
Preliminary Contamination Assessment

83 Fotheringay Road,
Clarence Town, NSW

NEW21P-0133-AA.rev1
19 October 2021



Document control record

Document prepared for:

Perception Planning Pty Ltd
260 Maitland Road
Mayfield NSW 2304

Document prepared by:

Qualtest Laboratory (NSW) Pty Ltd
ABN 98 153 268 89
2 Murray Dwyer Circuit
Mayfield West, NSW 2304
T 02 4968 4468
W www.qualtest.com.au

Document Control					
Report Title		Preliminary Contamination Assessment			
Document ID		NEW21P-0133-AA.rev1			
Project		Preliminary Contamination Assessment 83 Fotheringay Road, Clarence Town, NSW			
Rev	Date	Revision details/status	Prepared by	Author	Reviewer
0	22 September 2021	Original	Qualtest	L.Betz	L.Fox
1	19 October 2021	Revision 1	Qualtest	L.Betz	-

Executive Summary

Qualtest Laboratory NSW Pty Ltd (Qualtest) has carried out a Preliminary Contamination Assessment (PCA) for Dal Corp Pty Ltd C/- Perception Planning Pty Ltd (Perception Planning) for the site located at 83 Fotheringay Road, Clarence Town, NSW (the Site).

The site is located at Lot 21 DP 775681, currently zoned RU2 Rural Landscape and E3 Environmental Management and is approximately 15.3 ha in size. A six-lot residential subdivision is proposed for the site. The purpose of the PCA was to support the DA submission to Dungog Shire Council for the proposed rezoning.

The objectives of the PCA were to provide an assessment of the likelihood for contamination to be present on the site from past uses and activities, and provide recommendations on the need for further assessment, management and/or remediation (if required).

In order to achieve the above objective, Qualtest carried out the following scope:

- Desktop study and site history review;
- Site walkover; and
- Data assessment and preparation of a Preliminary Contamination Assessment Report.

The site history review indicated the site was owned by private individuals (timber merchants, butchers, executor and carrier) from 1916 to 2002 when the current site owner, Digby Hampton Rayward purchased the site. The current site owner uses the site for hobby farming including stock grazing.

The site history review indicated the site was owned by private individuals (timber merchants, butchers, executor and carrier) from 1916 to 2002 when the current site owner, Digby Hampton Rayward purchased the site. The current site owner uses the site for hobby farming including stock grazing.

The site was formerly used as a dairy and poultry farm with a former chicken shed. Evidence of fodder cropping was also present on the site. Anecdotal evidence suggest that a sawmill may also have been present in the north eastern portion of the site around the 1920s.

The site currently contains two residential dwelling and two large sheds. One of the sheds (shed 1) and residential dwellings were constructed prior to the 1970s and the second shed (Shed 2) was constructed between 1971 and 1983. Minor oil staining was observed on the ground floor of Shed 2.

Five Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: Current and former buildings across the site; current and former farming practices – chicken/dairy sheds; Former sawmill in the north eastern portion of the site; Storage of waste materials across the site; Septic tank and associated overflow/soak aways.

The Preliminary Conceptual Site Model (CSM) indicated that there was potential for soil, surface water and sediment contamination to exist on the site and potentially complete exposure pathways could exist to current and future site users and the environment. The risk to groundwater was considered to be low, however this would need to be confirmed based on depth of potential burial pits (if present).

Based on the above, it is recommended that a detailed contamination assessment, comprising intrusive investigations, be carried out on the site.

This report was prepared in general accordance with the relevant sections of the NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), NEPC 2013, Canberra (referred to as ASC NEPM 2013).

Table of Contents:

1.0	Introduction	3
1.1	Objectives	3
1.2	Scope of Works	3
2.0	Site Description	3
2.1	Site Identification.....	3
2.2	Topography and Drainage	4
2.3	Regional Geology.....	4
2.4	Hydrogeology	5
2.5	Acid Sulfate Soils.....	5
3.0	Site History Review.....	5
3.1	Historical Titles Search	5
3.2	Aerial Photograph Review	6
3.3	Site Observations.....	8
3.4	NSW EPA Records & Environment Protection Licenses	9
3.5	Anecdotal Information.....	10
3.6	Section 10.7 Certificate	11
3.7	Previous Reports	12
3.8	Summary of Site History.....	12
3.9	Potential Offsite Sources of Contamination	12
3.10	Gaps in the Site History	12
4.0	Preliminary Conceptual Site Model	13
5.0	Conclusions and Recommendations.....	15
6.0	Limitations.....	15
7.0	References.....	16

Attachments:

Appendix A - Figures: Figure 1 - Site Location Plan

Figure 2 – Site Features Plan

Appendix B: Groundwater Bore Search

Appendix C: Historical Titles

Appendix D: Aerial Photographs

Appendix E: Site Photographs

Appendix F: NSW EPA Records

Appendix G: Section 10.7 Certificates

1.0 Introduction

Qualtest Laboratory NSW Pty Ltd (Qualtest) has carried out a Preliminary Contamination Assessment (PCA) for Dal Corp Pty Ltd C/- Perception Planning Pty Ltd (Perception Planning) for the site located at 83 Fotheringay Road, Clarence Town, NSW (the Site).

The site is located at Lot 21 DP 775681, currently zoned RU2 Rural Landscape and E3 Environmental Management and is approximately 15.3 ha in size. A six-lot residential subdivision is proposed for the site.

The purpose of the PCA was to support the DA submission to Dungog Shire Council for the proposed rezoning.

This report was prepared in general accordance with the relevant sections of the NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land and the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)*, NEPC 2013, Canberra (referred to as ASC NEPM 2013).

1.1 Objectives

The objectives of the PCA were to provide an assessment of the likelihood for contamination to be present on the site from past uses and activities, and provide recommendations on the need for further assessment, management and/or remediation (if required).

1.2 Scope of Works

In order to achieve the above objective, Qualtest carried out the following scope:

- Desktop study and site history review;
- Site walkover; and
- Data assessment and preparation of a Preliminary Contamination Assessment Report.

2.0 Site Description

2.1 Site Identification

General site information is provided below in Table 2.1. The site location is shown in Figure 1, Appendix A.

Table 2.1: Summary of Site Details

Site Address:	83 Fotheringay Road, Clarence Town NSW
Approximate site area and dimensions:	Approx. 15.8ha Approx. 364m wide by 665m long at its widest and longest points.
Title Identification Details:	Lot 21 DP775681 within the Dungog local government area, Parish of Uffington, County of Durham.

Current Zoning	The eastern portion of the site is currently zoned E3 – Environmental Management and the remainder of the site is currently zoned R5 - Large Lot Residential
Current Ownership:	Private individual
Current Occupier:	Rural Residential – Private individual
Previous and Current Landuse:	Rural residential/farming land
Proposed Landuse:	Proposed to be rezoned for a residential subdivision
Adjoining Site Uses:	North –Rural residential properties; East – Williams River and rural residential properties/ farming/cleared land; South – Rural residential properties and bushland; West – Fotheringay Road followed by rural residential properties.
Site Coordinates for approx. centre of site:	32°35'51.71 S 151°46'25.96 E

2.2 Topography and Drainage

Reference to the NSW Land and Property Information Spatial Information Exchange website (<https://six.nsw.gov.au/wps/portal/>) indicated the elevation of the site ranged from 20m to below 10m AHD.

The highest portions of the site were observed along the western boundaries and central portion of the site. The general surface topography was observed to slope down to north east towards the onsite dam and to the south east towards drainage line in the south east portion of the site.

Rain falling on the site would be expected to infiltrate into the site surface. Excess surface water is expected to follow the site topography, and flow into the onsite dam (located in the north western portion of the site) or to the drainage line located in the south eastern portion of the site.

The overflow of the onsite dam flows to the north east discharging to Williams River located along the eastern boundary of the site. The drainage line, in the south eastern portion of the site, flows to the east also discharging to Williams River. The Williams River flows to the south into the Hunter River, located approximately 17km south of the site.

2.3 Regional Geology

The 1:100,000 Newcastle Geology Map indicates that the site is underlain by the Carboniferous aged rocks in the Wallaringa Formation, comprising coarse conglomerate to conglomeratic lithic sandstone.

2.4 Hydrogeology

Groundwater beneath the site is anticipated to be present in an unconfined aquifer in residual soils and weathered rock at greater than 5m below ground surface (bgs) in the western portions of the site. A shallower unconfined aquifer maybe present in alluvium associated with the Williams River.

Groundwater flow direction is anticipated to follow the surface topography and discharge to the Williams River, located approximately 20m to the east of the site.

It should be noted that groundwater conditions can vary due to rainfall and other influences including regional groundwater flow, temperature, permeability, recharge areas, surface condition, and subsoil drainage.

A search of the NSW Department of Primary Industries (Office of Water) registered groundwater bores located within a 500m radius of the site was undertaken. The search revealed that there were no bores within this radius. A copy of the search is provided in Appendix B.

2.5 Acid Sulfate Soils

Reference to the Acid Sulfate Soil online database from State of NSW and Department of Planning, Industry and Environment, 2021 (espade.environment.nsw.gov.au) the a small portion of the site along the eastern boundary boarding the Williams river is located in an area of "high probability within an alluvial levee at depths >3m bgs", the remainder of the site is located in an area of "no known occurrence".

3.0 Site History Review

A site history review was undertaken as part of the PCA, and included:

- A review of historical ownership of the site (Lot 21 DP775681);
- A review of aerial photography from the past 45 years (1971 was earliest aerial photograph available for the site);
- A review of Section 10.7 Certificate for Lot 21 DP775681 from the Dungog Shire Council;
- Search of the NSW EPA's list of contaminated sites relevant to the site and nearby properties;
- Interview with the current site owner; and
- A site walkover to help identify current and previous activities carried out on the site, identify surrounding land uses, and assess Areas of Environmental Concern (AECs) and Chemicals of Potential Concern (COPCs).

The information provided from the above reviews is summarised in the sections below.

3.1 Historical Titles Search

A search of historical titles for Lot 21 DP775681 was undertaken by Advanced Legal Searchers Pty Ltd. A list of past registered proprietors dating back to 1916 was obtained. The results of the search are included in Appendix C and a summary is presented below in Table 3.1.

