

ATLAS-CAMPASPE

Mineral Sands Project

ENVIRONMENTAL IMPACT STATEMENT



APPENDIX M › LAND CONTAMINATION ASSESSMENT

ATLAS-CAMPASPE MINERAL SANDS PROJECT
LAND CONTAMINATION ASSESSMENT



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EXECUTIVE SUMMARY

The Atlas-Campaspe Mineral Sands Project (the Project) includes the development of a mineral sands mining operation (herein referred to as the Atlas-Campaspe Mine), together with the construction and operation of a rail loadout facility located near the township of Ivanhoe (herein referred to as the Ivanhoe Rail Facility). Cristal Mining Australia Limited (Cristal Mining) is the proponent of the Project.

The proposed Atlas-Campaspe Mine is located approximately 80 kilometres (km) north of Balranald, New South Wales (NSW) and 270 km south-east of Broken Hill, NSW. The proposed Ivanhoe Rail Facility is located approximately 135 km north-east of the Atlas-Campaspe Mine.

The Land Contamination Assessment has been prepared to address *State Environment Planning Policy No 55 - Remediation of Land* and takes the form of a Stage 1 Preliminary Investigation prepared in accordance with the NSW Department of Urban Affairs and NSW Environment Protection Authority (EPA) 1998 *Managing Land Contamination Planning Guidelines* and the NSW Office of Environment and Heritage's 2011 *Guidelines for Consultants Reporting on Contaminated Sites*.

This Land Contamination Assessment has been prepared for the areas within the Atlas-Campaspe Mine (i.e. Mining Lease Application), the roadworks along the proposed mineral concentrate transport route (the MCTR roadworks footprint) and the Ivanhoe Rail Facility prior to the change in land use as part of the Project. These areas are collectively referred to as the Site.

The objectives of this Stage 1 Preliminary Investigation were to identify any past or present potentially contaminating activities, provide a preliminary assessment of any contamination and, if required, provide a basis for a more detailed investigation. The scope of work conducted for the Stage 1 Preliminary investigation included:

- review of the Site's environmental setting;
- review of the Site's history to identify past potentially contaminating activities or contaminated areas;
- site inspection to identify current potentially contaminating activities or contaminated areas;
- a preliminary assessment of the Site contamination; and
- assessment of the suitability of the Site for the proposed use.

The review of Site's history included a desktop Site history assessment including the collection and collation of information from the following sources:

- EPA's Contaminated Land Record of Notices;
- EPA's *Protection of the Environment Operations Act, 1997* Public Register;
- underground utilities search;
- section 149 Planning Certificates;
- historical aerial photographs; and
- interviews with surrounding landholders.

No potentially contaminating activities or contaminated areas were identified on the Site during the review of the Site's history.

Cristal Mining personnel undertook inspections of the Site on the following dates:

- Atlas-Campaspe Mine – 17 January 2012 and 17 February 2012.
- MCTR roadworks footprint – 2 August 2012.
- Ivanhoe Rail Facility – 21 August 2012.

No contaminated land or potential sources of contamination were observed during the Site inspection.

Based on the outcomes of this Stage 1 Preliminary Investigation, it is considered that no remediation would be required for the Project. Notwithstanding the above, in the event that an area of potential land contamination is identified during the Project, work in that immediate area would cease and the area made safe. The unexpected contamination would be assessed by a suitably qualified person and remediation strategies put in place to manage this contamination if necessary after approval by the appropriate authority.

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

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

1 INTRODUCTION

The Atlas-Campaspe Mineral Sands Project (the Project) includes the development of a mineral sands mining operation (herein referred to as the Atlas-Campaspe Mine), together with the construction and operation of a rail loadout facility located near the township of Ivanhoe (herein referred to as the Ivanhoe Rail Facility) (Figure 1). Cristal Mining Australia Limited (Cristal Mining) is the proponent of the Project.

The proposed Atlas-Campaspe Mine is located approximately 80 kilometres (km) north of Balranald, New South Wales (NSW) and 270 km south-east of Broken Hill, NSW (Figure 1). The proposed Ivanhoe Rail Facility is located approximately 135 km north-east of the Atlas-Campaspe Mine (Figure 1).

Product (mineral concentrates) generated as a result of operations at the proposed Atlas-Campaspe Mine would be trucked to the Ivanhoe Rail Facility for transfer to train wagons, which would then be railed to the existing Broken Hill Mineral Separation Plant (Figure 1).

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

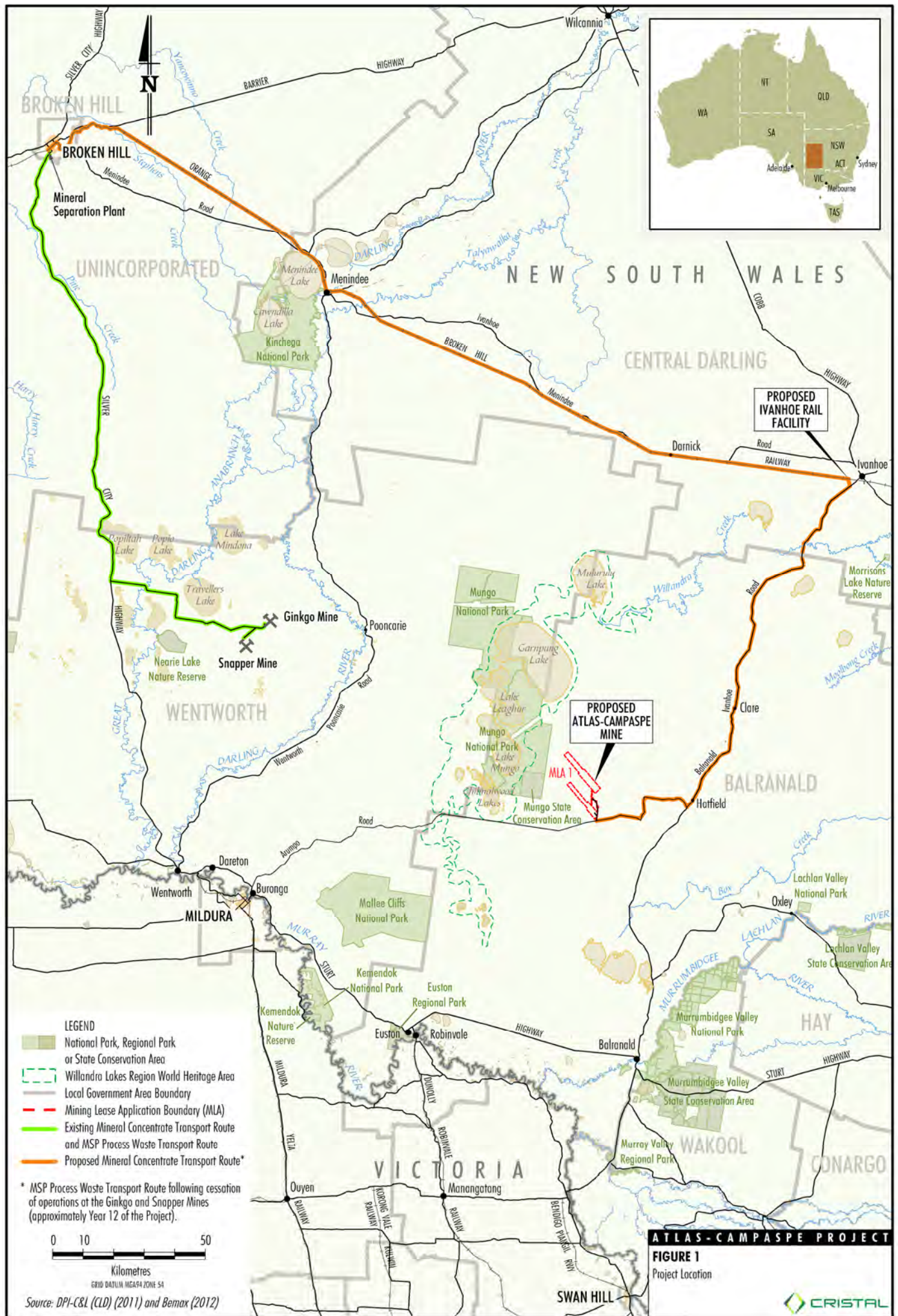
This Land Contamination Assessment has been prepared for the areas within the Atlas-Campaspe Mine (i.e. Mining Lease Application [MLA] 1) (Figure 2), the roadworks along the proposed mineral concentrate transport route (the MCTR roadworks footprint) (Figure 2) and the Ivanhoe Rail Facility (Figure 3) prior to the change in land use as part of the Project. These areas are collectively referred to as the Site.

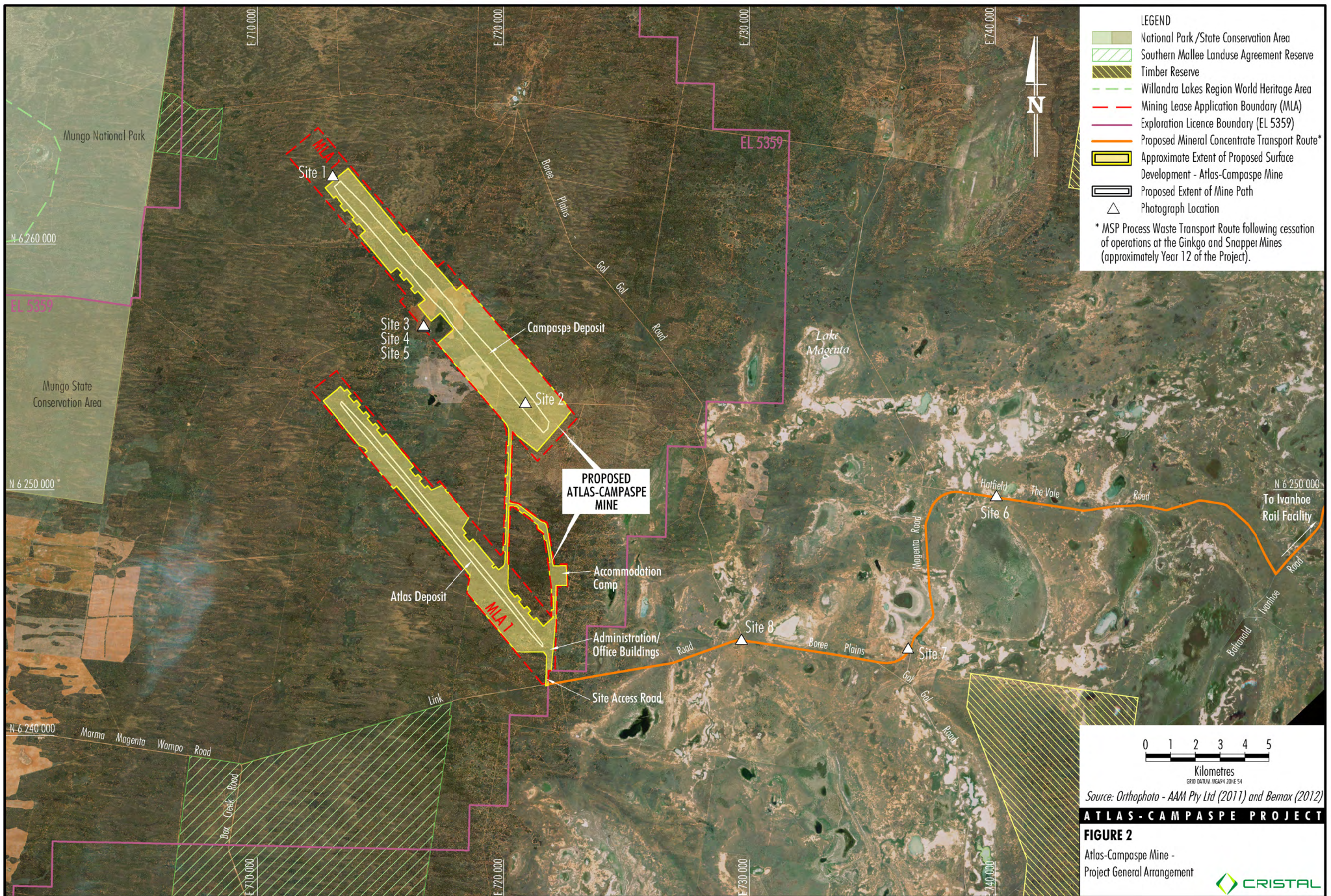
The Land Contamination Assessment consists of a Stage 1 Preliminary Investigation of the Site.

