sustainable Aquaculture
- State Environmental Planning Policy No 64— Advertising and Signage
- State Environmental Planning Policy No65— Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

- (2) There are no proposed environmental planning instruments that apply at this time.

□ Development Control Plan 2010

- (4) Council has not been notified of any draft state or regional environmental plan applying to the land.
- Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State environmental planning policies and how they apply to the land. Clause 29 should be read in conjunction with the State environmental planning policies listed.

## 2 Zoning and land use under relevant LEPs

Gloucester Local Environmental Plan 2010 –

Zone No. Gloucester LEP 2010

RU1 - Primary Production

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

(d) the purposes for which the instrument provides that development is prohibited within the zone,

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

(f) whether the land includes or comprises critical habitat,

(g) whether the land is in a conservation area (however described),

(h) whether an item of environmental heritage (however described) is situated on the land.

### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### 4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.

### 5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### 6 Road widening and road realignment

Whether or not the land is affected by any road widening or

(b) See Gloucester Local Environmental Plan 2010 (copy attached)

(c) See Gloucester Local Environmental Plan 2010 (copy attached)

(d) See Gloucester Local Environmental Plan 2010 (copy attached)

(e) No

(f) No

(g) No

(h) No

### 3 Complying development

Yes - Complying development is permissible within this zone, however restrictions may apply under the State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

Complying development under the Rural Housing Code may not be carried out on the land. Specified development under this code is not permissible on this land due to:

\* bushfire prone land (unless the development is only the demolition or removal of a dwelling house or ancillary development, removal of a dwelling house or the erection of a swimming pool, fence or retaining wall).

### 4 Coastal protection

This section is not applicable to Gloucester Shire under the Coastal protection Act 1979

### 5 Mine subsidence

The land is not proclaimed to be in a mine subsidence district.

### 6 Road widening and road realignment

road realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993, or

(b) any environmental planning instrument, or

(c) any resolution of the council.

**7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

(a) adopted by the council, or

(b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

**9 Contributions plans**

The name of each contributions plan applying to the land.

(a) No

(b) No

(c) No

**7 Council and other public authority policies on hazard risk restrictions**

No

Council has not been notified of any policy adopted by any other authority relating to hazard risk restrictions on the land.

**7A Flood related development controls information**

(1) No

(2) No

**8 Land reserved for acquisition**

No

**9 Contributions plans**

Gloucester Shire Council Section 94 Contributions Plan

Gloucester Shire Council Section 94A Contribution Plan.

**10 (Repealed)**

**11 Bush fire prone land**

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

**12 Property vegetation plans**

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**14 Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

**15 Site compatibility certificates and conditions for seniors housing**

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:
- (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

**10 (Repealed)**

**11 Bush fire prone land**

**Yes - The land has been designated as wholly or partly bush fire prone in the Gloucester LGA - Bush Fire Prone Land Map (NSW Rural Fire Service, 5/9/03). The map is available for inspection at Council's Administration Office.**

**12 Property vegetation plans**

**Not Applicable.**

**13 Orders under *Trees (Disputes Between Neighbours) Act 2006***

No

**14 Directions under Part 3A**

No Direction issued.

**15 Site compatibility certificates and conditions for seniors housing**

(a) Council has not been notified of any certificate.

(b) No consent has been issued.



## 16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

**Note.** The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

Section 59 (2) of the *Contaminated Land Management Act 1997* prescribes the following additional matters that are to be specified in a planning certificate:

- (a) That the land to which this certificate relates is **significantly contaminated land** – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued
- (b) That the land to which this certificate relates is **subject to a management order** – if it is subject to such an order at the date when the certificate is issued
- (c) That the land to which the certificate relates is the **subject of an approved voluntary management proposal** – if it is the subject of such an approved proposal at the date when the certificate is issued
- (d) That the land to which the certificate relates is **subject to an ongoing maintenance order** – if it is subject to such an order at the date when the certificate is issued
- (e) That the land to which the certificate relates is the **subject of a site audit statement** – if a copy of such statement has been provided at any time to the local authority issuing the certificate.

## 16 Site compatibility certificates for infrastructure

Council has not been notified of any certificate.

## 17 Matters arising under the Contaminated Land Management Act 1997

- (a) **No - Council has not received any advice from the EPA.**
- (b) No
- (c) No
- (d) No
- (e) No

<p><b>18 Airport and Flight Path Advice</b></p>	<p><b>18 Airport and Flight Path Advice</b></p> <p>Not Applicable</p>
<p><b>19. Biobanking Agreement</b></p> <p>Whether or not Council has been notified that a biobanking agreement applies to the land, in accordance with section 127D of the <i>Threatened Species Conservation Act 1995</i>.</p>	<p><b>19. Biobanking Agreement</b></p> <p>Council has not been notified by the Department of Environment Climate Change and Water that a biobanking agreement exists.</p>
<p><b>Other information important to the land owner</b></p>	<p><b>Other information important to the land owner</b></p> <p>Council advises that it is currently preparing documentation to develop a new LEP that will cover the whole of the Shire. Council would like to draw your attention to the following documents that have been placed on public display as part of the LEP process.</p> <ul style="list-style-type: none"> <li>* Local Environment Study 2006</li> <li>* Development Employment Land and Commercial/Retail Strategy 2006</li> <li>* Housing Development Strategy 2006</li> <li>* Grey Crowned Babbler Retention Plan 2006</li> </ul> <p>Council may take into account all or part of these documents when considering development applications.</p> <p><b>Note</b></p> <p>The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in the certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, the Environmental Planning and Assessment (Further Amendment) Regulation 1998 and the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.</p>

\_\_\_\_\_  
**For General Manager**

Date: 23 February 2012

**Planning Certificate under Section 149(5)  
Other Relevant Matters  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**APPLICANT:** Ardill Payne & Partners

**ADDRESS:** PO Box 20  
BALLINA NSW 2478

**Certificate No.:** 514/2012

**Document No.:** 32505.29

**Parcel No.:** 3879

**Fees:** \$133.00

**Receipt No.:** 195333

**Owner:** Gloucester Coal Ltd & others

**Address:** Level 7, 167  
Macquarie Street  
SYDNEY NSW  
2000

**Description of Land**

**Property Address:** Glen Road CRAVEN 2422

**Property Title:** Lot: 2 DP: 778861      **Parish:** Avon

PLANNING MATTERS	INFORMATION
(a) Has any development consent with respect to the land been granted in the last (2) years from the date of application for this Certificate?	No
(b) Is the land subject to Mining or a Coal Exploration Authorisation?	Yes. Authorisation No. 315 Council advises that this land parcel or land within the vicinity of this land may have an exploration licence approved by the NSW Government to permit exploration activities. You are advised to seek independent advice from the NSW Government Authority responsible for mining and petroleum licensing.
(c) Has Council made an inspection of the property for the purpose of this Certificate?	No – The purchaser should satisfy themselves by their own inspection of the property that any existing development and current use of the land conforms to the requirements of the relevant statutes and in particular to the E.P. & A. Act, 1979 and Local Government Act, 1993.

**Other Relevant Information**

Development consent is required for all new or reconstructed loading/unloading ramps and stockyards situated closer than 75 metres to a road boundary or 50 metres to a side or rear boundary. Consent granted to any loading ramp within 20 metres of the road reserve will be required to; have adequate access from the road with regard to sight distance and drainage; have a gravel manoeuvring area located completely off the road reserve; and be located no closer than 8 metres from the road boundary.

Council does not maintain an access road to this land.

**Disclaimer**

The information provided in item (b) of this certificate is information supplied to Gloucester Shire Council by the Department of Mineral Resources. It has not been verified by Council and Council makes no representations as to its accuracy. The applicant should verify the information with the Department before relying on it for any purpose.

Date: 23 February 2012

\_\_\_\_\_  
For General Manager

# Gloucester Local Environmental Plan 2010

[2010-241]



New South Wales

## Status Information

### Currency of version

Current version for 1 November 2011 to date (accessed 22 February 2012 at 12:54).  
Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 November 2011.

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Zone R2 Low Density Residential

Zone R3 Medium Density Residential

Zone R5 Large Lot Residential

Zone B2 Local Centre

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Zone IN1 General Industrial

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Historical notes



New South Wales

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**Part 1 Preliminary**

**1.1 Name of Plan**

This Plan is *Gloucester Local Environmental Plan 2010*.

**1.1AA Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

**1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Gloucester in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to manage the resources of Gloucester,
  - (b) to protect rural lands, natural resources and assets of heritage significance,
  - (c) to manage development to benefit the community,
  - (d) to embrace and promote the principles of ecologically sustainable development, conservation of biological diversity and sustainable water management, and to recognise the cumulative impacts of climate change,
  - (e) to protect, enhance and provide for biological diversity, including native threatened species, populations and ecological communities, by long term management and by identifying and protecting habitat corridors and links throughout Gloucester,
  - (f) to encourage a mix of housing to meet the needs of the community,
  - (g) to provide a secure future for agriculture.

