



Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 2 FEBRUARY 2022

SEPARATELY ATTACHED ATTACHMENTS

*A prosperous and progressive
community we proudly call home*



ATTACHMENTS

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Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP-2021-2259): to Rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size to 12Ha for parts of the land at 194 Hill End Road, Caerleon, Mudgee.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Westerner Regional Local Environmental Plan (LEP) 2012 to rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size to 12Ha for parts of the land at 194 Hill End Road, Caerleon should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:
 - a. Potential contamination - a preliminary contamination investigation to demonstrate to Council that the subject land is suitable or can be made suitable for the proposed large lot residential use;
 - b. Update maps to clearly identify the supported amendment for subject site. In this regard, ensure all maps that form part of the planning proposal must clearly identify the parts subject land supported by Council under this planning proposal;
 - c. Update the planning proposal to clearly identify supported amendments and delete all references to original proposal.

Council is to seek approval from the Department of Planning, Industry and Environment – Western Region prior to undertaking community consultation.

2. The planning proposal is to be publicly exhibited within **four (4) months** from the date of the Gateway determination. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/ or to comply with the requirements of section 9.1 Directions:

- NSW Rural Fire Services
- Department of Planning, Industry and Environment – Environment, Energy and Science
- Department of Planning, Industry and Environment – Water

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 26 day of March 2021.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces



Planning,
Industry &
Environment

IRF21/3156

Mr Brad Cam
General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Attention: Sarah Armstrong, Manager, Strategic Planning

Dear Mr Cam,

Planning proposal PP-2021-2259 – 194 Hill End Road, Caerleon, Mudgee - Condition 1 satisfied and proceed to community consultation.

I refer to your correspondence in relation to planning proposal PP- 2021-2259 for amendment to Mid-Western Regional LEP 2011 to rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size to 12ha for parts of the land at 194 Hill End Road, Caerleon, Mudgee.

Condition 1 of the Gateway determination issued on 26 March 2021 required an updated planning proposal report including a preliminary contamination investigation demonstrating suitability of the proposed land use to be submitted to Department of Planning, Industry and Environment for approval prior to undertaking community consultation.

I have reviewed the revised planning proposal and can agree that condition 1 of the Gateway determination has been satisfied. Council may now proceed to community consultation as required in condition 2 of the Gateway determination.

A copy of this letter, the revised planning proposal document dated 23 August 2021, the Gateway determination dated 26 March 2021 and documents accompanying the planning proposal (including the preliminary contamination assessment report) are to be included in the community consultation package.

If you have any questions in relation to this matter, I have arranged for Ms Oyshee Iqbal to assist you. Ms Iqbal can be contacted on 5852 6824.

Yours sincerely

A handwritten signature in black ink that reads 'Wayne Garnsey'.

14 September 2021

Wayne Garnsey
Acting Director, Western Region
Local and Regional Planning
Department of Planning, Industry and Environment

A large, solid green rectangular area that occupies most of the page, likely representing a redacted image or a placeholder for a large graphic.

Planning Proposal

Rural Lifestyle Development - "Darthula", Mudgee

Client: Shearman

Date: 23 August 2021

A solid dark grey horizontal bar at the bottom of the page.

Contact:

Liz Densley
0438 744384

SYDNEY
02 9387 2600

Level 27, 680 George St, Sydney, NSW 2000

www.elton.com.au
consulting@elton.com.au
Sydney | Brisbane | Canberra | Darwin | Melbourne | Perth
ABN 56 003 853 101

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Document Status

Date Issued	Revision	Author	Reviewed	Comment
7 July 2020	V1	Russell Van Laeren	Liz Densley	Draft for Client Review
9 September 2020	V1.1.3		Liz Densley	Final
31 May 2021	V2	Russell Van Laeren & Liz Densley	Liz Densley	Revised following council resolution
28 August 2021	V2.1		Liz Densley	Updated

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1 Introduction

This Planning Proposal (PP) has been prepared by Elton Consulting (Elton) to support an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (MWLEP). This PP has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the (then) NSW Department of Planning and Environment [now NSW Department of Planning, Infrastructure and Environment (DPIE)].

The objective of the PP is to amend the land use zone and minimum lot size maps to accommodate rural lifestyle development on the property known as "Darthula", Mudgee.

The site is identified in the Comprehensive Land Use Strategy (CLUS) as meeting that criteria for notation as an "opportunity area" for rural lifestyle development. Further, part of the site also satisfies the two principles identified in the CLUS for this form of development and is subsequently includes in priority areas.

The PP sets out the strategic merit assessment of the proposal for consideration by Council.

1.1 Summary of the proposal

Table 1 Summary of proposal

Applicant details	
Messrs. Peter, Walter and Robert and Ms Fiona Shearman	"Darthula, Hill End Road, Mudgee.
Property details	1/-/DP104244, 27/-/DP756897, 28/-/DP756897, 99/-/DP756897, 68/-/DP756897, 23/-/DP756897, 21/-/DP756897, 66/-/DP756897, 172/-/DP756897, 83/-/DP756897, 20/-/DP756897, 12/-/DP855845, 72/-/DP756897, 171/-/DP756897, 26/-/DP756897, 81/-/DP756897, 22/-/DP756897, 82/-/DP756897, 11/-/DP855845, 410/-/DP1112456, 84/-/DP756897, 13/-/DP756897, 35/-/DP756897, 1/-/DP795672, 1/-/DP510323, 97/-/DP756897, 3315/-/DP1112448, 34/-/DP756897, 96/-/DP756897, 11/-/DP756897 and 36/-/DP756897
Area	Approximately 898 ha
Proposal	<p>Amend the Mid-Western Regional Local Environmental Plan 2012 as follows:</p> <p>Land zoning map</p> <p>Rezone the following lots to R5 large lot residential: 1/-/DP104244, 68/-/DP756897, 172/-/DP756897, 83/-/DP756897, 12/-/DP855845, 72/-/DP756897, 26/-/DP756897, 82/-/DP756897, 410/-/DP1112456, 84/-/DP756897, 13/-/DP756897, 35/-/DP756897, 1/-/DP795672, 1/-/DP510323, 3315/-/DP1112448, 34/-/DP756897, 35/-/DP756897, 11/-/DP756897 and 36/-/DP756897</p> <p>Rezone part of the following lots R5 large lot residential: 81/-/DP756897, 11/-/DP855845 and 97/-/DP756897, 99/-/DP756897, 22/-/DP756897</p> <p>Lot size map</p> <p>Reduce the minimum lot size to 12 ha for the following lots: 1/-/DP104244, 68/-/DP756897, 172/-/DP756897, 83/-/DP756897, 12/-/DP855845, 72/-/DP756897, 26/-/DP756897, 82/-/DP756897, 410/-/DP1112456, 84/-/DP756897, 13/-/DP756897, 35/-/DP756897, 1/-/DP795672, 1/-/DP510323, 3315/-/DP1112448, 34/-/DP756897, 35/-/DP756897, 11/-/DP756897 and 36/-/DP756897</p>

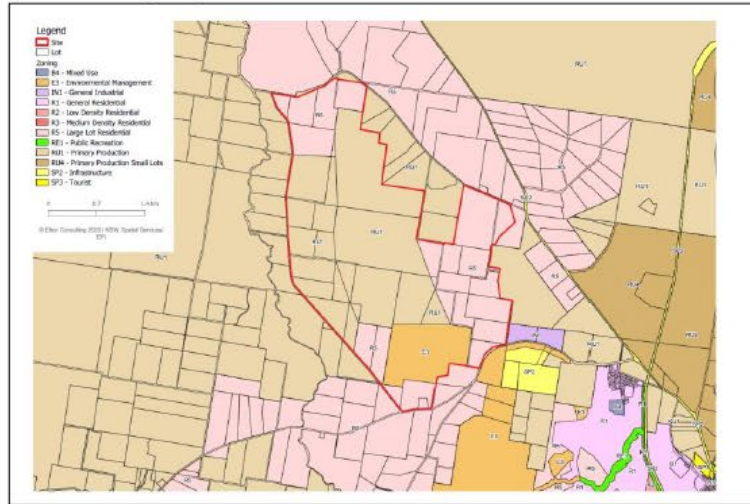
Applicant details

Reduce the minimum lot size to 12 ha for parts of the following lots:
81/-/DP756897, 11/-/DP855845 and 97/-/DP756897, 99/-/DP756897,
22/-/756897

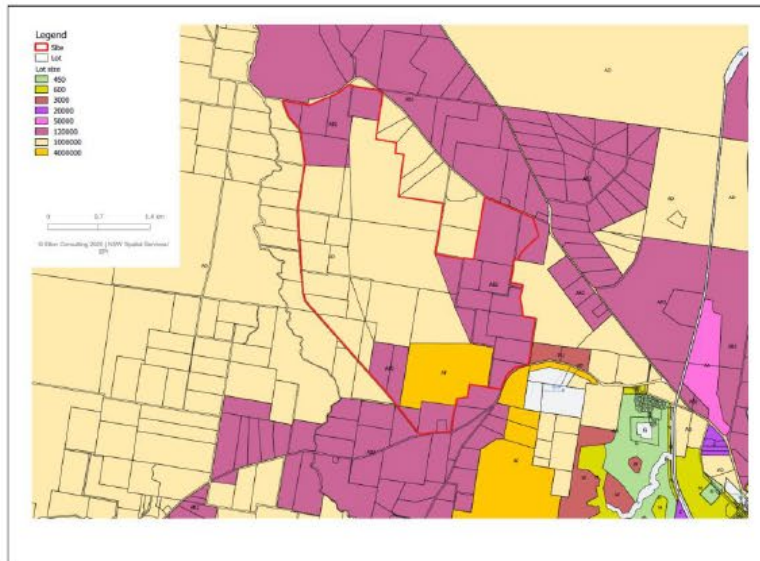
Mapping

The proposed maps are as follows:

Land Zoning Map



Lot Size Map



1.2 Objective of this report

The report provides sufficient detail to enable Council to undertake a strategic merit assessment of the proposed rezoning. Ecological Australia has undertaken a preliminary Biodiversity Assessment to support the proposal. In addition, Barnson have undertaken a yield assessment based on the area that has been identified as generally

meeting the criteria for lifestyle development and proposed to be rezoned in the PP. Finally, an AHIMS search was also undertaken which revealed no culturally significant sites. This PP is to be read in conjunction with the supporting documents listed in Table 2.

Table 2 Supporting documentation

Document	Prepared by	Date	Appendix
Preliminary Biodiversity Assessment	Ecological Australia	6 July 2020	A
Indicative Yield (General Arrangement)	Barnson	May 2021	B
AHIMS Search	-	6 July 2020	C
Preliminary Site Contamination Assessment	Barnson	May 2021	D

1.3 Strategic Overview

The PP has been prepared to achieve the objectives and planning priorities identified in the key strategic planning policies that influence development in the Mid- Western Regional LGA. These policies include:

- » *Central West and Orana Regional Plan*
- » *Mid-Western Regional Council Comprehensive Land Use Strategy*

Part 3: Justification of this report analyses and assesses how the PP is consistent with, and in many instances, promotes the objectives and planning priorities identified in each of these policies.

1.4 Gateway Process

The preparation of a PP is the first step in the DPIE’s Gateway Process, the process for making or amending LEPs. It has a number of steps, as set out in Table 3, that require this report to be revised as it progresses through the Gateway Process.

Table 3 The Gateway Process

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for making or amending a LEP.
2	Gateway Determination	The DP&E determines whether a PP should proceed. DP&E issue a Gateway Determination to the Council to enable the process to move forward. The Council (or proponent) address the conditions in the Gateway Determination which may include additional technical studies, agency consultation and public exhibition.
3	Community Consultation	The PP is exhibited.
4	Assessment	Council considers any submissions it receives in response to the public exhibition, changing the PP if necessary.

No.	Step	Explanation
5	Drafting	Parliamentary Counsels Office prepares a draft of the LEP.
6	Decision	The Minister (or delegated plan making authority) approves the LEP, making it law.

2 Site Context

The site is located just off the Castlereagh Highway along Lower Piambong Road on the site's northern boundary, Hill End Road on the southern site boundary and the site also abuts Gibsons Lane to the west. The site is approximately 5 km outside of Mudgee to the north west and approximately 20km to the south of Gulgong.

An aerial image of the site, showing its context is provided in **Figure 1**.

The proposal relates to land known as Darthula, 194 Hill End Road Caerleon described in the following table and shown in **Figure 2**.

The holding has a total area of approximately 898 ha.

Figure 1 Location



Source: Google maps

Property Details



Property Details

Address:	194 HILL END ROAD CAERLEON 2850		
Lot/Section	1/-/DP104244	1/-/DP795672	11/-/DP756897
/Plan No:	11/-/DP855845	12/-/DP855845	13/-/DP756897
	171/-/DP756897	172/-/DP756897	2/-/DP795672
	20/-/DP756897	21/-/DP756897	22/-/DP756897
	23/-/DP756897	26/-/DP756897	27/-/DP756897
	28/-/DP756897	3314/-/DP111244	3315/-/DP111244
	34/-/DP756897	8	8
	410/-/DP1112456	35/-/DP756897	36/-/DP756897
	72/-/DP756897	66/-/DP756897	68/-/DP756897
	83/-/DP756897	81/-/DP756897	82/-/DP756897
	97/-/DP756897	84/-/DP756897	96/-/DP756897
		99/-/DP756897	

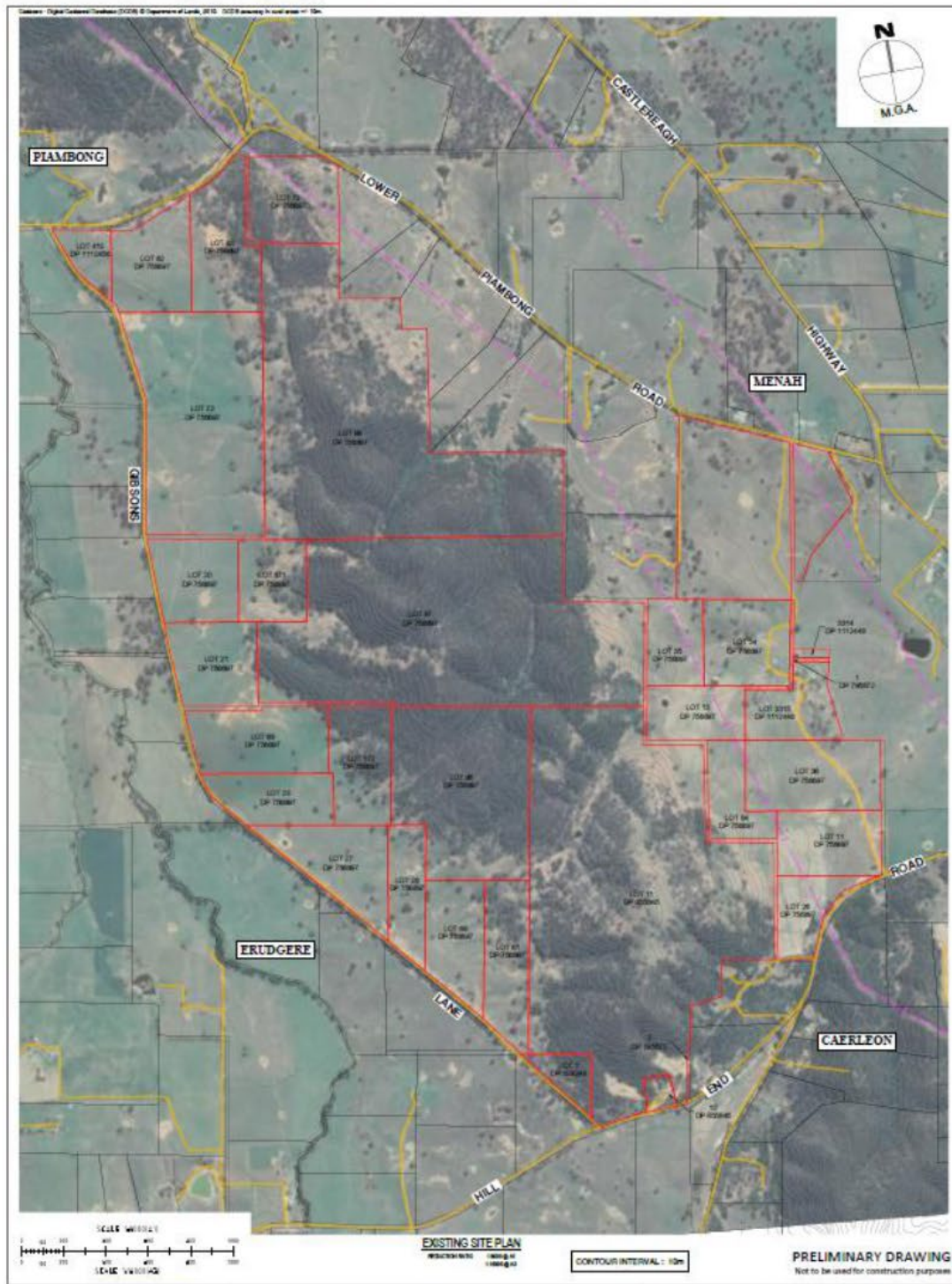
The legal description of the property includes all of the following parcels:

1/-/DP104244, 27/-/DP756897, 28/-/DP756897, 99/-/DP756897, 68/-/DP756897, 23/-/DP756897, 21/-/DP756897, 66/-/DP756897, 172/-/DP756897, 83/-/DP756897, 20/-/DP756897, 12/-/DP855845, 72/-/DP756897, 171/-/DP756897, 26/-/DP756897, 81/-/DP756897, 22/-/DP756897, 82/-/DP756897, 11/-/DP855845, 410/-/DP1112456, 84/-/DP756897, 13/-/DP756897, 35/-/DP756897, 1/-/DP795672, 1/-/DP510323, 97/-/DP756897, 3315/-/DP1112448, 34/-/DP756897, 96/-/DP756897, 11/-/DP756897 and 36/-/DP756897

The property has road frontages to Hill End Road, Castlereagh Highway and Lower Piambong Road as well as Gibsons Lane to the west.

The productive agricultural land is undulating to hilly with a significant area of heavily wooded and steeper land through the middle of the site. The site is surrounded by agricultural land used for grazing and crops.

Figure 2 Site



1800 633 333
1 5400 BARNSON (1300 227 476)
88 Waverley Road, Waverley VIC 3024
www.barnson.com.au
Barnson | Civil & Marine | Planning | Landscape

Client: **Walter Shearman**
Project: **ZONING FEASIBILITY INVESTIGATION HILL END ROAD**
Drawing Title: **EXISTING SITE PLAN**

Rev. Date: **Amendment 1**
A. 20/02/2022 **PRELIMINARY DRAWING**

Design: **LM**
Drawn: **JC/AA**
Check: **LM**
Original Sheet: **30336 - P01**
Drawing Number: **30336 - P01**

3 Proposal

The PP seeks to amend the MWLEP by rezoning part of the site from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size (MLS) from 100ha to 12ha. The PP is generally consistent with the Mid-Western Regional Comprehensive Land Use Strategy (CLUS) and Council's Local Strategic Planning Statement (refer Part 3) and will deliver much needed supply of suitable located and accessible lifestyle development opportunities close to Mudgee.

The PP will realise the opportunity previously identified in the sieve process undertaken in the CLUS that resulted in part of the property being rezoned R5 Large Lot Residential in 2012. The CLUS Part B includes the clarification that the **prioritisation is illustrative and serves to provide an interpretation that suggests that not all land identified as opportunity areas can or will be rezoned at once** and that future rezoning would be determined in a Land Release Strategy and "depend on the willingness of land owners to become "developers". In any case, part of the site, along with the other land identified as a short term opportunity area in the CLUS, was rezoned R5 Large Lot Residential under the MWLEP in 2012. This is discussed further in Part 2 Section A addressing the CLUS.