Table 3.1: Summary of Historical Titles

Date	Owner
2002 – todate	Digby Hampton Raymond (this is understood to be an error and should be Rayward) Lynette Eileen Raymond (this is understood to be an error and should be Rayward)
1999 – 2002	Ross Marland McCrohon
1987 – 1999	Elaine Olga McCrohon
1950 – 1987	Stephen Russell Sternbeck, carrier
1929 – 1950	Ivy May Robards, wife of Edward Robards, butcher
(1923 – 1946)	(lease to The Council of the Shire of Wallarobba, of part)
1929 – 1929	William Massy Royse, timber merchant
1925 – 1929	John Joseph Youll, executor
1916 – 1925	William Massy Royse, timber merchant

The historical title search indicated that the site was owned by private individuals (timber merchants, butchers, executor and carrier) from 1916 to 2002 when the current site owner, Digby Hampton Rayward purchased the site.

3.2 Aerial Photograph Review

Aerial photographs of the site from 1971, 1983, 1991 and 2001 were obtained from the NSW Government Spatial Portal (<https://portal.spatial.nsw.gov.au/>), and satellite images from Google Earth for 2010 and 2021, were assessed by a Qualtest Environmental Scientist. It is noted that no aerial photographs prior to 1971 were available for the site. The results of the aerial photograph review are summarised below in Table 3.2. The aerial photographs are presented in Appendix D.

Table 3.2: Aerial Photograph Review

Year	Site	Surrounding Land
1971	<p>The site appears to be mostly cleared agricultural land with scattered trees in the in the central portion of the site. Evidence of cropping/slashed grass is present in the north eastern and south eastern portion of the site.</p> <p>Three large structures are visible in the central eastern portion of the site. The structures appear to be in the same location as the shed and residential dwellings currently located on the site. Access tracks are present running north south through the centre of the site and</p>	<p>The surrounding land uses appear to consist of mostly cleared rural residential farming/agricultural land with scattered trees throughout and bushland to the south.</p> <p>Residential properties are present to the north.</p> <p>The Williams River is present to the east, followed by cleared farming/agricultural land.</p> <p>Fotheringay Road is present to the west of the site followed by bush land.</p>

Year	Site	Surrounding Land
	<p>from Fotheringay Road to the structures in the eastern portion of the site.</p> <p>A dam is present to the north western portion of the site with drainage line running to the north east and a drainage line is present in the south eastern corner of the site.</p>	
1983	<p>An additional large shed has been constructed in the central western portion of the site and is presumably the unused chicken shed currently located on the site. An area of disturbed ground is also present to the east of the shed.</p> <p>A smaller structure/shed has also been constructed in the central portion of the site.</p>	<p>Additional residential development has occurred to the north of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 1971 aerial photograph.</p>
1993	<p>Alterations/extensions appear to have been carried out on the residential dwelling located in the central east of the site.</p> <p>The cropping/slashed grass present in the south eastern and north western portion of the site appears to me more pronounced.</p> <p>The remainder of the site appears relatively unchanged from the 1984 aerial photograph.</p>	<p>Additional residential development has occurred to the north of the site and additional farming/cropping occurring to the east of the site (over the Williams River).</p> <p>The remaining surrounding area appears relatively unchanged since the 1984 aerial photograph.</p>
2001	<p>The cropping/slashed grass no longer appears to be present in the north eastern and south eastern portions of the site.</p> <p>The remainder of the site appears relatively unchanged from the 1993 aerial photograph.</p>	<p>Additional residential development has occurred to the north of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 1993 aerial photograph.</p>
2010	<p>Trees have been planted along the driveway and surrounding paddocks in the north eastern portion of the site.</p> <p>The chicken shed in the central western portion of the site appears to have decreased in size (western portion of shed as been removed).</p> <p>The remainder of the site appears relatively unchanged from the 2001 aerial photograph.</p>	<p>Additional residential development has occurred to the north of the site.</p> <p>Rural residential development has occurred to the west of the site in the former bushland areas.</p>

Year	Site	Surrounding Land
2021	<p>A Swimming pool has been installed to the north of the residential dwelling in the central east of the site.</p> <p>The remainder of the site appears relatively unchanged from the previous 2010 aerial photograph.</p>	<p>Additional residential development has occurred to the north, south and west of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 2010 aerial photograph.</p>

3.3 Site Observations

A Qualtest Environmental Scientist visited the site on 8 September 2021. Selected site photographs are presented in Appendix E. The location of site features is shown on Figure 2A and 2B, Appendix A. A summary of the site features is outlined below:

- A residential dwelling (House 1) was observed in the central east of the site. The dwelling was observed to have been constructed of timber panelling, brick with a metal roof. The house had been altered/extended from the original build. The house appeared to be founded on brick and concrete. An in-ground pool was observed to the north of the house, garden beds and various flowers and vegetation surrounded the house (see photograph's 1 to 4);
- A shed (Shed 1) was observed to the south of the residential dwelling, it was wooden and metal clad with concrete flooring in good condition (see photograph 5 to 9. The shed contained:
 - The front portion of the shed contained two quad motor bikes with minor oil staining on concrete flooring and a shelving area with paint tins, oils and fuels ranging from 0.5L to 5L in size;
 - An inground former 4m deep concrete water tank was observed in the shed. Canoe boats were stored on the northern wall, with camping equipment and tents were stored on the former water tank;
 - A gym area was located along the central southern boundary containing treadmills, barbells, rowing machine and a tv;
 - A makeshift kitchen with a fridge and deep freezer, a stove top, cooking equipment, shelving and a sink was observed north of the gym;
 - A toilet and shower block and sink with shelving was observed north west of the kitchen; and
 - Two 5L chemical spray units, both stored on concrete flooring next to a chemical shed and chemical storage area. The chemical storage area contained animal worming treatments, round up, bindi killer and pesticides ranging from 0.5L to 5L in size. Adjacent was a sink containing chemicals including spirits and cleaning solutions ranging from 1L to 5L in size.
- A second dwelling (House 2) was observed to the west of Shed 1. The dwelling was observed to have been constructed from brick with concrete flooring and tile roofing in good condition. Directly west of the dwelling was a, metal stock pen and loading ramp, a septic was present to the south of the second dwelling; (See photograph 10 & 11);
- A wood store was observed along the fence line to the north of House 2 (see photograph 12);
- A former chicken shed (Shed 2) which was observed in the central western portion of the site. Shed 2 was observed to have been constructed with timber and metal cladding with a gravel floor. Shed 2 was used for storage of items including a cool room, some farming

equipment, camping equipment, a bbq and boating equipment. A wood storage and sanding area was observed in the middle of the shed, various paints were stored on shelving some oil staining was observed under the shelving. Some 20L drums of engine oil were observed on gravel flooring towards the front portion of the shed, the tractor was usually parked near this portion of the shed (see photograph 13 to 15);

- A steel storage container was observed directly to the north of Shed2. No access was provided to the storage container;
- Two large paddocks along the western portion of the property bounding Fotheringay road contained sheep and cattle grazing. Water troughs were scattered throughout the paddock. A dam was observed in these paddocks which lead to a smaller creek/drainage line to the north of the dam. A stockpile of bricks and wooden posts was observed north east of the dam. A former road running to the northern boundary of the site was observed in the area (see photograph 16 & 17);
- Located to the north of the residential dwelling (House 1) was a septic tank and transpiration bed and stockpiles of wood, bricks and some metal (see photograph 18 & 19);
- Williams River was observed to the east of the site. A creek/drainage line with an irrigation pump was observed in the south eastern portion of the site (see photograph 20 & 21); and
- An area of buried animal waste including sheep and foxes was observed in the southern portion of the site. The animal waste was observed to cover an area of approximately 25m² (see photograph 22).

3.4 NSW EPA Records & Environment Protection Licenses

Contaminated Land Records

A search of the NSW EPA database of notices issued under the Contaminated Land Management Act, 1997 (CLM Act) revealed there were no properties listed as having current and/or former notices within the Clarence Town suburb.

A search of sites that have been notified to NSW EPA as contaminated (as of 8 July 2021) was also carried out. The search identified no properties within the Clarence Town suburb which had been notified to the NSW EPA as being contaminated.

A copy of the above searches is provided in Appendix F.

Environment Protection Licenses (EPLs)

The Protection of the Environment Operations (POEO) register under Section 308 of the POEO Act 1997, was searched for Environment Protection Licenses (EPLs) and notices for the suburb of Clarence Town NSW. The search revealed there was one property within the Clarence town suburb with an EPL, summarised in Table 3.4

Table 3.4 – Information on Properties with EPLs

Company Name	Address	Approx. Distance & Direction from Site	Licensed Activity
Hunter Water Corporation	Off Woerdens Road, Clarence Town NSW	>5kms north west of the site	Clarence town waste water treatment plant

Given the distance to the site from the surrounding properties containing EPLs, it is considered unlikely that contamination from the properties (if any) would impact the site.

A copy of the above searches is provided in Appendix F.

NSW EPA PFAS Investigation Program

Based on a review of the NSW EPA Government PFAS Investigation Program ([ref: https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program](https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program)), there are no properties in the suburb of Clarence town that have been identified as a site that is likely to have used large quantities of PFAS.

NSW EPA Former Gasworks Sites

Based on a review of the NSW EPA website ([ref: https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites](https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites)), no former gasworks have been identified in the suburb of Clarence town.