### 1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### 1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### 1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

### 1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note.** The following local environmental plans are repealed under this provision:

[Gloucester Local Environmental Plan 2000](#)



- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### 1.8A Savings provision relating to pending development approvals

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

### 1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development.

### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- to a covenant imposed by the Council or that the Council requires to be imposed, or
  - to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
  - to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
  - to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
  - to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
  - to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
  - to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

#### Rural Zones

RU1 Primary Production

RU3 Forestry

RU5 Village

**Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

R5 Large Lot Residential

**Business Zones**

B2 Local Centre

B4 Mixed Use

**Industrial Zones**

IN1 General Industrial

IN3 Heavy Industrial

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

**2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

**Notes.**

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 84—Advertising and Signage*

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage eco tourism enterprises that minimise any adverse effect on primary industry production and the scenic amenity of the area.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations; Roads

### 3 Permitted with consent

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cellar door premises; Dual occupancies; Dwelling houses; Educational establishments; Extractive industries; Farm buildings; Farm stay accommodation; Flood

mitigation works; Home businesses; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Open cut mining; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roadside stalls; Rural industries

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU3 Forestry

#### 1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### 2 Permitted without consent

Uses authorised under the Forestry Act 1916; Roads; Uses authorised under the Plantations and Reafforestation Act 1999

#### 3 Permitted with consent

Agriculture; Animal boarding or training establishments; Extractive industries; Flood mitigation works; Open cut mining

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RU5 Village

#### 1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.

#### 2 Permitted without consent

Home occupations; Roads

#### 3 Permitted with consent

Business premises; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Secondary dwellings; Seniors housing; Tourist and visitor accommodation; Wholesale supplies

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone R2 Low Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

Environmental protection works; Home occupations; Roads

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Schools; Secondary dwellings; Seniors housing

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **2 Permitted without consent**

Environmental protection works; Home businesses; Home industries; Home occupations; Roads

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Schools; Secondary dwellings; Seniors housing

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### **2 Permitted without consent**

Environmental protection works; Home occupations; Roads

#### **3 Permitted with consent**

Bed and breakfast accommodation; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Flood mitigation works; Home-based child care; Home businesses; Home industries; Places of public worship; Respite day care centres; Roadside stalls

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B2 Local Centre**

#### **1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Home businesses; Home industries; Home occupations; Roads

## **3 Permitted with consent**

Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Home-based child care; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Wholesale supplies

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B4 Mixed Use**

#### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

#### **2 Permitted without consent**

Home businesses; Home industries; Home occupations; Roads

#### **3 Permitted with consent**

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Flood mitigation works; Function centres; Home-based child care; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Medical centres; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Seniors housing; Service stations; Shop top housing; Wholesale supplies

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone IN1 General Industrial**

#### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To conserve biological diversity and native vegetation corridors, and their scenic qualities, in an industrial setting.

#### **2 Permitted without consent**

Roads

### 3 Permitted with consent

Animal boarding and training establishments; Depots; Flood mitigation works; Freight transport facilities; General industries; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Plant nurseries; Recreation facilities (indoor); Service stations; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone IN3 Heavy Industrial

### 1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.

### 2 Permitted without consent

Roads

### 3 Permitted with consent

Depots; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Light industries; Neighbourhood shops; Offensive storage establishments; Warehouse or distribution centres

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone SP1 Special Activities

### 1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone SP2 Infrastructure

### 1 Objectives of zone

- To provide for infrastructure and related uses.



- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

## 2 Permitted without consent

Roads

## 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

## 4 Prohibited

Any development not specified in item 2 or 3

### Zone RE1 Public Recreation

#### 1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide access to areas that are environmentally significant and to protect their important ecological, scientific, cultural or aesthetic values.

#### 2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

#### 3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Caravan parks; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone RE2 Private Recreation

#### 1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### 2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

#### 3 Permitted with consent

Community facilities; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs

#### 4 Prohibited

Any development not specified in item 2 or 3

### Zone E1 National Parks and Nature Reserves

## 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

## 2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

## 3 Permitted with consent

Nil

## 4 Prohibited

Any development not specified in item 2 or 3

## Zone E2 Environmental Conservation

### 1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Environmental protection works; Extensive agriculture; Flood mitigation works; Roads

### 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Zone E3 Environmental Management

### 1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To conserve biological diversity and native vegetation corridors, and their scenic qualities, in a rural setting.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home industries; Home occupations

### 3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Farm stay accommodation; Flood mitigation works; Home-based child care; Roads

## 4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Part 3 Exempt and complying development

### 3.1 Exempt development

**Note.** Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:
  - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or

- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
- (f) the development is on land identified as an environmentally sensitive area.

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,
 is complying development.

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

*environmentally sensitive area for exempt or complying development* means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## Part 4 Principal development standards

#### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
  - (d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural features and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone E3 Environmental Management.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

#### 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** When this Plan was made, it did not include Zone RU2, RU4 or RU6.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### 4.2A Erection of dwelling houses on land in certain rural and environment protection zones

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production,
  - Zone E2 Environmental Conservation,
  - Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
  - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
  - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) an existing holding.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
  - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (5) In this clause:

**existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership:

- (a) on 17 October 1969, and
- (b) at the time of lodging a development application for the erection of a dwelling house under this clause,

and includes any other land adjoining that land acquired by the owner since 17 October 1969.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

#### 4.2B Strata subdivisions in certain rural or environmental protection zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
  - (a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management.

- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* provides that the strata subdivision of a building in certain circumstances is specified complying development.

#### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
  - (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the area.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
- (a) to restrict the overall scale of buildings and structures to prevent overshadowing and preserve privacy, rural amenity and the traditional town character,
  - (b) to minimise any adverse impact of development, including any such impact on heritage conservation areas and heritage items.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.5 Calculation of floor space ratio and site area

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

##### (2) Definition of "floor space ratio"

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

##### (3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

**(9) Covenants to prevent "double dipping"**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

**(11) Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards**

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:



- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the *owner-initiated acquisition provisions*).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified

below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <u>National Parks and Wildlife Act 1974</u>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

## 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

**Note.** Under the Local Government Act 1993, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.
- (4) The public land described in Part 1 of Schedule 4:
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - any reservations that except land out of the Crown grant relating to the land, and
  - reservations of minerals (within the meaning of the Crown Lands Act 1989).

**Note.** In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

## 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:

- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (3A) This clause does not apply to land in Zone B2 Local Centre, Zone B4 Mixed Use, Zone IN1 General Industrial or Zone IN3 Heavy Industrial.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

### 5.5 Development within the coastal zone

[Not applicable]

### 5.6 Architectural roof features

[Not adopted]

### 5.7 Development below mean high water mark

[Not applicable]

### 5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
 

*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
 

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

- (9) [Not adopted]

#### **5.9AA Trees or vegetation not prescribed by development control plan**

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

#### **5.10 Heritage conservation**

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

##### **(1) Objectives**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Gloucester,

- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

**(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

### 5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### 5.13 Eco-tourist facilities

[Not applicable]

## Part 6 Additional local provisions

### 6.1 Flood planning

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land that is shown as "Flood planning area" on the *Flood Planning Map*, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:



***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

***Flood Planning Map*** means the Gloucester Local Environmental Plan 2010 Flood Planning Map.

## 6.2 Development in areas subject to airport noise

- (1) The objectives of this clause are as follows:
- (a) to prevent certain noise sensitive developments from being located near the Gloucester Airport and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impact on the ongoing, safe and efficient operation of that airport.
- (2) Before granting development consent to development on land in the vicinity of that airport, the consent authority:
- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
  - (c) in relation to the erection of a dwelling house on land that is in a high impact noise zone—must be satisfied that the development will meet AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
  - (d) in relation to the following types of development on land that is in a low impact noise zone—must consider whether the development will meet AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*:
    - (i) business premises,
    - (ii) caravan parks,
    - (iii) child care centres,
    - (iv) community facilities,
    - (v) educational establishments,
    - (vi) hospitals,
    - (vii) light industries,
    - (viii) office premises,
    - (ix) places of public worship,
    - (x) residential accommodation,
    - (xi) retail premises.

- (3) In this clause:

***high impact noise zone*** means the area shown as a high impact noise zone on the Australian Noise Exposure Forecast Map.

***low impact noise zone*** means the area shown as a low impact noise zone on the Australian Noise Exposure Forecast Map.

## 6.3 Industrial release area—satisfactory arrangements for the provision of State and regional roads

- (1) This clause applies to the land shown as “Industrial Release Area” on the Industrial Release Area Map, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

- (2) The object of this clause is to require assistance to authorities of the State towards the provision of State and regional roads before the subdivision of land to which this clause applies to satisfy needs that arise from development on the land, but only if the land is developed for industrial purposes.
- (3) Despite any other provision of this Plan, the consent authority must not consent to subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum sized lot permitted on the land immediately before this Plan commenced unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of State and regional roads in relation to that lot.
- (4) Subclause (3) does not apply in relation to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on an existing lot.