The PP has been informed by a constraints analysis which focused on topography, access and biodiversity. In addition, the PP relies on the intended outcome of the CLUS in the identification and delivery of additional rural lifestyle development opportunities in particular areas using a sieve process. Following this preliminary assessment, that included a desktop biodiversity assessment, approximately 462 ha of land was identified as suitable for lifestyle development under an R5 Large Lot Residential zone with an accompanying 12 ha minimum lot size.

It is proposed to rezone the land, on the eastern and western portions of the property between Lower Piambong Road, Castlereagh Highway and Hill End Road, R5 Large Lot Residential with a minimum lot size of 12ha. The PP is supported by an indicative subdivision layout to demonstrate the potential yield, and to achieve the greatest efficiency of land use. This is discussed further below.

The proposal excludes most land above the 525m contour to protect both the visual aesthetic of the hills and reduce the potential impact on biodiversity.

Following the rezoning of the site, the land would be developed in stages. The readily accessible lots fronting both Lower Piambong and Hill End Roads on the eastern side of the property being developed in the first stage.

In addition to access to the existing local roads, the proposal includes a small areas of land that, if subdivided, would have access via Gibsons Lane. The land east of Gibsons Lane meets the criteria for lifestyle development as outlined in the CLUS (refer Section B).

The land through the centre of the property will be retained in the RU1 Primary Production zone.

Yield and General Arrangement

Barnson have provided an indicative subdivision layout. This layout should be considered as a tool to determine the maximum yield for the site based on the constraints analysis.

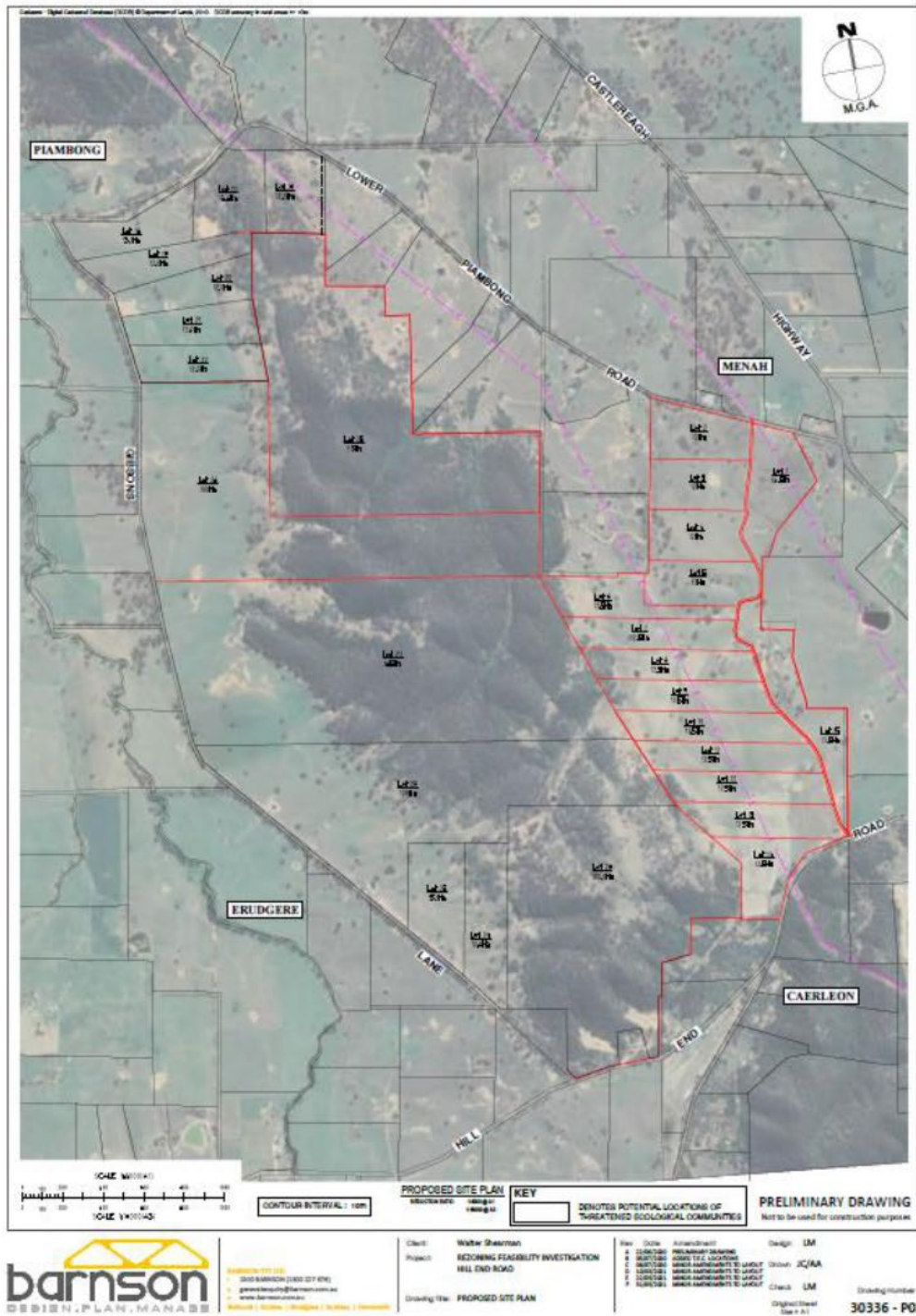
A copy of indicated subdivision layout is illustrated in below (refer also **Appendix B**). The plan shown in **Figure 3** demonstrates a maximum yield of 24 R5 Large Lot Residential lots and the opportunity for the subdivision of the RU1 Primary Production zone consistent with the existing MWLEP provisions. The purpose of the indicated layout is to demonstrate the orderly delivery on the site under the R5 Low Density Residential zone and provide a maximum yield. The final arrangement, staging and delivery will be subject to a detailed development application.

The residual land through the centre of the site would retain the RU1 Primary Production zone with a corresponding minimum lot size of 100ha.

Alternative Options Considered

Consideration was given to an alternative arrangement that included the land fronting Gibsons Lane that was further than 1000m from the existing sealed road network. However, Council in the ordinary meeting on 9th December 2020, resolved to exclude this land from the proposal.

Figure 3 Indicative Layout



Additional Large Lot Residential Opportunity

Council has prepared a document titled "Strategically Identifying Large Lot Residential Opportunities around Mudgee" (the Study) which is on public exhibition until 11 September 2020. This Study utilised the criteria established in the CLUS and applies to land that might be considered suitable for future large lot residential development 2ha-5ha. The Study specifically identifies four areas, one of which, Area 3, includes part of the "Darthula" property to which this proposal relates. A submission was prepared and provided under separate cover, however, general consideration has been given to the Study in the context of the PP as follows:

The only access to the 2ha land identified in Area 3 (see **Figure 4** below) is via Lot 1 DP 510323 from Lower Piambong Road. This land is part of the "Darthula" holding. Further, only part of the lot is identified. If this were to be the gateway that would unlock this area for future Large Lot Residential Development, we would recommend that the whole of Lot 1 DP 510323 be including into Area 3.

Figure 4 Area 3 Showing location of Lot 1



Source: Strategically Identifying Large Lot Residential Opportunities around Mudgee. Page 32.

If Council were to apply the principles used in the Study to the balance of the "Darthula" holding on the eastern side of the property, a larger area of land could be identified for future large lot residential development (refer **Figure 5** below).

The timing of the Study is not favourable in terms of re-considering the PP. However, we are interested in looking at the application of these principles and whether, should the rezoning of the land to achieve a 12ha minimum lot size be supported, the subsequent subdivision should be undertaken in such a way as to anticipate a further rezoning into the smaller lots.

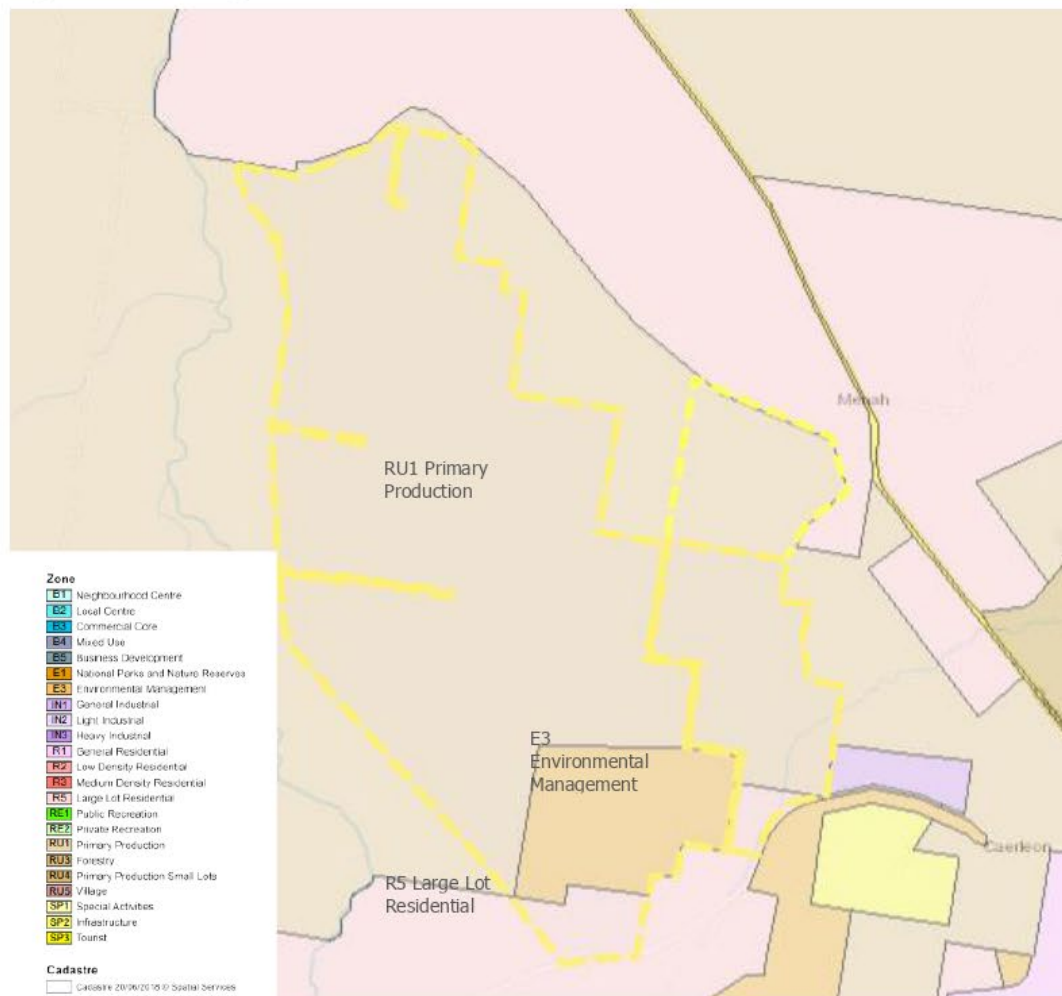
At this stage, we propose to proceed with the PP as outlined.

3.1 Current Planning Controls

Land use zone

The land is predominately zoned in the MWLEP as RU1 Primary Production, with a small area of E3 Environmental Management and R5 Large Lot Residential fronting Hill End Road, this is shown in **Figure 6**. The objectives of the zones are as follows.

Figure 6 Existing Zone

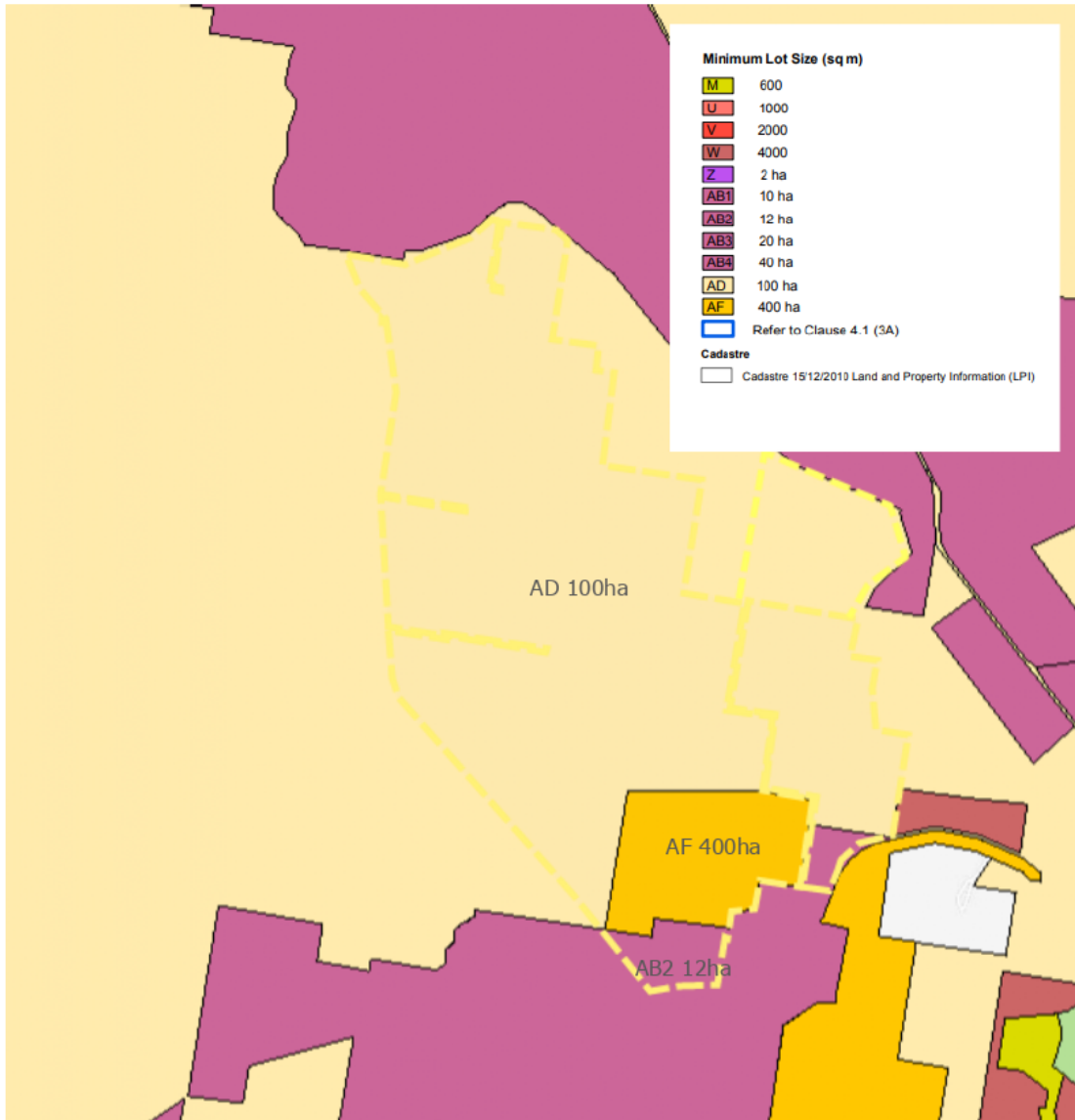


Source: NSW DPIE Planning Portal accessed 5 March 2020

Minimum Lot Size

The minimum lot size for subdivision varies across the three zones, 400 ha in the E3 zone, 100ha in the RU1 zone and 12ha in the R5 zone. An excerpt of the lot size map can be seen in **Figure 7**.

Figure 7 Lot Size

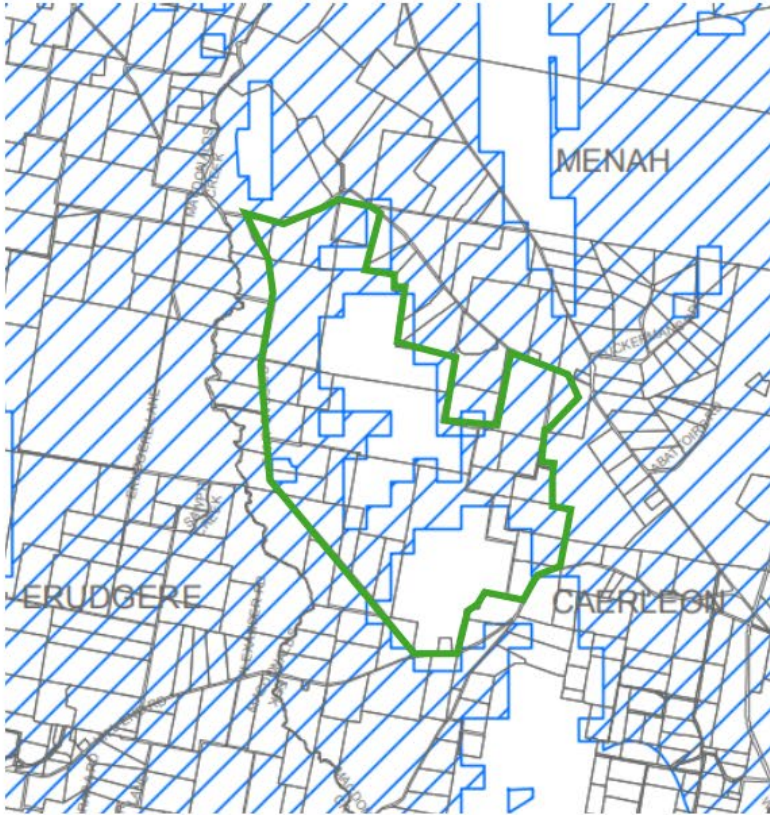


Source: NSW DPIE Planning Portal accessed 5 March 2020

Planning Controls

The following table includes a summary of the MWLEP planning controls applicable to the site.

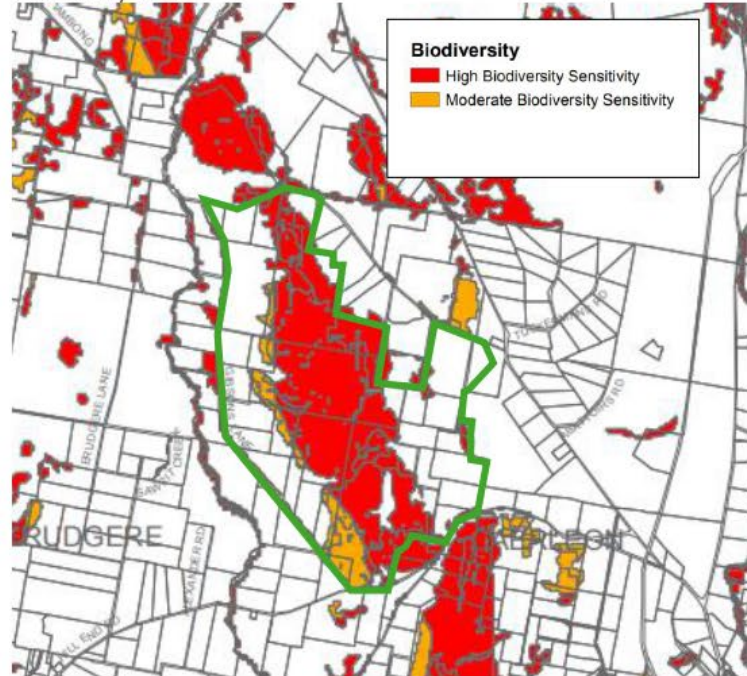
Table 4 MWRLEP 2012

Planning Control	Comment
4.1 Minimum Lot Size	Lot sizes align with zone boundaries AF 400 ha – E3 Zone AD 100 ha – RU1 Zone AB2 – 12 ha – R5 Zone
Additional local provisions	
6.4 Groundwater vulnerability	(1) The objectives of this clause are as follows— (a) to maintain the hydrological functions of key groundwater systems, (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development. The site has been mapped as being groundwater vulnerable on Council's mapping. This will need to be assessed at DA stage.
MWRC Mapping	
Groundwater Vulnerability	The site is identified as being 'Groundwater Vulnerable' (MAP GRV_006)
	
	Source: MWLEP Groundwater Vulnerability Map - Sheet GRV_006

Planning Control	Comment
------------------	---------

Sensitivity Biodiversity

» The vegetated slopes are identified as having moderate to high biodiversity value



Source: MWLEP - Sensitivity Biodiversity Map - Sheet BIO_006

Part 1 – objectives or intended outcomes

The primary purpose of this PP is to amend the LEP to facilitate the development of rural lifestyle development on the site.