3.5 Anecdotal Information

An interview was held with Mr Digby Rayward on the 9 September 2021. Mr Rayward has owned the property for the last 20 years. Information obtained from Mr Rayward is summarised below:

- Mr Rayward uses the property for small scaling stock farming with approximately 50 yews and 8 breeding cows which rotate through most of the paddocks;
- Spot sprays, bindi spray, round up have all been used across the site for maintaining weeds. Fowl manure has also been spread across some paddocks;
- Chemicals were stored in the chemical cupboard in Shed 1 and 20L drums of oil and fuel were stored on site for the tractor in the shed (Shed 2);
- Rubbish was disposed of at the Council tip;
- The previous site owner (Mrs Mcrowan) subdivided the greater area into three lots, Mr Rayward's property (the site) is located in the middle of the three lots and was previously a commercial dairy and contained chicken sheds which have not been used for that purpose for well over 30 years;
- Shed 1 was used as for a feed shed for the dairy cows by the previous owners and contained an inground water tank which was 4m deep. The shed is currently used as a hobby shed. The second residential dwelling (House 2) was formerly used as a milking shed for the cows;
- Mr Rayward stated that part of the chicken sheds had been knocked down in strong winds, the footpad for the silo feeder still remains where the shed once stood, he said the chicken sheds had been made of sheet metal and wood, he has added some concrete and extra wood panelling to keep the shed secure;
- The storage container north of Shed 2 was used to store Mr Rayward's daughters' furniture;
- The surrounding area was used for lifestyle hobby farming, no commercial farms were located close by;
- The paddock in the north eastern corner of the site was once used as a sawmill, as ships were the main production of Clarence town and ships were placed in the water at Williams river at the site;
- Bricks and wooden panels that were observed in the western paddocks were from renovations that occurred on the house twenty years ago from the knocking down of a chimney;
- A large amount of wood from the stockpiles in the central paddocks north of the house were from renovations his son had undergone in Newcastle which have been stored on site; and
- Mr Rayward stated he had buried some foxes and sheep in the paddock closet to the southern boundary of the site.

3.6 Section 10.7 Certificate

A Section 10.7 Certificate for the site was obtained from Dungog Shire Council, and is presented in Appendix G. Relevant information is summarised below.

Table 3.6 - Summary of Section 10.7 Certificate for Lot 21 DP 775681

Zoning	E3 Environmental Management & R5 Large Lot Residential
Critical Habitat	Dungog Local Environmental Plan 2014 does not identify the land as including or comprising critical habitat.
Heritage	The land is not located within a heritage conservation area under the Dungog Local Environmental Plan 2013.
Mine Subsidence	<p>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 or within an area declared to be a mine subsidence district under the Coal Mine Subsidence Compensation Act 2017.</p> <p>The land is not within a proclaimed or declared mine subsidence district.</p>
Bushfire	The land is identified as bush fire prone land in Council's records. Further details of any applicable restrictions on development of the land may be obtained on application to Council.
Loose-fill Asbestos Insulation	<p>Whether or not the land includes any residential premises (as defined in Division 1A of Part 8 of the Home Building Act 1989) that are listed on a register of residential premises that contain or have contained loose-fill asbestos insulation.</p> <p>The land DOES NOT include any residential dwelling identified on the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.</p>
Contaminated Land Information	There are no prescribed matters under section 59(2) of the Contaminated Land Management Act 1997 to be disclosed.
Potential acid sulfate soils	<p>Yes the site contains class 4 and 5 acid sulphate soils.</p> <p>Development consent is required for the carrying out of works described in the on land shown as being of the class specified for those works:</p> <p>Class 4 is described as "Works more than 2 metres below the natural ground surface or Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface."</p> <p>Class 5 is described as "Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land."</p>

3.7 Previous Reports

Qualtest has not been provided with or been made aware of any previous contamination assessments being conducted on the site.

3.8 Summary of Site History

The site history review showed:

- The site was owned by private individuals (timber merchants, butchers, executor and carrier) from 1916 to 2002 when the current site owner, Digby Hampton Rayward purchased the site.
- The site contains two residential dwelling and two large sheds. One of the sheds (shed 1) and residential dwellings were constructed prior to the 1970s and the second shed (Shed 2) was constructed between 1971 and 1983. Minor oil staining was observed on the ground floor of Shed 2.
- The site was formerly used as a dairy farm before the current site owners purchased the site. Shed 1 was used as cattle feeding station and House 2 was used as the milking sheds. Shed 2 was also used as a Chicken shed over 30 years ago. The site is currently used for hobby farming including cattle and sheep grazing.
- A sawmill was previously present in the north eastern portion of the site. The sawmill was likely on the site from 1916 to 1925 as a timber merchant owned the property at that time.

3.9 Potential Offsite Sources of Contamination

No potential offsite sources of contamination have been identified for the site.

3.10 Gaps in the Site History

Whilst the site history is reasonably comprehensive there are some gaps identified in the review as follows:

- Activities carried out on the site prior to the 1970's are not well known. It is unknown where the sawmill was located on the site and if buildings present prior to 1970s, were demolished. It is likely that use of the site has been for agricultural activities including dairy and poultry farming and that evidence of cropping/farming was likely for growing fodder for dairy cattle consumption;
- The scale of the chicken and dairy farming on the site, is not known, though the original size suggests that this was a commercial enterprise at least until the mid 1990s. This means that it is unclear if carcasses were buried on site,
- It is not known if hazardous building materials (i.e. asbestos, lead paint) was used to construct the current and/or former buildings on site. However, based on site observations, widespread use of potential asbestos containing materials (ACM) was not observed in the buildings currently on the site.

4.0 Preliminary Conceptual Site Model

Based on the results of the preliminary contamination assessment carried out on the site, a preliminary Conceptual Site Model (CSM) has been developed.

Table 4.0 – Preliminary Conceptual Site Model

AEC	COPC	Likelihood of Contamination	Mechanism of Contamination	Potentially Affected Media	Human & Ecological Receptors	Potential mechanisms of exposure	Potential & Complete Exposure Pathways	Comments
<p>1. Current and former buildings across the site.</p> <ul style="list-style-type: none"> Weathering of potentially hazardous materials (asbestos, lead paint, galvanised metals) Use of pesticides and weedicides around buildings Storage of machinery, vehicles and chemicals/fuels 	Metals, Asbestos, PAHs, OCP/OPP herbicides	Medium to High	<ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil contaminant s to surface water and groundwater . 	<ul style="list-style-type: none"> Aesthetics Soils Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water - Dam located in the central western portion of site and drainage lines in the north western and south eastern portions of the site Offsite surface water – Williams River located along the eastern boundary of the site 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of petroleum hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Williams River, located along the eastern boundary of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for onsite dam and drainage lines. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>5.0m bgs) and expected clay subsoils. 	<p>Exposure pathways would be incomplete if soils are found to not be contaminated via sampling & analysis.</p> <p>It is recommended that a Hazardous Materials Survey is carried out on buildings proposed to be demolished/altere d as part of the proposed subdivision.</p>
<p>2. Current and Former farming practices – chicken/dairy/ fodder cropping areas</p> <ul style="list-style-type: none"> Burial of farm animals and vermin Keeping of chickens and burying of carcasses, runoff from sheds 	Microbiological, pathogens, lead, hazardous gases, metals	Low to medium	<ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil contaminant s to surface water and groundwater 	<ul style="list-style-type: none"> Underlying soils Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water - Dam located in the central western portion of site and drainage lines in the north western and south eastern portions of the site Offsite surface water – Williams River located along the eastern boundary of the site 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil Inhalation of contaminated soil (as dust) Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Williams River, located along the eastern boundary of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for onsite dam and drainage lines. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>5.0m bgs) and expected clay subsoils, however this would need to be confirmed based on depth of potential burial pits. 	<p>Exposure pathways would be incomplete if soils are found to not be contaminated via sampling & analysis.</p>
<p>3. Former sawmill in the north eastern portion of the site</p> <ul style="list-style-type: none"> Use of machinery, potential storage of fuels, oils, 	TRH, BTEX, PAH, Metals, phenols, OCPs, Asbestos	Low to medium	<ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil 	<ul style="list-style-type: none"> Soils Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. 	<p>Exposure pathways would be incomplete if soils are found to not be contaminated via</p>

AEC	COPC	Likelihood of Contamination	Mechanism of Contamination	Potentially Affected Media	Human & Ecological Receptors	Potential mechanisms of exposure	Potential & Complete Exposure Pathways	Comments
lubricants, timber preservatives			contaminants to surface water and groundwater		<ul style="list-style-type: none"> Onsite surface water - Dam located in the central western portion of site and drainage lines in the north western and south eastern portions of the site Offsite surface water – Williams River located along the eastern boundary of the site 	<ul style="list-style-type: none"> Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of petroleum hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Williams River, located along the eastern boundary of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for onsite dam and drainage lines. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>5.0m bgs) and expected clay subsoils. 	sampling & analysis.
4. Storage of waste materials on surface across the site <ul style="list-style-type: none"> Stored wood, bricks and metal 	TRH, BTEX, PAH, metals, Asbestos (CoPCs dependent on waste type)	Medium to high	<ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil contaminants to surface water and groundwater 	<ul style="list-style-type: none"> Aesthetics Underlying soils Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water - Dam located in the central western portion of site and drainage lines in the north western and south eastern portions of the site Offsite surface water – Williams River located along the eastern boundary of the site 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil and/or surface water Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of petroleum hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Williams River, located along the eastern boundary of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users Potentially complete exposure pathway for ecological receptors Potentially complete exposure pathway for onsite dam and creek lines. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>5.0m bgs) and expected clay subsoils 	Exposure pathway (excluding aesthetics) would be incomplete if soils are found to not be contaminated via sampling & analysis. Waste needs to be removed for aesthetics.
5. Septic tanks/Effluent Disposal <ul style="list-style-type: none"> Septic tank overflow/soak aways, potential leaks of effluent 	Microbiological, metals	Low to medium	<ul style="list-style-type: none"> Subsurface leaks from tank Subsurface & surface leaks from overflow/soak aways 	<ul style="list-style-type: none"> Soil Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water - Dam located in the central western portion of site and drainage lines in the north western and south eastern portions of the site Offsite surface water – Williams River located along the eastern boundary of the site 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil and/or surface water Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Williams River, located approximately 175m east of the site. 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for onsite dam and creek lines. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>5.0m bgs) and expected clay subsoil. 	Exposure pathway would be incomplete if soils and surface water are found to not be contaminated via sampling & analysis.

5.0 Conclusions and Recommendations

The site history review indicated the site was owned by private individuals (timber merchants, butchers, executor and carrier) from 1916 to 2002 when the current site owner, Digby Hampton Rayward purchased the site. The current site owner uses the site for hobby farming including stock grazing.

The site was formerly used as a dairy and poultry farm with a former chicken shed. Evidence of fodder cropping was also present on the site. Anecdotal evidence suggest that a sawmill may also have been present in the north eastern portion of the site around the 1920s.