#### 6.4 Earthworks

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

#### Schedule 1 Additional permitted uses

(Clause 2.5)

##### 1 Use of certain land at Gloucester Country Club, Bucketts Way South, Gloucester

- (1) This clause applies to land at Gloucester Country Club, 4651 Bucketts Way South, Gloucester, being part of Lot 3, DP 625997.

- (2) Development for the purposes of tourist and visitor accommodation (other than serviced apartments) is permitted with consent.

## 2 Use of certain land at Gloucester Showground precinct, Showground Road, Gloucester

- (1) This clause applies to land at Gloucester Showground precinct, Showground Road, Gloucester, being Lot 1, DP 555445.
- (2) Development for the purposes of tourist and visitor accommodation (other than serviced apartments) is permitted with consent.

### Schedule 2 Exempt development

(Clause 3.1)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Advertising structures

- (1) Must not cover mechanical ventilation inlet or outlet vents.
- (2) Advertising panels (building identification signs or business identification signs) must comply with the following:
- (a) maximum area—1m<sup>2</sup>,
  - (b) only 1 per property,
  - (c) must be secure and stable.
- (3) An A-frame sign on private land used in conjunction with an existing premises for which consent has been granted on land that is in Zone B2 Local Centre or Zone B4 Mixed Use, must comply with the following:
- (a) only 1 per property,
  - (b) must not involve any live or recorded entertainment including music, broadcast programs, flashing lights or the like,
  - (c) area must immediately adjoin the premises and not obstruct access to the premises or to any adjacent premises,
  - (d) maximum display area (on each side)—500mm<sup>2</sup>,
  - (e) must be secure and stable,
  - (f) must not involve construction work,
  - (g) must be temporary and must be removed at the close of business.
- (4) Fascia sign must comply with the following:
- (a) must be attached to an existing fascia and fixed flush with the fascia,
  - (b) must not extend above or below the fascia or return end of the awning,
  - (c) must not be illuminated,
  - (d) only 1 per property.
- (5) Flush wall sign must comply with the following:
- (a) maximum area—1m<sup>2</sup>,
  - (b) must be securely fixed to an existing wall,
  - (c) maximum height—2.5m above ground level (existing),

- (d) must not be illuminated,
  - (e) only 1 per property in Zone RU5 Village,
  - (f) maximum of 2 per property in all other zones,
  - (g) must contain only a reference to identify the subject premises or a description of the subject premises, activities or professional affiliations of the occupation conducted in the building to which the sign is attached.
- (6) Pole or pylon sign must comply with the following:
- (a) maximum height—6m,
  - (b) maximum area of advertising panel (per side)—2.5m<sup>2</sup>,
  - (c) only 1 per property,
  - (d) may only be in industrial zones,
  - (e) must be built in accordance with engineer's certification for the structure and footings.
- (7) Real estate sign must comply with the following:
- (a) maximum area (per side):
    - (i) single dwelling house—2.5m<sup>2</sup>, or
    - (ii) multi dwelling development of less than 10 dwelling houses—5m<sup>2</sup>, or
    - (iii) multi dwelling development of 10 or more dwelling houses—10m<sup>2</sup>, or
    - (iv) commercial building—5m<sup>2</sup>, or
    - (v) rural property—10m<sup>2</sup>, or
    - (vi) subdivision of less than 20 lots—10m<sup>2</sup>, or
    - (vii) subdivision of 20 lots or more—15m<sup>2</sup>,
  - (b) must not be erected until development approval for the building or subdivision has been granted,
  - (c) maximum return—200mm,
  - (d) must contain only a notice that the building or site to which it is fixed is for sale or for let,
  - (e) maximum of 1 sign for each property or subdivision stage,
  - (f) must not be illuminated,
  - (g) must be removed within 14 days of the sale or letting of the property or in the case of subdivisions, when 90% of lots are sold, or within 5 years, whichever occurs first,
  - (h) maximum height—3m,
  - (i) only 1 directional sign with a maximum area of 1m<sup>2</sup> is allowed in Zone RU1 Primary Production to direct people to the site or for auction or inspection purposes,
  - (j) must not interfere with sight distances for vehicles approaching intersections.
- (8) Temporary sign (including a sign announcing an authorised local event for religious, educational, cultural, political, social or recreational purposes) must comply with the following:
- (a) maximum height—3m,
  - (b) sign must not be higher than building on which it is mounted,
  - (c) maximum area—3m<sup>2</sup>,
  - (d) must not be illuminated,

- (e) any sponsor's names or logos must be less prominent than the message,
  - (f) must not be displayed earlier than 28 days before an event,
  - (g) must not be displayed later than 14 days after an event.
- (9) Top hamper sign (including a sign attached to the transom of a doorway or display window of a building) must comply with the following:
- (a) must be fixed flush to the wall,
  - (b) must be securely fixed,
  - (c) must not extend below the head of the doorway or window to which it is attached,
  - (d) must not extend more than 200mm beyond any building alignment,
  - (e) must not be illuminated.
- (10) Under awning sign must comply with the following:
- (a) may only be located in Zone B2 Local Centre or Zone B4 Mixed Use,
  - (b) must not be less than 2.6m from the ground or footpath to the underside of the sign,
  - (c) maximum length—2.5m,
  - (d) only 1 per property,
  - (e) must be securely fixed to awning,
  - (f) must not project beyond the awning,
  - (g) must be erected horizontal to the ground,
  - (h) must be located more than 3m from another under awning sign.
- (11) Window sign (including a sign displayed on a shop window) must comply with the following:
- (a) may only be located in Zone B2 Local Centre, Zone B4 Mixed Use or an industrial zone,
  - (b) must not cover more than 75% of shop window,
  - (c) must not be illuminated,
  - (d) must be located on ground level facade,
  - (e) only 1 per shop window.

#### **Change use of buildings from industry to light industry**

- (1) Previous use must have been a lawful use.
- (2) New use must not cause the contravention of any existing condition of the most recent development consent that applies to the premises relating to approved area and hours of operation.
- (3) New use must be a permissible use in the zone.
- (4) New use must not exceed 500m<sup>2</sup> in total floor area.
- (5) Building must have rear service access or access to off-street loading facilities.
- (6) Curtilage of the building must not be used for storage or display purposes.
- (7) New use must be consistent with any condition of development consent of the existing use relating to the following:
  - (a) the maintenance of landscaping,
  - (b) the parking of vehicles,
  - (c) the provision of space for the loading or unloading of goods or vehicles.

- (8) New use must not result in any premises being used for potentially hazardous industry or offensive industries.

### Solid fuel heaters

Must only be installed in residential dwellings.

### Schedule 3 Complying development

(Clause 3.2)

*Note.* State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Part 1 Types of development

*Note.* Information relevant to this Part is also contained in the Act, the Environmental Planning and Assessment Regulation 2000, the Protection of the Environment Operations Act 1997 and the Roads Act 1993.

### Industrial buildings (other than light industrial buildings)—minor additions and ancillary structures

- (1) The total floor area of the building on the site involved must not be more than 2,000m<sup>2</sup>.
- (2) Additional floor area created must not exceed 50m<sup>2</sup> and must not be used for manufacturing, industrial or like activity.
- (3) Additional external areas must not be occupied for the purpose of storage or manufacturing or any like activity.
- (4) Must not involve a change of building use.
- (5) Must comply with any existing development consent conditions.
- (6) Setbacks must comply with the following:
  - (a) each part of the structure must have a front setback of not less than 10m,
  - (b) each part of the structure must have side and rear setbacks of not less than 3m.
- (7) Building height and materials must comply with the following:
  - (a) the height of any walls must not be more than 7.5m, not including a parapet,
  - (b) parapets may extend a maximum of 1.2m above the intersection of the wall and the roof,
  - (c) roof pitch must not be more than 20,
  - (d) the site must not be cut or filled greater than 500mm,
  - (e) cladding and materials used in construction must be new, must have low reflective properties and must be factory pre-coloured,
  - (f) security fencing must not be greater than 3m in height.
- (8) Drainage must comply with the following:
  - (a) all roof and surface water must be drained to the street and discharged to the consent authority's nearest stormwater drainage system in accordance with an engineer's design,
  - (b) the drainage system must be designed for a 10-year return period, with excess flows designed to flow overland to the street.
- (9) Garbage and storage areas must be on site and behind the building line of the property.
- (10) A landscaping strip of at least 3m (if reticulated sewer is provided) or 6m (if there is no sewer) to each street frontage must be planted and maintained with canopy trees and shrubs with a maximum width of 7m for the driveway.
- (11) Must not change existing arrangements for access, parking spaces, loading and waste disposal.

(12) Stormwater must be disposed of by way of:

- (a) a registered stormwater easement, or
- (b) an inter-allotment stormwater pit located within the property boundary, or
- (c) a pipe that connects to the kerb and gutter.