The intended outcomes of the PP are to:

- » Allow for the subdivision of part of the subject site into small rural lots.
- » Provide for additional rural lifestyle development within close proximity to the services and facilities of Mudgee in a rural setting.
- » Achieve the strategic objectives of the CLUS by delivering land for development as identified in the strategy.

Part 2 – explanation of intended outcomes

The current zoning and minimum lot size (MLS) standards applying to the site are identified below. The outcome will be achieved by rezoning part of the site from RU1 Primary Production to R5 Large Lot Residential with a corresponding change to the MLS from 100 ha to 12 ha (refer Part 4 Mapping).

Part 3 – Justification for the Provisions

Part 3 of the PP provides the justification of the proposal within the relevant strategic planning context, and provides consideration to environmental, heritage, social and economic impacts.

In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to DPIE the amendment may be completed within the timeframes identified in the PP.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The PP will deliver additional land for rural lifestyle development as anticipated under the Mid-Western Regional Comprehensive Land Use Strategy (CLUS) and support the planning priorities in the Local Strategy Planning Statement.

Local Strategic Planning Statement

The Draft Our Place 2040 Mid-Western Regional Local Strategic Planning Statement (LSPS) was prepared by Council earlier this year. The objective of the LSPS is to provide a strategic framework for land use planning in the LGA. The LSPS includes the following planning priorities relevant to the PP.

Planning priority 2 "*make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.*"

This proposal will endorse planning priority 2 by increasing the amount of large lot residential. The need for increased supply for large lot residential is noted in the LSPS, with the view to identifying opportunities for large lot residential for the next 20 years. This proposal will help council achieve planning priority 2 and help meet market demand for large lot residential properties ensuring that affordability can be maintained.

Planning priority 5 "*Ensure land use planning and management enhances and protects biodiversity and natural heritage.*"

This proposal protects the biodiversity by maintaining an appropriate land use over the area of site that has significant biodiversity. The proposed change of land use, to large lot residential for land with limit biodiversity value will not cause land use conflict with the areas zoned Primary Production.

Comprehensive Land Use Strategy

Council has released a series of strategic policies for the land use within the Local Government Area (LGA). Of particular relevance to the site is the Comprehensive Land Use Strategy (CLUS).

Council adopted the CLUS in August 2010 (CLUS). The purpose of the CLUS included to:

- » Provide a decision making tool based on clarity, certainty and accurate data to assist Council in the decisions making process.
- » Determine the optimal location for development

The strategy acknowledges the need for rural lifestyle development in the order of 55-80 lots per annum, 40-50 of which are identified for delivery in Mudgee. In identifying the areas more suitable for lifestyle development, locational criteria were applied. While the CLUS generally identified Short (2010-15), Medium (2015-25) and Long (2025-35) Term Opportunity Areas, the release of this land was to be determined having regard to a Rural Land

Release Strategy. It is understood that this strategy is yet to be complete and as such, the areas indicatively mapped in the CLUS remain the only guide.

Based on the available data in terms of registered lots, take up of land in the Short and Medium Term Opportunity Areas has been slow.

The CLUS Rural Lifestyle Opportunity Areas Map for Mudgee shows part of the subject site in the Short Term Opportunity Area. The balance of the site is between Area F and Area B as shown in the **Figure 8** below.

The CLUS is in three parts, each discussed below.

Part A – Introduction and Background

This section includes the high level background providing context for the Strategy. It addressed rural settlement planning in chapter 10 and in 10.9 addresses the demand for rural lifestyle development. The following information has been taken from chapter 10.9.

10.9 Addressing the demand for rural lifestyle

Living in the rural landscape is increasingly a popular lifestyle choice across the Mid-Western Regional local government area. One of the aims of rural settlement planning is to address the demand for the rural lifestyle, while minimising impacts upon agricultural land. It aims to curb unnecessary subdivision of agricultural land in less desirable locations. Council recognises and supports the need to provide a range and choice of dwelling opportunities, both urban and rural. By the same token, we need to recognise that land is a finite resource both in terms of providing for rural lifestyle and maintaining an agricultural base.

There are approximately 2,066 lots within the Mid-Western Regional local government area and of these lots it is estimated that about 90 per cent have an existing dwelling. There is limited evidence to suggest that many of the more isolated lots are used as temporary accommodation with a shed, electricity but no permanent dwelling. Anecdotal evidence suggests that the demand is strong for rural lifestyle lots within close proximity to Mudgee.

As discussed, reports from local real estate agents suggest that there is an increasing demand for rural lifestyle. This is supported by the projected gross allotment demands produced by Ratio Consultants (2007), as summarised in Table 10-12, which indicates growth in the rural areas surrounding Mudgee and Rylstone to 2031.

Table 10-12 Gross allotment demands (1996/97 – 2030/31)

Geographic area	Historic and forecast dwelling units approvals per annum						
	1996/97-2001/02	2001/02-2005/06	2006/07-2010/11	2011/12-2015/16	2016/17-2020/21	2021/22-2025/26	2026/27-2030/31
Mudgee rural areas balance	30	35	43	45	50	52	54
Rylstone rural areas balance	15	18	18	19	20	22	23
Total	45	53	61	64	70	74	77

Source: Ratio Consultants 2007 (Tables C.1)

A desktop review of the existing zoned R5 land within the area identified in the CLUS as being within a 10km radius of Mudgee has revealed less than 20 lots that may be considered for dwellings. If Council are continuing to see a demand for 50-52 lifestyle lots annually, it is difficult to see where these lots are being delivered.

The CLUS also makes reference to demand from tree-changers. The recent COVID 19 pandemic is also likely to see an increase in demand in this category as people consider new ways of working, remote from metropolitan centres. There is a real opportunity for Council to leverage the regional strengths and look at additional opportunities for a similar approach in the region. The existing strategic planning framework is in place to support land use decision that provide additional housing and lifestyle opportunities.

Part A of the CLUS refers to the constraints and opportunities analysis undertaken (in Part B) to determine the areas most suited to rural residential and lifestyle development. In terms of land supply in Mudgee, the CLUS acknowledges that there is insufficient land zoned to satisfy the anticipated demand for lifestyle development.

Part B – Constraints and Opportunities

Part B discusses the strategic level spatial mapping and understanding of environmental, social and economic issues that have been examined through the use of GIS mapping techniques to determine the most suitable locations for additional rural lifestyle development.

Chapter 2.2 provides an outline of the primary rural land use constraints considered. The following table identifies the constraints and commentary in relation to the current PP.

Table 5 Rural Land Use Constraints

Constraint	Constraint satisfied by the proposal
National Parks, Reserves and Crown Land	Yes, excludes these areas
Coal mining titles	Yes, excludes these areas
Slope – avoid steep slopes greater than 26%	The propose excludes land about the 500m contour and the steep upper slopes on the property
Class 1-3 Agricultural Land	Yes, excludes these areas
Water Supply Catchment	Yes, excludes these areas
Ecologically significant vegetation	Yes, excludes these areas
Land within the riparian zone	Yes, excludes these areas
Flood prone land	Yes, excludes these areas
Cudgong Valley Alluvium Groundwater Management Area	Yes, excludes these areas
Prime Viticulture Area between Mudgee and Gulgong	Yes, excludes these areas
Buffers	Noted and can be accommodated

A number of secondary constraints are also identified and include bushfire risk, ecological values, heritage, soil quality, moderately steep slopes and water supply.

The CLUS also addresses land suitability factors. These are infrastructure, proximity to services, the changing value of the agricultural land resource which include looking at the attractiveness of land for rural lifestyle development and climate change.

Form those land suitability criteria, the CLUS developed two principles for the identification of rural settlement opportunities:

Principle 1 - Develop close to existing towns, villages and rural centres (within a certain accepted radius)

For Mudgee this radius is 15km. The PP is well within this radius.

Principle 2 - Develop close to main roads (within one kilometre)

Rural development should not be located more than 1km of a sealed road. This is to reduce the maintenance burden of Council. The PP satisfies this, in the first instance by identifying land within the acceptable limits.

Opportunity Areas

The supply and demand analysis undertaken by Council indicated that there was an annual demand for 30-60 lots. This equates to 150-300 new rural lifestyle lots within the offset area in the next 5 years (i.e. the short term). The raw land required to satisfy this demand is 2500-3500 hectares of land, based on a minimum lot size of 12 hectares and assuming only a proportion of the identified opportunities (i.e. 70%) would be readily available for development. To date this land has not been delivered to the market.

The CLUS further stated that a Land Release Strategy will need to be implemented to guide rural lifestyle development in the medium to long term. As an interim measure, the CLUS identified opportunity areas A-K (**Figure 8**). Area F is a short term opportunity area and includes part of the subject property.

In relation to the Rural Land Release Strategy the CLUS includes the following paragraphs (refer CLUS Part B Page 15):

Rural Land Release Strategy

Based on the above discussion, it is evident that a more detailed analysis of rural lifestyle opportunities may be required as part of a Rural Land Release Strategy for the local government area. Beyond the short term supply of rural lifestyle development opportunities, it is considered appropriate that Council prepare a Release Strategy to further the constraints and opportunities analysis undertaken as part of this Strategy. A Release Strategy would be based on an investigation of roads infrastructure and other key criteria to identify which areas should be prioritised for development in a staged manner.

The supporting investigation would involve for example mapping the main access roads and determining existing and projected traffic volumes, their current condition, and the costs associated with upgrading the impacted roads. The Release Strategy would then provide recommendations for rural lifestyle land release in the medium to long term. The Release Strategy should also consider development of marginal Class III agricultural lands and the most appropriate forms of rural lifestyle development in these areas.

The Strategy directions and recommendation on page 30 of Part B confirm that priority will be given to the areas identified as short term. However, in addressing the issues raised throughout the strategy process in Table AA-1 the following comment is made by Council in response to a request to extend an opportunity area to include additional land:

*In terms of the opportunity areas [and] prioritisations, it is **not unreasonable or contrary to the methodology of the Strategy** to extend the "Short Term Area 3" to include this site.*

*It should be noted that the **prioritisation is illustrative** and serves to provide an interpretation that suggests that not all land identified as opportunity areas can or will be rezoned at once and it may be that **an area marked as long term is released ahead of one marked short term**. This will all need to be determined in the release Strategy and depend on the willingness of land owners to become "developers".*

The comment seems to acknowledge the ad-hoc nature of the selection of the short/medium/long term areas (there is no criteria for this in the document). All of the land identified as a short and medium term opportunity area has been rezoned in the MWLEP in 2012. It is unclear as to how many of these have significant potential to supply land for lifestyle development and how many were already fragmented parcels with limited subdivision opportunity. In any case, Council has not reviewed or updated the CLUS to address this nor has a Rural Land Release Strategy been prepared.

Regardless of the short, medium and long term opportunity areas, in the absence of a Rural Land Release Strategy the underlying constraints remain constant and the subject PP is consistent with the intent and methodology of the CLUS and extends to land identified as suitable for rural lifestyle development in Part B.

Part C –Strategy

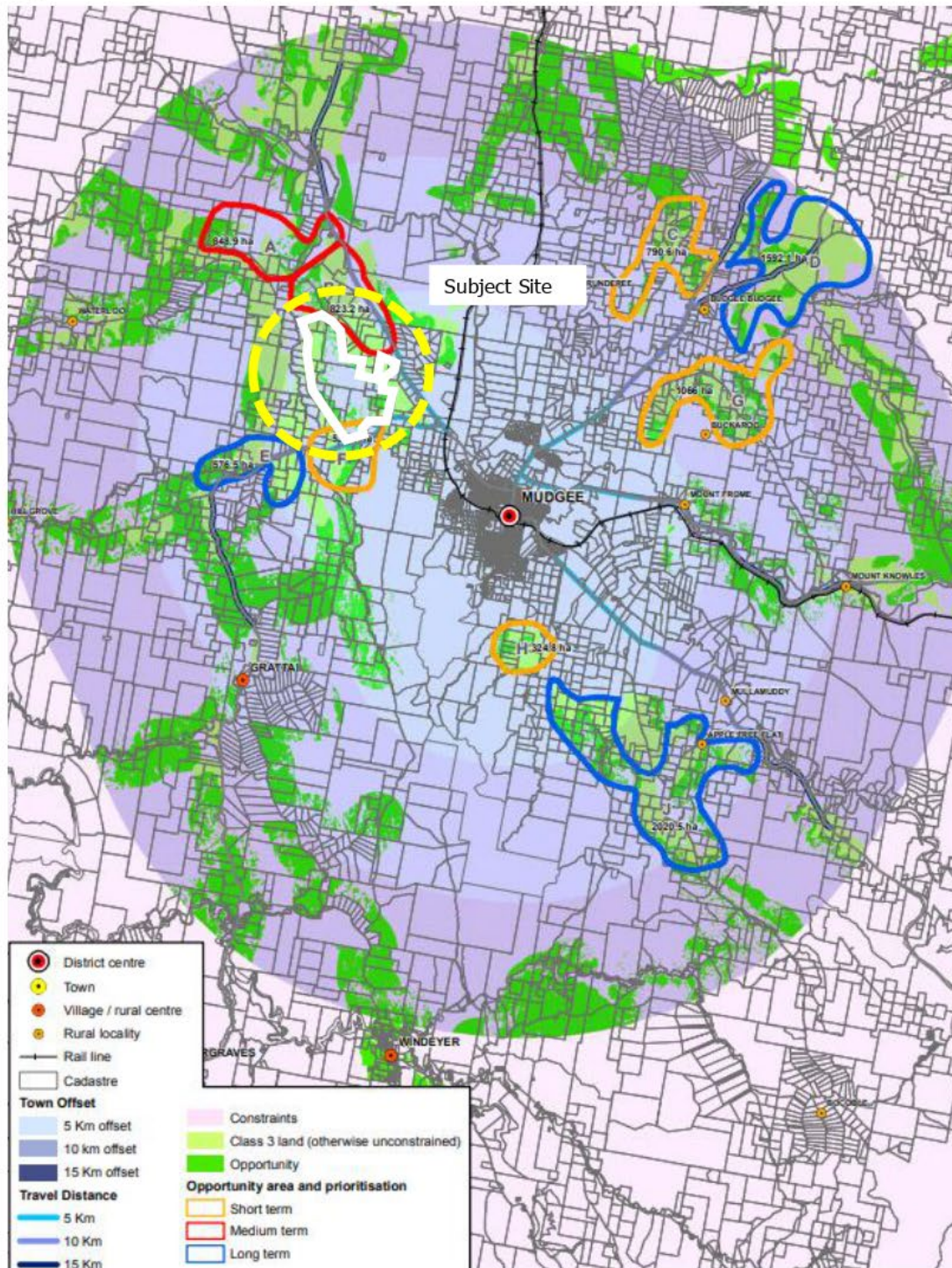
Part C is the Strategy. It consolidates the information and analysis in Parts A and B and provides a series of recommendations. Chapter 4 deals with the rural areas and includes rural lifestyle land use in section 4.8.

This section reiterates the targets for the release of lifestyle lots (Mudgee 40-50 per annum) and the location of lots close to the major towns. The MLS is identified as 12 ha, however, the CLUS permitted the consideration of

smaller lots close to Mudgee. It again proposes that the timing and staging of the release of land will need to be determined having regard to Rural Land Release Strategy.

The PP has been prepared having regard to the CLUS and found to be consistent with the objectives, methodology and criteria used to determine opportunity areas.

Figure 8 Lifestyle Opportunity Areas



Source: Extract CLUS

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed delivery of lifestyle development cannot be accommodated under the current MWLEP planning controls. A PP is necessary in these circumstances.

Section B – Relationship to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the PP will give effect to the Regional Plan.

Central West and Orana Regional Plan

The Central West and Orana Regional Plan was developed by the NSW Government to provide overarching goals for the region's development, for the next 20 years. The plan has been developed to guide land use planning decisions in the region to achieve the 4 goals at the centre of the plan. The 4 goals are as follows:

- » Goal 1: The most diverse regional economy in NSW
- » Goal 2: A stronger, healthier environment and diverse heritage
- » Goal 3: Quality freight, transport and infrastructure networks
- » Goal 4 Dynamic, vibrant and healthy communities

The plan also outlines the specific priorities of Mid-Western Regional Council. These priorities are:

- » Support appropriately located and serviced land for residential development.
- » Support the mining and resources sector and associated businesses.
- » Leverage opportunities from the Local Government Area's location and rural character to support the established food and tourism market.
- » Protect agricultural land from encroachment from residential development.
- » Support the provision and continued development of major regional sports, recreation and cultural facilities

This PP specifically endorses direction 28: manage rural residential development, under Goal 4 Dynamic, vibrant and healthy communities. The actions under direction 28 are:

- » Locate new rural residential areas:
 - > **close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;**
 - > **to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and**
 - > to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards.
- » **Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.**
- » Manage land use conflict that can result from cumulative impacts of successive development decisions.

This PP is proposing to rezone land that is approximately 5km from Mugdee CBD. In addition, the proposed rezoning is located in an area that has existing rural residential to north and south of the subject site. The PP proposes a minimum lot size of 12 ha and zoning of R5 Large Lot Residential to parts of the subject site interfacing with the existing RU1 primary production.

Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As noted above, the PP will give effect to the CLUS and LSPS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, please see the below table outlining the relevant State Environmental Planning Policies (SEPPs) and the proposals compliance with them.

Table 6 Applicable State Environmental Planning Policies

SEPP	Assessment
SEPP (Exempt and Complying Development Codes) 2008	
This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	Consistent
SEPP (Primary Production and Rural Development) 2019	
<p>The aims of this Policy are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	<p>Consistent</p> <p>The proposal seeks to rezone the land from RU1 Primary Production to R5 Large Lot Residential. The subject land is adjoining land currently zoned and developed as large lot residential land. The land has been identified as a rural lifestyle opportunity area in the CLUS.</p> <p>The land represents a relatively small reduction in available agricultural land and is well suited for large lot residential development due to its location and proximity other urban land uses.</p> <p>The proposal excludes land identified as significant under the terrestrial biodiversity mapping in the MWLEP.</p> <p>The proposed changes under this PP are considered of minor significance and are considered to be consistent with the intent of this SEPP.</p>
SEPP (Koala Habitat Protection) 2020	
This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent. The extent of Koala Habitat has been identified in the ELA report (Appendix A). Areas of potential habitat have been avoided.

SEPP	Assessment
SEPP 55 Remediation of Land	
<p>(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Consistent – Branson has prepared a Preliminary Contamination assessment the supported the rezoning of the land for the proposed purpose (Appendix D).</p> <p>Based on the findings of the desktop review and site investigation it can be stated with a reasonable level of confidence that the areas comprising the Subject Site that may be further developed for residential use, subsequent to the proposed re-zoning and sub-division, are unlikely to be contaminated. This finding is supported with analytical results of surface soil samples collected at the Subject site, in which no contaminants were detected above screening criteria. These areas are therefore considered suitable for the proposed re-development and use for residential purposes.</p> <p>The site investigation did reveal evidence of localised heavy metal contamination associated with the historical structures on Lot 34 DP756897 but these areas will not be available for future development, rather they will be retained in a lot with the existing homestead.</p> <p>Although the concentrations of heavy metals detected in this area of the Subject Site exceed both health and ecological risk-based screening guidelines, it was concluded that the contamination does not represent a risk to the proposed re-zoning and sub-division and future development of the Subject Site, as it does not represent a significant risk to human health or the environment in the location where it is.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

Yes. The relevant directions are addressed in the following table.

Table 7 9.1 Directions

Directions	Aim of Direction	Consistency and Implications
1 – Employment and Resources		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Planning Proposal not affected by this direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	This proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The Planning Proposal is consistent with the CLUS in relation to land suitable for R5. Therefore, the proposal is considered of minor significance and its impacts to the rural zone also negligible.