The site currently contains two residential dwelling and two large sheds. One of the sheds (shed 1) and residential dwellings were constructed prior to the 1970s and the second shed (Shed 2) was constructed between 1971 and 1983. Minor oil staining was observed on the ground floor of Shed 2.

Five Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: Current and former buildings across the site; current and former farming practices – chicken/dairy sheds; Former sawmill in the north eastern portion of the site; Storage of waste materials across the site; Septic tank and associated overflow/soak aways.

The Preliminary Conceptual Site Model (CSM) indicated that there was potential for soil, surface water and sediment contamination to exist on the site and potentially complete exposure pathways could exist to current and future site users and the environment. The risk to groundwater was considered to be low, however this would need to be confirmed based on depth of potential burial pits (if present).

Based on the above, it is recommended that a detailed contamination assessment, comprising intrusive investigations, be carried out on the site.

This report was prepared in general accordance with the relevant sections of the NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), NEPC 2013, Canberra (referred to as ASC NEPM 2013).

6.0 Limitations

This report has been prepared by Qualtest for Digby Rayward C/- Perception Planning Pty Ltd based on the objectives and scope of work list in Sections 1.1 and 1.2. No warranty, expressed or implied, is made as to the information and professional advice included in this report. Anyone using this document does so at their own risk and should satisfy themselves concerning its applicability and, where necessary, should seek expert advice in relation to their particular situation.

The opinions, conclusions and recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. Qualtest has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

In preparing this report Qualtest has relied on information contained in searches of government websites and has not independently verified or checked the data contained on these websites.

In preparing this report, current guidelines for assessment and management of contaminated land were followed. If this report is reproduced, it must be in full.

7.0 References

NSW Department of Primary Industries (Office of Water) Registered Groundwater Bore Map, accessed from <http://allwaterdata.water.nsw.gov.au/water.stm>, accessed on 31 August 2021.

NSW Land and Property Information, Spatial Information eXchange (SIX) Maps - Topographic Map, accessed from <https://maps.six.nsw.gov.au/>, accessed on 31 August 2021.

NSW and Department of Planning, Industry and Environment, 2021, accessed from espade.environment.nsw.gov.au, accessed on 31 August 2021.

NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land.

NEPC (2013) National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), Canberra (ASC NEPM 2013).

APPENDIX A:

Figures



LEGEND:

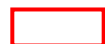


Approx. Site Location

Client:	DIGBY RAYWARD C/O PERCEPTION P:LANNING PTY LTD	Drawing No:	FIGURE 1
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0133
Location:	83 FOTHERINGAY ROAD, CLARENCE TOWN NSW	Scale:	N.T.S.
Title:	SITE LOCATION PLAN	Date:	2 SEPTEMBER 2021



LEGEND:



Site Boundary

Approx. Scale Bar




Client:	DIGBY RAYWARD C/O PERCEPTION P:LANNING PTY LTD	Drawing No:	FIGURE 2A
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0133
Location:	83 FOTHERINGAY ROAD, CLARENCE TOWN NSW	Scale:	N.T.S.
Title:	SITE FEATURES PLAN - CENTRAL PORTION	Date:	15 OCTOBER 2021

LEGEND:



Site boundary

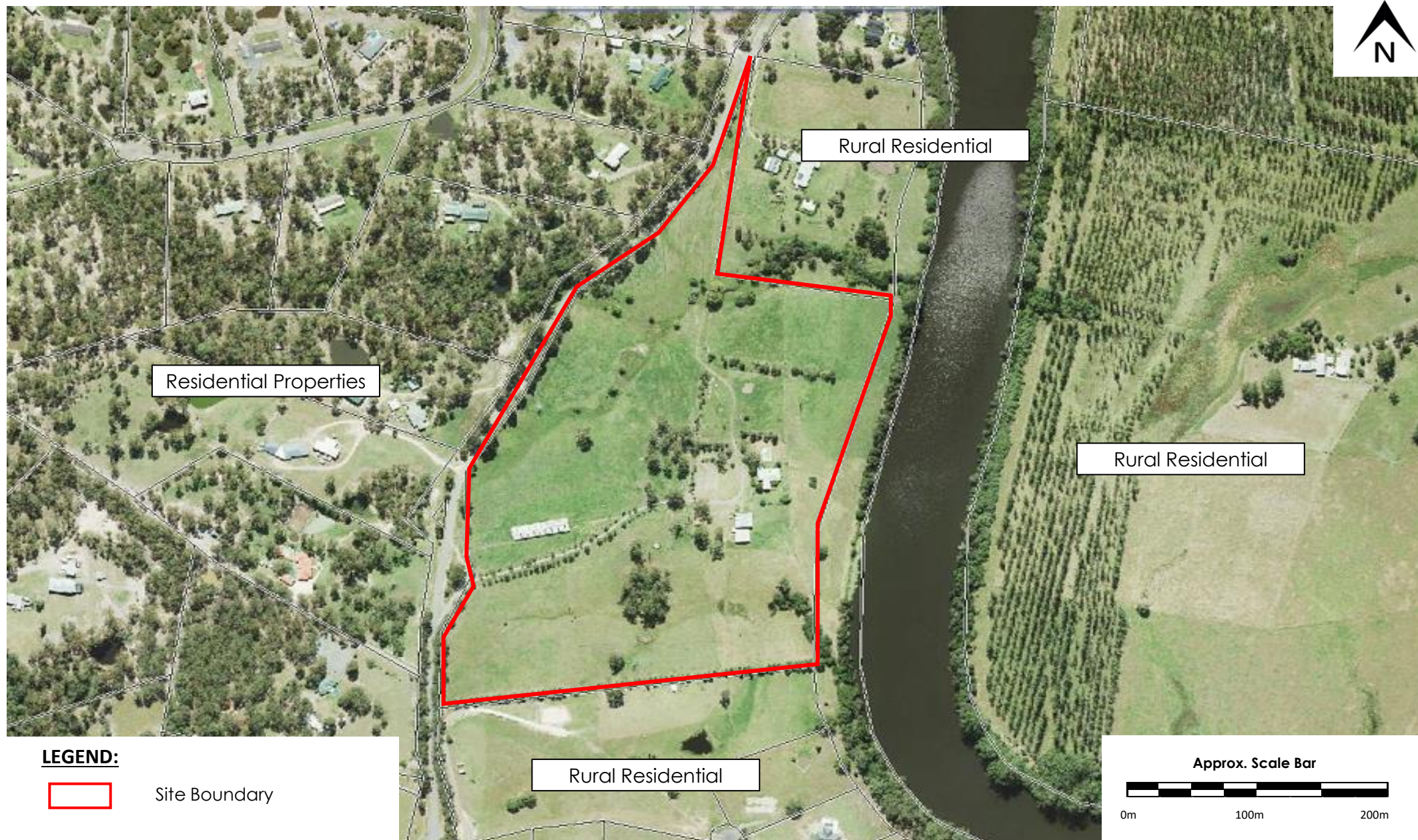
Approx. Scale Bar



0m 100m 200m



Client:	DIGBY RAYWARD C/O PERCEPTION PLANNING PTY LTD	Drawing No:	FIGURE 2B
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0133
Location:	83 FOTHERINGAY ROAD, CLARENCE TOWN NSW	Scale:	AS SHOWN
Title:	SITE FEATURES PLAN - REMAINDER OF SITE	Date:	15 OCTOBER 2021



Client:	DIGBY RAYWARD C/O PERCEPTION P:LANNING PTY LTD	Drawing No:	FIGURE 1
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0133
Location:	83 FOTHERINGAY ROAD, CLARENCE TOWN NSW	Scale:	N.T.S.
Title:	SITE FEATURES PLAN	Date:	2 SEPTEMBER 2021

APPENDIX B:

Groundwater Bore Search

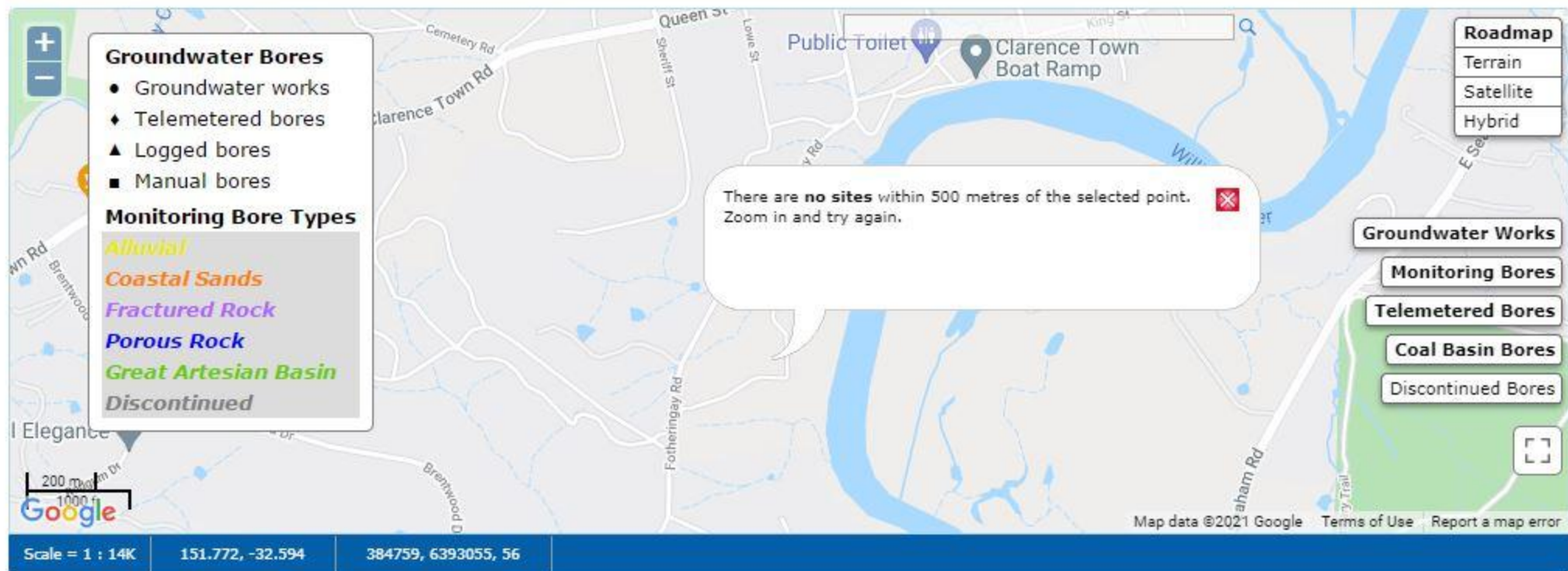
ALL GROUNDWATER MAP

[bookmark this page](#)