## Part 2 Complying development certificate conditions

**Note.** Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1 Locality	Column 2 Description
Nil	

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Nil		

### Part 3 Land classified, or reclassified, as community land

Column 1 Locality	Column 2 Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Map Ref
Barrington	Free Presbyterian Church	Argyle Street	Lot 1, DP 568641	Local	I2
Barrington	Barrington Pioneer Cemetery	Barrington East Road	Lot 63, DP 753209	Local	I3
Barrington	Original School Residence	Barrington East Road	Lot 5, DP 1078578	Local	I4
Barrington	Slab House	402 Barrington East Road	Lot 11, DP 804895	Local	I5
Barrington	Barrington Public School, early 1910	Kenmore Street	Lot 1, DP 798982	Local	I6
Barrington	Barrington River Bridge	Thunderbolts Way		Local	I7
Copeland	Cyanide Treatment Works (Rainbow Battery)	Copeland Road	Reserve 210101	State	I9
Copeland	Mountain Maid Gold Mine	Copeland Road	Lot 124, DP 753147	State	I12
Copeland	Copeland Tops Forest Preserve, including Hidden Treasure Gold Mine	Scone Road	Lot 124, DP 753147	Local	I10
Copeland	Copeland No 2 General Cemetery	Scone Road	Lot 771, DP 1984	Local	I11

Craven	The Glen, Craven Logging Tramline	Glen Road	Lots 284 and 311-314, Local DP 979573		I13
Faukland	"Faukland"	Faukland Road	Lot 310, DP 830780	Local	I14
Gloucester	Gloucester Showground Precinct	Barrington Road	Lot 1, DP 555445	Local	I15
Gloucester	Gloucester Sports Ground Grandstand	Barrington Road	Lot 1, DP 842441	Local	I16
Gloucester	Former Presbyterian Church Manse	7 Barrington Street	Lot 1, DP 513198	Local	I17
Gloucester	Former Timber Worker's House	Barrington and Cowper Streets	Lot 1, DP 34200	Local	I18
Gloucester	"Roma"	Barrington and Gregson Streets	Lot 1, DP 743285	Local	I19
Gloucester	Former "Hillcrest" Hospital	Barrington and Tyrell Streets	Lot 12, DP 1107928	Local	I20
Gloucester	St Andrew's Presbyterian Church Hall	Barrington and Tyrell Streets	Lot 4, DP 977288	Local	I21
Gloucester	War Memorial Clock Tower	Bent Street	Lot 1, DP 977288	Local	I22
Gloucester	Australian Agricultural Company Dam	Bucketts Road	Lots 16 and 17, DP 193003	Local	I23
Gloucester	Thunderbolt's Cave	Via Bucketts Road	Lot 4, DP 604711	Local	I24
Gloucester	Gloucester Police Station	8 Church Street	Lot 11B, DP 977350	Local	I25
Gloucester	Gloucester Court House	10 Church Street	Lot 10B, DP 977288	Local	I26
Gloucester	Original Shire Council Chambers	12 Church Street	Lot 9, DP 711550	Local	I27
Gloucester	Former ABC Bank Building	23 Church Street	Lot 2, DP 515223	Local	I28
Gloucester	Sellicks Chambers	42 Church Street	Lot 1, DP 194853	Local	I29
Gloucester	Westpac Bank	47 Church Street	Lot 1, DP 212064	Local	I30
Gloucester	School of Arts	56 Church Street	Lot 1, DP 328783	Local	I31
Gloucester	McRae's Building	73 Church Street	Lot 1, DP 594809	Local	I32
Gloucester	Majestic Theatre	78 Church Street	Lot 1, DP 738615	Local	I33
Gloucester	Avon Valley Inn	82 Church Street	Lot 125, DP 864391	Local	I34
Gloucester	Payless Building	84 Church Street	Lot 1, DP 1103429	Local	I35
Gloucester	Masonic Temple	Church and Cowper Streets	Lot 12, DP 1006343	Local	I36
Gloucester	St Clement's Park Historic Site	Church and Oak Streets	Lot 290, DP 1102669	Local	I37
Gloucester	"Easton's House"	16 Cowper Street	Lot 2, DP 192505	Local	I38
Gloucester	Former Sisters of St Joseph Convent	Denison Street	Lot 5, DP 977350	Local	I39
Gloucester	"Gloucester Cottage"	61 Denison Street	Lot 9, DP 840777	Local	I40
Gloucester	Federation House	Gardiners Lane	Lot 2, DP 282688	Local	I41
Gloucester	John McKenzie's Grave	Gloucester Cemetery	Lot 7003, DP 96417	Local	I42
Gloucester	"Narraweena"	10 Gregson Street	Lot 1, DP 782859	Local	I43
Gloucester	Original Gloucester Public School Building	Hume Street	Lot 1, DP 808374	Local	I44
Gloucester	St Paul's Anglican Church and Rectory	Hume and Ravenshaw Streets	Lot 910, DP 1102514	Local	I45
Gloucester	Gloucester Main Colliery Site	King George Park Road	Lot 3, DP 842441	Local	I46
Gloucester	"Fairview", concrete block house	1 Market Street	Lot 10, DP 977288	Local	I47
Gloucester	Former Bank of NSW Building	2 Queen Street	Lot 1, DP 596408	Local	I48
Gloucester	Gloucester Post Office	9 Queen Street	Lot 10, DP 776482	Local	I49
Gloucester	Former CBC Bank Building	10 Queen Street	Lot 1, DP 798136	Local	I50
Gloucester	Former Abbots Auctioneer's Building	16 Queen Street	Lot 1, DP 112016	Local	I51
Gloucester	Gloucester Co-op Dairy Company Factory	Railway Street	Lot 1, DP 851383	Local	I52
Gloucester	Australian Agricultural Manager's House, formerly "Gloucester Cottage", and outbuildings	The Bucketts Way	Lot 1, DP 782706	Local	I53



Gloucester	Water Tower	Tyrell Street	Lot 11B, DP 977288	Local	I54
Gloucester	Second "Hillcrest" Hospital	16 Tyrell Street	Lot 3, DP 593953	Local	I55
Gloucester	Disused Upper Avon Road Bridge	Upper Avon Road, Avon State Forest		Local	I56
Mares Run	"PGK" Survey Peg Mark	Nowendoc Road		Local	I57
Rawdon Vale	"Airlie"	Rawdon Vale Road	Lot 7, DP 952430	State	I58
Rawdon Vale	"Bonnie Doon"	Rawdon Vale Road	Lot 8, DP 952430	Local	I59
Rawdon Vale	"Stobo"	Rawdon Vale Road	Lot 1, DP 82646	State	I60
Rawdon Vale	"Rawdon Vale"	The Moppy Road	Lot 2, DP 168910	Local	I61
Rookhurst	Original Public School Building	Thunderbolts Way	Lot 32, DP 753159	Local	I62
Rookhurst	Presbyterian Church	Thunderbolts Way	Lot 32, DP 753159	Local	I63
Waukivory	Avon Valley Colliery Site	Waukivory Road		Local	I64

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on <u>Heritage Map</u>
Gloucester Main Street Precinct	Shown as "Heritage Conservation Area"

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.**

Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note.**

Airports are a type of *air transport facility*—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.**

Aquaculture is a type of *agriculture*—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note.**

Attached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**Australian Noise Exposure Forecast Map** means the Gloucester Local Environmental Plan 2010 Australian Noise Exposure Forecast Map.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.**

Backpackers' accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.**

The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note.** Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.** Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note.** This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note.** Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**Note.** Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.** Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.** Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.** Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.** The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the Local Government Act 1993.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the Crimes (Administration of Sentences) Act 1999, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the Children (Detention Centres) Act 1987,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Gloucester Shire Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the Crown Lands Act 1989, or
- (b) a common within the meaning of the Commons Management Act 1989, or
- (c) lands within the meaning of the Trustees of Schools of Arts Enabling Act 1902.

but does not include land that forms any part of a reserve under Part 5 of the Crown Lands Act 1989 provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.** Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.** Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.** Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note.** Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.



**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**Note.** Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.** Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

**Note.** Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** The term is defined as follows:

**Definition of "fish"**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the *Gloucester Local Environmental Plan 2010 Floor Space Ratio Map*.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.** Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note.** General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note.** Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note.** Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.** Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,

- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,  
 (b) a liquid fuel depot,  
 (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or  
 (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note.** Heavy industries are a type of *industry*—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Gloucester Local Environmental Plan 2010 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or  
 (b) facilities for the parking, storage or repair of helicopters.

**Note.** Heliports are a type of *air transport facility*—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and  
 (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and  
 (b) an assessment of the impact that proposed development will have on that significance, and  
 (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or  
 (b) a heritage impact statement, or  
 (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Gloucester Local Environmental Plan 2010 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.** High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of *light industry*—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note.** Horticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note.** Hospitals are a type of *health services facility*—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note.** Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.** Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**Industrial Release Area Map** means the Gloucester Local Environmental Plan 2010 Industrial Release Area Map.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,



(d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.** Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.** Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the Gloucester Local Environmental Plan 2010 Land Application Map.