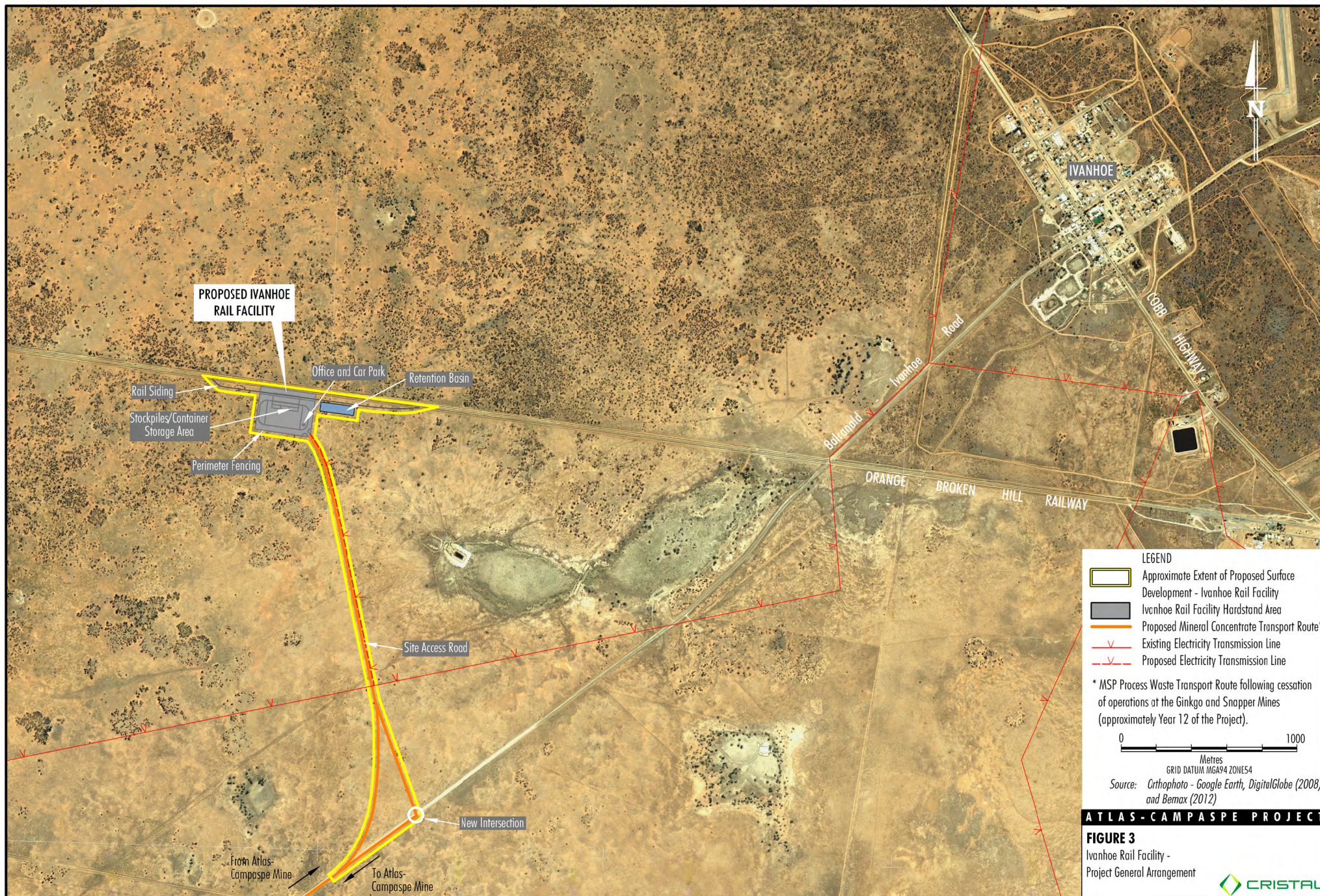
1.1 OBJECTIVES AND SCOPE

The objectives of this Stage 1 Preliminary Investigation were to identify any past or present potentially contaminating activities, provide a preliminary assessment of any contamination and, if required, provide a basis for a more detailed investigation. The scope of work conducted for the Stage 1 Preliminary investigation included:

- review of the Site's environmental setting;
- review of the Site's history to identify past potentially contaminating activities or contaminated areas;
- site inspection to identify current potentially contaminating activities or contaminated areas;
- a preliminary assessment of the Site contamination; and
- assessment of the suitability of the Site for the proposed use.







1.2 METHODOLOGY

This Land Contamination Assessment was prepared in general accordance with the following guidelines:

- *Managing Land Contamination Planning Guidelines State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) (NSW Department of Urban Affairs and Planning [DUAP] and the NSW Environmental Protection Authority [EPA], 1998).
- *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage [OEH], 2011).

2 SITE IDENTIFICATION

The Atlas-Campaspe Mine (MLA 1) component of the Site is located to the north of Link Road and to the west of Boree Plains-Gol Gol Road (Figure 2). The majority of Atlas-Campaspe Mine consists of native vegetation (used for grazing) with the exception of relatively small areas cleared for cropping. There are no buildings located in Atlas-Campaspe Mine component of the Site.

The MCTR roadworks footprint component of the Site connects the Atlas-Campaspe Mine to the Balranald-Ivanhoe Road (Figure 2). Existing roads are located along the majority of the MCTR roadworks footprint and there are some areas of native vegetation.

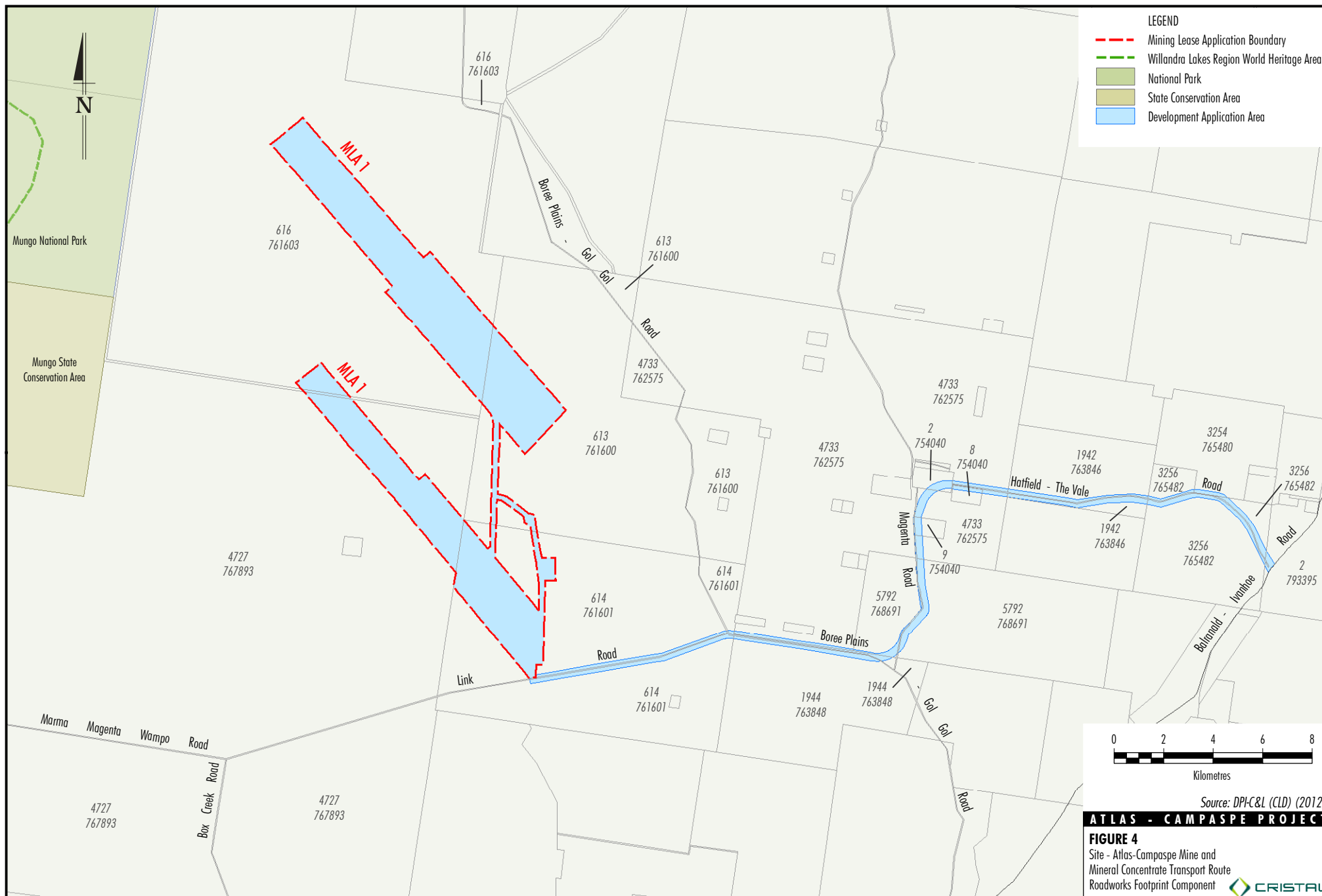
The Ivanhoe Rail Facility component of the Site is located to the immediate south of the Orange – Broken Hill railway and to the west of the Balranald-Ivanhoe Road (Figure 3). This component of the Site also consists of native vegetation (used for grazing) and there are no buildings.

The Atlas-Campaspe Mine and the MCTR roadworks footprint are located wholly within the Balranald Local Government Area (LGA) on land zoned Zone RU1 (Primary Production) under the *Balranald Local Environmental Plan 2010*. The Ivanhoe Rail Facility component of the Site is located wholly within the Central Darling LGA on land zoned Zone 1 (a) (General Rural) under the *Central Darling Local Environmental Plan 2004*. Further detail on the zoning of the Project area (including the Site) is provided in Section 6 in the Main Report of the EIS and Attachment 6.

The real property descriptions of the Site are provided in Table 1 and shown on Figures 4 and 5.

Table 1
Site Real Property Descriptions

Tenure Type	Lot Number	Deposited Plan Number
Atlas-Campaspe Mine		
Leasehold	Part of 616	761603
Leasehold	Part of 4727	767893
Leasehold	Part of 613	761600
Leasehold	Part of 614	761601
MCTR Roadworks Footprint		
Leasehold	Part of 4733	762575
Freehold	Part of 2	754040
Freehold	Part of 8	754040
Freehold	Part of 9	754040
Leasehold	Part of 5792	768691
Leasehold	Part of 1944	763848
Leasehold	Part of 1942	763846
Leasehold	Part of 3254	765480
Leasehold	Part of 3256	765482
Leasehold	Part of 2	793395
Ivanhoe Rail Facility		
Leasehold	Part of 931	761988
Crown	Part of 4	1145130





LEGEND
 Site

0 0.2 0.4 0.6 0.8 1
 Kilometres

Source: DPH-C&L (CLD) (2012)

ATLAS - CAMPASPE PROJECT

FIGURE 5
 Site - Ivanhoe Rail Facility
 Component

CRISTAL

3 SITE DESCRIPTION

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

3.1 LAND USE ACTIVITIES

The dominant land use at the Site is agricultural activities including grazing and some cropping. Other land uses include public roads and vegetated areas.

Planning Certificates were obtained from the Balranald Shire Council and the Central Darling Shire Council under Parts 2 and 5 of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act) (Attachment A). The Planning Certificates indicated that the Balranald Shire Council and the Central Darling Shire Council have no record that the land on the Atlas-Campaspe Mine and Ivanhoe Rail Facility components of the Site is significantly contaminated land.

3.2 TOPOGRAPHY

The landform in the vicinity of the Atlas-Campaspe Mine is highly complex with numerous closed minor depressions. The Atlas-Campaspe Mine is located at elevations ranging from approximately 60 metres (m) Australian Height Datum (AHD) to 120 m AHD.

The MCTR roadworks footprint traverses an area containing numerous clay pan depressions and dry lakes that form part of the complex system that extends northward from the Arumpo Creek drainage system. Elevations range from approximately 100 m AHD in the west and approximately 70 m AHD in the east.

The landform at the Ivanhoe Rail Facility is flat at approximately 100 m AHD. Three local depressions are located to the east of the Ivanhoe Rail Facility.

3.3 GEOLOGY

The Murray Darling Basin is a large sedimentary basin covering approximately 300,000 square kilometres extending across the borders of NSW, Victoria, Queensland and South Australia. The basin contains mineral sands deposits within the Loxton-Parilla Sands host unit, a sequence of weakly consolidated, near horizontally bedded sands that were deposited during marine transgressions and regressions in the Late Miocene to Late Pliocene period.

The Lower Loxton-Parilla Sands are typically overlain by barren sand of the Upper Loxton-Parilla Sand unit. The Shepparton Formation overlies the Upper Loxton-Parilla Sands and is a sandy clay unit with thick layers of clay. The Shepparton Formation can outcrop in places but is generally overlain by a thin layer of the Woorinen Formation consisting of very fine to coarse sand, silty sand, sandy clay and minor calcrete.

3.4 HYDROGEOLOGY

A review of baseline hydrogeological data at the Atlas-Campaspe Mine indicates localised temporal surface ponding due to limited drainage, and underlying saline groundwater aquifers at moderate to significant depths (GEO-ENG, 2013) (Appendix F of the EIS).

Temporary ponding of rainfall occurs in localised topographic depressions where rainfall runoff is concentrated and the surficial soils have low permeability. These locations are isolated and do not contribute to any significant surface water system. Drainage from these locations is limited due to the low-permeability surface soils and the majority of the water eventually dissipates by evaporation. Given the limited rainfall experienced in the area historically, the frequency of surface ponding is low (GEO-ENG, 2013) (Appendix F of the EIS).

The groundwater table is associated with the underlying saline groundwater systems (ranging from approximately 10 to 30 m below ground level) and generally sits within the shallow Shepparton Formation or underlying Loxton-Parilla Sands. The region is characterised by low-gradient groundwater flow from east to west (GEO-ENG, 2013) (Appendix F of the EIS).

There are no permanent surface water features at the proposed Atlas-Campaspe Mine (i.e. no groundwater window lakes fed by the deep underlying saline groundwater aquifer) (GEO-ENG, 2013) (Appendix F of the EIS).

A separate assessment of potential impacts of the Project on groundwater resources (including identification of groundwater users) has been conducted and is included as part of the EIS (GEO-ENG, 2013) (Appendix F of the EIS).

3.5 HYDROLOGY

The Atlas-Campaspe Mine is located within the Benanee basin of the lower Murray River system in NSW. The Benanee basin borders the upstream effluent creeks of the Lachlan River basin, Darling and Murrumbidgee River basins and the downstream Murray River basin. The Benanee basin is made up of a number of ill-defined creeks, streams and ephemeral lakes that contribute negligible inflows to the Murray River (NOW, 2012).