All data times are Eastern Standard Time

Map

Info



APPENDIX C:

Historical Titles

ADVANCE LEGAL SEARCHERS PTY LTD

(ACN 147 943 842)
ABN 82 147 943 842

18/36 Osborne Road,
Manly NSW 2095

Telephone: +612 9977 6713
Mobile: 0412 169 809
Email: search@alsearchers.com.au

02nd September, 2021

QUALTEST LABORATORY (NSW) PTY LTD

2 Murray Dwyer Circuit,
MAYFIELD WEST NSW 2304

Attention: Stephanie Cullen,

RE:

**83 Fotheringay Road,
Clarence Town
PO NEW21P-0133**

Current Search

Folio Identifier 21/775681 (title attached)

DP 775681 (plan attached)

Dated 01st September, 2021

Registered Proprietor:

DIGBY HAMPTON RAYMOND

LYNETTE EILEEN RAYMOND

Title Tree
Lot 21 DP 775681

Folio Identifier 21/775681

Certificate of Title Volume 11816 Folio 154

Certificate of Title Volume 8435 Folio 97

Certificate of Title Volume 6658 Folio 67

Certificate of Title Volume 6239 Folio 92

Certificate of Title Volume 4336 Folio 78

























PA 20627

Conveyance Book 1079 No 229





Summary of Proprietor(s) Lot 21 DP 775681

Year	Proprietor(s)
	(Lot 21 DP 775681)
2002 – todate	Digby Hampton Raymond Lynette Eileen Raymond
1999 – 2002	Ross Marland McCrohon
1988 – 1999	Elaine Olga McCrohon
	(Lot 2 DP 552582 – CTVol 11816 Fol 154)
1987 – 1988	Elaine Olga McCrohon
1972 – 1987	Stephen Russell Sternbeck, carrier
	(Part Portion 153 Parish Uffington – CTVol 8435 Fol 97)
1963 – 1972	Stephen Russell Sternbeck, carrier
	(Part Portion 153 Parish Uffington – Area 553 Acres 1 Rood 18 Perches – CTVol 6658 Fol 67)
1953 – 1963	Stephen Russell Sternbeck, carrier
	(Part Portion 153 Parish Uffington – Area 554 Acres 2 Roods 38 Perches – CTVol 6239 Fol 92)
1950 – 1953	Stephen Russell Sternbeck, carrier
	(Part Portion 153 Parish Uffington – Area 597 Acres 1 Rood 23 Perches – CTVol 4336 Fol 78)
1929 – 1950	Ivy May Robards, wife of Edward Robards, butcher
<i>(1923 – 1946)</i>	<i>(lease to The Council of the Shire of Wallarobba, of part)</i>
1929 – 1929	William Massy Royse, timber merchant
1925 – 1929	John Joseph Youll, executor Charles Edwin Church, executor William Massy Royse, estate
	(Part Portion 153 Parish Uffington – Area 597 Acres 1 Rood 23 Perches – Conv Bk 1079 No 229)
1916 – 1925	William Massy Royse, timber merchant



	Status	Surv/Comp	Purpose
DP62789 Lot(s): 1			
 DP1033515	REGISTERED	COMPILATION	EASEMENT
DP752497 Lot(s): 193, 194			
 EX-SUR 81/30 DP984977			
DP758250 Lot(s): 1 Section : 29			
 DP1270341	REGISTERED	SURVEY	SUBDIVISION
DP775681 Lot(s): 21			
 DP1033515	REGISTERED	COMPILATION	EASEMENT
DP839159 Lot(s): 14			
 DP1231078	REGISTERED	SURVEY	EASEMENT
DP1002662 Lot(s): 38, 39			
 DP1012471	REGISTERED	SURVEY	EASEMENT
Lot(s): 38, 39, 40			
 DP868000	HISTORICAL	SURVEY	SUBDIVISION
DP1002663 Lot(s): 54, 55, 56, 57			
 DP868000	HISTORICAL	SURVEY	SUBDIVISION
 DP1002662	HISTORICAL	SURVEY	SUBDIVISION
DP1018223 Lot(s): 60, 61, 62, 63, 64, 65, 66, 67			
 DP868000	HISTORICAL	SURVEY	SUBDIVISION
 DP1002662	HISTORICAL	SURVEY	SUBDIVISION
 DP1002663	HISTORICAL	SURVEY	SUBDIVISION
DP1040186 Lot(s): 270			
 DP1187334	REGISTERED	SURVEY	RESUMPTION OR ACQUISITION
DP1091687 Lot(s): 74, 75			
 DP705895	HISTORICAL	SURVEY	SUBDIVISION
Lot(s): 74			
 DP260539	HISTORICAL	SURVEY	SUBDIVISION
DP1132982 Lot(s): 7303			
 DP1176703	REGISTERED	SURVEY	SUBDIVISION
DP1162752 Lot(s): 11			
 DP852741	HISTORICAL	SURVEY	REDEFINITION
DP1176703 Lot(s): 7, 8, 9, 10, 11, 12, 13			
 DP775681	HISTORICAL	SURVEY	SUBDIVISION
DP1236535 Lot(s): 1, 2			
 DP839159	HISTORICAL	SURVEY	SUBDIVISION
DP1264702 Lot(s): 1, 2			
 DP868000	HISTORICAL	SURVEY	SUBDIVISION
DP1270341 Lot(s): 3, 4			
 DP852741	HISTORICAL	SURVEY	REDEFINITION
 DP1040186	HISTORICAL	SURVEY	CROWN FOLIO CREATION
 DP1162752	HISTORICAL	SURVEY	SUBDIVISION
 NSW GAZ. 02-11-2007			Folio : 8225
REVOCATION OF RESERVATION OF CROWN LAND RESERVE NO. 752497 - LOT 279 DP1040186			

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL** **ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

	Status	Surv/Comp	Purpose
Road			
Polygon Id(s): 105052194, 105204728, 105474167, 165595406, 165595407			
 EX-SUR 81/30 DP984977			
Water Feature			
Polygon Id(s): 106759025			
 DP1192520	REGISTERED	SURVEY	EASEMENT
 DP1198952	REGISTERED	COMPILATION	PIPELINES ACT, 1967
 NSW GAZ.	22-05-2015	Folio : 1214	
EASEMENT FOR GAS PIPELINE DESIGNATED (E) IN DP1198952 VESTED IN AGL UPSTREAM INFRASTRUCTURE INVESTMENTS PTY LTD. EASEMENT NOW EXTINGUISHED AND DIVESTED GAZ. 1-7-2016 FOLIO 1911-1917			

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

Plan	Surv/Comp	Purpose
DP62789	SURVEY	UNRESEARCHED
DP204534	COMPILATION	SUBDIVISION
DP752497	COMPILATION	CROWN ADMIN NO.
DP758250	COMPILATION	CROWN ADMIN NO.
DP775681	SURVEY	SUBDIVISION
DP839159	SURVEY	SUBDIVISION
DP853180	SURVEY	SUBDIVISION
DP868000	SURVEY	SUBDIVISION
DP1002662	SURVEY	SUBDIVISION
DP1002663	SURVEY	SUBDIVISION
DP1018223	SURVEY	SUBDIVISION
DP1040186	SURVEY	CROWN FOLIO CREATION
DP1091687	SURVEY	SUBDIVISION
DP1131295	COMPILATION	CROWN LAND CONVERSION
DP1131298	COMPILATION	CROWN LAND CONVERSION
DP1132404	COMPILATION	CROWN LAND CONVERSION
DP1132982	COMPILATION	CROWN LAND CONVERSION
DP1162752	SURVEY	SUBDIVISION
DP1176703	SURVEY	SUBDIVISION
DP1176703	SURVEY	SUBDIVISION
DP1236535	SURVEY	SUBDIVISION
DP1264702	SURVEY	SUBDIVISION
DP1264702	UNRESEARCHED	SUBDIVISION
DP1270341	SURVEY	SUBDIVISION

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL**

ACTIVITY PRIOR TO SEPTEMBER 2002 you must refer to the RGs Charting and Reference Maps.

CERTIFICATE OF TITLE

PROPERTY ACT, 1900



11816154

NEW SOUTH WALES

Appin.No.20627

Prior Title Vol.8435 Fol.97

Vol. 11816 Fol. 154

Edition issued 19-4-1972.