**Land Reservation Acquisition Map** means the Gloucester Local Environmental Plan 2010 Land Reservation Acquisition Map.

**Land Zoning Map** means the Gloucester Local Environmental Plan 2010 Land Zoning Map.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.** Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**Note.** Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note.** Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackereries, tanneries, woollscours and rendering plants.

**Note.** Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**Lot Size Map** means the Gloucester Local Environmental Plan 2010 Lot Size Map.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,

- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.** Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.** Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the Mine Subsidence Compensation Act 1961.

**mining** means mining carried out under the Mining Act 1992 or the recovery of minerals under the Offshore Minerals Act 1992, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note.** Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the Local Government Act 1993.

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note.** Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of "native vegetation"**

(1)

**Native vegetation** means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2)

Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3)

**Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.** Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or

(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or

(e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

**Note.** The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,

- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.** Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.** Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

**Note.** Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,

- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note.** Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.** Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note.** Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note.** Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.** Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and

- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note.** Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note.** Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.** Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.** Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.



**Note.** Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.** Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note.** Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any caves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.** Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of

land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the Swimming Pools Act 1992.

**Note.** The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, peddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.** Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the Environmental Planning and Assessment Act 1979.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.** Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or

- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.** Turf farming is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.** Vehicle sales or hire premises are a type of *retail premises*—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.** Viticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.** Waste disposal facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.** Waste or resource transfer stations are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.** Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**Note.** Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.** Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.** Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,

- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

Gloucester Local Environmental Plan 2010 (241). LW 11.6.2010. Date of commencement, on publication on LW, cl 1.1AA. This Plan has been amended as follows:

2011	(102)	Standard Instrument (Local Environmental Plans) Amendment Order 2011. LW 25.2.2011. Date of commencement, on publication on LW, cl 2. The amendments made by Sch 2 have effect 4 months after that commencement. See cl 9 (1) of the <u>Standard Instrument (Local Environmental Plans) Order 2006 (155)</u> .
	(362)	Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2011. LW 13.7.2011. Date of commencement, on publication on LW, cl 2.
	(363)	State Environmental Planning Policy Amendment (Standard Instrument) 2011. LW 13.7.2011. Date of commencement, on publication on LW, cl 2.
	(397)	Gloucester Local Environmental Plan 2010 (Amendment No 1). LW 5.8.2011. Date of commencement, on publication on LW, cl 2.
No 41		<u>Transport Legislation Amendment Act 2011</u> . Assented to 13.9.2011. Date of commencement of Sch 5.52, 1.11.2011, sec 2 and 2011 (559) LW 28.10.2011.

## Table of amendments

No reference is made to certain amendments made consequential on the amendment of the Standard Instrument (Local Environmental Plans) Order 2006.

Cl 1.9A	Am 2011 (363), Sch 8 [1].
Land Use Table	Am 2011 (363), Sch 8 [2]-[15]; 2011 (397), Sch 1 [1] [2].
Cl 4.1AA	Ins 2011 (363), Sch 8 [16].
Cl 4.2B	Am 2011 (363), Sch 8 [17] [18].
Cl 5.4	Am 2011 (363), Sch 8 [19] [20].
Cl 5.9	Am 2011 (363), Sch 8 [21].
Cl 5.13	Ins 2011 (363), Sch 8 [22].
Cl 6.2	Am 2011 (397), Sch 1 [3].
Cl 6.4	Ins 2011 (363), Sch 8 [23].
Sch 2	Am 2011 (363), Sch 8 [24].
Sch 3	Am 2011 (363), Sch 8 [25].
Maps	Am 2011 (397), cl 4.

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**ATTACHMENT 3**

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**Attachment 3**  
Chain of Custody Documents



**EnviroLab Services Pty Ltd**  
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12 Ashley St Chatswood NSW 2067  
ph 02 9910 6200 fax 02 9910 6201  
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**CERTIFICATE OF ANALYSIS**

**66531**

**Client:**

**Environmental Analysis Laboratory**  
Military Rd  
Lismore  
NSW 2480

**Attention:** Graham Lancaster

**Sample log in details:**

Your Reference:	<b>B7463</b>	
No. of samples:	10 soils	
Date samples received / completed instructions received	14/12/11	/ 14/12/11

**Analysis Details:**

Please refer to the following pages for results, methodology summary and quality control data.  
Samples were analysed as received from the client. Results relate specifically to the samples as received.  
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

***Please refer to the last page of this report for any comments relating to the results.***

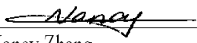
**Report Details:**

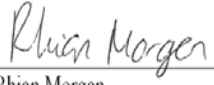
Date results requested by: / Issue Date:	21/12/11	/	19/12/11
Date of Preliminary Report:	Not issued		

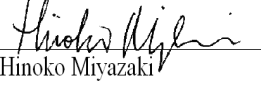
NATA accreditation number 2901. This document shall not be reproduced except in full.

Accredited for compliance with ISO/IEC 17025. **Tests not covered by NATA are denoted with \*.**

**Results Approved By:**

  
Nancy Zhang  
Chemist

  
Rhian Morgan  
Reporting Supervisor

  
Hinoko Miyazaki  
Chemist



vTRH & BTEX in Soil	UNITS	66531-1	66531-2	66531-3	66531-4	66531-5
Our Reference:	-----	B7463/1	B7463/2	B7463/3	B7463/4	B7463/5
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled		soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
vTRHC <sub>6</sub> - C <sub>9</sub>	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	95	120	105	108	104

vTRH & BTEX in Soil	UNITS	66531-6	66531-7	66531-8	66531-9	66531-10
Our Reference:	-----	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled		soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
vTRHC <sub>6</sub> - C <sub>9</sub>	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	100	107	106	107	105



Client Reference: B7463

sTRH in Soil (C10-C36)	UNITS	66531-1	66531-2	66531-3	66531-4	66531-5
Our Reference:	-----	B7463/1	B7463/2	B7463/3	B7463/4	B7463/5
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled	-----	soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
TRHC <sub>10</sub> - C <sub>14</sub>	mg/kg	<50	<50	<50	<50	<50
TRHC <sub>15</sub> - C <sub>28</sub>	mg/kg	<100	<100	<100	<100	<100
TRHC <sub>29</sub> - C <sub>36</sub>	mg/kg	<100	<100	<100	<100	<100
Surrogate o-Terphenyl	%	105	101	99	102	98

sTRH in Soil (C10-C36)	UNITS	66531-6	66531-7	66531-8	66531-9	66531-10
Our Reference:	-----	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled	-----	soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
TRHC <sub>10</sub> - C <sub>14</sub>	mg/kg	<50	<50	<50	<50	<50
TRHC <sub>15</sub> - C <sub>28</sub>	mg/kg	<100	<100	<100	<100	<100
TRHC <sub>29</sub> - C <sub>36</sub>	mg/kg	<100	<100	<100	<100	<100
Surrogate o-Terphenyl	%	91	101	103	99	99

Client Reference: B7463

PAHs in Soil Our Reference: Your Reference Date Sampled Type of sample	UNITS ----- -----	66531-1 B7463/1 13/12/2011 soil	66531-2 B7463/2 13/12/2011 soil	66531-3 B7463/3 13/12/2011 soil	66531-4 B7463/4 13/12/2011 soil	66531-5 B7463/5 13/12/2011 soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b+k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(1,2,3-c,d)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(g,h,i)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate p-Terphenyl-d14	%	114	105	105	108	107

PAHs in Soil Our Reference: Your Reference Date Sampled Type of sample	UNITS ----- -----	66531-6 B7463/6 13/12/2011 soil	66531-7 B7463/7 13/12/2011 soil	66531-8 B7463/8 13/12/2011 soil	66531-9 B7463/9 13/12/2011 soil	66531-10 B7463/10 13/12/2011 soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoranthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(a)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chrysene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(b+k)fluoranthene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05
Indeno(1,2,3-c,d)pyrene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Benzo(g,h,i)perylene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate p-Terphenyl-d14	%	116	115	114	112	113

Client Reference: B7463

Organochlorine Pesticides in soil	UNITS	66531-1	66531-2	66531-3	66531-4	66531-5
Our Reference:	-----	B7463/1	B7463/2	B7463/3	B7463/4	B7463/5
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled		soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
beta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
delta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan I	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan II	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	107	100	101	100	99

Organochlorine Pesticides in soil	UNITS	66531-6	66531-7	66531-8	66531-9	66531-10
Our Reference:	-----	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10
Your Reference	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Date Sampled		soil	soil	soil	soil	soil
Type of sample						
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
beta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
delta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan I	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan II	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	100	99	95	99	101

Client Reference: B7463

Organophosphorus Pesticides						
Our Reference:	UNITS	66531-1	66531-2	66531-3	66531-4	66531-5
Your Reference	-----	B7463/1	B7463/2	B7463/3	B7463/4	B7463/5
Date Sampled	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
Diazinon	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dimethoate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos-methyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ronnel	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fenitrothion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Bromophos-ethyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	107	100	101	100	99