Directions	Aim of Direction	Consistency and Implications
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	This Planning Proposal will rezone the land to R5 Large Lot Residential, which does not permit extractive industries. Given the proximity of the site to the existing rural residential areas, it is considered unlikely that the site would be deemed suitable for future mining. In this context, the Planning Proposal is considered to be consistent with the intent of this direction.
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	This proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The Planning Proposal is consistent with the recommendations of the CLUS. The land is not class 1-3, therefore not considered to be prime agricultural land and it will remain available for grazing. Further, the area to be impacted is insignificant in the context of the total land area available for agriculture in the LGA. The land the subject of this application is not prime agricultural land and it has been used for minimum agricultural activities in the past, predominantly grazing. The Planning Proposal is considered to be consistent with the intent of this direction. Any perceived inconsistencies with this direction are considered to be of minor significance.
2 – Environment and Heritage		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Part of the subject site is identified as Terrestrial Biodiversity in the MWLEP. A Preliminary Biodiversity Assessment was undertaken by ELA (Appendix A). The proposal avoids land that is sensitive and already zoned E3. Precise impacts cannot be known until the subdivision and development stage at which time additional assessment may be required. The conceptual subdivision layout avoids steep and highly vegetated areas. Further, the BC Act provides an offset mechanism for impacts of the future development on the natural environment if significant vegetation cannot be avoided.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The property is not within a heritage conservation area and there are no heritage listed items within the site. An AHIMS Search was undertaken and there are no registered sites on or adjacent to the property.
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).	Planning Proposal not affected by this direction.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	The Planning Proposal has been accompanied by a Preliminary Contamination Assessment (Appendix D). The assessment confirms the suitability of the site for the future residential use.
3 – Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	It is proposed to rezone subject site to R5 Large Lot Residential. The Planning Proposal is consistent with the recommendations of the CLUS. The rezoning will make efficient use of existing infrastructure and services providing a logical extension to adjoining R5 zoned land. The Planning Proposal is considered to be consistent with the intent of this direction. Any perceived inconsistencies with this direction are considered to be of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estate.	Planning Proposal not affected by this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	The home occupations are permitted without consent in the proposed zone under the MWLEP. The Planning Proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	Planning Proposal not affected by this direction.
3.5 Development near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Planning Proposal not affected by this direction.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be	Planning Proposal not affected by this direction.

Directions	Aim of Direction	Consistency and Implications
	addressed when rezoning land adjacent to an existing shooting range.	
4 – Hazard and Risk		
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Planning Proposal not affected by this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Planning Proposal not affected by this direction.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Planning Proposal not affected by this direction.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The PP has considered the potential need to provide APZ and included an indicative subdivision arrangement to enable adequate setbacks as required. It is anticipated that the PP will be provided to the RFS for comment as part of the Gateway Determination.
5 – Regional Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		
6 – Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	There are no additional requirements in terms of concurrence, consultation or referral proposed for development applications, or additional items defined as designated development within the subject area.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Planning Proposal not affected by this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This direction does not apply as there are currently no site specific provisions relating to the subject site.
7 – Metropolitan Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The nature of the proposal is such that the amendment to an R5 zone with a 12 ha MLS does not lead to an assumption that all the land included in the new zone will be the subject of land clearing. Further, the *Biodiversity Conservation Act 2016* (BC Act) includes provision that allow clearing to be undertaken and in circumstances where that will impact on Threatened Species, a biodiversity credit system is now in place. The object of the biodiversity assessment was, therefore, to determine those areas that are more suited to lifestyle development and avoidance of areas that are potentially more constrained.

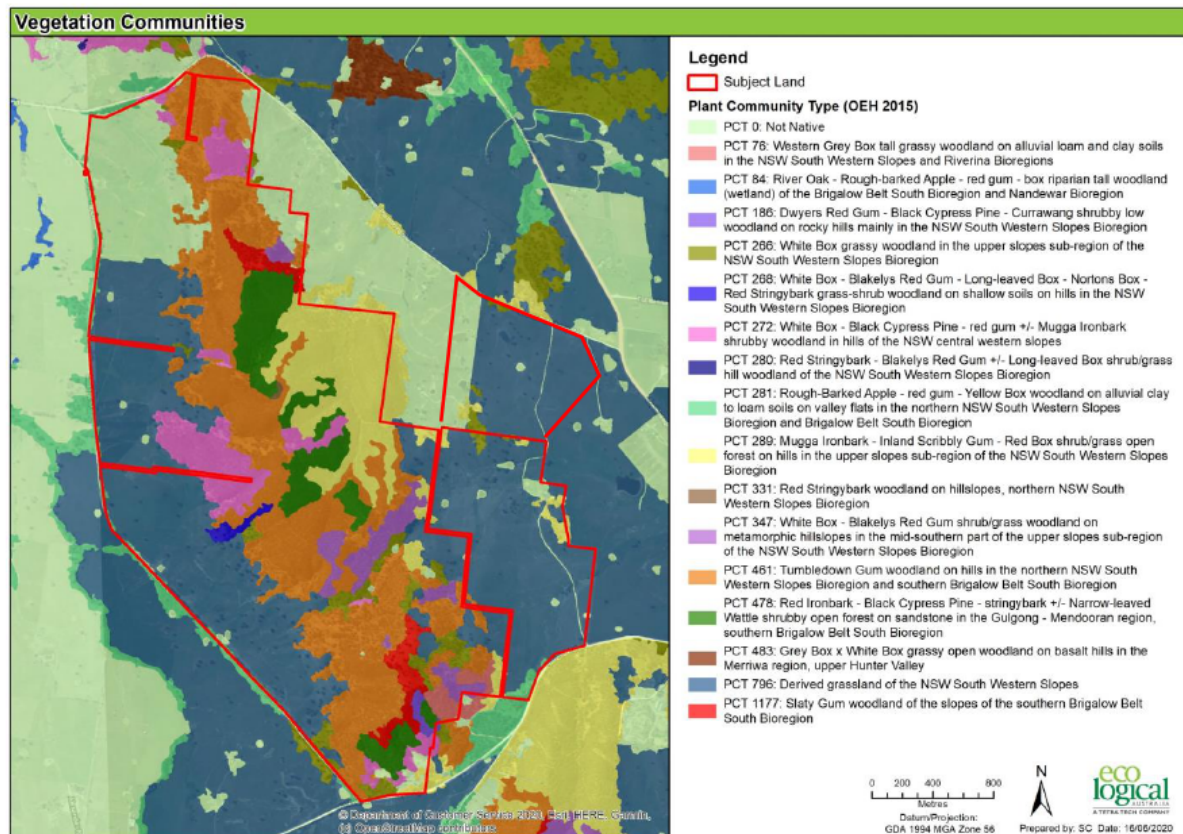
Consideration was also given to those areas identified in the MWLEP as having high biodiversity sensitivity.

The PP is supported by a preliminary assessment undertaken by Ecological Australia (EA) (**Appendix A**). EA have identified Plant Community Type (PCT) *Derived grassland of the NSW South Western Slopes* as potentially occurring in those part of the property that have been identified as most suitable for rezoning (**Figure 9**). This PCT is classified as containing a variety of native grasses and herbs and this PCT also forms part of the Box Gum Woodland communities listed under both the BC Act and EPBC Act. If a site assessment did confirm the presence of this PCT, a more detailed assessment may be required. However, as noted above, the extent of clearing will not be known until the subdivision stage where it is expected that the proponent will be required to identify building envelopes and area of impact for the purpose of determining the precise nature of the vegetation on the site and, if necessary, requiring consideration of credits or offsetting arrangements now available under the BC Act.

Utilising a combination of the EA report and MWLEP mapping, the extent of the site to be rezoned has been limited to avoid the most sensitive areas.

At this stage of the PP process for this type of rezoning, until such time as there is more certainty as to the support for the proposal at a strategic level, specific biodiversity assessment on the entire site is onerous and specific areas of impact are unknown.

Figure 9 Plant Communities



Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The proposal itself is unlikely to trigger any additional environmental impacts.

Aboriginal Heritage

An AHIMS search was undertaken (**Appendix C**) and no know artefacts or sites have been registered on the property. It is noted that additional site specific assessment may be required as part of future development applications.

Groundwater Vulnerability

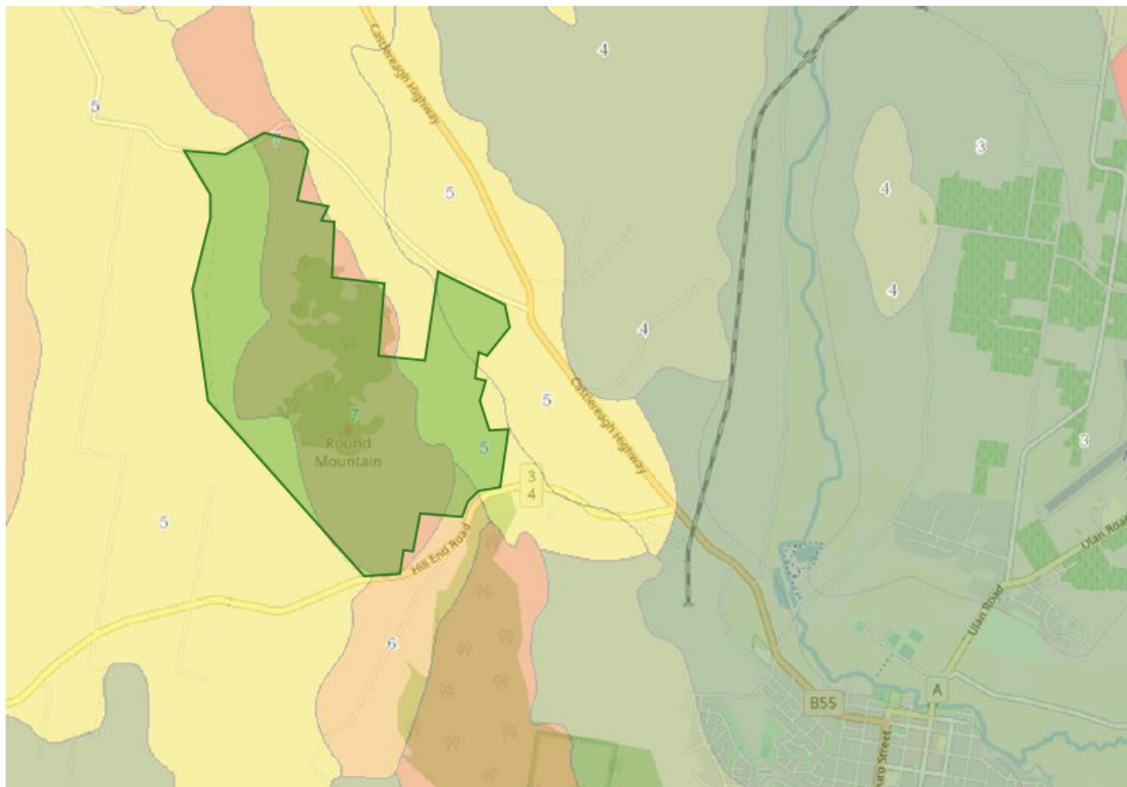
The site is identified as being within the high groundwater vulnerability area. This is consistent with the majority of the catchment. Consideration will need to be given to the management of on-site sewer and drainage as a part of any application for a dwelling. This is consistent with most of the rural land and un-serviced R5 zoned land. A 12 ha MLS will provide sufficient area in which to provide satisfactory on-site disposal.

Agricultural Land Capability

The property is predominately used for light grazing. Agricultural Land Capability was one of the criteria used in the CLUS (discussed above) to determine the opportunity areas for lifestyle development. Generally, development should avoid class 1-3 land having the least limitations for agricultural production.

The site is classified class 5 Sever limitation and class 7 Extremely sever limitations **Figure 10**. The CLUS has identified 37% (326,587ha) of the LGA as being within class 4-5. The PP will impact less than 0.0006% of total class 4-5 land. Further, grazing will be able to be continued under the proposal zone although it is acknowledged that the overall capacity of the property is likely to be reduced as a function of scale.

Figure 10 Land and Soil Classification



https://geo.seed.nsw.gov.au/Public_View/index.html?viewer=Public_View&locale=en-AU&runWorkflow=AppendLayerCatalog&CatalogLayer=SEED_Catalog.111

Reference: Office of Environment and Heritage, 2017, Land and Soil Capability Mapping for NSW, NSW Office of Environment and Heritage, Sydney.

Bushfire

The PP acknowledges the need to ensure that any development that may be undertaken, as a result of this proposal will satisfy the requirements of *Planning for Bushfire Protection 2006*. In that regard, the PP relates to land that is accessible and outside the existing densely vegetated part of the property. The indicative subdivision layout demonstrates that regular shaped lots can accommodate a dwelling with a sufficient asset protection zone. It is anticipated that any dwelling will be required to have an adequate supply of water for fire-fighting purposes and the subdivision itself could include a perimeter road to protect development where lots adjoin bushland.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposed rezoning would provide approximately 24 lots. The additional land would retain and continue to provide housing choice close to Mudgee.

Increased choice for housing locality will also benefit the housing industry and employment within the industry.

It is unlikely that there would be any adverse impacts in terms of either social or economic aspects associated with this PP.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposal will provide an alternative housing opportunity. The proposal will directly impact the Council's current population projections, rather, absorb some of that housing demand. There is sufficient public infrastructure to cater for the anticipated population.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

To date, no formal consultation has been undertaken with the Government to progress the PP.

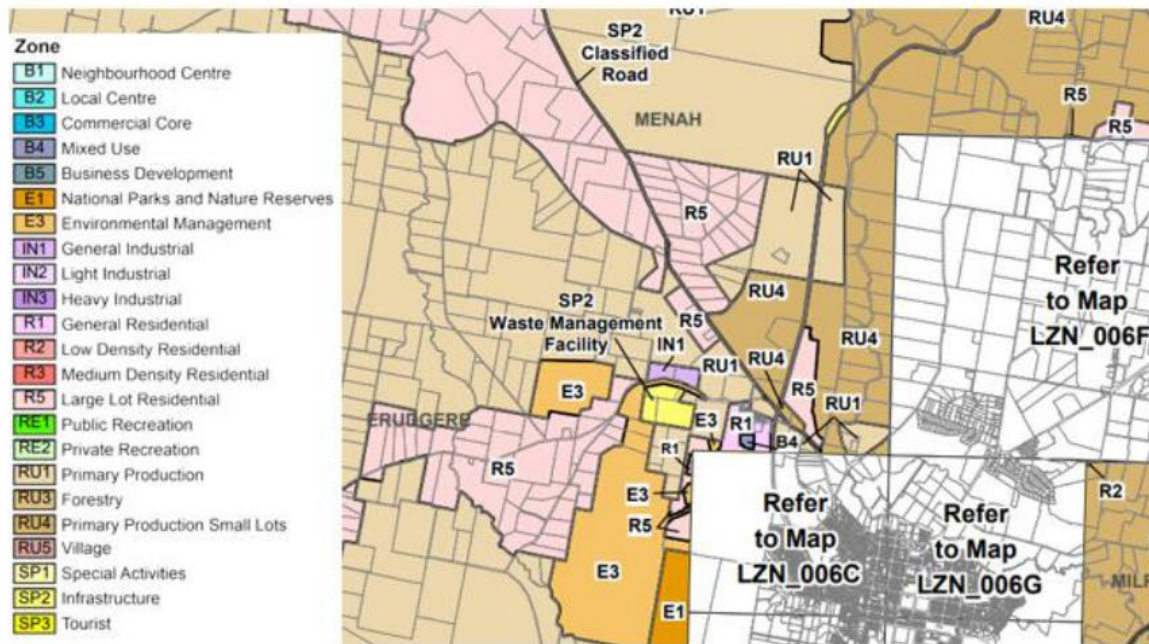
Part 4 Mapping

Part 4 of the PP is to contain clear and accurate mapping depicting relevant aspects of the PP. The subject PP seeks to amend and replaced the following existing maps:

- » Land zoning
- » Lot size

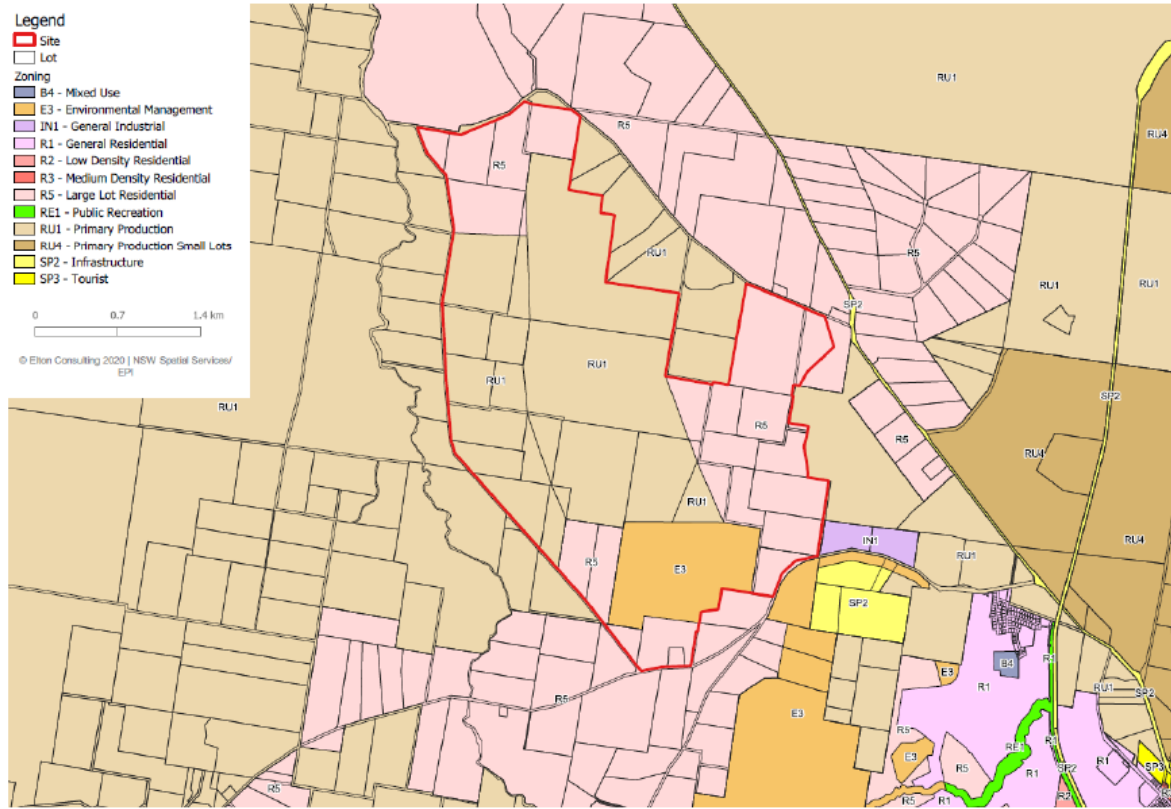
The existing and proposed amended LEP Maps are shown in the following figures.