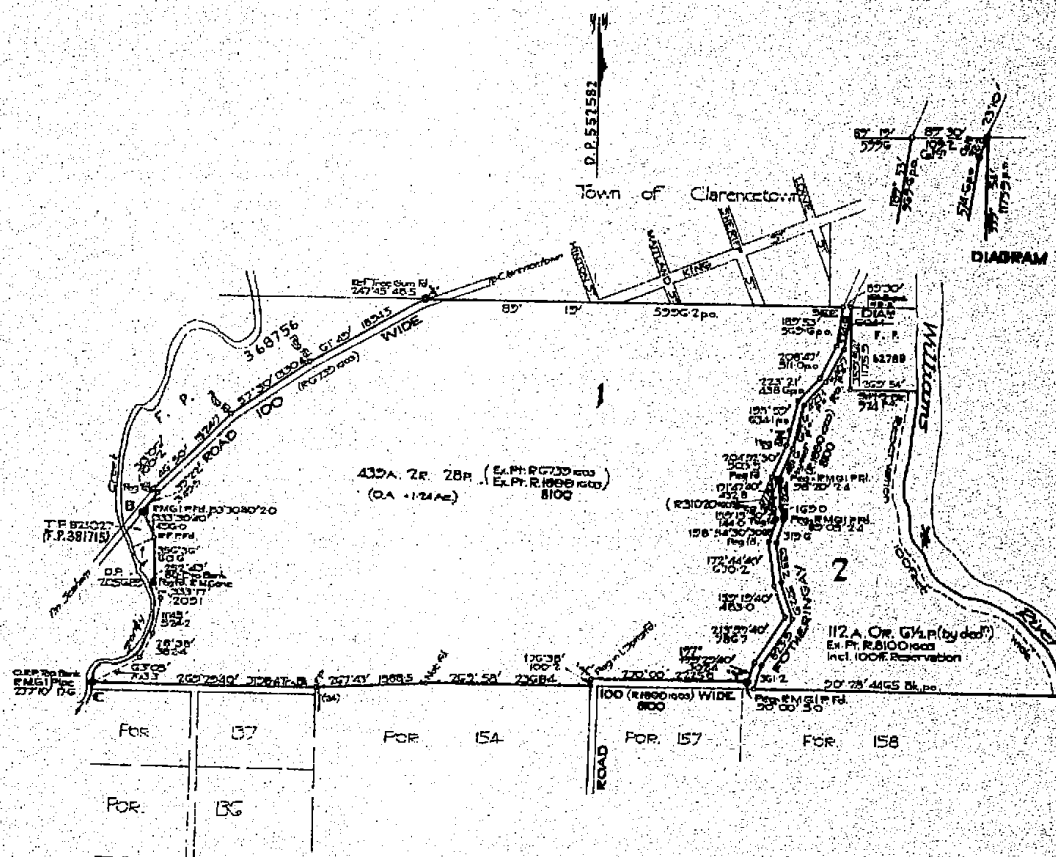
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Jawakson

Registrar General.



PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan 552582 at Clarence Town in the Shire of Dungog Parish of Uffington and County of Durham being part of Portion 153 granted to John Joseph Therry on 18-2-1837. EXCEPTING THEREOUT the land shown as "Reservation 100 feet wide" and the piece of land formerly road hatched black shown in the plan hereon.

FIRST SCHEDULE

STEPHEN RUSSELL STERNBECK Clarence Town, Carrier.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. Mortgage No. P233753 to Bank of New South Wales Entered 15-3-1954. DISCHARGED M767057

Jawakson

Registrar General

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

11816
Fol. 154
(Page 1) Vol.

Form: 97-01T

Licence: 026CN/0526/96

TRANSFER

New South Wales

Real Property Act 1900

6300939H



Instructions for filling out
this form are available
from the Land Titles Office

Office of State Revenue use only

NEW SOUTH WALES DUTY

22-10-1999

0000134206-001

SECTION 67-ORIGINAL

NO DUTY PAYABLE

(A) LAND TRANSFERRED

Show no more than 20 titles.
If appropriate, specify the
share or part transferred.

Folio Identifier 21/775681

(B) LODGED BY

LTO Box
106G

Name, Address or DX and Telephone

LAWPOINT

DX 885

SYDNEY

PH: 239 4999

McMAHON & McMAHON, SOLICITORS, PO Box 115 DUNGOG

REFERENCE (15 character maximum):

McMahon - McMahon

(C) TRANSFEROR

ELAINE OLGA McCROHON

(D) acknowledges receipt of the consideration of \$0

and as regards the land specified above transfers to the transferee an estate in fee simple.

(E) Encumbrances (if applicable) 1.

2.

3.

(F) TRANSFEE

T
TS
(s713
LGA)
TW
(Sheriff)

ROSS MARLAND McCROHON

(G)

TENANCY:

(H) We certify this dealing correct for the purposes of the Real Property Act 1900. DATE

18/10/1999

Signed in my presence by the transferor who is personally known to me.

Signature of Witness

G. J. McMahon

Name of Witness (BLOCK LETTERS)

Soniora Guyot

Address of Witness

E. Krohn

Signature of Transferor

Signed in my presence by the transferee who is personally known to me.

Signature of Witness

G. J. McMahon

Name of Witness (BLOCK LETTERS)

Soniora Guyot

Address of Witness

R. W. L.

Signature of Transferee

NB: if signed on the transferee's behalf by a solicitor or licensed conveyancer, show the signatory's full name in block letters.

R. W. L.



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

1/9/2021 9:31AM

FOLIO: 21/775681

First Title(s): OLD SYSTEM
Prior Title(s): VOL 11816 FOL 154

Recorded	Number	Type of Instrument	C.T. Issue
22/6/1988	DP775681	DEPOSITED PLAN	FOLIO CREATED EDITION 1
7/9/1988		AMENDMENT: CT DELIVEREE	
9/8/1990	Z158117	MORTGAGE	EDITION 2
11/12/1991	E121426	DISCHARGE OF MORTGAGE	EDITION 3
28/10/1999	6300939	TRANSFER	EDITION 4
3/8/2001	7826373	DEPARTMENTAL DEALING	
11/9/2001	DP1033515	DEPOSITED PLAN	EDITION 5
28/11/2001	8153799	DEPARTMENTAL DEALING TO UPLIFT CT	EDITION 6
19/12/2001	8095996	WITHDRAWN - TRANSFER GRANTING EASEMENT	
2/1/2002	8241010	TRANSFER	EDITION 7
14/8/2002	8674712	TRANSFER GRANTING EASEMENT	EDITION 8
10/11/2005	AB903581	MORTGAGE	EDITION 9
12/8/2013	AH940824	DEPARTMENTAL DEALING	
15/6/2021	AR146274	DISCHARGE OF MORTGAGE	EDITION 10

*** END OF SEARCH ***

advlegs

PRINTED ON 1/9/2021



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 21/775681

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
1/9/2021	9:31 AM	10	15/6/2021

LAND

LOT 21 IN DEPOSITED PLAN 775681
AT CLARENCE TOWN
LOCAL GOVERNMENT AREA DUNGOG
PARISH OF UFFINGTON COUNTY OF DURHAM
TITLE DIAGRAM DP775681

FIRST SCHEDULE

DIGBY HAMPTON RAYWARD
LYNETTE EILEEN RAYWARD
AS JOINT TENANTS (T 8241010)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EXCEPTING THEREOUT THE 30.48 WIDE RESERVATION SHOWN IN THE TITLE
DIAGRAM
- 3 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM CREATED BY:
DP775681 -FOR ELECTRICITY TRANSMISSION LINES 15 WIDE
- 4 DP1033515 EASEMENT FOR SERVICES AND RIGHT OF ACCESS VARIABLE
WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN
DP1033515
- 5 8674712 EASEMENT FOR WATER SUPPLY 3 WIDE AFFECTING THE PART
SHOWN AS "PROPOSED EASEMENT FOR WATER SUPPLY 3.0 WIDE"
IN PLAN WITH 8674712

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

advlegs

PRINTED ON 1/9/2021

APPENDIX D:

Aerial Photographs

2021



2010



2001



1993



1983



1971



APPENDIX E:


Site Photographs



Photograph 1 - Showing residential dwelling in central portion of the site



Photograph 2 - Showing Brick and wooden panneling on dwelling

	Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
	Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	23/08/2021
	Location:	6 EVERETT STREET CARRINGTON NSW	No:	1 and 2
	Title:	SITE PHOTOGRAPHS		



Photograph 3 - Showing inground concrete pool north of the house



Photograph 4 - Showing garden beds surrounding house



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	3 and 4
Title:	SITE PHOTOGRAPHS		



Photograph 9 - Showing chemical storage in corner of shed 1



Photograph 10 - Showing second dwelling and former dairy



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	9 and 10
Title:	SITE PHOTOGRAPHS		



Photograph 11 - Showing septic tank south of dairy



Photograph 12 - Showing wood store along fence line



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	11 and 12
Title:	SITE PHOTOGRAPHS		



Photograph 15 - Showing engine oil on gravel cover in chicken shed



Photograph 16 - Showing Dam in front western paddock



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	15 and 16
Title:	SITE PHOTOGRAPHS		



Photograph 17 - Showing brick stockpiles in front paddock



Photograph 18 - North eastern portion of the site



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	17 and 18
Title:	SITE PHOTOGRAPHS		



Photograph 19 - Showing stockpiled wood in central paddock



Photograph 20 - Irrigation pump in eastern paddock



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	19 and 20
Title:	SITE PHOTOGRAPHS		



Photograph 21 - Showing eastern paddocks bounding the williams river



Photograph 22 - Showing area of buried animal waste



Client:	YARRANBBE INVESTMENT CO PTY LTD	Project No:	NEW21P-0115-AA
Project:	CONTAMINATION ASSESSMENT	Date:	23/08/2021
Location:	6 EVERETT STREET CARRINGTON NSW	No:	21 and 22
Title:	SITE PHOTOGRAPHS		

APPENDIX F:

NSW EPA Records

Search results

Your search for: Suburb: CLARENCE TOWN

did not find any records in our database.

If a site does not appear on the record it may still be affected by contamination. For example:

- Contamination may be present but the site has not been regulated by the EPA under the Contaminated Land Management Act 1997 or the Environmentally Hazardous Chemicals Act 1985.
- The EPA may be regulating contamination at the site through a licence or notice under the Protection of the Environment Operations Act 1997 (POEO Act).
- Contamination at the site may be being managed under the [planning process](#).

More information about particular sites may be available from:

- The [POEO public register](#)
- The appropriate planning authority: for example, on a planning certificate issued by the local council under [section 149 of the Environmental Planning and Assessment Act](#).

See [What's in the record and What's not in the record](#).

If you want to know whether a specific site has been the subject of notices issued by the EPA under the CLM Act, we suggest that you search by Local Government Area only and carefully review the sites that are listed.

This public record provides information about sites regulated by the EPA under the Contaminated Land Management Act 1997, including sites currently and previously regulated under the Environmentally Hazardous Chemicals Act 1985. Your inquiry using the above search criteria has not matched any record of current or former regulation. You should consider searching again using different criteria. The fact that a site does not appear on the record does not necessarily mean that it is not affected by contamination. The site may have been notified to the EPA but not yet assessed, or contamination may be present but the site is not yet being regulated by the EPA. Further information about particular sites may be available from the appropriate planning authority, for example, on a planning certificate issued by the local council under section 149 of the Environmental Planning and Assessment Act. In addition the EPA may be regulating contamination at the site through a licence under the Protection of the Environment Operations Act 1997. You may wish to search the POEO public register. [POEO public register](#)

[Search Again](#)

[Refine Search](#)

Search TIP

To search for a specific site, search by LGA (local government area) and carefully review all sites listed.