The Atlas-Campaspe Mine site is located approximately mid-way between two ill-defined drainage systems (Evans & Peck, 2012) (Appendix G of the EIS):

- **Willandra Creek and Willandra Lakes system** (to the north and west of the Atlas-Campaspe Mine site) – this system contains numerous dry lakes (Mulurulu, Garmpung, Leaghur, Mungo and Chibnalwood) which drain from north-east to south-west; and
- **Arumpo Creek and Prungle Lakes system** (to the east and south of the Atlas-Campaspe Mine site) – this system also drains from north-east to south-west.

The regional surface drainage in the vicinity of the Atlas-Campaspe Mine site occurs by overland flow from north-east towards the south-west. The Atlas-Campaspe Mine site contains no defined water courses other than a few minor drainage lines that drain from the south-eastern end of the Campaspe deposit towards a relic lake depression (Evans & Peck, 2012) (Appendix G of the EIS).

The Ivanhoe Rail Facility is located within the Willandra Creek catchment in the Lachlan River basin. Willandra Creek is an effluent creek of the lower Lachlan River which terminates in a series of lignum swamps and intermittent lakes in the Benanee basin south-west of Ivanhoe. Flows into Willandra Creek are primarily controlled by Willandra Weir on the Lachlan River, and like most unregulated streams in western NSW experience long periods of no flow interspersed with rare flows of varying magnitude (NOW, 2011).

A separate assessment of potential impacts of the Project on surface water resources (including identification of surface water users) has been conducted and is included as part of the EIS (Appendix G in the EIS).

3.6 BUILDINGS

Buildings (e.g. dwellings, workshops) can be a possible source of contamination (e.g. waste water disposal, stored hydrocarbons and/or chemicals). As described in Section 2, there are no buildings currently located within the Site and aerial photos were also used to check for historic dwellings and none were identified (Section 4.4). Therefore dwellings were not considered a potential for contamination at the Site.

4 SITE HISTORY

A desktop Site history assessment was undertaken to identify potentially contaminating activities or contaminated areas. Information used to assist in the desktop Site history assessment was collected and collated from the following sources:

- EPA's Contaminated Land Record of Notices;
- EPA's *Protection of the Environment Operations Act, 1997* (POEO Act) Public Register;
- underground utilities search;
- section 149 Planning Certificates;
- historical aerial photographs; and
- interviews with surrounding landholders.

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

4.1 ENVIRONMENT PROTECTION AUTHORITY PUBLIC REGISTER SEARCHES

Searches of the EPA's Contaminated Land Record of Notices for the Site were conducted on 25 January 2012 for Atlas-Campaspe Mine and MCTR roadworks footprint components of the Site and 13 February 2012 for the Ivanhoe Rail Facility component of the Site. No notices were identified in these searches (Attachment B).

A search of the EPA's POEO Act Public Register was searched for the area surrounding the Site on 9 August 2012. No licensed activities were identified on the Site (Attachment C).

4.2 UNDERGROUND UTILITIES SEARCH

An underground utility search using the Dial Before You Dig (DBYD) search was undertaken for the Site. The search indicated that neither Essential Energy nor Telstra have any recorded underground cables, pipes, earths or wires within the Site. The search indicated the presence of above ground electricity cables in the MCTR roadworks footprint and Ivanhoe Rail Facility components of the Site. The Essential Energy DBYD search is provided in Attachment D.

4.3 SECTION 149 PLANNING CERTIFICATES

As described in Section 3.1, Planning Certificates were obtained from the Balranald Shire Council and the Central Darling Shire Council under Parts 2 and 5 of the EP&A Act (Attachment A). The Planning Certificates indicated that the Balranald Shire Council and the Central Darling Shire Council have no record that the land on the Atlas-Campaspe Mine and Ivanhoe Rail Facility components of the Site is significantly contaminated land.

4.4 HISTORICAL AERIAL PHOTOGRAPH REVIEW

Historical aerial photographs of the Atlas-Campaspe Mine and Ivanhoe Rail Facility components of the Site were obtained from NSW Department of Lands (Attachment E).

The historic aerial photo of the majority of the Atlas-Campaspe Mine component of the Site was taken in 1966. The historic aerial photograph shows that the Atlas-Campaspe Mine component of the Site generally consisted of native vegetation. No buildings or evidence of potential contaminating activities or contaminated areas were identified in the historic aerial photograph.

The historic aerial photo of the Ivanhoe Rail Facility component of the Site was taken in 1973. The Balranald-Ivanhoe Road and the Orange – Broken Hill railway can be seen in the historic aerial photograph. The Ivanhoe Rail Facility component of the Site appears to consist of native vegetation. No buildings or evidence of potential contaminating activities or contaminated areas were identified within the Ivanhoe Rail Facility component of the Site in the historic aerial photograph.

4.5 LANDHOLDER INTERVIEWS

Landholder interviews were conducted to identify any known potentially contaminating activities or contaminated areas on the Site. A summary of the interviews conducted with the landholders is provided in Table 2.

Table 2
Summary of Landholder Interviews

Property/ Landholder	Date	Site Component	Comments
Wampo (Anthony Curran)	16 February 2012	Atlas-Campaspe Mine	<ul style="list-style-type: none"> The majority of Wampo is used for cattle grazing. Cropping (typically wheat) has occurred at Wampo since the 1990s. No chemicals/fuels stored at Wampo are located in the Site. No sheep/cattle dips at Wampo are located in the Site. No landfills at Wampo are located in the Site. Unaware of any potentially contaminated areas on the Site.
Iona and Carrawatha (Chris Stoney)	17 February 2012	Atlas-Campaspe Mine and MCTR Roadworks Footprint	<ul style="list-style-type: none"> The majority of Iona and Carrawatha is used for sheep/cattle/goat grazing. Cropping (typically wheat) has occurred on Iona and Carrawatha (outside of the Site). No chemicals/fuels stored at Iona and Carrawatha are located in the Site. No sheep/cattle dips at Iona and Carrawatha are located in the Site. Unaware of any potentially contaminated areas on the Site.
Boree Plains (Alan Miles)	21 February 2012	Atlas-Campaspe Mine	<ul style="list-style-type: none"> The majority of Boree Plains is used for sheep/cattle grazing. Cropping (typically wheat) has occurred on Boree Plains (including in the Site). No chemicals/fuels stored at Boree Plains are located in the Site. No sheep/cattle dips at Boree Plains are located in the Site. Unaware of any potentially contaminated areas on the Site.
Wollahra (Richard Gates)	4 July 2012	Ivanhoe Rail Facility	<ul style="list-style-type: none"> The majority of Wollahra is used for goat grazing. No chemicals/fuels stored at Wollahra are located in the Site. Unaware of any potentially contaminated areas on the Site.

4.6 SUMMARY OF DESKTOP SITE HISTORY ASSESSMENT

Based on the desktop Site history assessment, no potentially contaminating activities or contaminated areas were identified on the Site.

5 SITE INVESTIGATIONS

Cristal Mining personnel undertook inspections of the Site on the following dates:

- Atlas-Campaspe Mine – 17 January 2012 and 17 February 2012.
- MCTR roadworks footprint – 2 August 2012.
- Ivanhoe Rail Facility – 21 August 2012.

The purpose of these site inspections was to confirm the Site history details and to identify potentially contaminating activities or contaminated areas. A summary of the site investigations is provided in this Section.

5.1 ATLAS-CAMPASPE MINE

The Atlas-Campaspe Mine component of the Site consisted of remnant vegetation used for grazing and a relatively small area cleared for cropping. Plates 1 to 2 show examples of typical landforms in the Atlas-Campaspe Mine component of the Site and their locations are shown on Figure 2.

Agricultural-related infrastructure/equipment (e.g. fences, water tanks, water troughs and stock yards) was observed at the Atlas-Campaspe Mine component of the Site. Some of this agricultural-related infrastructure/ equipment was in use. Some disused agricultural-related infrastructure/equipment was also observed around the Atlas-Campaspe Mine. Plates 3, 4 and 5 show indicative examples of the agricultural-related infrastructure/ equipment located on the Atlas-Campaspe Mine component of the Site and their locations are shown on Figure 2.

No buildings were observed on the Atlas-Campaspe Mine component of the Site.

No signs of contamination were observed in the Atlas-Campaspe Mine component of the Site.



Plate 1: Site 1 – Area Adjacent the Northern Extent of the Campaspe Deposit



Plate 2: Site 2 – Area Adjacent the Southern Extent of the Campaspe Deposit



Plate 3: Site 3 – Stockyard (Disused)



Plate 4: Site 4 – Agricultural Equipment (Disused)



Plate 5: Site 5 – Stockwater Tanks (Disused)

5.2 MINERAL CONCENTRATE TRANSPORT ROUTE ROADWORKS FOOTPRINT

The MCTR roadworks footprint component of the Site consisted of existing roads and native vegetation (typically used for grazing). No buildings were observed in the MCTR roadworks footprint.

No signs of contamination were observed at the MCTR roadworks footprint. Plates 6 to 8 show typical landforms in the MCTR roadworks footprint. The locations of the photos are shown on Figure 2.



Plate 6: Site 6 – Area Adjacent to Hatfield-The Vale Road



Plate 7: Site 7 – Area Adjacent to Magenta Road



Plate 8: Site 8 – Area Adjacent the Intersection of Link Road and Boree Plains-Gol Gol Road

5.3 IVANHOE RAIL FACILITY

The Ivanhoe Rail Facility component of the Site consisted of native vegetation used for grazing. No buildings were identified at the Ivanhoe Rail Facility. Plate 9 shows the Ivanhoe Rail Facility looking west along the Orange – Broken Hill railway. The locations of the photos are shown on Figure 3.

No signs of contamination were observed at the Ivanhoe Rail Facility.



Plate 9: Site 9 – Area Adjacent the Orange – Broken Hill Railway

6 CONTAMINATED LAND MANAGEMENT

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

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

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

7 CONCLUSIONS AND RECOMMENDATIONS

A Land Contamination Assessment has been prepared to address SEPP 55 and takes the form of a Stage 1 Preliminary Investigation prepared in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998) and the *Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011).

The objectives of this Stage 1 Preliminary Investigation were to identify any past or present potentially contaminating activities, provide a preliminary assessment of any contamination and, if required, provide a basis for a more detailed investigation. The scope of work conducted for the Stage 1 Preliminary investigation included:

- review of the Site's environmental setting;
- review of the Site's history to identify past potentially contaminating activities or contaminated areas;
- site inspection to identify current potentially contaminating activities or contaminated areas;
- a preliminary assessment of the site contamination; and
- assessment of the suitability of the Site for the proposed use.

The review of Site's history included a desktop Site history assessment including the collection and collation of information from the following sources:

- EPA's Contaminated Land Record of Notices;
- EPA's POEO Act Public Register;
- underground utilities search;
- section 149 Planning Certificates;
- historical aerial photographs; and
- interviews with surrounding landholders.

No potentially contaminating activities or contaminated areas were identified on the Site during the review of the Site's history.

Cristal Mining personnel undertook inspections of the Site on the following dates:

- Atlas-Campaspe Mine – 17 January 2012 and 17 February 2012.
- MCTR roadworks footprint – 2 August 2012.
- Ivanhoe Rail Facility – 21 August 2012.

No contaminated land or potential sources of contamination were observed during the Site inspection.

Based on the outcomes of this Stage 1 Preliminary Investigation, it is considered that no remediation would be required for the Project. Notwithstanding the above, in the event that an area of potential land contamination is identified during the Project, work in that immediate area would cease and the area made safe. The unexpected contamination would be assessed by a suitably qualified person and remediation strategies put in place to manage this contamination if necessary after approval by the appropriate authority.

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

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

8 REFERENCES

Department of Urban Affairs and Planning and Environment Protection Authority (1998) *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land*.

Evans & Peck (2012) *Atlas-Campaspe Mineral Sands Project Surface Water Assessment*.

GEO-ENG (2013) *Atlas-Campaspe Mineral Sands Project Hydrogeological and Water Supply Assessment*.

NSW Office of Water (2011) *Water resources and management overview - Lachlan catchment*.

NSW Office of Water (2012) *Benanee Catchment*.

Website: <http://www.water.nsw.gov.au/Water-management/Basins-and-catchments/Benanee-catchment/Benanee-catchment>

Office of Environment and Heritage (2011) *Guidelines for Consultants Reporting on Contaminated Sites*.

ATTACHMENT A
SECTION 149 PLANNING CERTIFICATES

Central Darling Shire Council
21 Reid Street, Wilcannia NSW Phone (08) 80915909
Certificate under Section 149, (2)
Environmental Planning and Assessment Act, 1979

Applicant:-
SARAH CUMPSTON
4463 BENETOOK AVENUE
MILDURA VIC 3501

Certificate No: 1217
Application Date: 16/08/12
Issue Date: 29/08/12
Your Reference: -
Assessment No: 01541-00

PROPERTY DESCRIPTION:-

Lot 931 DP761988

PROPERTY AREA

OWNER RECORDED BY COUNCIL:-

RICHARD D & JOANNE D GATES
BURNDOD
WILCANNIA NSW 2836

As at the date of this Certificate the abovementioned land is land to which an Environmental Planning Instrument applies. Details are set out as follows:

Name of Planning Instrument and date of effect:	Effect of Planning Instrument on the abovementioned land:
Central Darling Local Environmental Plan 2004 & Central Darling Local Environmental Plan 2004 (Amendment No 1)	The land is zoned 1(a) Rural Zone under the existing planning instruments. (See development control table – Attachment 2)

Purposes for which buildings, land or works may be erected used or carried out without Council's consent, or with Council's consent or may not be erected carried out or used are set out in the attached extract from Clause 9 of the Local Environmental Plan.