Figure 11 Land Zoning Map Existing



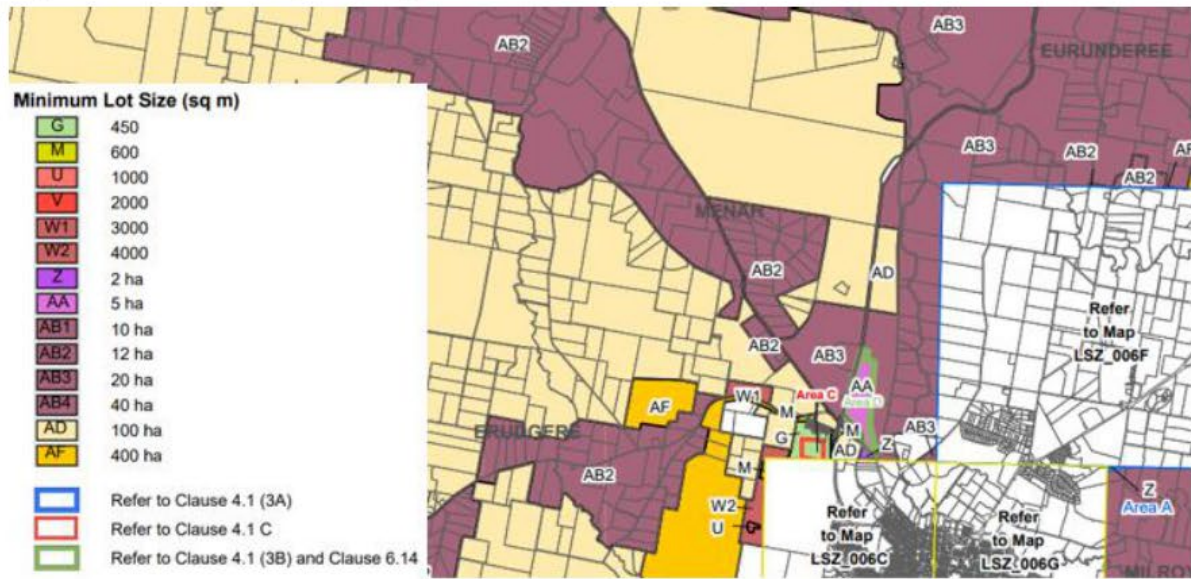
Source: Extract Land Zone Map – Sheet LZN_006

Figure 12 Land Zoning Map Proposed



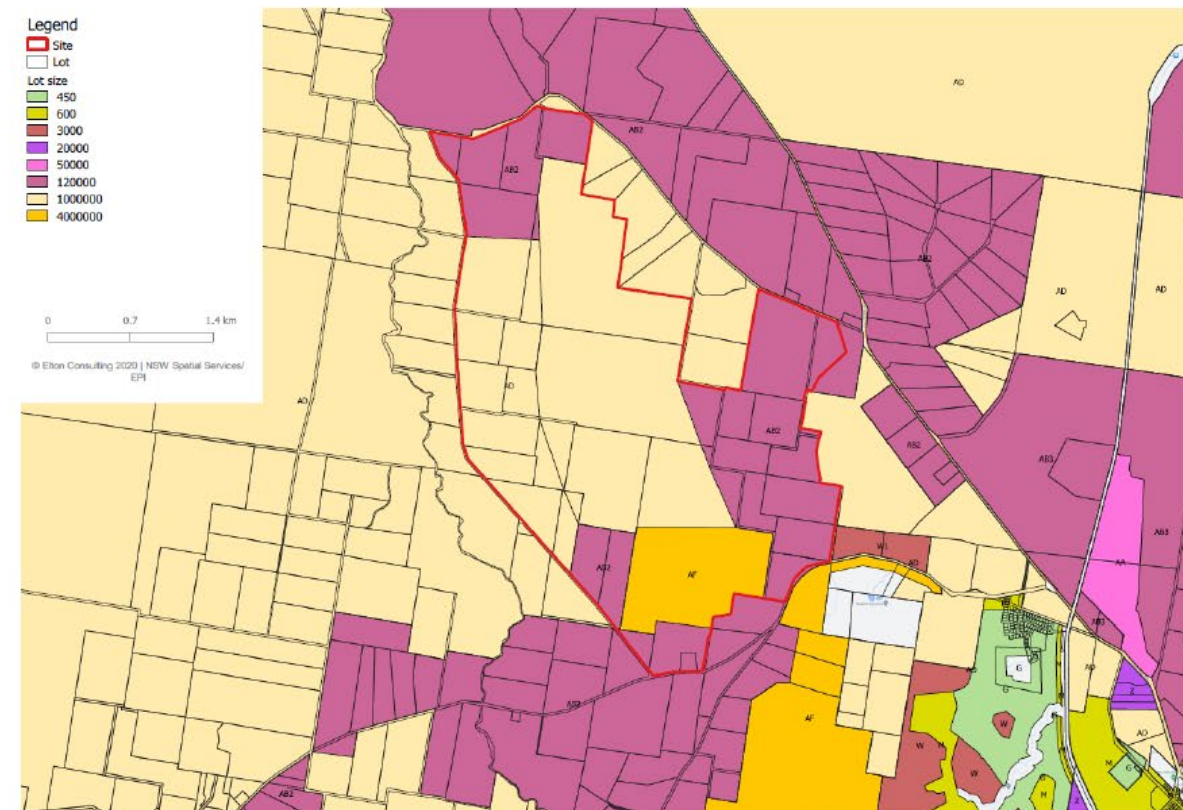
Source: Extract Land Zone Map – Sheet LZN_006

Figure 13 Lot Size Map Existing



Source: Lot Size Map – Sheet LSZ_006

Figure 14 Lot Size Map Proposed



Source: Lot Size Map – Sheet LSZ_006

Part 5 Community Consultation

The EP&A Act provides the statutory requirements for community consultation and public exhibition of PPs to be confirmed by the Minister at Gateway. Public consultation will occur in accordance with the Gateway Determination made by the Minister, in accordance with clause 3.34 and Schedule 1 of the EP&A Act.

It is anticipated that the PP will be required to be exhibited for 28 days.

Part 6 Project Timeline

Part 6 of the PP aims to set an indicative timeline for the progress of the PP through the plan making process. It is generally assumed that the process of determining a PP of this nature will be 6-9 months. The proposed timeline will commence from the date of PP submission to Council and assumes Council and DPIE support for progression.

APPENDIX

A **Preliminary Biodiversity Assessment**

B Indicative Layout Plan

C AHIMS Search

D Preliminary Contamination Assessment



From: [REDACTED]
To: [Council](#)
Subject: Attention General Manager - Planning proposal "Darthula"
Date: Friday, 22 October 2021 3:48:26 PM

Re: Planning proposal "Darthula", 194 Hill End Rd, Caerleon.

I would like to comment on the north west section of the proposal that fronts Lower Piambong Road and the northern end of Gibson's Lane.

As I was unable to access any appendices on-line I seek to express concern regarding the 7 proposed lots as nominated in the indicative layout.

Lower Piambong Road at the junction with Gibson's lane consists of a short downhill section and is unsealed. This road is used as a shortcut by most of the residents further up Lower and Upper Piambong Roads instead of using the sealed Lester's Lane. Large trucks also use this section of the road and during dry periods the road deteriorates rapidly resulting in a rutted and powdery surface. As the sighting distance from the crest of the hill to Gibson's lane is short and considering the speed vehicles currently travel on this section, an increase in traffic turning into and out of Gibson's Lane will create a significant safety hazard. Our entrance is opposite Gibson's Lane and we always have to be very cautious when slowing to make the turn into our property if there is following traffic.

I trust that council will give due consideration to the potential safety implications when considering this portion of the proposed rezoning.

Regards

Geoff Keipert

[REDACTED]

[REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

[REDACTED]

General Manager
Mid Western Regional Council
PO Box 156
Mudgee NSW 2850

Dear Sir,

Re: Planning Proposal - Darthula, 194 Hill End Road, Caerleon

My wife and I are the owners of [REDACTED] Our 22ha block is zoned Rural 1A and adjoins Darthula to the east, west and south. We purchased the block in 1997 and constructed a residence in 2000 on the understanding that the adjoining properties were, and would remain zoned Rural 1A.

We are concerned that the proposed rezoning of lands on our eastern and southern boundaries to R5 large lot residential will impact on our property, its amenity and our lifestyle. We currently have 2 neighbouring properties and will have up to 8 neighbouring properties if the rezoning proceeds.

The nature of adjoining land use could significantly change from compatible rural activities to residential type use with potential associated negative impacts on our property and lifestyle including:

- Increased noise levels
- Reduced privacy
- Aesthetic impacts
- Increased traffic levels
- An increase in potentially unsympathetic use and recreation on adjoining residential lots including motorbike use and domestic animals

The following provides some detail around our concerns in relation to the proposal.

1. Planning consistency:

The proposed rezoning is based on a single property with individual ownership. Rezoning applications should be at a landscape level and should consider biogeographical, social and landscape level constraints, opportunities and considerations.

The Planning Proposal states that “the site is identified in the Comprehensive Land Use Strategy (CLUS) as meeting the criteria for notation as an opportunity area for rural lifestyle development” however this statement is misleading as only a small part of the area proposed for rezoning (part Lot 1 DP 510323) meets the criteria, and was identified in the CLUS and the subsequent Large Lot Residential Opportunity Study (Sept 2020).

Any consideration of planning proposals for rezoning should apply at a landscape level across all adjoining lands with similar characteristics and opportunities, regardless of ownership. A good example of this inconsistency in planning is the RU1 zoning that currently applies to the 8 properties on the southern side of Lower Piambong Rd between the 2 Darthula frontages onto the road, whilst similar size lots on the northern side of the road are zoned R5.

2. Consultation:

As far as I am aware, the proponents or the consultants have made no attempt to contact or consult adjoining land holders on the proposal or to encourage feedback to develop a more appropriate or well considered proposal. This is disappointing given the potential impact of the proposed rezoning on neighbours.

3. Gateway Determination:

The Gateway determination delegates approval of the rezoning application to Council and requires community consultation and public exhibition but has no additional requirements other than there being no objections from public authorities. What is the point of public exhibition if Council has no statutory requirement to consider any other objections, feedback or concerns?

4. Indicative Lot Layout:

The indicative lot layout appears to be based on maximising lot yield and minimising development cost with little consideration of biogeographical constraints, aesthetics, area to boundary ratios or privacy. A more creative approach to lot design needs to be considered that maximises lot area to boundary ratios.

5. Potential for further subdivision:

The Planning Proposal (PP) raises the potential for future subdivision and suggests that “we are interested in looking at the application...and whether....the subdivision should be undertaken in such a way as to anticipate further rezoning into smaller lots”

The planning process should be clear about current and potential rezoning processes and establish a transparent intent for planning process across the area.

6. Environmental, Social and Economic Impact:

The PP states that it is supported by a preliminary assessment of biodiversity sensitivity undertaken by ELA. There is no assessment at Appendix A and the detail provided in the PP appears to be a desktop exercise that fails to provide any definitive advice on potential impacts on Derived Grassland PCTs, options to mitigate impacts or potential offsetting arrangements under the Biodiversity Conservation Act.

Again, the planning process needs to be clear about the potential impacts of the PP on the environment and proposed mitigations

Conclusions and recommendations:

Council should develop and provide a clear process to consider, consult and communicate options to address the issues raised above with the Darthula PP. As raised in point 1 – there needs to be a consistent approach to applications for land rezoning applications across the PP and adjoining properties to ensure a fair, well considered and holistic approach to land use and development into the future.

I would also request that Council provides a written response to the issues raised above and recommend that Council convenes a consultation session with the PP proponents and consultants, and neighbouring property owners to consider and workshop the issues raised above and potential solutions, including a more integrated approach to rezoning.

Thank you for the opportunity to provide comment on the Planning Proposal. Please contact me at [REDACTED] or on [REDACTED] if you require further information.

Regards

David and Jennifer Crust

[REDACTED]
[REDACTED]



Planning,
Industry &
Environment

CM9 Ref: DOC21/205958

The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Email: council@midwestern.nsw.gov.au

Dear Sir/Madam

Proposed Development: Planning Proposal – rezoning three areas of the subject property to R5 Large Lot Residential and change the minimum lot sizes to 12 hectares.

Applicant: Mid-Western Regional Council
Location: 'Darthula' 194 Hill End Rd, CAERLEON

I refer to Council's letter dated 22 September 2021 requesting comments for the above planning proposal and subsequent amendment to the Mid-Western Regional Local Environmental Plan 2012.

The Department of Planning Industry & Environment - Crown Lands (the department), as adjoining landowner has reviewed the planning proposal in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*), and offers no objections to the planning proposal or amendment to the Mid-Western Regional Local Environmental Plan 2012 as no impact to Crown land has been identified.

Should the planning proposal be modified in any manner that impacts the adjoining Crown land, e.g. by amendment to the proposal or draft conditions of consent, the department requests an opportunity to further review the proposal prior to determination.

Should you require any further information, please do not hesitate to contact Karen Hocking at the Dubbo Crown Lands Office by email karen.hocking@crownland.nsw.gov.au or phone on 02 6883 3332.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jacky Wiblin'.

Jacky Wiblin

Group Leader – Dubbo Land & Asset Management
Department of Planning Industry & Environment - Crown Lands

Date: 13 October 2021



Gateway Determination

Planning proposal (Department Ref: PP_2021_2270): to amend Schedule 1 (Additional Permitted Uses) of the Mid-Western Local Environmental Plan 2012 for Lot 1 DP591181 and Lot 2 DP594499, 157-159 Craigmoor Road, Eurunderee.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under Section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Schedule 1 of the Mid-Western Local Environmental Plan (LEP) 2012 to allow the additional use for hotel or motel accommodation and associated infrastructure, on Lot 1 DP591181 and Lot 2 DP594499, 157-159 Craigmoor Road, Eurunderee should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:

- (a) the inclusion of proposed APU map; and
- (b) inclusion of provisions for consideration at the development application stage requiring the development to avoid land use conflict, complement the rural attributes of the land and its surrounds and avoid significant adverse impact on agricultural production and the scenic amenity of the locality.

Council is to seek approval from the Department of Planning, Industry and Environment - Western Region office prior to undertaking community consultation.

2. Public exhibition is required under Section 3.34(2)(c) and Schedule 1 Clause 4 of the Act as follows:

- (a) The planning proposal exhibition must commence within **two (2) months** from the date of the Gateway determination. The planning proposal must be made publicly available for a minimum of **28 days**; and
- (b) The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

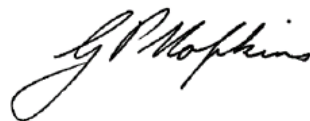
3. Consultation is required with the following public authority under Section 3.34(2)(d) of the Act:

- (a) Department of Primary Industries – Agriculture

The agency is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Act subject to the following:
- (a) The planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) The planning proposal is consistent with Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) There are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under Section 3.36 of the Act, the final LEP Schedule 1 APU maps must be prepared and be compliant with the Department's '*Standard Technical Requirements for Spatial Datasets and Maps*' 2017.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 24th day of August 2021.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces



Planning,
Industry &
Environment

PP-2021-2270/IRF21/3866

Mr Brad Cam
General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Attention: Sarah Armstrong, Manager, Strategic Planning

Dear Mr Cam,

Planning proposal PP-2021-2270– planning proposal documentation to satisfy condition 1 - proceed to community consultation - Craigmoor.

I refer to your correspondence in relation to planning proposal PP-2021-2270 to amend Schedule 1 (Additional Permitted Uses) of the Mid-Western Regional Local Environmental Plan 2012 for Lot 1 DP591181 and Lot 2 DP594499, 157-159 Craigmoor Road, Eurunderee.

I wish to advise that information provided by Council including an amended planning proposal dated 23 September 2021 satisfies condition 1 of the Gateway determination issued on 24 August 2021. Council may now proceed to community consultation.

It is noted that Council wish to apply the APU provision to both Lot 1 DP591181 and Lot 2 DP594499, 157-159 Craigmoor Road, Eurunderee and the mapping provided in the planning proposal is adequate for community consultation purposes. Council is advised that prior to finalisation of the LEP amendment the APU map is to be prepared in accordance with Department's '*Standard Technical Requirements for Spatial Datasets and Maps*' 2017.

The planning proposal documentation as amended on 23 September 2021, Gateway determination dated 24 August 2021, documents accompanying the planning proposal and a copy of this letter are to be included in the community consultation package.

If you have any questions in relation to this matter, I have arranged for Ms Oyshee Iqbal to assist you. Ms Iqbal can be contacted on 5852 6824.

Yours sincerely

A handwritten signature in black ink that reads 'Wayne Garnsey'.

30 September 2021

Wayne Garnsey
Manager, Western Region
Local and Regional Planning
Department of Planning, Industry and Environment



Planning Proposal

157-159 Craigmoor Road

Client: EDT Projects

Date: 19 October 2020 (updated following Gateway Determination 23 Sept 2021)

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Contact:

Liz Densley
liz.densley@elton.com.au
0438744384

SYDNEY
02 9387 2600

Level 27, 680 George St, Sydney, NSW 2000

www.elton.com.au
consulting@elton.com.au
Sydney | Brisbane | Canberra | Darwin | Melbourne | Perth
ABN 56 003 853 101

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Document Status

Date Issued	Revision	Author	Reviewed	Comment
4 August 2020	V1.0	Will Pearson	Liz Densley	Draft for Client Review
9 September 2020	V1.0	Will Pearson	Liz Densley	Final
19 October 2020	V1.1		Liz Densley	Revised following review by Council
31 August 2021 23 Sept 2021	V1.2, V1.3		Liz Densley	Revised following Gateway Determination

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1 Introduction

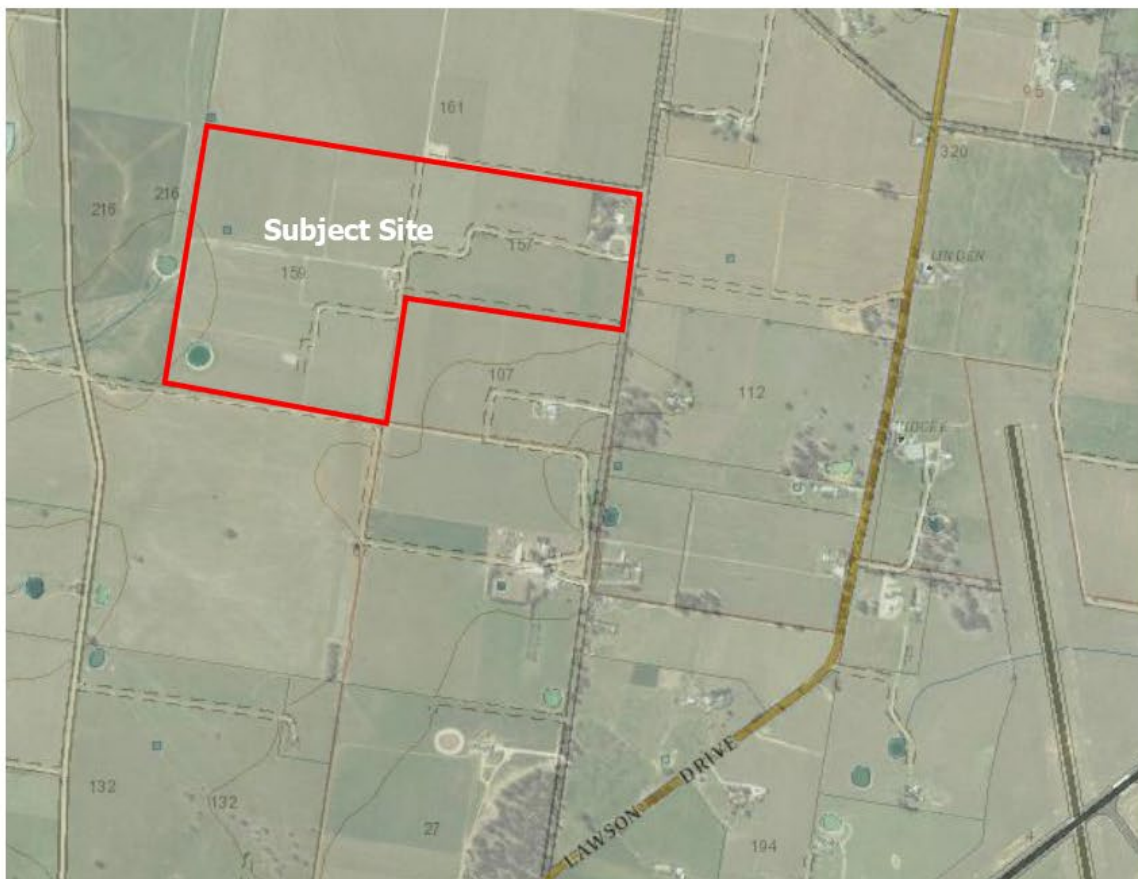
This report has been prepared by Elton Consulting on behalf of EDT Projects and 10s Estate Winery to support a planning proposal (PP) to facilitate the development of large scale, resort-style tourist and visitor accommodation on land at 157-159 Craigmoor Road, Mudgee. The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the Department of Planning, Industry and Environment (DPI&E) 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The property is identified in Table 1. The site occupies a total area of 47ha, and falls within the RU4 Primary Production Small Lots zone as identified in the Mid-Western Regional Local Environmental Plan 2012 (MWLEP). The proposed tourist development aims to address the shortage of mid to high end, resort-style accommodation in the Mudgee.