... [more search tips](#)

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
CHERRYBROOK	Caltex Service Station	67 Shepherds DRIVE	Service Station	Regulation under CLM Act not required	-33.72069183	151.0451415
CHESTER HILL	Former Orica, Chester Hill	127 Orchard ROAD	Chemical Industry	Contamination formerly regulated under the CLM Act	-33.8869823	150.9952873
CHESTER HILL	Various industrial premises	191 Miller ROAD	Chemical Industry	Under assessment	-33.884091	150.995073
CHESTER HILL	Integrated Packaging	149 Orchard ROAD	Other Industry	Under assessment	-33.885645	150.995148
CHIPPENDALE	Cnr Regent Street & Wellington Street, Chippendale	Wellington STREET	Chemical Industry	Contamination currently regulated under CLM Act	-33.88668912	151.2015246
CHIPPING NORTON	Former Solchem (Mobil) Depot Chipping Norton	49-51 Riverside ROAD	Other Petroleum	Regulation under CLM Act not required	-33.91621314	150.9696948
CHIPPING NORTON	Former ACR	85-107 Alfred STREET	Chemical Industry	Contamination currently regulated under CLM Act	-33.92226795	150.9586496
CHISWICK	Former Sydney Wiremills (BHP) site	Blackwall Point ROAD	Other Industry	Regulation under CLM Act not required	-33.85131849	151.1369131
CHITTAWAY BAY	Former Caltex Chittaway Point	100 Chittaway ROAD	Service Station	Regulation under CLM Act not required	-33.32707555	151.4293546
CHULLORA	Chullora Railway Workshops	Worth STREET	Other Industry	Regulation under CLM Act not required	-33.88639388	151.0598201
CLARENCE	Clarence Colliery	Chifley ROAD	Other Industry	Regulation under CLM Act not required	-33.46450217	150.2522729
CLARENDON	Coles Express Clarendon Service Station	244 Hawkesbury Valley WAY	Service Station	Regulation under CLM Act not required	-33.6083729	150.7890956
CLEARFIELD	Former Pamplings Dip Site	Off Clearfield ROAD	Cattle Dip	Regulation under CLM Act not required	-29.16287185	152.882974
CLYBUCCA	BP Service Station	2171 Pacific HIGHWAY	Service Station	Regulation under CLM Act not required	-30.93845014	152.9422791
CLYDE	7-Eleven Clyde	3 Parramatta Road, corner Harbord STREET	Service Station	Regulation under CLM Act not required	-33.83494433	151.0222628
CLYDE	4 Tennyson Street, Clyde NSW 2142	4 Tennyson STREET	Other Industry	Regulation under CLM Act not required	-33.83268843	151.0267361

Search results

Your search for: **POEO Licences** with the following criteria

Suburb - clarence town

returned 1 results

[Export to excel](#)

1 of 1 Pages

[Search Again](#)

<u>Number</u>	<u>Name</u>	<u>Location</u>	<u>Type</u>	<u>Status</u>	<u>Issued date</u>
<u>13250</u>	HUNTER WATER CORPORATION	off Woerdens Road, CLARENCE POEO licence TOWN, NSW 2321		Issued	07 Jul 2010

31 August 2021

APPENDIX G:

Section 10.7 Certificate



S10.7(2 & 5) PLANNING CERTIFICATE

Environmental Planning & Assessment Act, 1979 (as amended)

Date: 2 September 2021

Certificate : 2021370

Fee: \$53.00

Receipt : 785388

Your Ref:

DESCRIPTION OF LAND

User Assessment: 029940001200

Parish: Uffington

County: Durham

Assessment: 45765

Address: LOT: 21 DP: 775681 No 83 Fotheringay Road CLARENCE TOWN 2321

Owner: Mr D H & Mrs L E Rayward

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 10.7(2) & (5) of the Environmental Planning and Assessment Act, 1979.



1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPS

1.1 Which Environmental Planning Instrument/s apply to the carrying out of development on the land?

Dungog Local Environmental Plan 2014 – Operational 1 June 2014.

State Environmental Planning Policies – Refer to Attachment 1

1.2 Which proposed Environmental Planning Instruments apply to the carrying out of development on the land that is or has been the subject of community consultation or public exhibition?

Nil

1.3 Which Development Control Plan/s apply to the carrying out of development on the land?

Dungog Shire Wide Development Control Plan No. 1 – Refer to Attachment 2

2. ZONING AND LAND USE UNDER RELEVANT LEPs

FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:

2.1 What is the identity of the zoning for the land?

Under the Dungog Local Environmental Plan 2014 the zoning is:
E3 Environmental Management & R5 Large Lot Residential

2.2 For what purposes may development be carried out within the zone without the need for development consent?

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

2.3 For what purposes may development not be carried out within the zone except with development consent?

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

2.4 For what purposes is development prohibited within the zone?

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

2.5 Are there any development standards applying to the land which fix minimum land dimensions for the erection of a dwelling house on the land?

Under the Dungog Local Environmental Plan 2014

Yes for land Zoned E3 –Refer to Attachment 4

No for land Zoned R5



2.6 Does the land include or comprise a critical habitat?

Under the Dungog Local Environmental Plan 2014

No

2.7 Is the land in a conservation area?

Under the Dungog Local Environmental Plan 2014

No

2.8 Is an item of environmental heritage situated on the land?

Under the Dungog Local Environmental Plan 2014

No

2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

This clause is not applicable to the Dungog Local Government Area.

3. COMPLYING DEVELOPMENT

3.1 Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("the SEPP").

The extent to which complying development may not be carried out on the land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of the SEPP and the reasons why it may not be carried out under those clauses.

Note: This Clause identifies only the land based exclusions listed in clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP. To be complying development, the development must be complying development that meets the standards specified for that development as required by the SEPP.

HOUSING CODE

As of 1 January 2021, the Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

RURAL HOUSING CODE

As of 1 January 2021, the Rural Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

LOW RISE HOUSING DIVERSITY CODE

Complying Development under the Low Rise Housing Diversity Code may not be carried out on the land as the land is not within an applicable zone.



GREENFIELD HOUSING CODE

Complying Development under the Greenfield Housing Code may not be carried out on the land as the land is not within an applicable area.

INLAND CODE

For land zoned E3 - Complying Development under the Inland Code may not be carried out on the land as the land is not within an applicable zone.

For land zoned R5 - Complying Development under the Inland Code may only be carried out on that part of the lot which is not identified within a Drinking Water Catchment Area as mapped on the relevant Environmental Planning Instrument or on a lot which is within the Drinking Water Catchment Area and which is sewered subject to the development complying with the general and specific standards of the Code.

HOUSING ALTERATIONS CODE

Complying Development under the Housing Alterations Code may only be carried out on that part of the lot which is not identified within a Drinking Water Catchment Area as mapped on the relevant Environmental Planning Instrument or on a lot which is within the Drinking Water Catchment Area and which is sewered subject to the development complying with the general and specific standards of the Code.

GENERAL DEVELOPMENT CODE

Complying Development under the General Development Code may only be carried out on that part of the lot which is not identified within a Drinking Water Catchment Area as mapped on the relevant Environmental Planning Instrument or on a lot which is within the Drinking Water Catchment Area and which is sewered subject to the development complying with the general and specific standards of the Code.

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS & ADDITIONS) CODE

Complying Development under the Commercial and Industrial (New Buildings & Additions) Code may not be carried out on the land as the land is not within an applicable zone.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to complying with the general and specific standards of the Code.

SUBDIVISIONS CODE

Complying Development may be carried out on the land under the Subdivision Code, subject to complying with the general and specific standards of the Code.



DEMOLITION CODE

Complying Development may be carried out on the land under the Demolition Code, subject to complying with the general and specific standards of the Code.

FIRE SAFETY CODE

Complying Development may be carried out on the land under the Fire Safety Code, subject to complying with the general and specific standards of the Code.

4. COASTAL PROTECTION

Repealed

4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

Repealed

4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS

This clause is not applicable to the Dungog Local Government Area because Dungog Shire Council is not a "coastal council".

5. MINE SUBSIDENCE

5.1 Is the land proclaimed to be a Mine Subsidence District within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?

No

6. ROAD WIDENING AND ROAD REALIGNMENT

6.1 Is the land affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993?**
- (b) Any Environmental Planning Instrument?**
- (c) Any Resolution of the Council?**

No

7. HAZARD RISK RESTRICTIONS

Is the land affected by a policy either adopted by Council or adopted by any other public authority and notified to the Council (for the express purposes 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:

7.1 Landslip
No



- 7.2 Bush Fire**
Yes
- 7.3 Tidal Inundation**
No
- 7.4 Subsidence**
No
- 7.5 Acid Sulphate Soils**
Yes – Class 4 & 5
- 7.6 Any other risk (other than flooding)**
No

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

7A.1 Is the land or part of the land within the flood planning area and subject to flood related development controls?

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

7A.2 Is the land or part of the land between the flood planning area and the probable maximum flood and subject to flood related development controls?

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

7A.3 (3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

8. LAND RESERVED FOR ACQUISITION

8.1 Does any Environmental Planning Instrument or proposed Environmental Planning Instrument referred to in item 1 above make provision in relation to acquisition of the land by a public authority, as referred to in section 3.15 of the Environmental Planning & Assessment Act 1979?

No



9. CONTRIBUTIONS PLAN

9.1 Which contributions plan/s apply to the land?

Dungog Local Infrastructure Contributions Plan, 2019

9A. BIODIVERSITY CERTIFIED LAND

9A.1 Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016?

Note. Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

No

10. BIODIVERSITY STEWARDSHIP SITES

10.1 Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage)?

Note. Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

No

10A. NATIVE VEGETATION CLEARING SET ASIDES

10A.1 Does the land contain a set aside area under section 60ZC of the Local Land Services Act 2013, (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section)?