For the purposes of Section 149(2) it is advised that as at the date of this Certificate the abovementioned land is affected by the following matters:

Information Requested	Reply
1. Where a draft local environmental plan has been placed on exhibition pursuant to section 66(1)(b) of the Act purports to restrict, the purposes for which development may be carried out on the land- (i) the name of the instrument (ii) the purpose for which development may be carried out in accordance with that instrument with or without development consent: and (iii) the purposes for which the carrying out of development is prohibited under that instrument.	(i) Draft Central Darling Local Environmental Plan 2012 has been on public exhibition. (ii) See Attachment 3 (iii) See Attachment 3
2. (b) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph (1) - State: (1) the name of the instrument and of the zone; (ii) the purpose for which development may be carried out within that zone without development consent and with development consent: (iii) and the purposes for which the carrying out of development is prohibited within that zone.	(i) Draft Central Darling Local Environmental Plan 2012, new zone will be RU1 Primary Production (ii) See Attachment 3 (iii) See Attachment 3

Central Darling Shire Council
21 Reid Street, Wilcannia NSW Phone (08) 80915909
Certificate under Section 149, (2)
Environmental Planning and Assessment Act, 1979

Information Requested	Reply
3. (c) Advise any matter relating to a State environmental planning policy or a regional environmental plan applying to the land, or to a draft State environmental planning policy or draft regional environmental plan applying to the land, which the Minister has, generally or in any particular case, notified the council should be specified in the certificate.	(See Attachment 1)
4. (d) Where the application for the certificate states that the land is vacant state whether the erection of a dwelling-house on that land is prohibited by reason of a development standard relating to the minimum area on which a dwelling-house may be erected.	Not stated. However this zone has minimal lot size restrictions for dwelling erection and subdivision.
5. (e) State whether or not the demolition of any building on the land requires development consent to be obtained.	Council approval required as per the Exempt & Complying Development Policy
6. (f) State where a development control plan that is expressed to apply to the land has been approved under clause 24 (1) , the name of the plan (whether or not the plan is in force). (f1) State where a contribution plan that is expressed to apply to the land has been approved under Clause 41J, the name of the plan (whether or not the plan is in force).	Not applicable
7. (g) State whether any application to carry out development on the land would, at the time the application for the certificate was lodged, be the subject of a direction under section 101 (1) of the Act, and if so, the general nature of that direction.	Not applicable
8. (h) State whether the land is or is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979 , but only to the extent that the council has been so notified by the Department of Public Works.	Not applicable
9. (i) State whether or not the land has been proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961	Not applicable
10. (j) State whether or not the land is affected by any road widening or road realignment under (i) section 262 of the Local Government Act 1919 (ii) any environmental planning instrument or	Not applicable
11. (k) State whether or not the Council has by resolution adopted a policy to restrict the development of the land by reason of the likelihood of land slip, bushfire, tidal inundation , subsidence or any other risk.	Not applicable
12. Whether a Property Vegetation Plan under the Native Vegetation Act 2003 is in existence.	Not applicable
13. State yes or no, that complying development may be carried out under the Codes SEPP; and if no, why the land is excluded with reference to the restrictions listed in clause 1.19 of the Codes SEPP	Yes

Central Darling Shire Council
21 Reid Street, Wilcannia NSW Phone (08) 80915909
Certificate under Section 149, (2)
Environmental Planning and Assessment Act, 1979

Information Requested	Reply
14. State whether any of the following matters under Section 59(2) of the Contaminated Land Management Act apply to the land; (a) that the land to which the certificate relates is significantly contaminated land (b) that the land to which the certificate relates is subject to a management order (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal (d) that the land to which the certificate relates is subject to an ongoing maintenance order (e) that the land to which the certificate relates is the subject of a site audit statement.	Not applicable


Information is provided only to the extent that Council has been notified by The Heritage Council of N.S.W. or the Department of Planning, relevant Catchment Management Authorities, Department of Environment and Conservation.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

\$100
Fees Paid

29/08/12
Date Paid

42736
Receipt Number


Leeanne Ryan
ACTING GENERAL MANAGER

Central Darling Shire Council
21 Reid Street, Wilcannia NSW Phone (08) 80915909
Certificate under Section 149, (2)
Environmental Planning and Assessment Act, 1979

OWNER RECORDED BY COUNCIL:-

RICHARD D & JOANNE D GATES
BURNDOD
WILCANNIA NSW 2836

Annexure to certificate under section 149 (5)
Environmental planning and assessment act 1979
Issued in respect of the above land

Information Requested	Reply
1. (a) Is the land affected by a Residential District proclamation?	No
2. (b) Is the land affected by a Tree Preservation Order?	No
3. (c) Has any development consent with respect to the land been granted within the previous two years	No
4. (d) What is the current approved use of the property?	Rural
5. (e) Is the current use of the property in accordance with such approval?	Yes
6. (f) Is the land affected by any resolution of the Council to seek amendment to any environmental planning instrument applying to the land?	Yes, is included under Council's Standard Instrument LEP, definition changes and zone changes
7 (g) Is the land affected by any Interim or Permanent Conservation order.	No
8 (i) Is the land contaminated?	No
9 (j) Any other matter affecting the property.	No

- The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

\$100
Fees Paid

29/08/12
Date Paid

42736
Receipt Number


Leeanne Ryan
ACTING GENERAL MANAGER

Attachment 1 - Table of SEPP's Applicable to Central Darling Shire Council

SEPP Title	Gazetted	Description	Area applies to
SEPP (Infrastructure) 2007.	21/12/2007	Provides integrated planning for important community infrastructure.	All of Shire.
SEPP (Temporary Structures) 2007.	28/9/2007	Provided for the approval and use of temporary structures such as places of Public Entertainment.	All of Shire.
SEPP (Mining, Petroleum Production & Extractive Industries) 2007.	16/2/2007	Provides for the proper management & development of resources for the economic welfare of the State.)	All of Shire.
SEPP (Major Developments) 2005.	1/8/2005	Defines certain categories of development as major works to be assessed under Part 3A of the Act.	All of Shire.
SEPP (Building Sustainability Index: BASIX) 2004.	25/6/2004	Provides for the effective introduction in NSW of BASIX and ensures that it is not overridden by any other planning instruments.	All of Shire.
SEPP (Housing for Seniors or People with a Disability).	31/3/2004	Provides for high quality housing for ageing population.	Urban Areas of Shire.
SEPP – No. 65 Design Quality of Residential Flat Development.	26/7/2002	Provides for the raising of residential flat design through a series of design principles.	All of Shire.
SEPP 64 – No. Advertising & Signage.	16/3/2001	Provides that outdoor advertising is compatible with the amenity of any given area.	All of Shire.
SEPP No. 62 – Sustainable Aquaculture.	25/8/2000	To encourage the suitable expansion of aquaculture industry into NSW.	All of Shire.
SEPP No. 60 – Exempt & Complying Development.	3/3/2000	To provide a more efficient and effective approval process for certain types of development.	All of Shire.
SEPP No. 55 – Remediation of Land.	28/8/1998	To provide State wide controls for the remediation of land.	All of Shire.
SEPP No. – 50 – Canal Estates.	10/11/1997	Provides for a ban on new canal estates.	All of Shire.
SEPP No. 49 – Tourist Accommodation in private homes.	Draft Only	Provides for the use of private accommodation for tourist stays.	All of Shire.
SEPP No. 44 – Koala Habitat Protection.	6/1/1995	Encourages the protection of natural vegetation habitat for koalas.	All of Shire.
SEPP No. 36 – Manufactured Home Estates.	16/7/1993.	To establish well designed & properly services manufactured home estates in suitable locations.	All of Shire.
SEPP No. 21 – Caravan Parks.	24/4/1992	Ensures that where caravan parks or camping grounds are permitted under a Planning Instrument, movable dwellings as defined under the Local Government Act are also permitted.	All of Shire.
SEPP No. 33 – Hazardous & Offensive Development.	13/3/1992	Defines what Hazardous & Offensive industry is and sets out matters to be considered when dealing with any applications for this type of development.	All of Shire.
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land).	15/11/1991	States the Government's intention to ensure that urban consolidation objectives are met in all urban areas in the State.	Urban land only.

SEPP No. 30 – Intensive Agriculture.	8/12/1989	Requires Development Application for Cattle Feed lots having a capacity of 50 head or piggeries with a capacity of 200 pigs or more.	All of State.
SEPP No. 22 – Shops & Commercial Premises.	9/8/1987	Permits certain changes of use from one business use to another, even where the use would otherwise be prohibited, where Council is satisfied that the use will have no, or only minor environmental impacts.	All of Shire.
SEPP No. 6 – Number of storeys within a building.	10/12/1982	Sets out the methods for calculating the number of storeys within a building.	All of Shire.
SEPP No. 4 – Development without consent & miscellaneous Complying Development.	Previously known as SEPP No. 4 – Development without consent.	Previously known as SEPP No. 4 – Development without consent, this policy allows for simple or minor changes of land or building use without need for formal approvals.	All of Shire.
SEPP No. 1 – Development Standards.	17/10/1980	Makes development standards more flexible and allows Councils to approve developments where a standard can be reasonably shown to be unreasonable or unnecessary.	All of Shire.

Attachment 2

Zone No 1 (a) (Rural Zone)

1. Objectives of zone

The objective of the zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner that sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil and land capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other native vegetation on environmentally sensitive land where the conservation of the vegetation is significant to scenic amenity, recreation and protected and threatened species, populations or ecological communities or their habitats (including corridors) or is likely to control land degradation, and
 - (vi) water resources for use in the public interest, and
 - (vii) areas of significance for nature conservation, including areas with rare, threatened and protected plant species, populations or communities (including native grasslands), wetlands and significant wildlife habitats and corridors, and
 - (viii) heritage items and items of archaeological significance, and
- (b) fostering development of land for purposes other than agriculture to allow for income diversification, provided that any such development does not conflict with agriculture and does not place a burden on the community (such as through infrastructure requirements) without recompense, and
- (c) facilitating farm adjustments, and
- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services.

2. Without development consent

Development for the purpose of:

Environmental protection works; extensive agriculture; farm buildings; forestry (other than pine plantations); home occupations; roads

3. Only with development consent

Development for the purpose of:

Neighbourhood shops; any other development not included in item 2 or 4

4. Prohibited

Development for the purpose of:

Dugouts, multi dwelling housing; residential flat buildings; shops; vehicle sales or hire premises

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads; Water reticulation systems;

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification sign; Business identification sign; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Hazardous industry; Heavy industrial storage establishments; Helipads; Home businesses; Home industries; Home occupation (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Offensive industry; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural worker's dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems;

4 Prohibited

Dual occupancies (detached); Any development not specified in item 2 or 3.

BALRANALD SHIRE COUNCIL

ALL COMMUNICATIONS
MUST BE ADDRESSED TO
THE GENERAL MANAGER

PO BOX 120
BALRANALD NSW 2715

Contact: JS:NMR:11-2012/13

TELEPHONE: (03) 5020 1300
FAX: (03) 5020 1620
EMAIL: council@balranald.nsw.gov.au

7 August 2012

Bemax Resources Limited
P.O. Box 4032
MILDURA VIC 3502

Dear Sir/ Madam

Re: Certificate under Section 149 Environmental Planning & Assessment Act, 1979
For: Mr A.J. Miles
Property: Boree Plains 2340 Boree Plains - Gol Gol Road, Balranald NSW 2715
Your Reference:

Attached are the completed Certificates you have requested.

- ☒ 149 (2) Environmental Planning & Assessment Act 1979
- ☒ 149 (5) Environmental Planning & Assessment Act 1979
- ☐ 149 (D) Environmental Planning & Assessment Act 1979
- ☐ 121 ZP Individual Certificate
- ☐ 735 (a) Outstanding Notice
- ☐ Copy of Drainage Diagram/ Notice of Unavailability
- ☐ Noxious Weeds Certificate

The Council has made no inspection of the properties for the purpose of the certificate/s, and neither makes any representation nor gives any warranty that this list is complete. The purchaser should satisfy himself/herself by his/her own inspection of the property that there have been no breaches of the Act in relation to development of the property.

Details of current development consents for the property are available on request from the Council.

Yours faithfully



John Stevenson
Director Infrastructure & Development
For the GENERAL MANAGER

CERTIFICATE UNDER SECTION 149 (2)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

SHIRE OF BALRANALD
PO BOX 120, Balranald, NSW 2715

Certificate No. 11-2012/13
Receipt No:46778
Fees: \$53.00

Applicant: Full Name: Bemax Resources Limited
Postal Address: P.O. Box 4032
MILDURA VIC 3502
Reference:

DESCRIPTION OF LAND

Property:

Property Name/No.: Boree Plains 2340 Assessment No.: 2605968
Street/Road Name: Boree Plains - Gol Gol Road Locality: Balranald NSW 2715
Lot/Section/DP: 615//761602, 616//761603, 4518//767595

Owner: Mr A.J. Miles
Postal Address: 7 Excelsior Drive, Mildura VIC 3500

- (A) Where a local environment plan, a deemed environmental planning instrument or a draft local environmental plan has been placed on exhibition pursuant to Section 66 (1)(b) of the Act restrict, or purports to restrict, the purpose for which development may be carried out on the land – State:
- (i) the name of the instrument
 - (ii) the purposes for which development may be carried out in accordance with the instrument
 - (a) without development consent and
 - (b) with development consent; and
 - (iii) The purposes for which the carrying out of development is prohibited under that instrument.

Balranald Local Environmental Plan 2010

- (i) Balranald Local Environmental Plan 2010
- (ii) RU1, refer to attached Lot size and Land zoning maps, and Land use table
- (iii) as above

- (B) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph (A) state:
- (i) the name of the instrument
 - (ii) the purpose for which development may be carried out within that zone without development consent and with development consent; and
 - (iii) the purposes for which the carrying out of development is prohibited within that zone.