Table 1 Property Details

Address	Lot/DP	Area (approximate)
157 Craigmoor Road, Eurunderee	Lot 1 DP 591181	16ha
159 Craigmoor Road, Eurunderee	Lot 2 DP 594499	31ha

Figure 1 Site



Source: SixMaps 2020.

1.1 Site description

The site is currently home to the 10's Estate Winery. The cellar door operates from the north east corner of the site with the vineyard located at the rear. The site also contains a cherry orchard and figs. Cellar door premises and intensive plant agriculture are permitted with consent and without consent respectively, under the MWLEP.

The site is within 5 km from Mudgee and has frontage to Craigmoor Road on the eastern boundary. Topography is undulating falling from a high point on the western portion of the property and falling gently east and north. The land has been cleared of vegetation but for the existing stand associated with the cellar door and dwelling.

Immediately adjoining properties to the north, south and west are currently used predominately for extensive grazing, although historically land to the north was under grapevines. The property on the east retains some intensive viticultural land uses, although again, some vineyards have been removed.

Figure 2 Locational Context

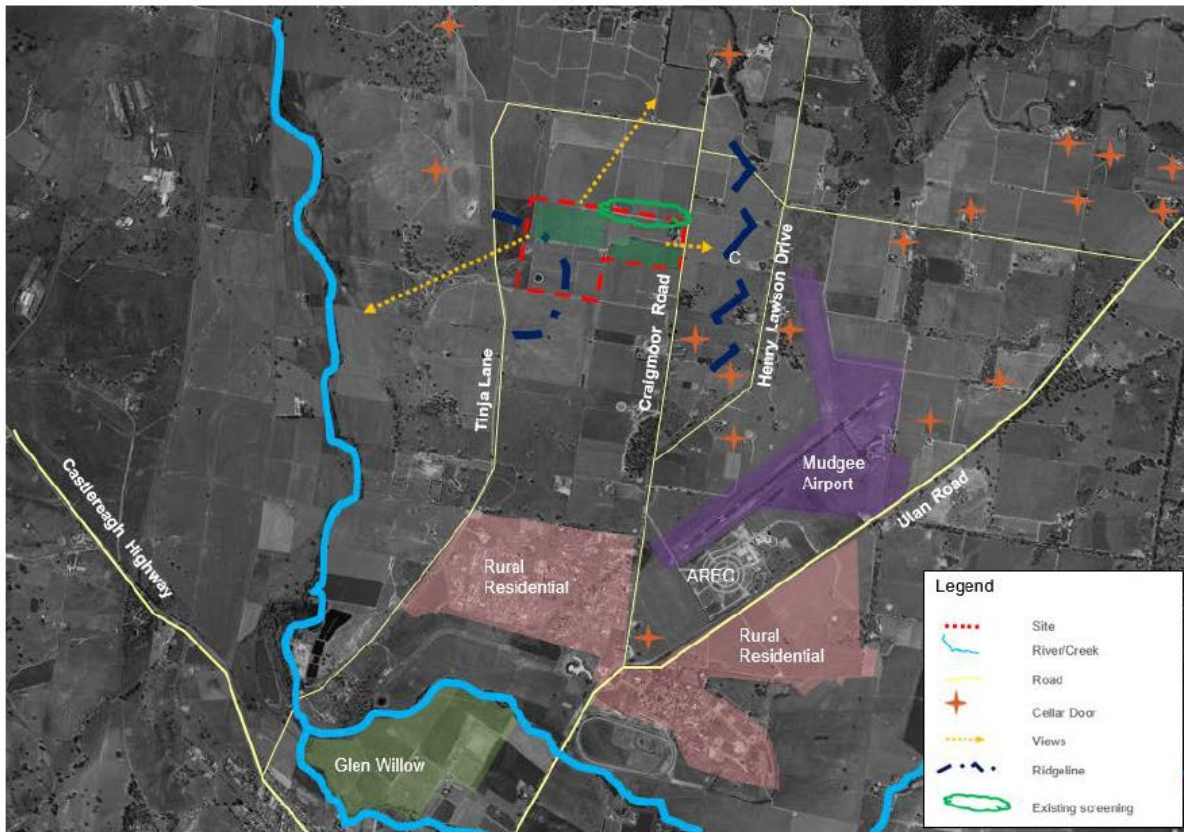


Source: SixMaps, Elton Consulting 2020

Site context

The site is unobtrusive in terms of the visual and sight lines either to or from the site. The frontage of site is to Craigmoor Road. Views into the site from the south are obscured by the existing agricultural activities on the site and the existing buildings. Travelling south on Craigmoor Road the immediate foreground is screened by plantings on the northern boundary of the property. Views from the vantage point of the public road are limited to the existing development at the front of the site.

Figure 3 Site Context



Source: SixMaps, Elton Consulting 2020

The existing land use is consistent with the surrounding land uses which are a mix of rural lifestyle development, being dwellings on small lots, a small amount of intensive agriculture and predominately grazing albeit on small holdings. Rural land along both Henry Lawson Drive and Craigmoor Road has experienced significant fragmentation, and includes existing residential, cellar door and tourist accommodation uses.

Land classification

Agricultural land in NSW is classified into one of five categories according to its suitability for a wide range of agricultural activities. The site is identified as class three which has the following characteristics.

Class 3: *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints.*

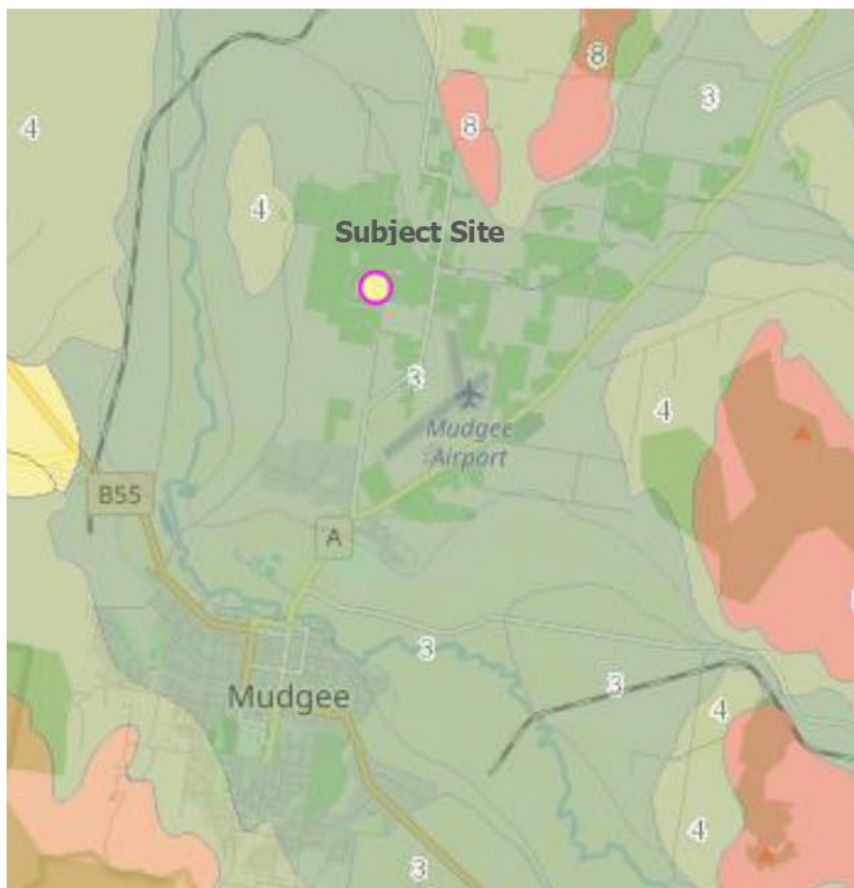
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Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.¹

The site accommodated horticultural and viticultural crops including cherries, figs and wine grapes. However, the groundwater available is limited in terms of quality being highly saline and with high levels of calcium. Intensive irrigation is therefore limited. The site retains the evidence of a greenhouse venture that failed predominately as a result of the limitation on water.

Further, as can be seen in Figure 4, all of the land immediately surrounding Mudgee, including the town itself, is within the class three category. This is not considered to be a limiting factor in the amended of the MWLEP to include the additional permissible use.

Figure 4 Land Classification



Source: SEED Database, July 2020.

Land use and fragmentation

The current use of the subject site for a mix of intensive horticulture, viticulture and cellar door has resulted in measures already in place to ensure that potential land use conflict can be managed on both development on the subject site and neighbouring land. Further, the site is sufficient in area to enable any future tourist accommodation use to be screened and set back to reduce the potential for impacts.

¹ Agricultural Land Classification, NSW Agriculture, 2002.

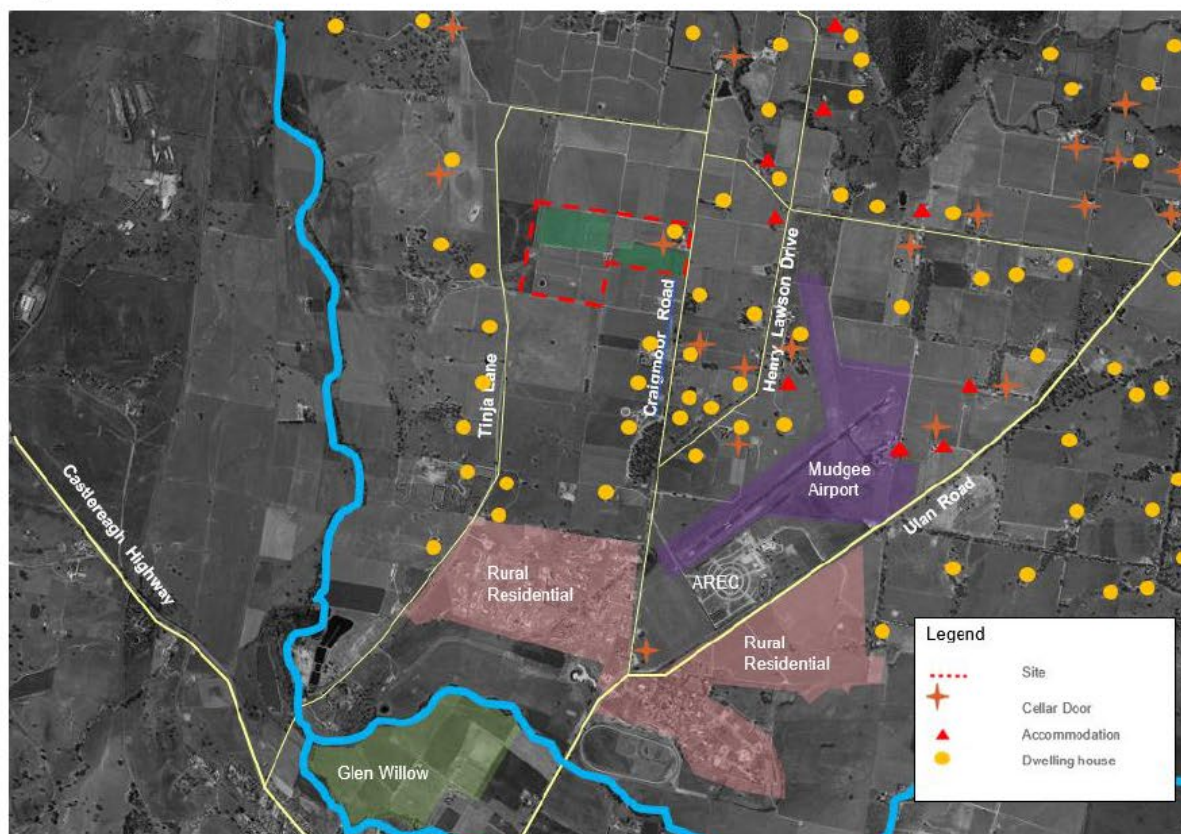
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The land immediately north of Mudgee is developed for a range of land uses. Despite the number of small vineyards and cellar door premises in this area, the dominate land use is lifestyle development (refer Figure 5 note the intensity of residential development). The area is highly fragmented. Much of the area planted to wine grapes in the late 1990’s to early 2000’s has been removed as the wine region settles into a more sustainable level.

Despite this, there are still an increasing number of tourism related cellar door, café and accommodation businesses that are compatible with agriculture and are capable of co-existing to support the agricultural and tourism industries.

The dwelling house, cellar doors and residential accommodation is shown in **Figure 5** below which provides a comprehensive indication as to the degree of fragmentation that currently existing in the vicinity of the site as well as the opportunity for additional tourism accommodation to compliment the rural and tourism based economy.

Figure 5 Non-Agricultural Land Use



Source: SixMaps, Elton Consulting 2020

1.2 Existing planning controls

The site is currently zoned RU4 Primary Production Small Lots (refer **Figure 6**) under the MWLEP with a minimum lot size for the erection of a dwelling of 20ha.

The key planning controls are identified below.

Figure 6 Land Zoning Map

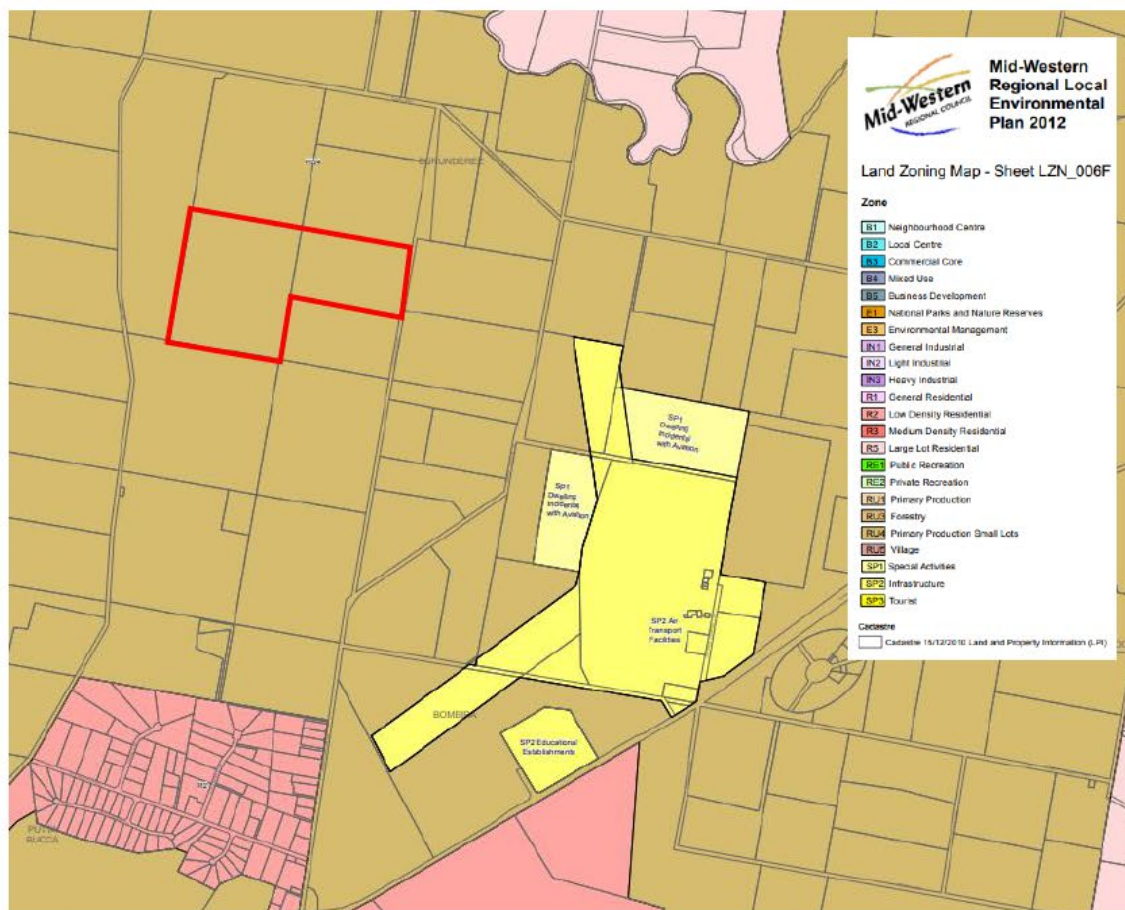


Table 2 MWRLEP 2012

Planning Control	Description
4.1 Minimum Lot Size	AB3 – 20 ha The is identified as having a minimum lot size of 20ha.
4.3 Maximum Building Height	N/A The Height of buildings map does not provide a building height maximum for the site.
5.4 Controls relating to miscellaneous permissible uses	This clause relates to the Tourist and visitor accommodation land uses of bed and breakfast accommodation, and farm stay accommodation, however only to the extent that they are permissible uses in the zone.

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Planning Control	Description
Additional local provisions	
6.4 Groundwater vulnerability	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>The site has been mapped as being groundwater vulnerable on Council’s mapping. This will need to be assessed at DA stage.</p>
MWRC Mapping	
Groundwater Vulnerability	The site is identified as being ‘Groundwater Vulnerable’ (MAP GRV_006)
Flood Planning	N/A
Heritage	N/A
Sensitivity Biodiversity	N/A
Sewerage Treatment Plant Buffer	N/A

2 Proposal

The initial proposal is for the development of tourist and visitor accommodation and ancillary uses on the site. This land use, as defined in the MWLEP to include hotel and motel accommodation, is prohibited on the current zone. Therefore, any development of this characterisation will require an amendment to the MWLEP.

The process for amending the MWLEP includes identification of the strategic merit of the proposal having regard to the land use planning and policy framework both at the Regional and Local level.

2.1 Proposed Land Use

The proposal is defined under the MWRLEP as hotel and motel accommodation which is a use under the wider definition of tourist and visitor accommodation.

Tourist and visitor accommodation means

a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments, but does not include—*
- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*

Hotel or motel accommodation, as listed above has a separate definition as follows:

hotel or motel accommodation means *a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—*

- (a) comprises rooms or self-contained suites, and*
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

Hotel and motel accommodation is prohibited in the current RU4 and therefore will require an amendment to the MWRLEP prior to the submission of a development application to council. The intention is to amend the MWLEP to allow for hotel or motel accommodation to be permissible on the subject site.

The process for amending the MWRLEP includes the preparation of a Planning Proposal and the identification of the strategic merit of the proposal having regard to the land use planning and policy framework both at the regional and local level.

2.2 Need for the development

In the Mid-Western Regional LGA, tourism supports an estimated 752 jobs, which is 7.4%² of total employment and contributing \$123M to the local economy annually³.

The COVID 19 Global Pandemic has and continues to impact the way in which people are engaging with regional tourism. Mid-Western Regional LGA is already seeing a benefit of the broader restriction on movement. This is likely to continue in the short term and provides a real opportunity for the region to build on this trend. Continuing to provide a wide selection of accommodation options catering for all perspective visitors will be a key part of the continued economic development of the industry.

The proposed development is for resort-style tourist accommodation in the Mid-Western LGA. The proposal responds to the lack similar style accommodation options, in addition to the growing need for accommodation as noted above and to ensure that accommodation is available to both support and attract large scale sporting and cultural events to the region.