Organophosphorus Pesticides						
Our Reference:	UNITS	66531-6	66531-7	66531-8	66531-9	66531-10
Your Reference	-----	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10
Date Sampled	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
Diazinon	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dimethoate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos-methyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ronnel	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyriphos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fenitrothion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Bromophos-ethyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	100	99	95	99	101

Client Reference: B7463

PCBs in Soil Our Reference: Your Reference Date Sampled Type of sample	UNITS ----- -----	66531-1 B7463/1 13/12/2011 soil	66531-2 B7463/2 13/12/2011 soil	66531-3 B7463/3 13/12/2011 soil	66531-4 B7463/4 13/12/2011 soil	66531-5 B7463/5 13/12/2011 soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
Arochlor 1016	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1221	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1232	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1242	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1248	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1254	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1260	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	107	100	101	100	99

PCBs in Soil Our Reference: Your Reference Date Sampled Type of sample	UNITS ----- -----	66531-6 B7463/6 13/12/2011 soil	66531-7 B7463/7 13/12/2011 soil	66531-8 B7463/8 13/12/2011 soil	66531-9 B7463/9 13/12/2011 soil	66531-10 B7463/10 13/12/2011 soil
Date extracted	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	17/12/2011	17/12/2011	17/12/2011	17/12/2011	17/12/2011
Arochlor 1016	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1221	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1232	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1242	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1248	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1254	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Arochlor 1260	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	100	99	95	99	101

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Moisture						
Our Reference:	UNITS	66531-1	66531-2	66531-3	66531-4	66531-5
Your Reference	-----	B7463/1	B7463/2	B7463/3	B7463/4	B7463/5
Date Sampled	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
Moisture	%	19	15	25	15	20

Moisture						
Our Reference:	UNITS	66531-6	66531-7	66531-8	66531-9	66531-10
Your Reference	-----	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10
Date Sampled	-----	13/12/2011	13/12/2011	13/12/2011	13/12/2011	13/12/2011
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	15/12/2011	15/12/2011	15/12/2011	15/12/2011	15/12/2011
Date analysed	-	16/12/2011	16/12/2011	16/12/2011	16/12/2011	16/12/2011
Moisture	%	18	15	20	15	20

MethodID	Methodology Summary
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID.
Org-012 subset	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS.
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-008	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-006	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC-ECD.
Inorg-008	Moisture content determined by heating at 105 deg C for a minimum of 4 hours.



Client Reference: B7463

QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
vTRH & BTEX in Soil						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	16/12/2011    16/12/2011	LCS-5	16/12/2011
vTRHC <sub>6</sub> - C <sub>9</sub>	mg/kg	25	Org-016	<25	66531-1	<25    <25	LCS-5	101%
Benzene	mg/kg	0.2	Org-016	<0.2	66531-1	<0.2    <0.2	LCS-5	109%
Toluene	mg/kg	0.5	Org-016	<0.5	66531-1	<0.5    <0.5	LCS-5	114%
Ethylbenzene	mg/kg	1	Org-016	<1	66531-1	<1    <1	LCS-5	114%
m+p-xylene	mg/kg	2	Org-016	<2	66531-1	<2    <2	LCS-5	85%
o-Xylene	mg/kg	1	Org-016	<1	66531-1	<1    <1	LCS-5	117%
Surrogate aaa-Trifluorotoluene	%		Org-016	104	66531-1	95    101    RPD: 6	LCS-5	112%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
sTRH in Soil (C10-C36)						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	16/12/2011    16/12/2011	LCS-5	16/12/2011
TRHC <sub>10</sub> - C <sub>14</sub>	mg/kg	50	Org-003	<50	66531-1	<50    <50	LCS-5	94%
TRHC <sub>15</sub> - C <sub>28</sub>	mg/kg	100	Org-003	<100	66531-1	<100    <100	LCS-5	117%
TRHC <sub>29</sub> - C <sub>36</sub>	mg/kg	100	Org-003	<100	66531-1	<100    <100	LCS-5	107%
Surrogate o-Terphenyl	%		Org-003	98	66531-1	105    98    RPD: 7	LCS-5	112%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PAHs in Soil						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	16/12/2011    16/12/2011	LCS-5	16/12/2011
Naphthalene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	105%
Acenaphthylene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Acenaphthene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Fluorene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	95%
Phenanthrene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	86%
Anthracene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Fluoranthene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	88%
Pyrene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	99%
Benzo(a)anthracene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Chrysene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	LCS-5	94%

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QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PAHs in Soil						Base II Duplicate II %RPD		
Benzo(b+k)fluoranthene	mg/kg	0.2	Org-012 subset	<0.2	66531-1	<0.2    <0.2	[NR]	[NR]
Benzo(a)pyrene	mg/kg	0.05	Org-012 subset	<0.05	66531-1	<0.05    <0.05	LCS-5	101%
Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Dibenzo(a,h)anthracene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Benzo(g,h,i)perylene	mg/kg	0.1	Org-012 subset	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Surrogate p-Terphenyl-d14	%		Org-012 subset	103	66531-1	114    114    RPD: 0	LCS-5	122%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Organochlorine Pesticides in soil						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	17/12/2011    17/12/2011	LCS-5	17/12/2011
HCB	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
alpha-BHC	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	94%
gamma-BHC	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
beta-BHC	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	115%
Heptachlor	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	82%
delta-BHC	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Aldrin	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	89%
Heptachlor Epoxide	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	93%
gamma-Chlordane	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
alpha-chlordane	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Endosulfan I	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
pp-DDE	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	91%
Dieldrin	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	93%
Endrin	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	90%
pp-DDD	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	90%
Endosulfan II	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
pp-DDT	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Endrin Aldehyde	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Endosulfan Sulphate	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	LCS-5	92%
Methoxychlor	mg/kg	0.1	Org-005	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Surrogate TCLMX	%		Org-005	100	66531-1	107    102    RPD: 5	LCS-5	88%

Client Reference: B7463

QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Organophosphorus Pesticides						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	17/12/2011    17/12/2011	LCS-5	17/12/2011
Diazinon	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Dimethoate	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Chlorpyrifos-methyl	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Ronnel	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Chlorpyrifos	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	LCS-5	75%
Fenitrothion	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	LCS-5	90%
Bromophos-ethyl	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Ethion	mg/kg	0.1	Org-008	<0.1	66531-1	<0.1    <0.1	LCS-5	79%
Surrogate TCLMX	%		Org-008	100	66531-1	107    102    RPD: 5	LCS-5	96%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PCBs in Soil						Base II Duplicate II %RPD		
Date extracted	-			15/12/2011	66531-1	15/12/2011    15/12/2011	LCS-5	15/12/2011
Date analysed	-			16/12/2011	66531-1	17/12/2011    17/12/2011	LCS-5	17/12/2011
Arochlor 1016	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Arochlor 1221	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Arochlor 1232	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Arochlor 1242	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Arochlor 1248	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Arochlor 1254	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	LCS-5	96%
Arochlor 1260	mg/kg	0.1	Org-006	<0.1	66531-1	<0.1    <0.1	[NR]	[NR]
Surrogate TCLMX	%		Org-006	100	66531-1	107    102    RPD: 5	LCS-5	91%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank				
Moisture								
Date prepared	-			[NT]				
Date analysed	-			[NT]				
Moisture	%	0.1	Inorg-008	[NT]				
QUALITY CONTROL	UNITS	Dup. Sm#		Duplicate		Spike Sm#	Spike % Recovery	
vTRH & BTEX in Soil				Base + Duplicate + %RPD				
Date extracted	-	[NT]		[NT]		66531-2	15/12/2011	
Date analysed	-	[NT]		[NT]		66531-2	16/12/2011	
vTRHC <sub>6</sub> - C <sub>9</sub>	mg/kg	[NT]		[NT]		66531-2	99%	
Benzene	mg/kg	[NT]		[NT]		66531-2	96%	
Toluene	mg/kg	[NT]		[NT]		66531-2	101%	
Ethylbenzene	mg/kg	[NT]		[NT]		66531-2	102%	
m+p-xylene	mg/kg	[NT]		[NT]		66531-2	97%	
o-Xylene	mg/kg	[NT]		[NT]		66531-2	104%	
Surrogate aaa-Trifluorotoluene	%	[NT]		[NT]		66531-2	108%	

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QUALITY CONTROL sTRH in Soil (C10-C36)	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Spike % Recovery
Date extracted	-	[NT]	[NT]	66531-2	15/12/2011
Date analysed	-	[NT]	[NT]	66531-2	16/12/2011
TRHC <sub>10</sub> - C <sub>14</sub>	mg/kg	[NT]	[NT]	66531-2	123%
TRHC <sub>15</sub> - C <sub>28</sub>	mg/kg	[NT]	[NT]	66531-2	124%
TRHC <sub>29</sub> - C <sub>36</sub>	mg/kg	[NT]	[NT]	66531-2	113%
Surrogate o-Terphenyl	%	[NT]	[NT]	66531-2	122%
QUALITY CONTROL PAHs in Soil	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Spike % Recovery
Date extracted	-	[NT]	[NT]	66531-2	15/12/2011
Date analysed	-	[NT]	[NT]	66531-2	16/12/2011
Naphthalene	mg/kg	[NT]	[NT]	66531-2	105%
Acenaphthylene	mg/kg	[NT]	[NT]	[NR]	[NR]
Acenaphthene	mg/kg	[NT]	[NT]	[NR]	[NR]
Fluorene	mg/kg	[NT]	[NT]	66531-2	97%
Phenanthrene	mg/kg	[NT]	[NT]	66531-2	86%
Anthracene	mg/kg	[NT]	[NT]	[NR]	[NR]
Fluoranthene	mg/kg	[NT]	[NT]	66531-2	88%
Pyrene	mg/kg	[NT]	[NT]	66531-2	100%
Benzo(a)anthracene	mg/kg	[NT]	[NT]	[NR]	[NR]
Chrysene	mg/kg	[NT]	[NT]	66531-2	92%
Benzo(b+k)fluoranthene	mg/kg	[NT]	[NT]	[NR]	[NR]
Benzo(a)pyrene	mg/kg	[NT]	[NT]	66531-2	103%
Indeno(1,2,3-c,d)pyrene	mg/kg	[NT]	[NT]	[NR]	[NR]
Dibenzo(a,h)anthracene	mg/kg	[NT]	[NT]	[NR]	[NR]
Benzo(g,h,i)perylene	mg/kg	[NT]	[NT]	[NR]	[NR]
Surrogate p-Terphenyl- d <sub>14</sub>	%	[NT]	[NT]	66531-2	119%

Client Reference: B7463

QUALITY CONTROL Organochlorine Pesticides in soil	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Spike % Recovery
Date extracted	-	[NT]	[NT]	66531-2	15/12/2011
Date analysed	-	[NT]	[NT]	66531-2	16/12/2011
HCB	mg/kg	[NT]	[NT]	[NR]	[NR]
alpha-BHC	mg/kg	[NT]	[NT]	66531-2	92%
gamma-BHC	mg/kg	[NT]	[NT]	[NR]	[NR]
beta-BHC	mg/kg	[NT]	[NT]	66531-2	94%
Heptachlor	mg/kg	[NT]	[NT]	66531-2	85%
delta-BHC	mg/kg	[NT]	[NT]	[NR]	[NR]
Aldrin	mg/kg	[NT]	[NT]	66531-2	89%
Heptachlor Epoxide	mg/kg	[NT]	[NT]	66531-2	93%
gamma-Chlordane	mg/kg	[NT]	[NT]	[NR]	[NR]
alpha-chlordane	mg/kg	[NT]	[NT]	[NR]	[NR]
Endosulfan I	mg/kg	[NT]	[NT]	[NR]	[NR]
pp-DDE	mg/kg	[NT]	[NT]	66531-2	91%
Dieldrin	mg/kg	[NT]	[NT]	66531-2	93%
Endrin	mg/kg	[NT]	[NT]	66531-2	93%
pp-DDD	mg/kg	[NT]	[NT]	66531-2	90%
Endosulfan II	mg/kg	[NT]	[NT]	[NR]	[NR]
pp-DDT	mg/kg	[NT]	[NT]	[NR]	[NR]
Endrin Aldehyde	mg/kg	[NT]	[NT]	[NR]	[NR]
Endosulfan Sulphate	mg/kg	[NT]	[NT]	66531-2	93%
Methoxychlor	mg/kg	[NT]	[NT]	[NR]	[NR]
Surrogate TCLMX	%	[NT]	[NT]	66531-2	92%

Client Reference: B7463

QUALITY CONTROL Organophosphorus Pesticides	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Spike % Recovery
Date extracted	-	[NT]	[NT]	66531-2	15/12/2011
Date analysed	-	[NT]	[NT]	66531-2	17/12/2011
Diazinon	mg/kg	[NT]	[NT]	[NR]	[NR]
Dimethoate	mg/kg	[NT]	[NT]	[NR]	[NR]
Chlorpyriphos-methyl	mg/kg	[NT]	[NT]	[NR]	[NR]
Ronnel	mg/kg	[NT]	[NT]	[NR]	[NR]
Chlorpyriphos	mg/kg	[NT]	[NT]	66531-2	75%
Fenitrothion	mg/kg	[NT]	[NT]	66531-2	90%
Bromophos-ethyl	mg/kg	[NT]	[NT]	[NR]	[NR]
Ethion	mg/kg	[NT]	[NT]	66531-2	78%
Surrogate TCLMX	%	[NT]	[NT]	66531-2	99%
QUALITY CONTROL PCBs in Soil	UNITS	Dup. Sm#	Duplicate Base + Duplicate + %RPD	Spike Sm#	Spike % Recovery
Date extracted	-	[NT]	[NT]	66531-2	15/12/2011
Date analysed	-	[NT]	[NT]	66531-2	17/12/2011
Arochlor 1016	mg/kg	[NT]	[NT]	[NR]	[NR]
Arochlor 1221	mg/kg	[NT]	[NT]	[NR]	[NR]
Arochlor 1232	mg/kg	[NT]	[NT]	[NR]	[NR]
Arochlor 1242	mg/kg	[NT]	[NT]	[NR]	[NR]
Arochlor 1248	mg/kg	[NT]	[NT]	[NR]	[NR]
Arochlor 1254	mg/kg	[NT]	[NT]	66531-2	95%
Arochlor 1260	mg/kg	[NT]	[NT]	[NR]	[NR]
Surrogate TCLMX	%	[NT]	[NT]	66531-2	93%

**Report Comments:**

Asbestos ID was analysed by Approved Identifier: Not applicable for this job  
 Asbestos ID was authorised by Approved Signatory: Not applicable for this job

INS: Insufficient sample for this test	PQL: Practical Quantitation Limit	NT: Not tested
NA: Test not required	RPD: Relative Percent Difference	NA: Test not required
<: Less than	>: Greater than	LCS: Laboratory Control Sample

**Quality Control Definitions**

**Blank:** This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.

**Duplicate:** This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.

**Matrix Spike :** A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.

**LCS (Laboratory Control Sample) :** This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.

**Surrogate Spike:** Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.

**Laboratory Acceptance Criteria**

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes and LCS: Generally 70-130% for inorganics/metals; 60-140% for organics and 10-140% for SVOC and speciated phenols is acceptable.

# Sample Receipt Notification (SRN)

Project: EAL/B7463  
 Customer: **Ardill Payne & Partners**  
 Contact: James Foster  
 Client Job ID: 7323 Straford Coal Mine 11x Soil  
 No. of Samples: 11 samples  
 Date Received: 13/12/2011  
 Comments: Standard Request



**Environmental Analysis  
Laboratory**

Environmental Analysis Laboratory

PO Box 157

Lismore NSW 2480

ABN: 41 995 651 524

Tel: (02) 6620 3678 Fax (02) 6620 3957

Bill: **Ardill Payne & Partners** - James Foster - 02 6686 3280

Email: eal@scu.edu.au

## Test Request

Sample Text ID	Client Sample ID	Test Request			
		Metals Scan	Contaminated site assessment 1b	Petroleum Compounds Assessment 1a	PAH
B7463/001	SC1 MLA2	-	1	1	1
B7463/002	SC2 MLA2	-	1	1	1
B7463/003	SC3 MLA2	-	1	1	1
B7463/004	SC4 MLA2	-	1	1	1
B7463/005	SC4.5 MLA2	-	1	1	1
B7463/006	SC5 MLA3	-	1	1	1
B7463/007	SC6 MLA3	-	1	1	1
B7463/008	SC7 MLA1	-	1	1	1
B7463/009	SC8 MLA1	-	1	1	1
B7463/010	DUP QA/QC	-	1	1	1
B7463/011	RB1 MLA2	1	-	-	-
<b>Total</b>		<b>1</b>	<b>10</b>	<b>10</b>	<b>10</b>



**RESULTS OF SOIL ANALYSIS**

11 soil samples supplied by Arcill Payne & Partners on the 13th December, 2011 - Lab Job No. B7463  
 Analysis requested by James Foster - Your Job: 7323 Stratford Coal Mine  
 (PO Box 20, BALLINA NSW 2478).

ANALYTE	METHOD REFERENCE	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7	Sample 8	Sample 9	Sample 10	Sample 11 (as mg/L)	RESIDENTIAL Guideline Limit		COMMERCIAL Guideline Limit		Background Range
		SC1 MLA2	SC2 MLA2	SC3 MLA2	SC4 MLA2	SC4.5 MLA2	SC5 MLA3	SC6 MLA3	SC7 MLA1	SC8 MLA1	DUP QA/QC	RB1 MLA2	Composite - Column 1	Individual - Column 1	Composite - Column 4	Individual - Column 4	
		Job No. B7463/1	B7463/2	B7463/3	B7463/4	B7463/5	B7463/6	B7463/7	B7463/8	B7463/9	B7463/10	B7463/11	See note 1a,b	See note 1a,b	See note 1a,b	See note 1a,b	See note 2
MOISTURE %	c	19	15	25	15	20	18	15	20	15	20	..	..	..	..	..	..
SILVER (mg/Kg DW)	a	<0.5	<0.5	<0.5	<0.5	<0.5	0.5	<0.5	<0.5	<0.5	<0.5	<0.001	na	na	na	na	na
ARSENIC (mg/Kg DW)	a	5	2	3	7	7	8	5	6	11	7	<0.001	<25	<100	<125	<500	<2-30
LEAD (mg/Kg DW)	a	14	6	12	9	16	14	13	16	22	14	<0.001	<75	<300	<375	<1500	<200
CADMIUM (mg/Kg DW)	a	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.001	<5	<20	<25	<100	0.04-2.0
CHROMIUM (mg/Kg DW)	a	3	3	4	12	7	7	4	7	9	6	0.001	<25	<100	<125	<500	0.5-110
COPPER (mg/Kg DW)	a	2	5	4	7	5	3	2	4	2	3	0.004	<250	<1000	<1250	<5000	1-190
MANGANESE (mg/Kg DW)	a	65	84	147	249	1064	447	22	974	97	532	0.001	<375	<1500	<1875	<7500	4 - 12,600
NICKEL (mg/Kg DW)	a	1	3	3	5	4	3	2	6	6	2	<0.001	<150	<600	<750	<3000	2-400
SELENIUM (mg/Kg DW)	a	0.6	0.3	0.6	0.4	0.4	0.8	0.6	0.7	0.5	0.7	<0.001	na	na	na	na	na
ZINC (mg/Kg DW)	a	6	30	14	38	24	18	20	28	36	20	0.001	<1750	<7000	<8750	<35000	2-180
MERCURY (mg/Kg DW)	a	<0.05	<0.05	<0.05	<0.05	<0.05	0.08	<0.05	<0.05	<0.05	<0.05	<0.001	<3.75	<15	<18.75	<75	0.001-0.1
IRON (% DW)	a	2.03	1.00	1.15	3.36	1.77	2.26	1.35	1.67	5.61	2.03	<0.001	na	na	na	na	na
ALUMINIUM (% DW)	a	0.44	1.34	0.95	1.29	1.06	0.88	0.97	1.10	0.59	0.86	<0.001	na	na	na	na	na
<b>PESTICIDE ANALYSIS SCREEN</b>																	
4, 4 DDT (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	<2.5	<10	<250	<1000	<0.2
Methoxychlor (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	<2.5	<10	<12.5	<50	<0.2
Other Organochlorine Pesticides (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	<2.5	<10	<12.5	<50	<0.05
Other Organophosphate Pesticides (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	<0.5
PCB's (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	<2.5	<10	<12.5	<50	<0.5
<b>HYDROCARBON ANALYSIS RESULTS</b>																	
<b>BTEX</b>																	
Benzene (mg/Kg)	c	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	..	..	..	..	..	..
Toluene (mg/Kg)	c	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	..	..	..	..	..	..
Ethylbenzene (mg/Kg)	c	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	..	..	..	..	..	..
Total m+p-xylenes (mg/Kg)	c	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2	..	..	..	..	..	..
o-xylene (mg/Kg)	c	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	..	..	..	..	..	..
Total BTEX	c	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	..	..	..	..	..	..
<b>Total Recoverable Hydrocarbons</b>																	
C6-C9 (Volatile) Fraction (mg/Kg)	c	<25	<25	<25	<25	<25	<25	<25	<25	<25	<25	..	..	..	..	..	..
C10-C14 Fraction (mg/Kg)	c	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50	..	..	..	..	..	..
C15-C28 Fraction (mg/Kg)	c	<100	<100	<100	<100	<100	<100	<100	<100	<100	<100	..	..	..	..	..	..
C29-C36 Fraction (mg/Kg)	c	<100	<100	<100	<100	<100	<100	<100	<100	<100	<100	..	..	..	..	..	..
Sum of C10-C36 (mg/Kg)	c	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	..	..	..	..	..	..
<b>Polyaromatic Hydrocarbons (PAH)</b>																	
Naphthalene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Acenaphthylene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Acenaphthene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Fluorene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Phenanthrene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Anthracene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Fluoranthene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Pyrene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Benzo(a)anthracene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Chrysene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Benzo(b)(k)fluoranthene (mg/Kg)	c	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	..	..	..	..	..	..
Benzo(a)pyrene (mg/Kg)	c	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	..	..	..	..	..	..
Indeno(1,2,3-c,d)pyrene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Dibenz(a,h)anthracene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Benzo(g,h,i)perylene (mg/Kg)	c	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	..	..	..	..	..	..
Sum of reported PAHs (mg/Kg)	c	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	Not detected	..	..	..	..	..	..

**METHODS REFERENCE**

- a. <sup>15</sup>Nitric/HCl digest - APHA 3120 ICPMs
- b. <sup>13</sup>Nitric/HCl digest - APHA 3120 ICPOES
- c. Analysis sub-contracted - results attached

**NOTES**

- 1a. Column 1 ' Residential with gardens and accessible soil including childrens daycare centres, preschools, primary schools, town houses or villas' (NSW EPA 1998)
- 1b. Column 4 ' Commercial and Industrial' (NSW EPA 1998)
- 2. Environmental Soil Quality Guidelines, Page 40, ANZECC, 1992.

**Additional NOTES**

DW = Dry Weight; na = no guidelines available

Organochlorine pesticide (OC's) screen: (HCB, alpha-BHC, gamma-BHC, Heptachlor, delta-BHC, Aldrin, Heptachlor Epoxide, gamma-Chlordane, alpha-chlordane, Endosulfan 1, pp-DDE, Dieldrin, Endrin, pp-DDD, Endosulfan 2, pp-DDT, Endrin Aldehyde, Endosulfan Sulphate, Methoxychlor)


Organophosphorus pesticide (OP's) screen: (Diazinon, Dimethoate, Chlorpyrifos-methyl, Ronnel, Chlorpyrifos, Fenitrothion, Bromophos-ethyl, Ethion)

PCB's = Polychlorinated Biphenyls (Arochlor 1016, 1232, 1242, 1248, 1254, 1260)

checked:.....

# CHAIN OF CUSTODY

B7463

Environmental Analysis Laboratory		Submitting Client Detail	Billing Client Detail
	<b>Delivery Address:</b>	Quote Id:	Quote Id:
	Environmental Analysis Laboratory	<b>Job Ref:</b> 7323	<b>ABN:</b>
	Southern Cross University	Company Name: ARDILL PAYNE	Company Name:
	PO Box 157 (Military Road)	Contact Person: JAMES FOSTER	Contact Person:
	LISMORE NSW 2480	Phone: 66863280	Phone:
	Phone: 02 6620 3678	Mobile: 0421519354	Mobile:
	Fax: 02 6620 3957	Fax: 66867920	Fax:
	Email: eal@scu.edu.au	Email: James.F.Ardill@payne.com.au	Email:
	Website: www.scu.edu.au/eal	Postal Address: 79 tanna st Ballina	Postal Address:

**Comments: (Refer to next page for sample detail)**

STRATFORD      COAL MINE      SEPP 55      PRELIM INVESTIGATION

Relinquished by: JAMES FOSTER 12/12/11	Received by: Charal Starr 13.12.11.
Preservation: None / Ice / Ice Bricks / Acidified / Filtered / Other:	Condition on receipt: Ambient / Cool / Frozen / Other:

**Payment Method:**

- Purchase Order
  - Cheque  Invoice (prior approval and ABN required)
  - Credit Card    Mastercard / Visa
- Card Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
- Expiry Date: \_\_\_\_ / \_\_\_\_    Name on Card: \_\_\_\_\_

**NOTE:** Only complete the CVV number if you are supplying the ORIGINAL HARDCOPY to EAL.

If you are sending this form electronically please provide the CVV number in a separate email quoting your job Reference Number.

**CVV Number:** \_\_\_\_\_

**NOTE:** EAL must remove this section containing the CVV number and shred the transaction when it has been processed.



# CHAIN OF CUSTODY

\$150

\$80

Sample Analysis Request				
Price List Code (eg SW-PACK-06)				
SS-PACK-06	SS-PACK-17	SS-PACK-04	SS-SING-20	

Lab Sample No.	Sample ID	Sample Depth	Your Client	Crop ID	Sample Type (eg water, leaf, soil)
1 SC1	MLA2	0-150	SMATFORD		SOIL
2 SC2	MLA2				
3 SC3	MLA2				
4 SC4	MLA2				
5 SC4-5	MLA2				
6 SC5	MLA3				
7 SC6	MLA3				
8 SC7	MLA1				
9 SC8	MLA1				
10 DUP	QA/QC				
11 RB1	MLA2	-			RINSATE BLANK

Customer phoned for PAH to be added.  
Miri called to explain not enough rinseate samples sent to test for metals.