Balranald Local Environmental Plan 2010

- (i) RU1
- (ii) As above
- (iii) As above

- (C) Advise any matter relating to a State environmental planning policy or a regional environmental planning policy or draft regional environmental plan applying to the land, which the Minister has, generally or in any particular case, notified the council should be specified in the certificate.

See Attached Schedules


(D) Where the application for the certificate states that the land is vacant, state whether the erection of a dwelling-house on that land is prohibited by reason of a development standard relating to the minimum area on which a dwelling-house may be erected.	No. A dwelling may be erected.
(E) State whether or not the demolition of any building on the land requires development consent to be obtained.	Yes, a construction certificate would be required.
(F) State whether or not any development control plan applies to the land.	No.
(G) State whether any application to carry out development on the land would, at the time the application for the certificate was lodged, be the subject to a direction under Section 101(1) of the Act, and if so, the general nature of that direction.	No.
(H) State whether the land is or is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.	No.
(I) State whether or not the land has been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1956.	No.
(J) State whether or not the land is affected by any road widening or road realignment under – (i) section 262 of the Local Government Act 1919 (ii) any environmental planning instrument; or (iii) any resolution of the council.	No.
(K) State whether or not the Council has by resolution adopted a policy to restrict the development of the land by reason of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence or any other risk.	No.
<p>(L) <u>Matters Arising under the Contaminated Land Management Act 2008.</u></p> <p>Has Council been advised that:</p> <p>(i) The land is within an investigation area or remediation site</p> <p>(ii) The lands is subject to an investigation or remediation order</p> <p>(iii) The land is the subject of a voluntary investigation proposal (or voluntary remediation proposal) that is the subject of the Environment Protection Authority's agreement under the Act</p> <p>(iv) The land is the subject of a site audit statement.</p>	<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>

(M) Is Council aware of a Site Compatibility Certificate
pertaining to this land under the Environmental
Planning and Assessment Amendment (Site
Compatibility Certificate) Regulation 2009

Relating to
Affordable rental housing
And /or Infrastructure
And / or Seniors Housing

No.

Date: 7 August 2012
Balranald Shire Council
Authorised Officer


.....
John Stevenson
Director Infrastructure & Development

Any request for further information in connection with the above should be for the attention of
The Director Infrastructure & Development, Telephone No: (03) 5020 1300.

ANNEXURE TO APPLICATION

For Certificate under Section 149(5)

Certificate No. 11-2012/13

Environmental Planning and Assessment Act 1979

Pursuant to Section 149 (5): the applicant requests advice as to whether the matters raised by the enquiry hereunder affect the land described in the attached application.

Applicant	Name:	Bemax Resources Limited
	Address:	P.O. Box 4032, MILDURA VIC 3502
	Reference:	
Owner	Name:	Mr A.J. Miles
	Postal Address:	7 Excelsior Drive, Mildura VIC 3500
Property	Street No/Property Name:	Boree Plains 2340
	Street/Road Name:	Boree Plains - Gol Gol Road
	Lot/ Section/ DP:	615//761602, 616//761603, 4518//767595
	Locality:	Balranald NSW 2715
	Assessment:	2605968

ANNEXURE TO CERTIFICATE UNDER SECTION 149

Environment Planning & Assessment Act 1979

ISSUED IN RESPECT OF THE ABOVE LAND

Information requested	
(a) Is the land affected by a Residential District Proclamation?	No
(b) Is the land affected by a Tree Preservation Order?	No
(c) Has any development consent with respect to the land been granted within the previous two years?	No
(d) Any known non-compliance with matters relating to development approval?	No
(e) What is the current approved use of the property?	Farmland
(f) Is the current use of the property in accordance with such approval?	Yes
(g) Is the land affected by any resolution of the Council to seek amendment of any environmental planning instrument or draft environmental planning instrument to the land?	No.
(h) Any other known matter of which Council is aware that applies to the subject land?	No.

The above information has been taken from the council's records but Council cannot accept responsibility for any omission or inaccuracy.

Date: 7 August 2012

Fee Paid: \$80.00

Receipt No: 46778

Balranald Shire Council
Director Infrastructure and Development – John Stevenson

Any request for further information in connection with the above should be to the attention of The Director Infrastructure and Development. Telephone (03) 5020 1300.



Bairnald Local Environmental Plan 2010

Lot Size Map - Sheet LSZ_004

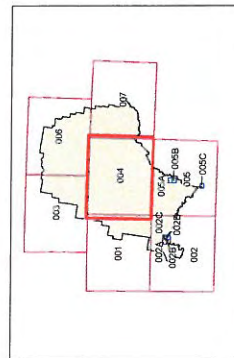
Minimum Lot Size

M	600 sqm
U	1200 sqm
W	4000 sqm
AB1	16 ha
AB2	40 ha

Cadastre



Cadastre 1/9/03 (c) Dept of Lands



0 2 4 8 kilometres



Scale: 1:320,000 @ A3









Projection: GDA 1984
Zone 54

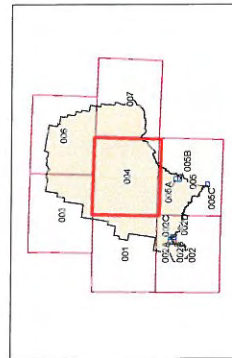
Map Identification Number:
0000_COM_LSZ_004_004_20100526



Bairnsdale Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_004

Zone	
	E1 National Parks & Nature Reserves
	RU1 Primary Production
	RU3 Forestry
	RU4 Rural Small Holdings
	RU5 Village
	W1 Natural Waterways
	W2 Recreational Waterways
	Cadastre
Cadastre 1/903 (c) Dept of Lands	



Projection GDA 1984
Zone 54

Map Identification Number
0100_COM_LZN_004_30_201002-06

- Whole title
- Parent Act
- Historical versions
- Historical notes
- Search title
- Maps

Balranald Local Environmental Plan 2010

Current version for 6 January 2012 to date (accessed 15 August 2012 at 14:47)
Land Use Table

<< page >>

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

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

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

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

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality.
- To support rural communities.
- To ensure the provision of accommodation for itinerant workers.

2 Permitted without consent

Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Extractive industries; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Industries; Information and education facilities; Intensive livestock agriculture; Moorings; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Light industries; Transport depots; Any other development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Environmental facilities; Farm stay accommodation; Flood mitigation works; Forestry; Heavy industrial storage establishments; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Moorings; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Water recreation structures; Water supply systems

4 Prohibited

Intensive livestock agriculture; Any other development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the town boundaries of Balranald, Euston and Kyalite.
- To encourage and provide opportunities for population and local employment growth.
- To ensure development maintains and contributes to the character of the zone.
- To protect the amenity of residents.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Eco-tourist facilities; Electricity generating works; Farm buildings; Forestry; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Port facilities; Rural industries; Waste disposal facilities; Wharf or boating facilities

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Restricted premises; Water

recreation structures; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Water recreation structures; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

[Top of page](#)

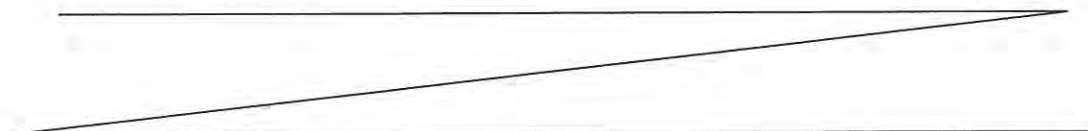
SCHEDULE 2

State Environmental Planning Policies applying to **Zone One (Non-Urban)** Lands

State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: basix) 2004
State Environmental Planning Policy (Exempt And Complying Development Codes) 2008
State Environmental Planning Policy (Housing For Seniors or People with A Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
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State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
State Environmental Planning Policy no 1--Development Standards
State environmental planning policy no 15--Rural Landsharing Communities
State Environmental Planning Policy no 19--Bushland in Urban Areas
State Environmental Planning Policy no 21--Caravan Parks
State Environmental Planning Policy no 22--Shops and Commercial Premises
State Environmental Planning Policy no 30--Intensive Agriculture
State Environmental Planning Policy no 33--Hazardous and Offensive Development
State Environmental Planning Policy no 36--Manufactured Home Estates
State Environmental Planning Policy no 4--Development without Consent and Miscellaneous Exempt and Complying Development
State Environmental Planning Policy no 44--Koala Habitat Protection
State Environmental Planning Policy no 52--Farm Dams and Other Works in Land and Water Management Plan areas
State Environmental Planning Policy no 55--Remediation Of Land
State Environmental Planning Policy no 6--Number of Storeys In A Building
State Environmental Planning Policy no 60--Exempt and Complying Development
State Environmental Planning Policy no 62--Sustainable Aquaculture
State Environmental Planning Policy no 64--Advertising and Signage
State Environmental Planning Policy no 65--Design Quality of Residential Flat Development
State Environmental Planning Policy no 70--Affordable Housing (revised schemes)

Regional Environmental Plans Applying to Rural Zone (zone 1) Lands:

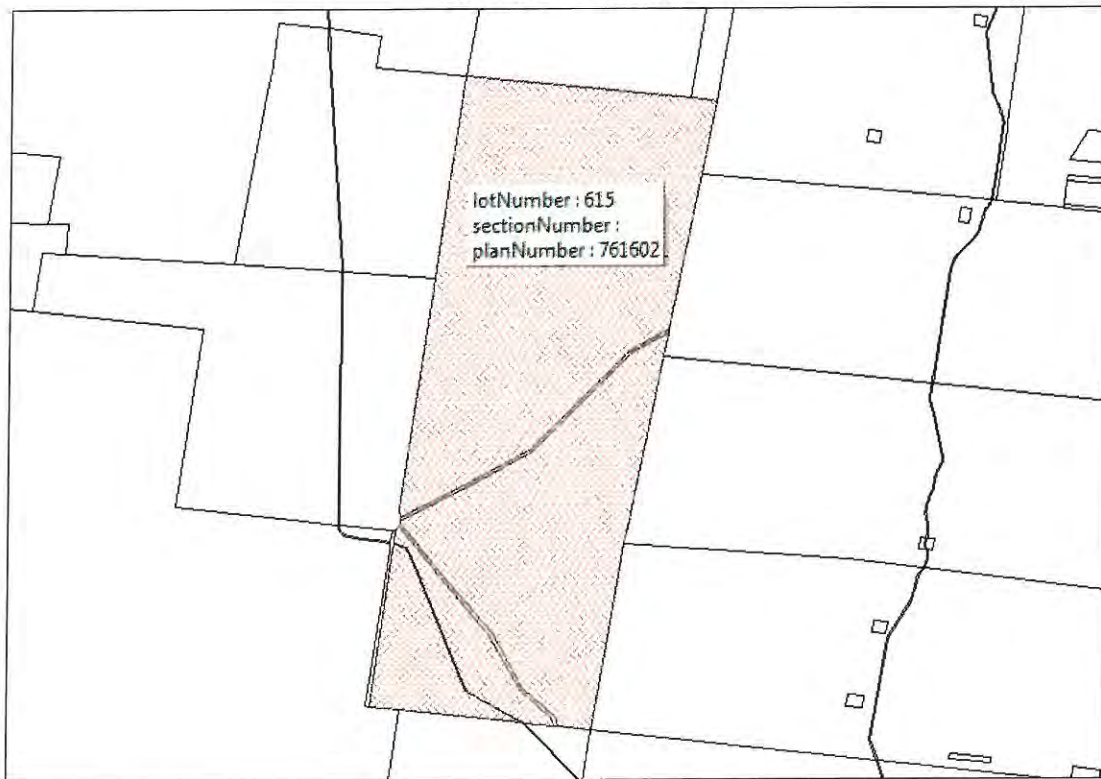
1. Western Division R.E.P No 1 - Extractive Industries Controls the extraction of geological materials (other than minerals) from all lands in the Council area.
2. Murray R.E.P No 2 - Riverine Land.
Controls development activities with the potential to adversely effect the riverine environment of the Murray River and it's tributaries and associated water bodies.



Certificate 11-2012/13

2340 Boree Plains – Gol Gol Road, Balranald

Lot 615 D.P. 761602



Certificate 11-2012/13

2340 Boree Plains – Gol Gol Road, Balranald

Lot 616 D.P. 761603



Lot 616 D.P. 761603

Oxley Township

Balranald Township

Certificate 11-2012/13

2340 Boree Plains – Gol Gol Road, Balranald

Lot 4518 D.P. 767595



Lot 4518 D.P. 767595



Oxley Township

Balranald Township

BALRANALD SHIRE COUNCIL

ALL COMMUNICATIONS
MUST BE ADDRESSED TO
THE GENERAL MANAGER

PO BOX 120
BALRANALD NSW 2715

Contact: JS:NMR:12-2012/13

TELEPHONE: (03) 5020 1300
FAX: (03) 5020 1620
EMAIL: council@balranald.nsw.gov.au

7 August 2012

Bemax Resources Limited
P.O. Box 4032
MILDURA VIC 3502

Dear Sir/ Madam

Re: Certificate under Section 149 Environmental Planning & Assessment Act, 1979
For: Minto Glen Pastoral Co. Pty Ltd
Property: Carawatha , Balranald NSW 2715
Your Reference:

Attached are the completed Certificates you have requested.

- ☒ 149 (2) Environmental Planning & Assessment Act 1979
- ☒ 149 (5) Environmental Planning & Assessment Act 1979
- ☐ 149 (D) Environmental Planning & Assessment Act 1979
- ☐ 121 ZP Individual Certificate
- ☐ 735 (a) Outstanding Notice
- ☐ Copy of Drainage Diagram/ Notice of Unavailability
- ☐ Noxious Weeds Certificate

The Council has made no inspection of the properties for the purpose of the certificate/s, and neither makes any representation nor gives any warranty that this list is complete. The purchaser should satisfy himself/herself by his/her own inspection of the property that there have been no breaches of the Act in relation to development of the property.