No

11. BUSH FIRE PRONE LAND

11.1 Is any of the land bushfire prone land as defined in the Environmental Planning & Assessment Act 1979?

Yes

Note: Council's current mapping for bushfire prone land within the Dungog Local Government Area, as certified by the Commissioner of NSW Rural Fire Service, **does not** include land identified as predominantly grasslands. Planning for Bushfire Protection 2019 (PBP 2019) and the Australian Standard 3959-2018 (AS3959 – 2018) "*Construction of buildings in bush-fire prone areas*" includes "grasslands" as a vegetation classification which applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by PBP 2019 and AS 3959-2018.



12. PROPERTY VEGETATION PLANS

12.1 Does a Property Vegetation Plan under the *Native Vegetation Act 2003* apply to the land, being a plan to which the Council has been notified of its existence by the person or body that approved the plan under that Act?

No

13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

13.1 Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, being an order to which the Council has been notified?

No

14. DIRECTIONS UNDER PART 3A

14.1 Is there a direction by the Minister in force under Section 75P (2) (c1) of the Environmental Planning & Assessment Act 1979 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 3 of that Act does not have effect?

No

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

15.1 If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, is there a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land?

No

15.2 If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, have any terms of a kind referred to in Clause 18(2) of that SEPP been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS

16.1 Is there a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the Council is aware in respect of proposed development on the land?

No



17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

17.1 Is there a current site compatibility statement (affordable rental housing), of which the Council is aware, in respect of proposed development on the land?

No

17.2 Have any terms of a kind referred to in Clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?

No

18. PAPER SUBDIVISION INFORMATION

18.1 Is there a development plan adopted by a relevant authority that applies to the land that is proposed to be subject to a consent ballot?

No

18.2 Is there a subdivision order that applies to the land?

No

Note: Words and expressions in this clause have the same meaning as they have in Part 16C of the Environmental Planning and Assessment Regulation 2000.

19. SITE VERIFICATION CERTIFICATES

19.1 Is there a current site verification certificate, of which the council is aware, in respect of the land?

No

NOTE: MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 (CLM Act)

(a) Is the land significantly contaminated land within the meaning of the CLM Act at the date of this certificate?

No

(b) Is the land subject to a management order within the meaning of the CLM Act at the date of this certificate?

No

(c) Is the land the subject of an approved voluntary management proposed within the meaning of the CLM Act at the date of this certificate?

No



- (d) Is the land the subject to an ongoing maintenance order within the meaning of the CLM Act at the date of this certificate?

No

- (e) Is the land the subject of a site audit statement within the meaning of the CLM Act (such a statement having been provided to Council at any time)?

No

20. LOOSE-FILL ASBESTOS INSULATION

- 20.1 Does the land include any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division?

No

21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- 21.1 Is there any affected building notice of which the council is aware that is in force in respect of the land.

No

- 21.2 Is there any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with?

No

- 21.3 Is there any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

No

Note: affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

22. ADDITIONAL INFORMATION PURSUANT TO SECTION 10.7(5) OF THE ACT

- 22.1 Is there a Tree Preservation Order affecting the land?

No



22.2 Are there any developments approved on this property within the past five (5) years?

No

22.3 Due to the State Government Payment package of Local Government reforms and guidelines to enable more effective supervision of septic tanks and other small sewerage management facilities, it is now a legal requirement under the Local Government (Approvals) Amendment (Sewerage Management) Regulation 1998 that all systems of sewerage management are the subject of approval to operate. These facilities include septic tanks, septic closets, composting toilets and grey water treatment devices. Applications for such facilities are to be submitted to Council when required to do so by either written notification or at the time of lodging a development application for a new dwelling. In the event of a property being sold, the purchaser of the land should be aware there is a two month period in which to apply for the necessary approval.

Jenny Webb
SENIOR TOWN PLANNER

Date: 2 September 2021

Applicant: Qualtest Laboratory (NSW) Pty Ltd
2 Murray Dwyer Circuit
MAYFIELD WEST NSW 2304

Access to this land is by a Public Maintained Road. Council's maintained roads vary from time to time and there is no guarantee that this road will remain on the maintained list indefinitely.



STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No 21 - Caravan Parks

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the *Local Government Act 1993*, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy No 36 - Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

State Environmental Planning Policy No 50 - Canal Estate Development

Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

State Environmental Planning Policy No 55 - Remediation of Land

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

State Environmental Planning Policy No 64 - Advertising & Signage

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.



State Environmental Planning Policy (Affordable Rental Housing) 2009

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

State Environmental Planning Policy (Concurrences) 2018

If a person whose concurrence to development is required to be obtained by a relevant provision fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so, the Planning Secretary may elect to act in the place of the person for the purposes of deciding whether to grant concurrence to the development.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application; identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent; identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act; enabling the progressive extension of the types of development in this Policy; and providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

State Environmental Planning Policy (Infrastructure) 2007

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

State Environmental Planning Policy (Koala Habitat Protection) 2020

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and by encouraging the identification of areas of core koala habitat, and by encouraging the inclusion of areas of core koala habitat in environment protection zones.



State Environmental Planning Policy (Koala Habitat Protection) 2021

This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The aims of this Policy are to facilitate the orderly economic use and development of lands for primary production; to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources; to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations; to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts; to encourage sustainable agriculture, including sustainable aquaculture; to require consideration of the effects of all proposed development in the State on oyster aquaculture; to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

State Environmental Planning Policy (State and Regional Development) 2011

This Policy aims to identify development to which State significant development assessment and approval process under Part 4 of the Act applies; development that is State significant infrastructure and critical State significant; and to confer functions on joint regional planning panels to determine development applications.

State Environmental Planning Policy (State Significant Precincts) 2005

The aims of this Policy are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State; and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.



SHIRE WIDE DEVELOPMENT CONTROL PLAN No.1

Shire Wide Development Plan No. 1 affects all land in the Shire. The document compliments Councils Planning Instruments and presents a package of design controls and guidelines intended to assist in the achievement of the Councils Aims and Objectives with regard to development in the Shire

Dungog Shire has become one of the most desirable locations in the Hunter Valley, as much for it's unique natural environment as for its lifestyle and climate attractions.

This Development Control Plan represents the policies of the Dungog Shire Council with regard to certain types of development within the Shire, together with guidelines designed to assist developers in achieving the adopted aims and objectives. It should be read in conjunction with the Dungog Local Environmental Plan 2014.

The Shire Wide Development Control Plan 1 contains the following parts:

Chapter	Adoption Date
PART A	
1. Administration	20/6/2018
PART B	
1. Complying Development	20/6/2018
2. Exempt Development	20/6/2018
PART C	
1. Residential Development	18/5/2004
2. Development in Rural Residential Zones	18/5/2004
3. Building Line Setbacks	19/6/2019
4. Erection of Farm Buildings and outbuildings - sheds	20/6/2018
5. Bushfire	20/6/2018
7. Buffer Zones	16/8/2005
8. Managing Our Floodplains	15/8/2018
9. Employment Development	18/5/2004
11. Tourist Development	18/5/2004
12. Keeping of Dogs for Commercial Purposes	19/2/2002
14. Building Over or Near Sewer	20/3/2001
15. Contaminated Land	29/10/2018
16. Biodiversity	20/5/2003
17. Heritage	21/10/2003
18. Water Efficiency	17/2/2004
19. Wind Energy Generation Facilities	15/8/2006
20. Off Street Parking	9/7/2005
22. Signage	20/5/2008
23. On Site Sewage Management	20/6/2018
24. Site Waste Minimisation and Management	20/6/2018
PART D	
1. South Vacy Village	18/2/2003
2. Clarence Town Local Area Plan	17/5/2005
3. Vacy Local Area Plan	16/8/2005
4. Draft Martins Creek Local Area Plan	
5. Paterson Local Area Plan	15/11/2005
6. Gresford Local Area Plan	16/5/2006
7. Boulton Drive Paterson	20/6/2018
8. Boatfalls Rural Residential Estate	20/6/2018
9. Cangon Park Rural Residential Estate	18/3/2020



DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

PART 2

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.
- To isolate housing from existing intensive agriculture or future intensive agricultural areas.

2 Permitted without consent

Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3



DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

PART 2

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 promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.

2 Permitted without consent

Bee keeping; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat launching ramps; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Home-based childcare; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Research stations; Roads; Sewerage systems; Tank-based aquaculture; Water recreation structures; Water supply systems

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



DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

PART 4.2A

4.2A Erection of dwelling houses and dual occupancies 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,
 - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 - (c) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected:
 - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land on which the dwelling house or dual occupancy is proposed, or
 - (b) is a lot created under this Plan (other than under clause 4.1B or clause 4.2 (3)), or
 - (c) is a lot created before this Plan commenced and:
 - (i) the erection of a dwelling house was permissible on that lot, and
 - (ii) no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot, before that commencement, or
 - (d) is 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 or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) is an existing holding, or
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) 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, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

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) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.



(5) In this clause:

existing holding means land that:

- (a) was a holding on 1 July 2003, and
- (b) is the same holding at the time of lodging a development application under this clause,

whether or not there has been a change in the ownership of the holding since 1 July 2003.

holding means all adjoining land, even if separated by a road, river or railway, held by the same person or persons.

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.



NOTICE TO PURCHASERS OF LAND IN RURAL AREAS IN DUNGOG SHIRE

Dungog Shire Council supports the right of persons in rural areas to carry out agricultural production using reasonable and practicable measures to avoid environmental harm.

Intending purchasers are advised that agricultural production practised may include some of the following activities and some activities may have implications for occupiers of adjacent land:-

- Logging and milling of timber
- Dairies
- Intensive livestock production (feedlots, piggeries and poultry farms)
- Intensive Agriculture
- Vegetation clearing
- Cultivation and harvesting
- Bush fire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor bikes etc)
- Pumping and irrigation
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices
- Droving livestock on roads
- Silage production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of wood lots.

Intending purchasers of land in rural areas may have difficulty with some of these activities or the impact of these activities when they are being carried out on land near their proposed purchase. If so, they should seek independent advice and consider their position.

This notice is not intended to affect the rights of individuals to take action under the common law or legislation.

THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY