



Photo 45. Photo of material observed at sampling location, T2A



Photo 46. Photo of the area in the vicinity of sampling location, T2B



Photo 47. Asbestos containing materials were observed near the sampling location, T2B



Photo 48. Photo showing location of trench, T2B

Appendix G

Section 149 Certificate

**Additional Contamination Assessment
IRTS and Tip Sites
Shanes Park NSW**

Applicant KUMAR SRINIVASAN
 COFFEY ENVIRONMENTS
 LEVEL 1, 3 RIDER BOULEVARDE
 RHODES NSW 2138

Property LOT 1 DP 447543

25 STONY CREEK ROAD,

Suburb SHANES PARK Parish of Rooty Hill

NOTE: The land the subject of this Certificate is known to be located in the suburb of Shanes Park. For all correspondence and property transactions this suburb name is to be used.

PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT TO
SECTION 149(2) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979 (EP&A Act 1979)

NOTE: The following information is provided pursuant to Section 149(2) of the EP&A Act 1979, as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*, and is applicable as of the date of this certificate.

1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

1.1 Environmental Planning Instruments

The abovementioned land is affected by the following environmental planning instrument and proposed environmental planning instrument/s (where applicable) which have been the subject of community consultation or on public exhibition under the Act.

Blacktown Local Environmental Plan 1988 (Refer to Attachment A)
 Blacktown Draft Local Environmental Plan No.09/478 (Refer to Attachment B)

Blacktown Local Environmental Plan 1988 specifies the purposes for which development may be carried out or are prohibited within this zone.

1.2 Development Control Plans

The land is affected by Blacktown Development Control Plan (DCP) 2006.

This DCP provides general guidance for the development of land within the City of Blacktown.

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1.3 **Relevant State Environmental Planning Policies (SEPPs), including draft policies, or Regional Environmental Plans deemed to be SEPPs**

State Environmental Planning Policy No. 1 - Development Standards

The policy requires that variations to development standards must meet the objectives of local plans and controls. It makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Complying Development

This policy permits minor development and activities on land without a development application or through alternative assessment. This policy should be read in conjunction with Councils controls for Exempt and Complying Development.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

This policy protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Land)

This Policy states the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The Policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The Policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.

State Environmental Planning Policy No. 55 - Remediation of Land

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

State Environmental Planning Policy No. 64 - Advertising and Signage

This policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

State Environmental Planning Policy - Exempt and Complying Development Codes

This policy streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy - Sydney Region Growth Centres 2006

This Policy applies to land within the North West and South West Growth Centres of the Sydney Metropolitan Region. The Policy is the legal instrument that establishes the planning rules and objectives to guide the release and planning of land within the North West and South West Growth Centres for urban development, and identifies certain land as being within either an Environmental Conservation Zone, or Public Recreation Regional Zone, or Public Recreation Local Zone.

State Environmental Planning Policy - Basix

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

State Environmental Planning Policy - Infrastructure 2007

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

State Environmental Planning Policy - Temporary Structures and Places of Public Entertainment 2007

This policy provides for the erection of temporary structures and the use of places of public entertainment, while protecting public safety and local amenity. The SEPP supports the transfer of the regulation of places of public entertainment and temporary structures (such as tents, marquees and booths) from the Local Government Act 1993 to the Environmental Planning and Assessment Act 1979.

2. ZONING AND LAND USE UNDER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

- (a) Pursuant to Blacktown Local Environmental Plan (LEP) 1988 the land is zoned:

5(b) - SPECIAL USES - ARTERIAL ROAD AND ARTERIAL ROAD WIDENING

5(a) - SPECIAL USES - COMMONWEALTH USES

- (b) Extracts from Blacktown Local Environmental Plan 1988 which specify the purposes for which development may be carried out within the zone/s applying to the land the subject of this Certificate are at Attachment A.

Should you require further information about the permissibility of development and related development standards it is recommended that you consult a full copy of Blacktown Local Environmental Plan 1988. It should be noted that the Environmental Planning & Assessment Act 1979, as amended, changes the way in which Blacktown Local Environmental Plan 1988 and other State Government issued environmental planning instruments should be interpreted. Pursuant to the amended Environmental Planning & Assessment Act 1979 Council's development consent is now required for all development regardless of its zoning/s, other than "exempt development" and "complying development", as defined in Blacktown Local Environmental Plan 1988.

- (c) Extracts from Blacktown Local Environmental Plan 1988 which specify the purpose for which development may not be carried out within the zone/s applying to the land the subject of this Certificate are at Attachment A.
- (d) An extract of the planning instrument at Attachment A provides details of the purposes for which development is prohibited within the zone applying to the land.
- (e) Blacktown Local Environmental Plan 1988 does not nominate minimum land dimensions for the erection of a dwelling-house. It is noted however that Blacktown Development Control Plan 2006 stipulates minimum areas for subdivision, integrated housing, dual occupancies and the like.
- (f) The abovementioned land is subject to the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and is zoned:

ENVIRONMENT CONSERVATION

- (g) The land does not include or comprise a critical habitat. Critical habitat refers to habitat that is critical to the survival of endangered species, populations or ecological communities. Areas of critical habitat are declared under Part 3 of the Threatened Species Conservation Act 1995 and Part 7A of the Fisheries Management Act 1994.
- (h) This land is subject to a heritage classification under the National Estate. For further enquiries contact the Australian Heritage Commission.

3. COMPLYING DEVELOPMENT

Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out on this land. The land is excluded land because:

- (a) the land is bush fire prone.
- (b) it is a flood control lot.
- (c) it is identified in an environmental planning instrument as being environmentally sensitive land.

Disclaimer: This information only addresses matters raised in Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that you comply with the general requirements of the State Environmental Planning Policy (Exempt and Complying Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of State Environmental Planning Policy (Exempt and Complying Codes) 2008 is invalid.

4. COASTAL PROTECTION

The land is not affected by the operation of Sections 38 or 39 of the *Coastal Protection Act, 1979*.

5. MINE SUBSIDENCE

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the *Mine Subsidence Compensation Act, 1961*.

6. ROAD WIDENING AND ROAD REALIGNMENT

Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006 nominate preferred road patterns throughout the City.

The land is affected by road widening/road realignment under Division 2 of Part 3 of the Roads Act 1993 and/or Blacktown Local Environmental Plan 1988.

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

Council has not adopted any policies to restrict the development of the land by reason of the likelihood of landslip, bushfire, tidal inundation, subsidence or the occurrence of acid sulphate soils. Although the Council has not adopted a specific policy to restrict development on bush fire prone land, it is bound by statewide bush fire legislation that may restrict development. In this regard, refer to point 11 below.

Council has adopted a policy on contaminated land which may restrict the development of this land. The land contamination policy applies when zoning or land use changes are proposed on land which has previously been used for certain purposes or has the potential to be affected by such purposes undertaken on nearby lands. Council's records may not be sufficient to determine all previous uses on the land, or determine activities that may have taken place on this land. Consideration of Council's policy and the application of provisions under the relevant State legislation and guidelines is necessary.

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

In respect of mainstream or backwater flood-related development controls, Council has adopted a Floodplain Management Policy which may restrict the development of the land subject to this Certificate, including development for the purposes of dwelling houses, dual occupancies, multi-dwelling housing, residential flat buildings and any other purpose that requires the placement or erection of any structure on the land. The Flood Risk Precinct Maps prepared under the policy are based on the results of Engineering Flood Studies commissioned by Government Authorities and Council. These maps indicate that the land subject to this Certificate lies partly within the Medium Flood Risk Precinct and partly within the High Flood Risk Precinct. The term Medium Flood Risk Precinct is defined as land below the 100-year flood level that is not within a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties. The term High Flood Risk Precinct is defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties. Further details are provided in the NSW Government's Floodplain Development Manual and are available from Council. Council does not warrant that the information provided or made available to you is complete. Council strongly recommends that, in all cases, you seek independent professional advice to supplement your enquiries.

8. LAND RESERVED FOR ACQUISITION

Clauses 17, 17A and 18 of Blacktown Local Environmental Plan 1988 provide for the acquisition of certain land zoned 5(a), 5(b), 5(c), 6(a) or 6(c) by a public authority.

9. CONTRIBUTIONS PLANS

Council currently levies contributions under Section 94 of the EP&A Act 1979 for facilities and services. The further development of the subject land may incur such contribution.

10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Item 10 to Schedule 4 of the Environmental Planning and Assessment Regulation 2000 has been repealed by the Contaminated Land Management Amendment Act 2008

11. BUSH FIRE PRONE LAND

The *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*, which came into force on 1 August 2002, introduced development provisions for bush fire prone land as shown on a Bush Fire Prone Land Map. "Bush fire prone land" is land that has been designated by the Commissioner of the NSW Rural Fire Service as being bush fire prone due to characteristics of vegetation and topography. The land the subject of this certificate has been identified on Council's Bush Fire Prone Land Map as being:

Category 1 Type Vegetation

Category 2 Type Vegetation

within 100m buffer around Category 1

within 30m buffer around Category 2

On land that is bush fire prone, certain development may require further consideration under Section 79BA or Section 91 of the EP&A Act 1979 and under Section 100B of the *Rural Fires Act 1997*.

12. PROPERTY VEGETATION PLANS

Land to which this Certificate applies is not subject to a Property Vegetation Plan under the provisions of the *Native Vegetation Act 2003*.

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

Land to which this Certificate applies is not the subject of an order made under the *Trees (Disputes Between Neighbours) Act 2006*.

14. DIRECTIONS UNDER PART 3A

Land to which this Certificate applies is not subject to the above.

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

Land to which this Certificate applies is not subject to the above.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

Land to which this Certificate applies is not subject to the above.

17. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997 AND CONTAMINATED LAND MANAGEMENT AMENDMENT ACT 2008

(a) The land to which this certificate relates has not been declared to be significantly contaminated land at the date when the certificate was issued.

(b) The land to which the certificate relates is not subject to a management order at the date when the certificate was issued.

- (c) The land to which this certificate relates is not the subject of an approved voluntary management proposal at the date when the certificate was issued.
- (d) The land to which this certificate relates is not subject to an ongoing maintenance order as at the date when the certificate was issued.
- (e) The land to which this certificate relates is not the subject of a site audit statement provided to the Council.

General Manager

Per: _____



End of Certificate