Details of current development consents for the property are available on request from the Council.

Yours faithfully



John Stevenson
Director Infrastructure & Development
For the GENERAL MANAGER

CERTIFICATE UNDER SECTION 149 (2)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

SHIRE OF BALRANALD
PO BOX 120, Balranald, NSW 2715

Certificate No. 12-2012/13
Receipt No: 46778
Fees: \$53.00

Applicant: Full Name: Bemax Resources Limited
Postal Address: P.O. Box 4032
MILDURA VIC 3502
Reference:

DESCRIPTION OF LAND

Property:
Property Name/No.: Carawatha Assessment No.: 3083530
Street/Road Name: Locality: Balranald NSW 2715
Lot/Section/DP: 613//761600, 614//761601

Owner: Minto Glen Pastoral Co. Pty Ltd
Postal Address: PO Box 170, Mansfield VIC 3724

- (A) Where a local environment plan, a deemed environmental planning instrument or a draft local environmental plan has been placed on exhibition pursuant to Section 66 (1)(b) of the Act restrict, or purports to restrict, the purpose for which development may be carried out on the land – State:
- (i) the name of the instrument
 - (ii) the purposes for which development may be carried out in accordance with the instrument
 - (a) without development consent and
 - (b) with development consent; and
 - (iii) The purposes for which the carrying out of development is prohibited under that instrument.

Balranald Local Environmental Plan 2010

- (i) Balranald Local Environmental Plan 2010
- (ii) RU1, refer to attached Lot size and Land zoning maps, and Land use table
- (iii) as above

- (B) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph (A) state:
- (i) the name of the instrument
 - (ii) the purpose for which development may be carried out within that zone without development consent and with development consent; and
 - (iii) the purposes for which the carrying out of development is prohibited within that zone.

Balranald Local Environmental Plan 2010

- (i) RU1
- (ii) As above
- (iii) As above

- (C) Advise any matter relating to a State environmental planning policy or a regional environmental planning policy or draft regional environmental plan applying to the land, which the Minister has, generally or in any particular case, notified the council should be specified in the certificate.

See Attached Schedules

(D) Where the application for the certificate states that the land is vacant, state whether the erection of a dwelling-house on that land is prohibited by reason of a development standard relating to the minimum area on which a dwelling-house may be erected.	No. A dwelling house is permitted.
(E) State whether or not the demolition of any building on the land requires development consent to be obtained.	Yes, a construction certificate would be required.
(F) State whether or not any development control plan applies to the land.	No. However a Property Vegetation Plan applies to Lot 614//761601.
(G) State whether any application to carry out development on the land would, at the time the application for the certificate was lodged, be the subject to a direction under Section 101(1) of the Act, and if so, the general nature of that direction.	No.
(H) State whether the land is or is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.	No.
(I) State whether or not the land has been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1956.	No.
(J) State whether or not the land is affected by any road widening or road realignment under – (i) section 262 of the Local Government Act 1919 (ii) any environmental planning instrument; or (iii) any resolution of the council.	No.
(K) State whether or not the Council has by resolution adopted a policy to restrict the development of the land by reason of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence or any other risk.	No.
<p>(L) <u>Matters Arising under the Contaminated Land Management Act 2008.</u></p> <p>Has Council been advised that:</p> <p>(i) The land is within an investigation area or remediation site</p> <p>(ii) The lands is subject to an investigation or remediation order</p> <p>(iii) The land is the subject of a voluntary investigation proposal (or voluntary remediation proposal) that is the subject of the Environment Protection Authority's agreement under the Act</p> <p>(iv) The land is the subject of a site audit statement.</p>	<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>

(M) Is Council aware of a Site Compatibility Certificate
pertaining to this land under the Environmental
Planning and Assessment Amendment (Site
Compatibility Certificate) Regulation 2009


Relating to
Affordable rental housing
And /or Infrastructure
And / or Seniors Housing

No.

Date: 7 August 2012

Balranald Shire Council

Authorised Officer


.....
John Stevenson

Director Infrastructure & Development

Any request for further information in connection with the above should be for the attention of
The Director Infrastructure & Development, Telephone No: (03) 5020 1300.

ANNEXURE TO APPLICATION

For Certificate under Section 149(5)

Certificate No. 12-2012/13

Environmental Planning and Assessment Act 1979

Pursuant to Section 149 (5): the applicant requests advice as to whether the matters raised by the enquiry hereunder affect the land described in the attached application.

Applicant	Name:	Bemax Resources Limited
	Address:	P.O. Box 4032, MILDURA VIC 3502
	Reference:	
Owner	Name:	Minto Glen Pastoral Co. Pty Ltd
	Postal Address:	PO Box 170, Mansfield VIC 3724
Property	Street No/Property Name:	Carawatha
	Street/Road Name:	
	Lot/ Section/ DP:	613//761600, 614//761601
	Locality:	Balranald NSW 2715
	Assessment:	3083530

ANNEXURE TO CERTIFICATE UNDER SECTION 149

Environment Planning & Assessment Act 1979

ISSUED IN RESPECT OF THE ABOVE LAND

Information requested	
(a) Is the land affected by a Residential District Proclamation?	No
(b) Is the land affected by a Tree Preservation Order?	No
(c) Has any development consent with respect to the land been granted within the previous two years?	No
(d) Any known non-compliance with matters relating to development approval?	No
(e) What is the current approved use of the property?	Farmland
(f) Is the current use of the property in accordance with such approval?	Yes
(g) Is the land affected by any resolution of the Council to seek amendment of any environmental planning instrument or draft environmental planning instrument to the land?	No.
(h) Any other known matter of which Council is aware that applies to the subject land?	No.

The above information has been taken from the council's records but Council cannot accept responsibility for any omission or inaccuracy.

Date: 7 August 2012

Fee Paid: \$80.00

Receipt No: 46778

Balranald Shire Council

Director Infrastructure and Development – John Stevenson

Any request for further information in connection with the above should be to the attention of The Director Infrastructure and Development. Telephone (03) 5020 1300.



Bairnsdale Local Environmental Plan 2010

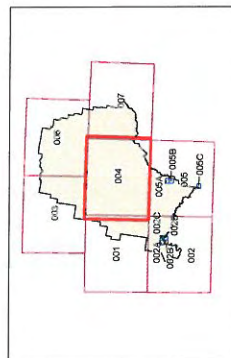
Lot Size Map - Sheet LSZ_004

Minimum Lot Size

M	600 sqm
U	1200 sqm
W	4000 sqm
AB1	16 ha
AB2	40 ha

Cadastral

Cadastral 1/9/03 (c) Dept of Lands



0 2 4 8 kilometres

Scale: 1:320,000 @ A3

Projection: GDA 1994
Zone 54

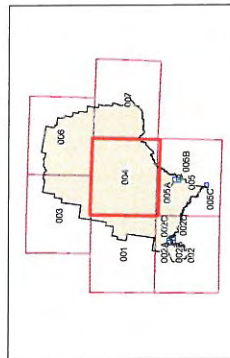
Map Identification Number
0000_CDM_LSZ_004_320_20100528



Bairnald Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_004

Zone	
E1	National Parks & Nature Reserves
RU1	Primary Production
RU3	Forestry
RU4	Rural Small Holdings
RU5	Village
W1	Natural Waterways
W2	Recreational Waterways
Cadastre	Cadastre
	Cadastre 1/9/03 (c) Dept of Lands



Map Identification Number:
0000_COM_LZN_004_330_20100228

- Whole title
- Parent Act
- Historical versions
- Historical notes
- Search title
- Maps

Balranald Local Environmental Plan 2010

Current version for 6 January 2012 to date (accessed 15 August 2012 at 14:47)
Land Use Table

<< page >>

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

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

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

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

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality.
- To support rural communities.
- To ensure the provision of accommodation for itinerant workers.

2 Permitted without consent

Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Extractive industries; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Industries; Information and education facilities; Intensive livestock agriculture; Moorings; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Light industries; Transport depots; Any other development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Environmental facilities; Farm stay accommodation; Flood mitigation works; Forestry; Heavy industrial storage establishments; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Moorings; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Water recreation structures; Water supply systems

4 Prohibited

Intensive livestock agriculture; Any other development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the town boundaries of Balranald, Euston and Kyalite.
- To encourage and provide opportunities for population and local employment growth.
- To ensure development maintains and contributes to the character of the zone.
- To protect the amenity of residents.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Eco-tourist facilities; Electricity generating works; Farm buildings; Forestry; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Port facilities; Rural industries; Waste disposal facilities; Wharf or boating facilities

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.
- To enable uses authorised under the National Parks and Wildlife Act 1974.
- To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the National Parks and Wildlife Act 1974

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Restricted premises; Water

recreation structures; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Water recreation structures; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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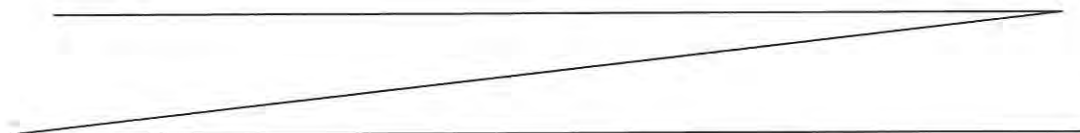
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State Environmental Planning Policies applying to **Zone One (Non-Urban)** Lands

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State Environmental Planning Policy no 70--Affordable Housing (revised schemes)

Regional Environmental Plans Applying to Rural Zone (zone 1) Lands:

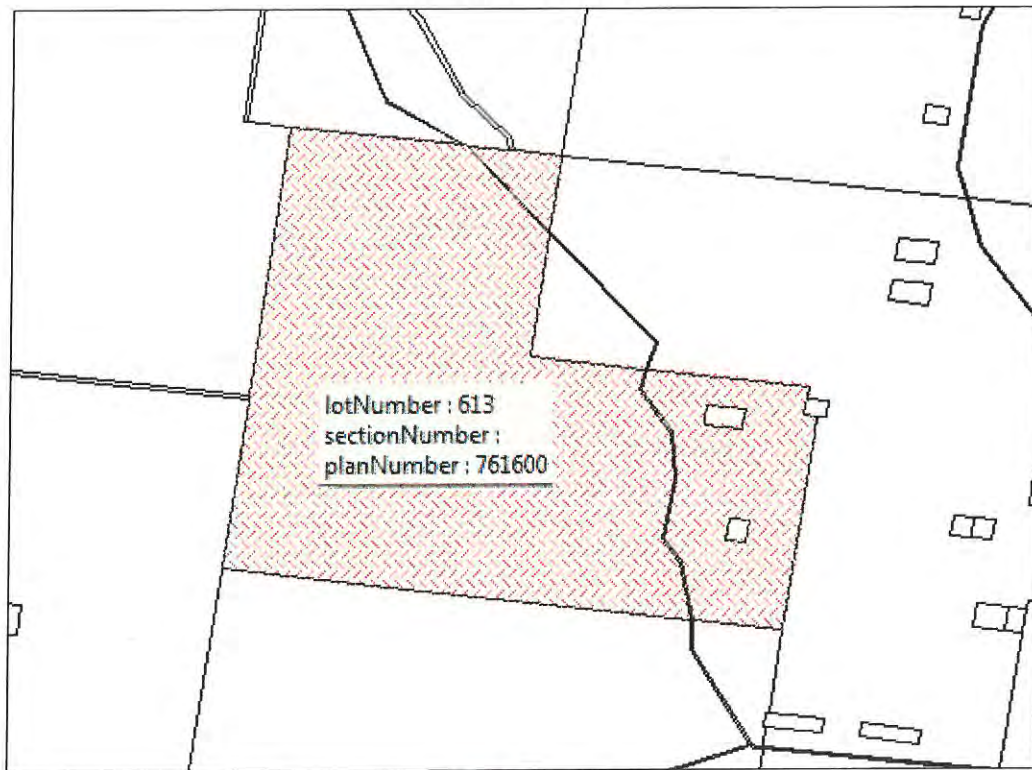
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2. Murray R.E.P No 2 - Riverine Land.
Controls development activities with the potential to adversely effect the riverine environment of the Murray River and it's tributaries and associated water bodies.



Certificate 12-2012/13

Carawatha, Balranald

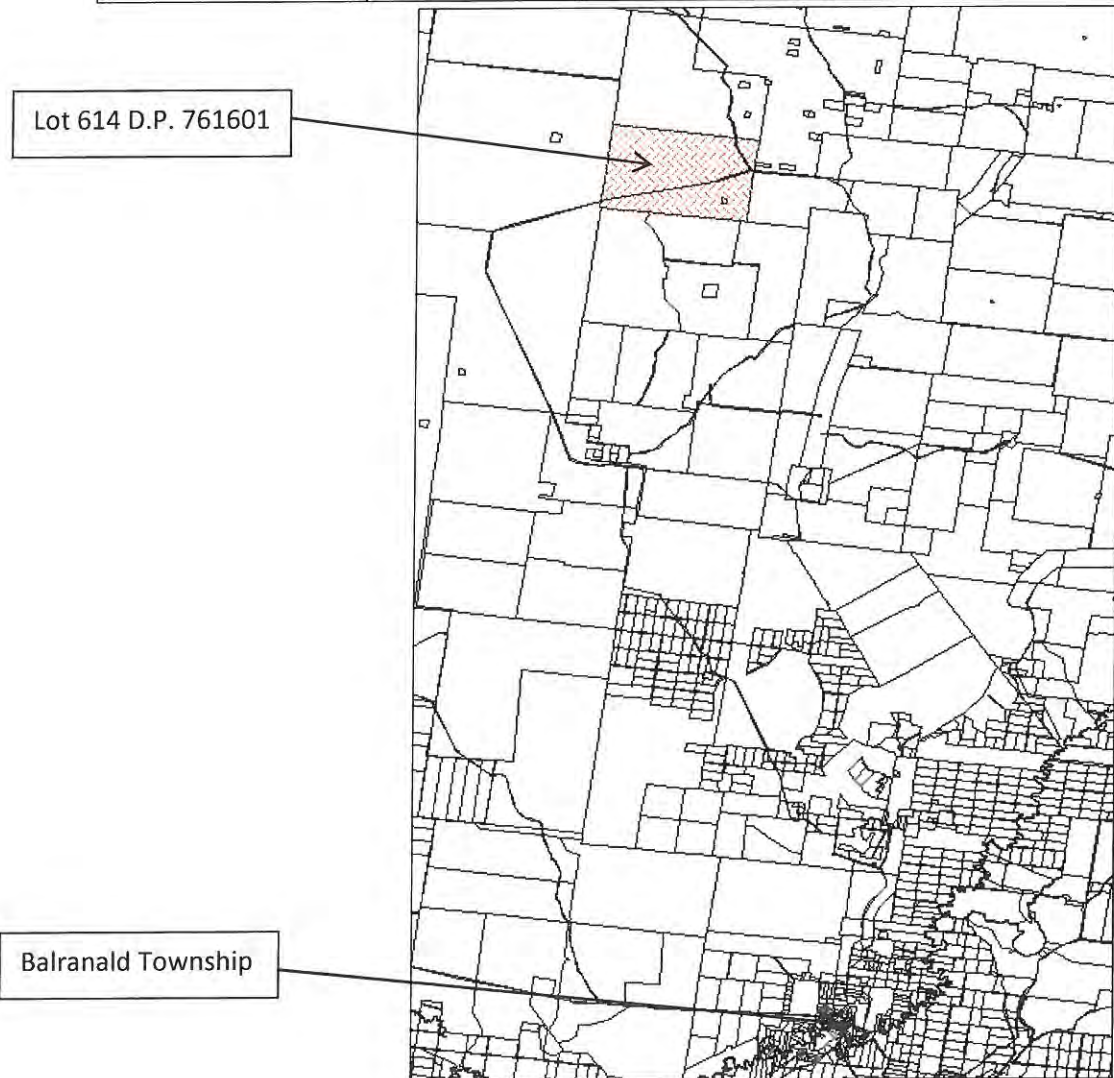
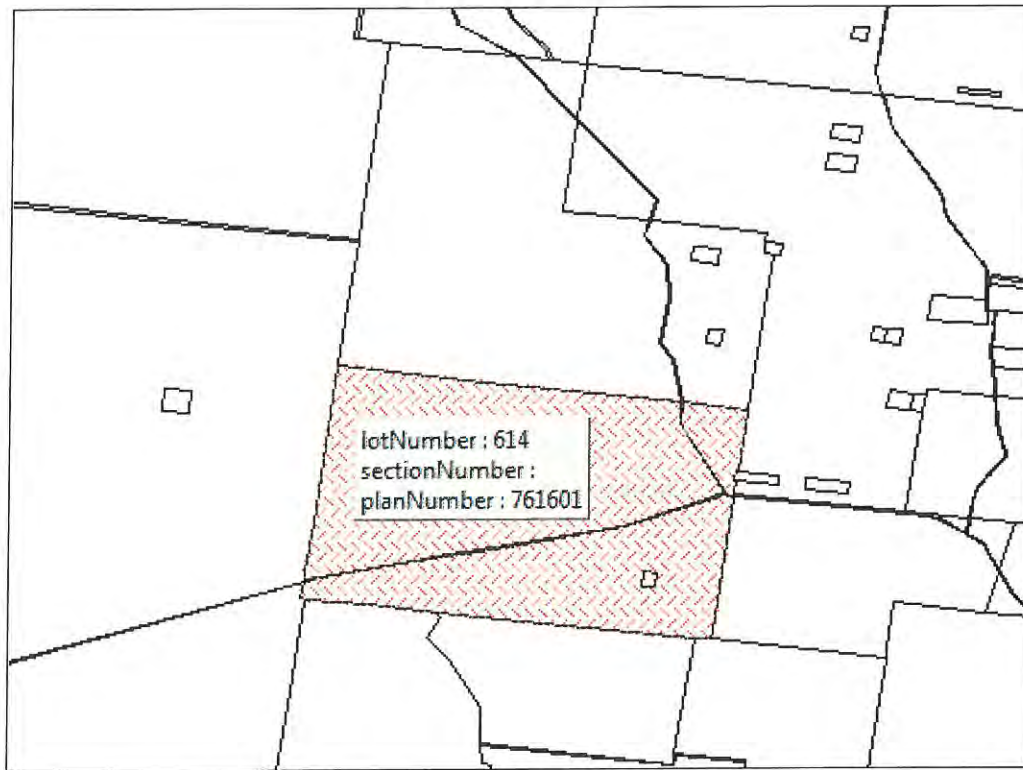
Lot 613 D.P. 761600



Certificate 12-2012/13

Carawatha, Balranald

Lot 614 D.P. 761601



BALRANALD SHIRE COUNCIL

ALL COMMUNICATIONS
MUST BE ADDRESSED TO
THE GENERAL MANAGER

PO BOX 120
BALRANALD NSW 2715

Contact: JS:NMR:13-2012/13

TELEPHONE: (03) 5020 1300

FAX: (03) 5020 1620

EMAIL: council@balranald.nsw.gov.au

7 August 2012

Bemax Resources Limited
P.O. Box 4032
MILDURA VIC 3502

Dear Sir/ Madam

Re: Certificate under Section 149 Environmental Planning & Assessment Act, 1979
For: Mr A.M. & Mrs T.L. Curran
Property: Wampo , Balranald NSW 2715
Your Reference:

Attached are the completed Certificates you have requested.

- ☒ 149 (2) Environmental Planning & Assessment Act 1979
- ☒ 149 (5) Environmental Planning & Assessment Act 1979
- ☐ 149 (D) Environmental Planning & Assessment Act 1979
- ☐ 121 ZP Individual Certificate
- ☐ 735 (a) Outstanding Notice
- ☐ Copy of Drainage Diagram/ Notice of Unavailability
- ☐ Noxious Weeds Certificate

The Council has made no inspection of the properties for the purpose of the certificate/s, and neither makes any representation nor gives any warranty that this list is complete. The purchaser should satisfy himself/herself by his/her own inspection of the property that there have been no breaches of the Act in relation to development of the property.

Details of current development consents for the property are available on request from the Council.

Yours faithfully



John Stevenson
Director Infrastructure & Development
For the GENERAL MANAGER

CERTIFICATE UNDER SECTION 149 (2)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

SHIRE OF BALRANALD
PO BOX 120, Balranald, NSW 2715

Certificate No. 13-2012/13
Receipt No:46778
Fees: \$53.00

Applicant: Full Name: Bemax Resources Limited
Postal Address: P.O. Box 4032
MILDURA VIC 3502
Reference:

DESCRIPTION OF LAND

Property:
Property Name/No.: Wampo Assessment No.: 3126569
Street/Road Name: Locality: Balranald NSW 2715
Lot/Section/DP: 4727//767893

Owner: Mr A.M. & Mrs T.L. Curran
Postal Address: PO Box 825, Robinvale VIC 3549

<p>(A) Where a local environment plan, a deemed environmental planning instrument or a draft local environmental plan has been placed on exhibition pursuant to Section 66 (1)(b) of the Act restrict, or purports to restrict, the purpose for which development may be carried out on the land – State:</p> <ul style="list-style-type: none">(i) the name of the instrument(ii) the purposes for which development may be carried out in accordance with the instrument<ul style="list-style-type: none">(a) without development consent and(b) with development consent; and(iii) The purposes for which the carrying out of development is prohibited under that instrument.	<p>Balranald Local Environmental Plan 2010</p> <ul style="list-style-type: none">(i) Balranald Local Environmental Plan 2010(ii) RU1, refer to attached Lot size and Land zoning maps, and Land use table(iii) as above
<p>(B) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph (A) state:</p> <ul style="list-style-type: none">(i) the name of the instrument(ii) the purpose for which development may be carried out within that zone without development consent and with development consent; and(iii) the purposes for which the carrying out of development is prohibited within that zone.	<p>Balranald Local Environmental Plan 2010</p> <ul style="list-style-type: none">(i) RU1(ii) As above(iii) As above
<p>(C) Advise any matter relating to a State environmental planning policy or a regional environmental planning policy or draft regional environmental plan applying to the land, which the Minister has, generally or in any particular case, notified the council should be specified in the certificate.</p>	<p>See Attached Schedules</p>

(D) Where the application for the certificate states that the land is vacant, state whether the erection of a dwelling-house on that land is prohibited by reason of a development standard relating to the minimum area on which a dwelling-house may be erected.	No. A dwelling house is permitted.
(E) State whether or not the demolition of any building on the land requires development consent to be obtained.	Yes, a construction certificate would be required.
(F) State whether or not any development control plan applies to the land.	No.
(G) State whether any application to carry out development on the land would, at the time the application for the certificate was lodged, be the subject to a direction under Section 101(1) of the Act, and if so, the general nature of that direction.	No.
(H) State whether the land is or is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.	No.
(I) State whether or not the land has been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1956.	No.
(J) State whether or not the land is affected by any road widening or road realignment under – (i) section 262 of the Local Government Act 1919 (ii) any environmental planning instrument; or (iii) any resolution of the council.	No.
(K) State whether or not the Council has by resolution adopted a policy to restrict the development of the land by reason of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence or any other risk.	No.
<p>(L) <u>Matters Arising under the Contaminated Land Management Act 2008.</u></p> <p>Has Council been advised that:</p> <p>(i) The land is within an investigation area or remediation site</p> <p>(ii) The lands is subject to an investigation or remediation order</p> <p>(iii) The land is the subject of a voluntary investigation proposal (or voluntary remediation proposal) that is the subject of the Environment Protection Authority's agreement under the Act</p> <p>(iv) The land is the subject of a site audit statement.</p>	<p>No.</p> <p>No.</p> <p>No.</p> <p>No.</p>

(M) Is Council aware of a Site Compatibility Certificate
pertaining to this land under the Environmental
Planning and Assessment Amendment (Site
Compatibility Certificate) Regulation 2009


Relating to
Affordable rental housing
And /or Infrastructure
And / or Seniors Housing

No.

Date: 7 August 2012

Balranald Shire Council

Authorised Officer


.....
John Stevenson

Director Infrastructure & Development

Any request for further information in connection with the above should be for the attention of
The Director Infrastructure & Development, Telephone No: (03) 5020 1300.

ANNEXURE TO APPLICATION

For Certificate under Section 149(5)

Certificate No. 13-2012/13

Environmental Planning and Assessment Act 1979

Pursuant to Section 149 (5): the applicant requests advice as to whether the matters raised by the enquiry hereunder affect the land described in the attached application.

Applicant	Name:	Bemax Resources Limited
	Address:	P.O. Box 4032, MILDURA VIC 3502
	Reference:	
Owner	Name:	Mr A.M. & Mrs T.L. Curran
	Postal Address:	PO Box 825, Robinvale VIC 3549
Property	Street No/Property Name:	Wampo
	Street/Road Name:	
	Lot/ Section/ DP:	4727//767893
	Locality:	Balranald NSW 2715
	Assessment:	3126569

ANNEXURE TO CERTIFICATE UNDER SECTION 149

Environment Planning & Assessment Act 1979

ISSUED IN RESPECT OF THE ABOVE LAND

Information requested	
(a) Is the land affected by a Residential District Proclamation?	No
(b) Is the land affected by a Tree Preservation Order?	No
(c) Has any development consent with respect to the land been granted within the previous two years?	Yes 70/2011, 03/2012 (A&T Curran Private Swimming Pool at residence)
(d) Any known non-compliance with matters relating to development approval?	No
(e) What is the current approved use of the property?	Farmland
(f) Is the current use of the property in accordance with such approval?	Yes
(g) Is the land affected by any resolution of the Council to seek amendment of any environmental planning instrument or draft environmental planning instrument to the land?	No.
(h) Any other known matter of which Council is aware that applies to the subject land?	No.

The above information has been taken from the council's records but Council cannot accept responsibility for any omission or inaccuracy.

Date: 7 August 2012

Fee Paid: \$80.00

Receipt No: 46778

Balranald Shire Council

Director Infrastructure and Development – John Stevenson

Any request for further information in connection with the above should be to the attention of The Director Infrastructure and Development. Telephone (03) 5020 1300.



Bairnsdale Local Environmental Plan 2010

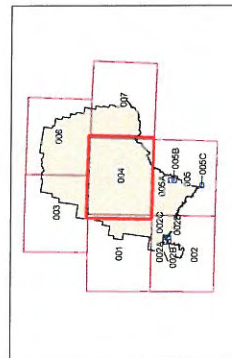
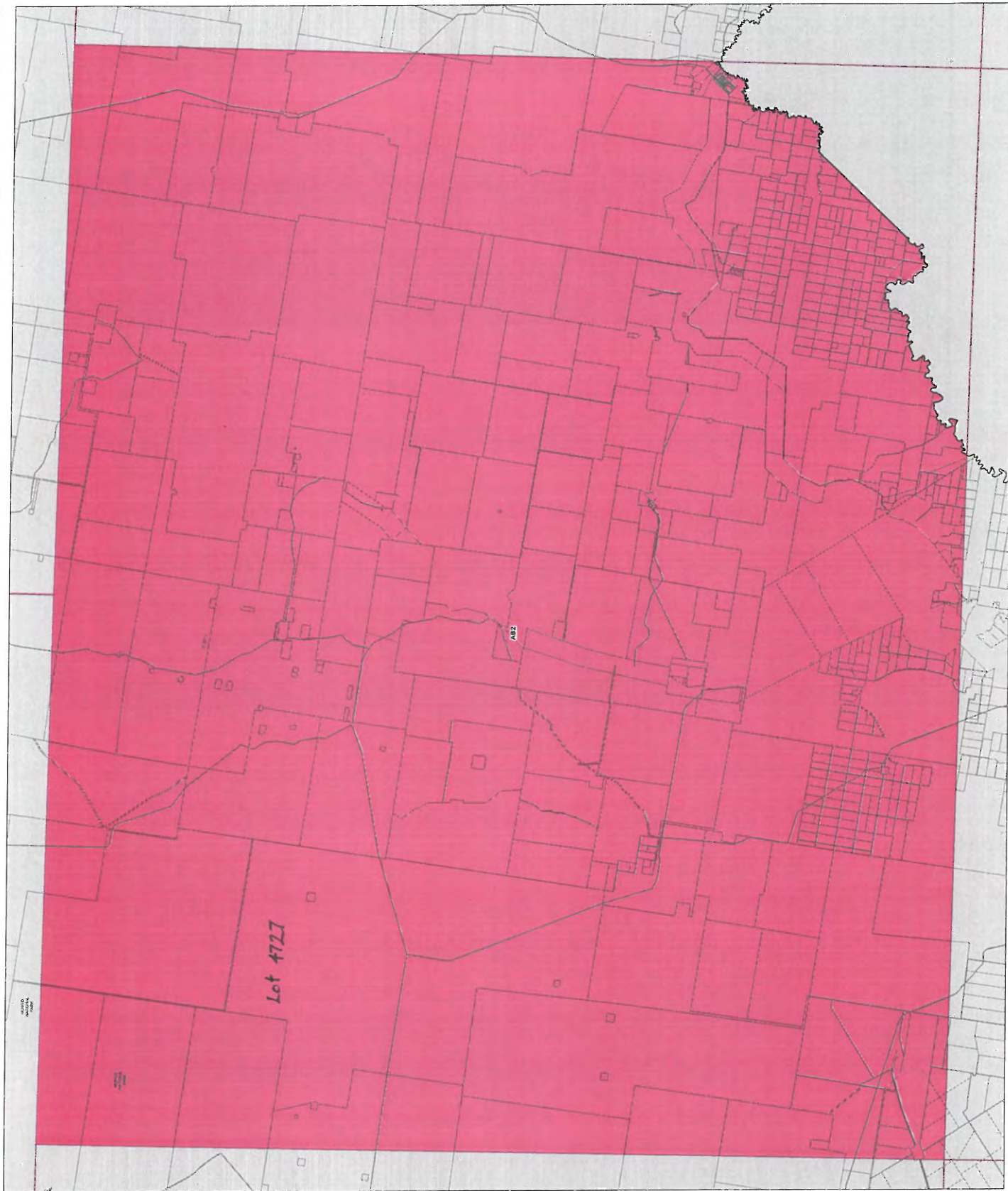
Lot Size Map - Sheet LSZ_004

Minimum Lot Size

M	600 sqm
U	1200 sqm
W	4000 sqm
AB1	16 ha
AB2	40 ha

Cadastral

Cadastral 1/9/03 (c) Dept of Lands



Projection: GDA 1984
Zone 54

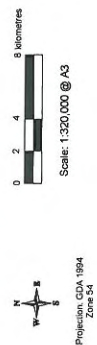
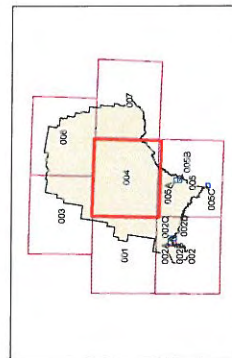
Map Identification Number:
0000_COM_LSZ_004_20100528



Balaclava Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_004

Zone		
E1	National Parks & Nature Reserves	
RU1	Primary Production	
RU3	Forestry	
RU4	Rural Small Holdings	
RU5	Village	
W1	Natural Waterways	
W2	Recreational Waterways	
Cadastre		
	Cadastre 1/903 (c) Dept of Lands	



Projection: GDA 1984
Zone 54

Map Identification Number:
0300_COM_LZN_004_20100526

- Whole title
- Parent Act
- Historical versions
- Historical notes
- Search title
- Maps

Balranald Local Environmental Plan 2010

Current version for 6 January 2012 to date (accessed 15 August 2012 at 14:47)

Land Use Table

<< page >>

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

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

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

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

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality.
- To support rural communities.
- To ensure the provision of accommodation for itinerant workers.

2 Permitted without consent

Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Extractive industries; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Industries; Information and education facilities; Intensive livestock agriculture; Moorings; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Light industries; Transport depots; Any other development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Depots; Dwelling houses; Environmental facilities; Farm stay accommodation; Flood mitigation works; Forestry; Heavy industrial storage establishments; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Moorings; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Storage premises; Water recreation structures; Water supply systems

4 Prohibited

Intensive livestock agriculture; Any other development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the town boundaries of Balranald, Euston and Kyalite.
- To encourage and provide opportunities for population and local employment growth.
- To ensure development maintains and contributes to the character of the zone.
- To protect the amenity of residents.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Eco-tourist facilities; Electricity generating works; Farm buildings; Forestry; Hazardous storage establishments; Heavy industries; Industrial training facilities; Offensive storage establishments; Port facilities; Rural industries; Waste disposal facilities; Wharf or boating facilities

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Restricted premises; Water

recreation structures; Water supply systems

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Water recreation structures; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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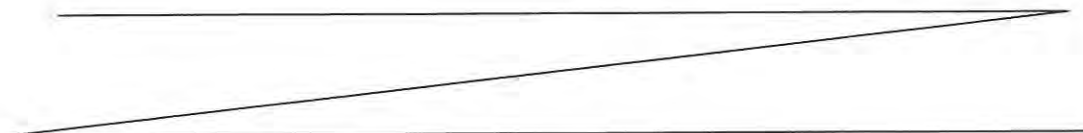
SCHEDULE 2

State Environmental Planning Policies applying to **Zone One (Non-Urban)** Lands

State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: basix) 2004
State Environmental Planning Policy (Exempt And Complying Development Codes) 2008
State Environmental Planning Policy (Housing For Seniors or People with A Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
State Environmental Planning Policy no 1--Development Standards
State environmental planning policy no 15--Rural Landsharing Communities
State Environmental Planning Policy no 19--Bushland in Urban Areas
State Environmental Planning Policy no 21--Caravan Parks
State Environmental Planning Policy no 22--Shops and Commercial Premises
State Environmental Planning Policy no 30--Intensive Agriculture
State Environmental Planning Policy no 33--Hazardous and Offensive Development
State Environmental Planning Policy no 36--Manufactured Home Estates
State Environmental Planning Policy no 4--Development without Consent and Miscellaneous Exempt and Complying Development
State Environmental Planning Policy no 44--Koala Habitat Protection
State Environmental Planning Policy no 52--Farm Dams and Other Works in Land and Water Management Plan areas
State Environmental Planning Policy no 55--Remediation Of Land
State Environmental Planning Policy no 6--Number of Storeys In A Building
State Environmental Planning Policy no 60--Exempt and Complying Development
State Environmental Planning Policy no 62--Sustainable Aquaculture
State Environmental Planning Policy no 64--Advertising and Signage
State Environmental Planning Policy no 65--Design Quality of Residential Flat Development
State Environmental Planning Policy no 70--Affordable Housing (revised schemes)

Regional Environmental Plans Applying to Rural Zone (zone 1) Lands:

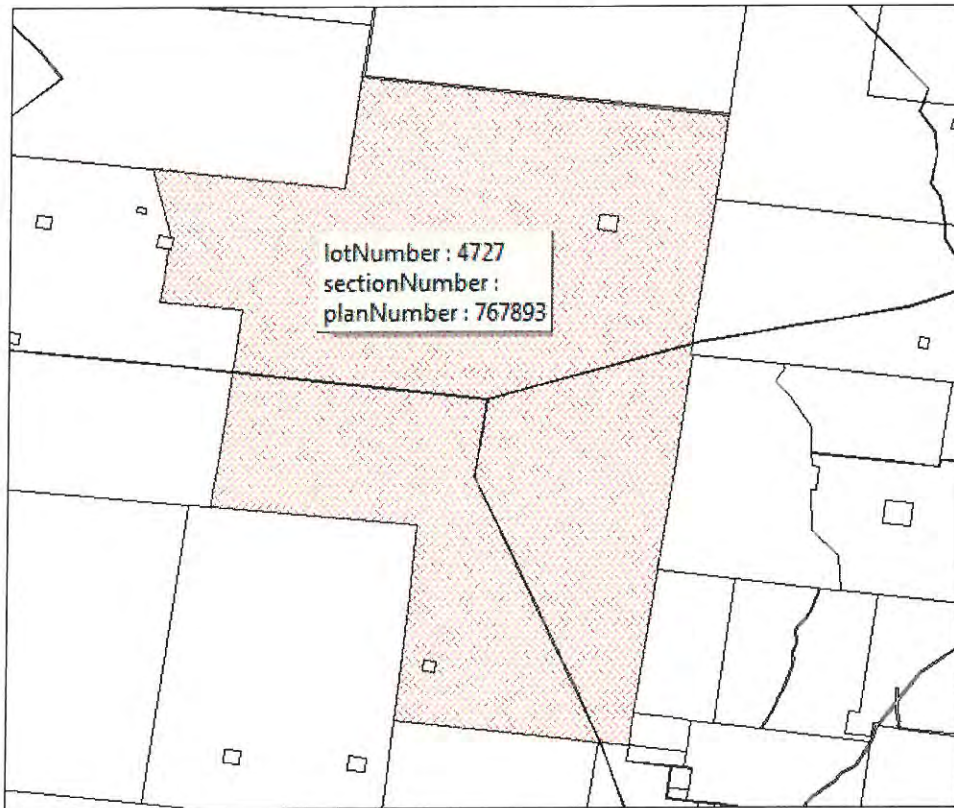
1. Western Division R.E.P No 1 - Extractive Industries Controls the extraction of geological materials (other than minerals) from all lands in the Council area.
2. Murray R.E.P No 2 - Riverine Land.
Controls development activities with the potential to adversely effect the riverine environment of the Murray River and it's tributaries and associated water bodies.



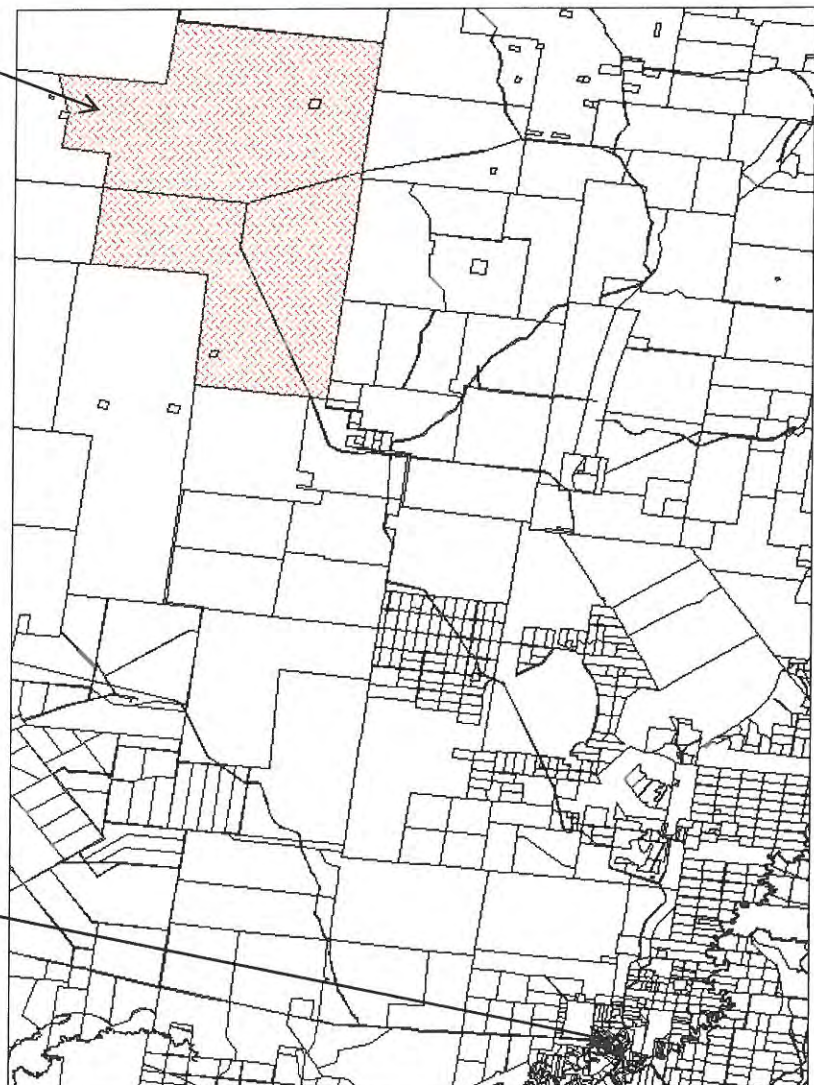
Certificate 13-2012/13

Wampo, Balranald

Lot 4727 D.P. 767893



Lot 4727 D.P. 767893



Balranald Township