Current Mudgee offerings

The range of current tourist accommodation options available in Mudgee are detailed below in Table 3. Not included in this table is the abundance of Bed and Breakfast options found on AirBNB. As demonstrated in the table below the current tourist accommodation options are dominated by small-medium motel-style properties. In a general sense, motel-style accommodation is mostly suited to a portion of the market consisting of temporary workers, those travelling for work, or short-term stayers. Similarly, AirBNB properties appeal to a portion of the market that seek un-serviced, home-style or self-contained accommodation.

As such, there is a gap in the tourist accommodation market of Mudgee for high-end, resort-style accommodation that encourages holiday type travel; with the Parklands Resort and Conference Centre as the only offering of this sort.

Table 3 Mudgee Tourist Accommodation

Name	Address	Type
Parklands Resort and Conference Centre	121 Ulan Road	Resort
Comfort Inn Aden Mudgee	1 Sydney Road	Hotel
Winning Post Motor Inn	101 Church Street	Motel
Soldiers Motel	35 Perry Street	Motel
Cudgegong Valley Motel	212 Market Street	Motel
Ningana Motel	76 Mortimer Street	Motel
Wanderlight Motel Inn	107 Market Street	Motel
Horatio Motel and Suites	15 Horatio St	Motel
Cobb and Co Court Boutique Hotel	97 Market St	Hotel
Perry Street Hotel	40 Perry St	Hotel
Federal Hotel	34 Inglis St	Pub
Court House Hotel	111 Market Street	Pub

² <https://app.remplan.com.au/midwestern/economy/tourism/employment>

³ Draft Our Plan 2040 – Mid-Western Regional Local Strategic Planning Statement, March 2020

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Name	Address	Type
Oriental Hotel	6 Lewis St	Pub
Paragon Hotel	38 Perry St	Pub
Lawson Park Hotel	1 Church St	Pub
Woolpack Hotel	67 Market St	Pub
Mudgee Valley Park	2-8 Bell Street	Caravan Park
Big 4 Mudgee Holiday Park	71 Lions Drive	Caravan park

Demand

The Mudgee region is host a number of significant events, drawing attendees from across the Central West, regional NSW, Newcastle and Sydney, and interstate. Attendees from outside of the Mudgee region will usually seek to stay in proximity to the event, thus driving demand for visitor accommodation in the area. Significant events in the Mudgee region include evernt such as:

- » The Annual Charity Shield match, between National Rugby League (NRL) teams Dragons and Rabbitohs – held at Glen Willow Regional Sports Stadium.
- » Flavours of Mudgee
- » The MudgeeQue – Winter BBQ festival featuring Craft Beer, Local Wine, Local Distilleries and Local Entertainment.
- » The Henry Lawson Heritage Festival
- » Mudgee Readers’ Festival
- » Mudgee Running Festival
- » The Mudgee Food and Wine Festival
- » The Mudgee Craft Beer and Cider Festival
- » The Grapest 5K Run – Fun Run

The commitment of both Council and the State Government to development the next stages of the Glen Willow Sporting Complex will position the region to attract more sporting events with increasing regularity.

The proposed development is for large scale tourist/visitor accommodation significantly increases the capacity of the region to accommodate attendees of such events. Moreover, the resort-style development offers an alternative to the current accommodation options; also encouraging longer-term stays to explore the Mudgee region post or prior to events (Refer Section 3 LSPS).

2.3 Additional Information DPIE

The Planning Proposal was supported by Council and referred to DPIE for consideration. DPIE subsequently requested the clarification of a number of issues. These are provided as follows:

Indicative Site Plans – design and layout for the site has not commenced in any detail, however, it is anticipated that the proposed hotel will include; hotel style accommodation in a building or buildings one of which will include the reception, dining and function rooms, access roads and pathways, extensive landscaping and screening from adjoining properties.

The plan below shows the options currently being considered for built form, however, detailed site analysis and feasibility will need to be undertaken to determine the final arrangement on the site.

These areas have been identified based on the following key site suitability considerations:

- » not intended to be used for intensive agriculture
- » sufficiently set back from boundaries
- » will not interfere with the continued operation of the property for agriculture and a cellar door

Figure 7 General Arrangement



Ancillary uses - the reference to ancillary uses is in reference to the inclusion of elements such as a restaurant, conference facilities and landscaping as would ordinarily be associate with a hotel development of this scale.

Land use conflict – the existing cellar door is surrounded by extensive landscaping to screen the development from the adjoining intensive agricultural land use (formerly a vineyard, now used for grazing) and provide a buffer. The building footprint has been designed to enable the continuation of the landscaped buffer along the northern boundary of the property. The Midwestern Regional Development Control Plan currently requires a side boundary set back of 20 metres to a dwelling in the RU4 Primary Production Small Lots zone. It is anticipated that a similar setback will be required for the future of the subject site.

Continued agricultural uses - the site plan shown in figure one above indicates the existing intensive agricultural land uses that are proposed to be retained as part of the overall development of the site. The integration of the hotel development with the agricultural uses is a key opportunity presented through this development.

Land Contamination – Direction 2.6 requires consideration as to the suitability of the intended use having regard to historic land uses identified in the contaminated land planning guidelines. Given that horticulture is a potentially contaminating land use, a preliminary site assessment has now been completed (**Appendix A**).

Services and infrastructure – it is intended that the site will be connected to reticulated water and sewer.

Part 1 - Objectives and intended outcomes

The primary purpose of this PP is to amend the MWLEP to enable the development of the site for the purposes of tourist and visitor accommodation.

The intended outcomes are to:

- » Enable the lodgement of a development application on the site.
- » Facilitate the investment in tourism infrastructure to support the growth of the industry in the region consistent with the LSPS.
- » Provide a site which has an area that is sufficient to accommodate large scale tourist accommodation in a rural setting without impacting on adjoining and adjacent land uses.
- » enable the continuation of the horticultural and viticulture uses on the site as part of the integration of agriculture and tourism.

Part 2 - Explanation of provisions

The proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to the MWLEP as follows:

Include into Schedule 1 Additional permissible uses the following:

5 Use of certain land at 157-159 Craigmoor Road, Eurunderee

(1) This clause applies to land at 157-159 Craigmoor Road, Eurunderee, being Lot 1 DP 591181 and Lot 2 DP 594499.

It is intended that this clause will also include a provision to require a development application consider:

- » the character and amenity of the locality; and
- » the potential for and mitigation measures to address rural land use conflict.

Amend the MWLEP to include an Additional Permissible Use Map.

Part 3 - Justification

Part 3 of the PP provides the justification of the proposal within the relevant strategic planning context. In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to DPIE the amendment has merit.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The PP will deliver additional land for rural lifestyle development as anticipated under the Mid-Western Regional Comprehensive Land Use Strategy (CLUS) and support the planning priorities in the Local Strategy Planning Statement.

Local Strategic Planning Statement

The Mid-Western Regional Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use planning in the Mid-Western Regional Council local government area (LGA). Section three of the LSPS outlines the following land use vision:

'To provide for sustainable growth and development, having regard to the Region's unique heritage, environment and rural character, and to support agricultural enterprises and the Region's economic base.'

Section 2.4 of the LSPS provides an overview of the opportunities in the region and include the following paragraph (emphasis added):

*Tourism related businesses are expected to expand, with a **consistently growing tourism sector**. The reputation of the Mid-Western Region as a food and wine destination is well established and continues to grow. Increased brand recognition is expected to continue with both cellar door expansions and new product development. Increased visitation due to major events is also expected, with a strategic focus on Sports Tourism in the Region including partnerships with national rugby league, rugby union and soccer organisations. Further expansion of cultural facilities will enhance the overall visitor experience. As the grey nomad market expands, RV friendly towns in the Mid-Western Region will ensure increased visitation and length of stay. **Increased tourism numbers support future investment in accommodation, retail and hospitality businesses.**⁴*

The LSPS states that *Council will support initiatives which encourage increased visitation and length of stay.*

Further, the LSPS develops 12 planning priorities, categorised under 5 key themes:

1. Looking After Our Community
2. Protecting our Natural Environment
3. Building a Strong Local Economy
4. Connecting our Region
5. Good Government

Under objective three, Building a Strong Local Economy; is planning priority seven:

Support the attraction and retention of a diverse range of businesses and industries

⁴ Draft Our Plan 2040 – Mid-Western Regional Local Strategic Planning Statement, March 2020.

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Planning principle seven continues to list actions required by Council in supporting the objective. Here, the principle states Council will:

- » *Undertake a land use survey of existing tourism development and visitor accommodation, identify gaps in the market, and ensure that **current zoning permissibility and land supply allows for future expansion.***⁵

The PP supports the delivery of the Draft LSPS.

Comprehensive Land Use Strategy: Part C – Strategy

Council adopted the Comprehensive Land Use Strategy in August 2010. As part of the strategy the context of the LGA, vision for the future and objectives to achieve the vision by 2031 have been identified. These include the following:

- » Context
 - > Tourism is a significant and growing component of the local economy, focused around food and wine from an established viticulture industry, historic sites and the natural beauty of the area.
 - > Tourism is also a major industry that is valued at over \$60 million annually that thrives off the natural features, agriculture, viticulture and the close proximity of Mid-Western Regional Council to Sydney.
- » The Mid-Western Region's Vision 2031
 - > To provide for sustainable growth and development, having regard to the regions unique heritage, environment and rural character, and to support agricultural enterprises and the regions diverse economic base.

Tourism has been identified as a major contributing factor to the economic prosperity of the of the LGA and has been identified within the Economic Prosperity objective as follows:

1.4.1 economic prosperity

- » *Promote the appropriate location and scale of tourism development*
- » *promote the variety of diverse tourism uses in the local government area, by particularly encouraging the establishment of food and wine based local tourism*
- » *recognise and promote tourism as a key contributor to retail and commercial prosperity*⁶

Furthermore, Tourism has been identified as playing a key factor in the success of Council's Rural landscape. The guiding principles for rural lands, and in particular Mudgee, is stated within the strategy as

2.1 Rural land

The importance of primary production as an industry and economic driver is demonstrated by the estimated value of agriculture to be \$54 million in the former Mudgee local government area alone.

The Mudgee Shire Rural Strategy (2003) identified a set of principles under which development should take place within the rural lands. These have been used as the basis for a set of development principles upon which to build a Strategy for the rural lands, as follows:

- » *Recognise tourism as an important component of the Mid-Western Regional Council local government area*
- » *Promote rural enterprises and diversity of tourism developments, compatible with those uses particularly in relation to the viticulture industry.*⁷

The importance of Mudgee as a tourist hub is further reiterated within the strategy by identifying Mudgee as a locality suitable for 'Large scale tourism development' within the strategy. However, the Rural landscape is also identified as playing a large role in the delivery of tourism within the LGA as part 4 of the Plan identifies.

⁵ Ibid.

⁶ Mid-Western Regional Comprehensive Land Use Strategy, 2010, Part C.

⁷ Ibid.

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3.2.5 Large scale tourism development

- » Mudgee is the primary destination for tourists visiting the local government area;
- » It is envisaged that the tourism industry is likely to expand. This will include small scale or low-key tourism development, such as rural retreats, holiday cabins and bed and breakfast-style accommodation, as well as large scale developments, such as integrated resorts and motels.

The CLUS provides clear and direct support for additional large scale tourist and visitor accommodation to support the growth of the tourism industry in the region. There are limited opportunities for development of this scale and no sites identified in the strategy for this purpose. The CLUS anticipated the need to site specific identification, investigation and subsequent rezoning for this particular land use.

The proposal does not seek to rezone the site, rather, include an additional permissible use. This approach is consistent with the CLUS.

Towards 2030 Community Plan

The Mid-Western Region Towards 2030 Community Plan (CP) sets out the community's vision for the future; to drive a sustainable community that reconciles the economic, social, environmental and civic leadership priorities for the region. The CP identifies tourism as one of 6 major industries in the Mid-Western Region.

Key strategies include:

- » *Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region.*
- » *Develop tools that simplify development processes and encourage high quality commercial and residential development.*
- » *Support projects that create new jobs in the region and help to build a diverse and multi-skilled workforce.⁸*

Economic Development Strategy

Council has an Economic Development Strategy (undated although the text suggests 2010-2020) that outlines a visions and direction for "the next ten years". In considering the relevance of the Economic Development Strategy to the proposal, it will be necessary to understand from Council the target date. In any case, the Strategy recognises tourism and business development as key principles influencing economic development in the region.

Key strategies include:

- » Business Development:
 - > Expand existing businesses or attract new businesses that complement key local industries (agriculture, mining, retail, services, tourism, wine) with a focus on growth areas that will account for jobs growth and industry prosperity
- » Tourism Development:
 - > Maintain quality infrastructure and amenities which support tourism offerings (such as accommodation, signage and tourist trails)

Long term activities undertaken by Council outlined in the EDS under tourism development include:

- » Developing a suitable program to increase accommodation availability during peak periods
- » Evaluating opportunities for tourism diversification which will develop new markets for the region⁹

⁸ Mid-Western Region Towards 2030 Community Plan (2013).

⁹ Mid-Western Region Economic Development Strategy – A 10 Year Plan

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal seeking to amend MWLEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this PP and the most effective way of providing certainty for Council, the local community and the landowner.

Section B – Relationships to Strategic planning framework**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

Yes. The proposal is consistent with the Central West and Orana Regional Plan 2036.

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was developed by the NSW Government to provide overarching goals for the region's development, for the next 20 years. The plan has been developed to guide land use planning decisions in the region to achieve the 4 goals at the centre of the plan. The 4 goals are as follows:

- » Goal 1: The most diverse regional economy in NSW
- » Goal 2: A stronger, healthier environment and diverse heritage
- » Goal 3: Quality freight, transport and infrastructure networks
- » Goal 4: Dynamic, vibrant and healthy communities

The plan also outlines the specific priorities of Mid-Western Regional Council. These priorities are:

- » Support appropriately located and serviced land for residential development.
- » Support the mining and resources sector and associated businesses.
- » **Leverage opportunities from the Local Government Area's location and rural character to support the established food and tourism market.**
- » Protect agricultural land from encroachment from residential development.
- » Support the provision and continued development of major regional sports, recreation and cultural facilities

This PP specifically endorses Direction 4: Promote and diversify regional tourism markets, under Goal 1: The most diverse regional economy in NSW. The particular action that the PP supports is *4.4 Enable opportunities appropriate for tourism development and associated land uses in local environmental plans.*

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Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As noted above, the PP will give effect to the CLUS and LSPS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies as follows:

Table 4 Applicable State Environmental Planning Policies

SEPP	Assessment
SEPP (Exempt and Complying Development Codes) 2008	
This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	Consistent
SEPP (Primary Production and Rural Development) 2019	
<p>The aims of this Policy are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	<p>Consistent</p> <p>The proposal does not seek to alter the underlying rural zone and the site will continue to operate as a vineyard and horticulture operation. The accommodation component is considered to be complimentary to the existing use.</p>
SEPP (Koala Habitat Protection) 2019	
This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent. The site is largely devoid of trees and unlikely to support a koala population.
SEPP 55 Remediation of Land	

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SEPP	Assessment
<p>(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Consistent – Branson has prepared a Preliminary Contamination assessment the supported the rezoning of the land for the proposed purpose (Appendix A).</p> <p>Based on the findings of the desktop review and site investigation it can be stated with a reasonable level of confidence that the areas comprising the Subject Site that may be further developed for residential use, subsequent to the proposed re-zoning and subdivision, are unlikely to be contaminated. This finding is supported with analytical results of surface soil samples collected at the Subject site, in which no contaminants were detected above screening criteria. These areas are therefore considered suitable for the proposed re-development and use for residential purposes.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

The Ministerial Directions under section 9.1 of the EP&A Act requires planning proposals to be consistent with the terms of the relevant direction. The relevant directions are considered below.

Table 5 9.1 Directions

Directions	Aim of Direction	Consistency and Implications
1 – Employment and Resources		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Planning Proposal not affected by this direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Consistent This proposal does not seek to rezone the land, rather include an additional permissible use on the site. The existing agricultural uses will be able to coexist with an accommodation use.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	Consistent
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	Consistent The land is not class 1-3, therefore not considered to be prime agricultural land and it will remain available for grazing. Further, the area to be impacted is insignificant in the context of the total land area available for agriculture in the LGA. The Planning Proposal is considered to be consistent with the intent of this direction. Any perceived inconsistencies with this direction are considered to be of minor significance.
2 – Environment and Heritage		
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	The Planning Proposal has been accompanied by a Preliminary Contamination Assessment (Appendix A). The assessment confirms the suitability of the site for the future residential use.

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Directions	Aim of Direction	Consistency and Implications
3 – Housing, Infrastructure and Urban Development		
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	Consistent The home occupations are permitted without consent in the proposed zone under the MWLEP. The Planning Proposal is consistent with this direction.
5 – Regional Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		
6 – Local Plan Making		
<i>No directions in this section apply to this Planning Proposal.</i>		
7 – Metropolitan Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

No. The site is not identified as an area of significant biodiversity. Previously and use activity have resulted in the removal of native vegetation. It is unlikely that there will be any adverse impact on habitat. The additional permissible use will enable the submission of a development application. Any specific biodiversity matter can be addressed at that stage.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. As the Planning Proposal is not proposing any change to zoning or land use, no other environmental effects are likely.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Tourism is a key economic driver in the region. The proposal will support the growth of the industry (refer also Q3 and A4 above).

It is considered that it will lead to a number of benefits:

- » An increase in the tourist accommodation offering
- » Opportunity for employment during the development and construction should a development application be supported
- » Ongoing employment for staff in the tourism and hospitality industry

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal will not directly impact public infrastructure; health, Public transport and education.

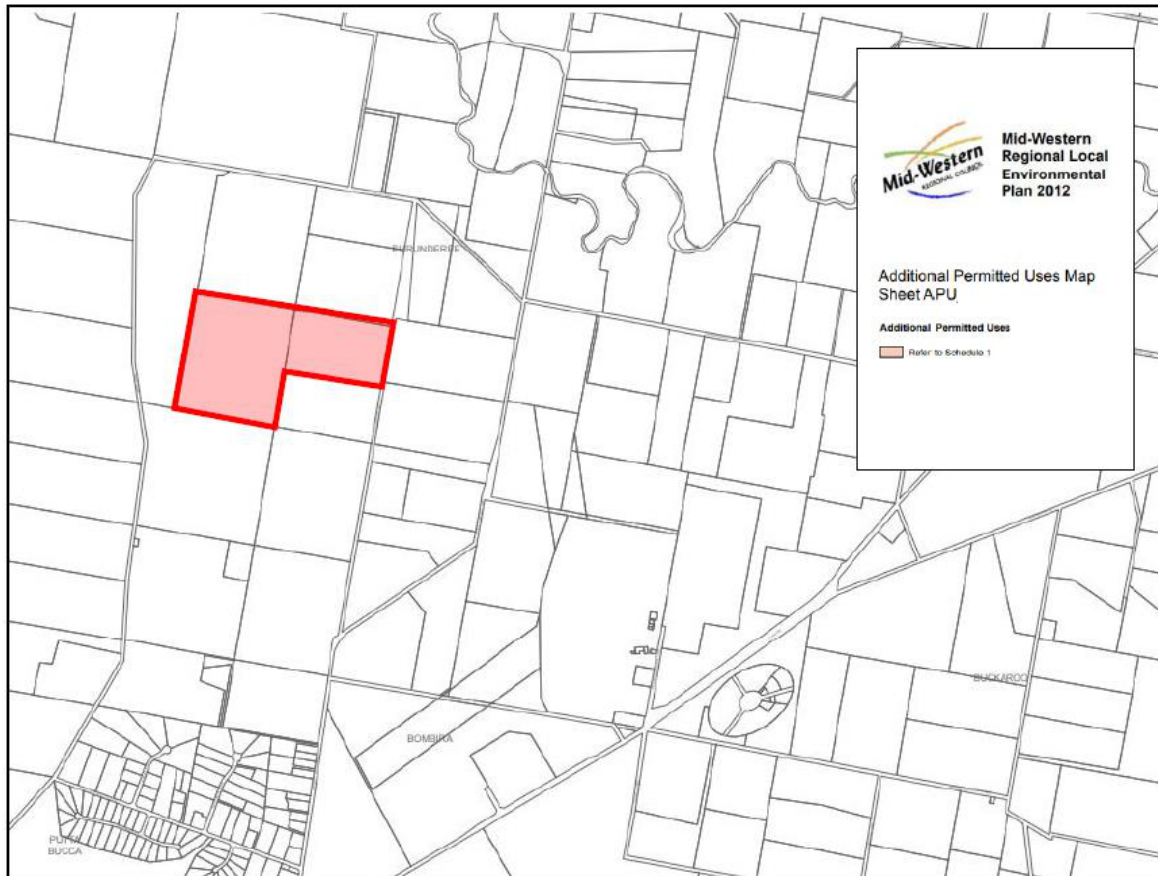
Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. This section of the planning proposal is completed following consultation with those public authorities identified in the Gateway Determination.

Part 4 - Maps

The proposal will introduce an Additional Permissible Uses Map as follows:

Figure 8 Draft Additional Permissible Uses Map



Part 5 - Community Consultation

2.4 Consultation for Planning Proposal

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The gateway determination will specify the community consultation requirements that must be undertaken on the planning proposal. The gateway determination will:

- » outline the timeframe for exhibition
- » relevant state or Commonwealth authorities to be consulted
- » whether a public hearing is to be held into the matter by the IPC or other specified person or body.

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It is expected that the planning proposal will be publicly exhibited for 28 days and that the public agencies aforementioned will be consulted.

Conclusion

The PP demonstrates the strategic merit of the proposal as summaries in the table below. Looking beyond 2020, Council will need to consider the long term impacts of climate change on industry across the LGA including the mining and agricultural sectors. Identification of the local specialisations and areas in which Mid-Western can leverage a strategic advantage and recognising the need to be agile in response to change will be essential if the local economy is to remain buoyant.

Mid-Western strategic policies have addressed the need for high-quality infrastructure to drive investment and economic growth in the region; each explicitly identifying the tourism sector as essential in achieving this objective. The proposed development diversifies the regions current tourism offerings and encourages increased visitation and length of stay. The subject site provides a ripe opportunity to create a base for tourism in the Mudgee region; driving economic growth of the regions tourism economy, and more generally economic growth of the region. Council should support the proposal and recommend that it proceed to Gateway.

Table 6 Summary Assessment Planning Proposal

Criteria	Assessment
Strategic merit test criteria	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	Consistent. The PP is consistent with the Regional Plan
Consistent with a relevant local strategy that has been endorsed by the Department; or	Consistent. The PP is consistent with the CLUS and CP and recent LSPS
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.	Not applicable.
Site-specific merit test criteria	
The natural environment (including known significant environmental values, resources or hazards)	Consistent. The site is free of any significant vegetation having been continually cultivated and/or under vineyard. The rezoning will have limited impact on the natural environment.
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal	Consistent The site has sufficient area to accommodate the necessary land use and buffers to ensure that the development does not impact on the surrounding agricultural land use or potential capacity for future agricultural land uses
The services and infrastructure that are or will be available to meet the demands arising from the	Consistent.

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Criteria	Assessment
proposal and any proposed financial arrangements for infrastructure provision	The proposal will deliver efficiencies in terms of the use of existing infrastructure and planned infrastructure

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A Preliminary Site Investigation







Preliminary Site Contamination Assessment

157-159 Craigmoor Road,
Eurunderee NSW 2850

Our Reference: 36321 ER01

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Project Name:	Preliminary Site Contamination Assessment 157-159 Craigmoor Road, Eurunderee NSW 2850
Client:	Eight Mile Planning
Project No.	36321
Report Reference	36321 ER01
Date:	17/05/2021
Revision:	Final

Prepared by:	Reviewed by:
	
Nardus Potgieter MSc(Chem) Environmental Scientist	Jim Sarantzouklis MAIBS MEHA RPIA Director



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APPENDICES

Appendix A – Chain of Custody and Laboratory Report



1.0 INTRODUCTION

1.1 Background and Objectives

Barnson was engaged by Ms Elizabeth Densley of Eight Mile Planning, on behalf of her client P.A Tan Holdings to undertake a preliminary site contamination investigation in support of the further commercial development of the properties at 157-159 Craigmoor Road, Eurunderee (the Subject Site). Figure 1.1 presents a map indicating the location of the Site.

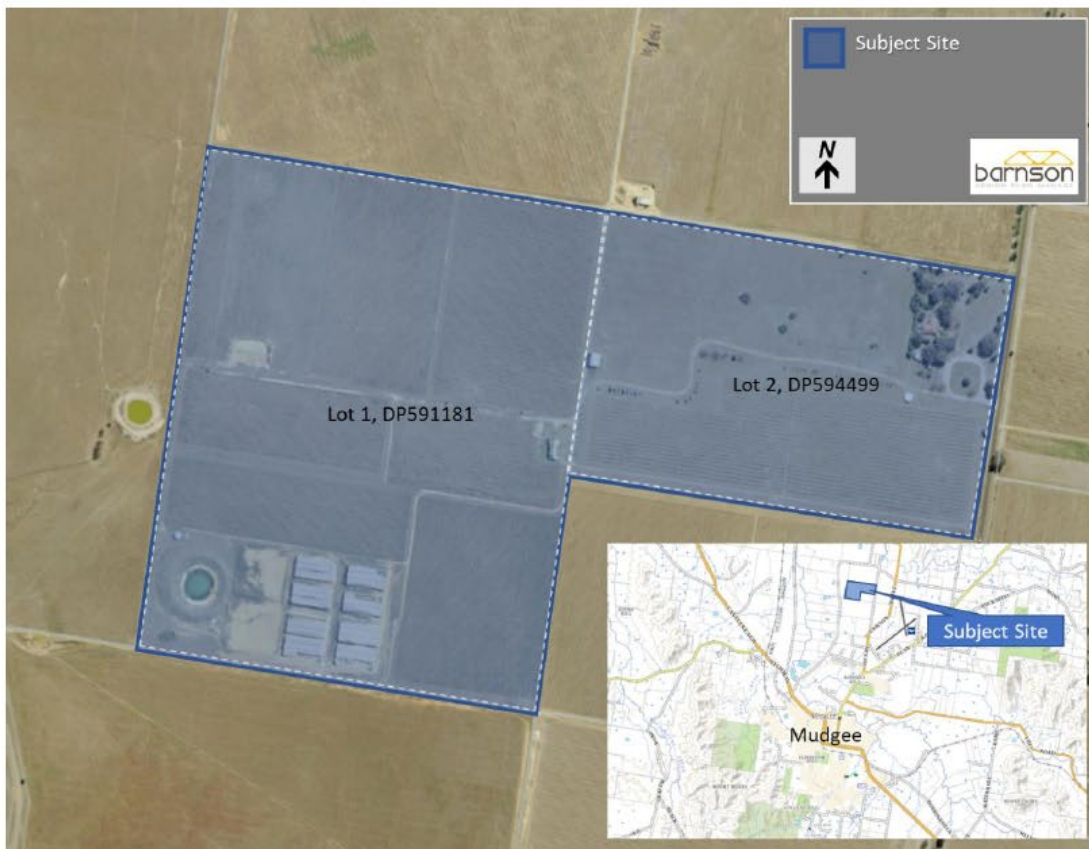


Figure 1.1 – Subject Site Location

The Subject Site currently includes a residence and cellar door as well as various sheds, greenhouses and dams for agricultural purposes, all used in the maintenance and utilisation of vineyards and orchards planted at the site. The owner now proposes to further develop the Subject Site with the addition of tourist accommodation and hospitality facilities.

In terms of State Environmental Planning Policy 55 (SEPP 55 – Remediation of Land) a consent authority must determine if land is contaminated and, if so, whether it is suitable for the intended



purpose or require remediation, when determining a development application. Barnson undertook a Preliminary Site Investigation (PSI) to identify potential contamination present at the Subject Site.

1.2 Objectives

The objectives of the Investigation are:

- Identify potential contamination issues that may affect the site's suitability for the proposed land use;
- Determine the potential risks and issues; and
- Assess the need for possible further investigations, remediation or management of any contamination issues identified.

1.3 Scope of Work

To meet the stated objectives, Barnson completed the following scope of work:

- Site identification including a review of site history, site condition, surrounding environment, geology, hydrogeology and hydrology.
- Desktop review of site history and assessment of potential sources of contamination.
- Development of a conceptual model of the site (CSM) with regard to contaminant sources and exposure pathways, based on information gathered from the data review.
- Site inspection walkover to assess site conditions.
- Assessment of the risk/impact of the identified contamination sources within the context of the site and the CSM.
- Provide conclusions as to whether the site is suitable for intended development.

1.4 Purpose of this report

The purpose of this report is to document, with cognisance of the Guidelines for Consultants Reporting on Contaminated sites (NSW EPA, 2020), works undertaken, in accordance with the scope of works as described in Section 1.3, results of the desktop review and site inspection, and recommendations for further investigations.

1.5 Assumptions and Limitations

The following assumptions have been made in preparing this report:

- The nature of the intended future use of the site is for commercial hospitality and accommodation. This assumption forms the basis for the conceptual site model.
- All information pertaining to the contamination status of the site has been obtained through public record searches, a preliminary site inspection and analysis of confirmatory samples collected at the site. All documents and information in relation to the site, which were obtained from public records, are accepted to be correct and has not been independently verified or checked.



It should be recognised that even the most comprehensive site assessments may fail to detect all contamination on a site. This is because contaminants may be present in areas that were not previously surveyed or sampled or may migrate to areas that showed no signs of contamination when sampled. Investigative works undertaken at the subject site by Barnson identified actual conditions only at those locations in which sampling and analysis were performed. Opinions regarding the conditions of the site have been expressed based on historical information and analytical data obtained and interpreted from previous assessments of the site. Barnson does not take responsibility for any consequences as a result of variations in site conditions.

2.0 SITE SETTING

2.1 Site Identification

A summary of the available information pertaining to the site is presented in Table 2.1.

Table 2.1: Site Setting Summary

Information	Details
Site address	157-159 Craigmoor Road, Eurunderee, NSW 2850
Site area (approx.)	47 hectares
Lot and Deposited Plan No.	Lot 1 on DP 591181 and Lot 2 on DP 594499
Zoning	RU4 – Primary Production Small Lots
County	Phillip
Parish	Bumberra
Local Government Area	Mid-Western Regional Council

2.2 Environmental Setting

The environmental setting of the site is summarised in Table 2.2.

Table 2.2: Summary of Site Environmental Setting

Information	Details
Existing land use	The Subject Site is used for the agricultural production of grapes, cherries and figs and accommodates a number of buildings including a residential dwelling and cellar door as well as a cottage and packing shed. The site is fenced and makes use of rainwater tanks for water supply and groundwater for irrigation and an on-site septic for sewage disposal.



Surrounding land uses	The Subject Site is surrounded by agricultural land use (mainly viticulture and orcharding on all sides. The Subject Site fronts onto Craigmoor Road to the East.
Topography	The Subject Site is mostly flat. In general, the topography of the area gently slopes in a westerly direction towards the Cudgegong River.
Geology	The 1:100000 Geological Map of Mudgee, indicate that the Subject Site is located on Devonian age lithic sandstone, mudstone and limestone of the Sutchers Creek Formation. Depth to bedrock at the Subject Site is likely deep >20m.
Soils	Surface geology is mainly alluvium, typical of river terraces, derived from erosion metasediments of the Capertee Rise.
Acid Sulphate Soils and Soil Salinity	The Atlas of Australian Acid Sulfate Soil has the site in an area of 'low probability of occurrence'. There is a 6-70% chance of occurrence. According to the National Assessment dataset for dryland salinity, the site does not fall in an area with risk of soil salinity.
Local hydrology	The closest natural water body is the Cudgegong River located 1.4km to the west of the Subject Site. Surface water on site would drain into subsurface soils and/or down-slope in a westerly direction toward the Cudgegong River.
Local hydrogeology	A review of existing groundwater bore records using the NSW Water Information Database on the 10 May 2021 identified eight (8) registered groundwater bores within 500 m of the Subject site, of which four (4) are located on the Subject Site itself. Based on the lithology of the area groundwater will likely be found at a depth of between 35m and 40m primarily in the alluvial aquifer and, based on surface topography, is likely to flow in a westerly direction toward the Cudgegong River. The site is located within the zone of groundwater vulnerability as per the Mid-Western Regional Council LEP (2011)

2.3 General Site Description

The Subject Site has historically been used for viticulture with all areas of the subject site planted with grape vines. Eight (8) greenhouses were established near the south western corner of the subject site along with a dam to supply water for irrigation. A further building pad was prepared to the west of the greenhouses for the erection of four more greenhouses. These additional greenhouses were never constructed, and the 8 existing greenhouses were no longer used and have since fallen into disrepair.



In some areas of the Subject Site, the grapevines have been removed and the land cleared. In two of these cleared areas fig and cherry orchards have been established. The areas of the Site that remain cleared is covered with pasture grass. There is an unpaved access driveway linking the greenhouse area in the south-west of the Site to the site entrance on Craigmoor Road. Figure 2.1 presents the basic layout of the Subject Site, with the notable areas indicated, which is supplemented with photographs (Figure 2.2 to Figure 2.10). Figure 2.1 includes a marker indicating the vantage point and direction of the photographs.



Figure 2.1: General site layout.



Figure 2.2: Picture from point A, showing cleared area and cellar door building in distance.



Figure 2.3: Picture from point B, showing young fig orchard.



Figure 2.4: Picture from point C, showing packing shed.



Figure 2.5: Picture from point D, showing cherry orchard.



Figure 2.6: Picture from point E, showing cottage and attached equipment storage shed.



Figure 2.7: Picture from point F, showing disused and deteriorating greenhouses.



Figure 2.8: Picture from point G, showing turkeys nest dam.



Figure 2.9: Picture from point H, showing the western block of grapevines.



Figure 2.10: Picture from point I, showing clay pit dam.

2.4 Proposed Development

The proposed development of the Subject Site involves the establishment of tourist accommodation and hospitality facilities (hotel). Although design and layout for the site has not commenced in any detail, it is anticipated that the proposed hotel will include; hotel style accommodation in a building or buildings one of which will include reception, dining and function rooms, access roads and pathways, extensive landscaping and screening from adjoining properties.

The site plan presented in Figure 2.11 shows the areas of the site (marked in yellow and indicated as 'Additional permitted use') currently being considered for location of the proposed development.



Figure 2.11: Proposed development – general arrangement.

3.0 SITE HISTORY

3.1 Historical Land Use

The aerial photographs available for the site indicate that the site was historically used for viticulture. The turkey's nest dam was established somewhere around 2009 while the greenhouses were constructed in 2014/2015. The material excavated from the clay pit was likely used in levelling the greenhouse construction pads as it appears on the photos around the same time. The packing shed is constructed shortly after the greenhouses. Since 2015 the layout of the Subject Site has remained largely the same.

3.2 Historical Record of Site Contamination

A review of datasets maintained by the Office of Environment and Heritage (OEH) including notices under CLM Act, POEO Environment Protection License Register and environmental incidents. Results are summarised below.

- **List of NSW contaminated sites notified to EPA** – The sites appearing on the OEH "List of NSW contaminated sites notified to the EPA" indicate that the notifiers consider that the sites are contaminated and warrant reporting to EPA. However, the contamination may or may not be significant enough to warrant regulation by the EPA. The EPA needs to review information before it can make a determination as to whether the site warrants regulation. A search of the listing returned no record for the Subject Site.
- **Contaminated Land Record of Notices** – A site will be on the Contaminated Land Record of Notices only if the EPA has issued a regulatory notice in relation to the site under the



Contaminated Land Management Act 1997. A search of the register in July 2020 returned no record for the Subject Site.

There is further no record of the Subject Site in any of the following databases:

- National Waste Management Site Database
- Former Gasworks database
- EPA PFAS Investigation Program
- Defence PFAS Investigation & Management Program
- Airservices Australia National PFAS Management Program
- Defence 3 Year Regional Contamination Investigation Program

3.3 Previous Site Investigations

No previous reports relating to contamination at the Subject Site were provided to Barnson for review.

4.0 CONCEPTUAL SITE MODEL

4.1 General

A preliminary conceptual site model (CSM) was developed to provide an understanding of the potential for exposure to contaminants and impacts to beneficial uses from contamination within the investigation area. The CSM draws together the available historical information for the site, with site specific geological, hydrogeological, hydro-geochemical and contamination information to identify potential contamination sources, migration and exposure pathways and sensitive receptors.

4.2 Sources

Based on the results of the desktop assessment including review of historical information for the site, the following potential contamination sources were identified:

- Former use for Viticulture

Historically, the areas identified for the proposed 'Additional permitted use' were planted with grapevines. Maintenance of the vines likely required the use of chemicals such as pesticides or fertilisers. Potential contaminants associated with cultivation of grapes include heavy metals (particularly copper), organochlorine and organophosphate pesticides. Intensive use of synthetic fertiliser can also lead to the build-up of heavy metals in surface soil particularly zinc and cadmium, depending on the type and source of the fertiliser.

- Use of fill material

Preparation of the site for construction of the greenhouses is accepted to have utilised material excavated on site. However, it is not unreasonable to assume that some fill material may have been imported onto site to supplement this fill. Depending on the source, imported fill has the



potential to contain various contaminants including hazardous materials such as asbestos, lead based paint and hydrocarbons.

- Vehicles and equipment

The use of heavy motorised vehicles and equipment in the clearing and levelling of the site to create the construction pads, as part of the agricultural activities or in the regular maintenance of the site (e.g. mowing) has the potential to contribute to localised hydrocarbon contamination of surface soils.

4.3 Contaminants of Potential Concern

Considering the potential sources listed in Section 4.2, a wide variety of contaminants may be present. With the historical agricultural activities at the site considered the primary potential source of contamination, the residues of agricultural chemicals such as pesticides and fertilisers are accepted as the most likely contaminants. Of interest here are fungicides which historically have been widely used in viticulture, as well as other insecticides, herbicides and soil fumigants which are stable enough in the environment (persistent) to remain in soil for extended periods of time. Inorganic compounds that contain heavy metal including arsenic, copper, lead and mercury were also historically used as pesticides, particularly on grapevines. The use of fertiliser, although not commonly considered a source of soil contamination, potentially could lead to a build-up of heavy metals such as cadmium in soils in areas where it has been extensively applied. These contaminants are also relevant to the greenhouse areas.

The potential presence of hydrocarbons from the use of motorised equipment and vehicles could have contributed to the dispersion of these substances onto the surface soil of the site. Fuels and lubricants are further potentially relevant to the movement of vehicles and equipment in the former harvesting and maintenance of the grapevines.

To a lesser extent, the potential use of imported fill in the construction of the greenhouses is considered a potential source of asbestos fibres, heavy metals (e.g. lead based paint) and hydrocarbon compounds.

Based on this understanding of the site history and activities, the contaminants of potential concern identified for the investigation include:

- pesticides (organochlorines, organophosphates);
- hydrocarbons (mainly fuel and lubricants);
- heavy metals (As, Cd, Cr, Cu, Pb, Hg, Ni and Zn); and
- asbestos

4.4 Pathways

The primary pathways by which receptors could be exposed to the contaminants outlined above include:

- Inhalation of dust or vapours.
- Dermal contact with contaminated soils.
- Incidental ingestion of contaminated soils.



- Surface runoff, sediment transport and discharge to surface waters.
- Vertical and horizontal migration of contamination through the soils into the underlying groundwater.

Of the listed potential pathways, the migration to underlying groundwater is considered the most unlikely. Although the site is located in a zone of groundwater vulnerability (Mid-Western Regional Council LEP, 2011), this is mainly due to the high yielding alluvial aquifer underlying the site, and proximity to the Cudgegong River.

Data recorded in the NSW groundwater database (WaterNSW, 2021) for the monitoring boreholes closest to the site, indicate water bearing zones at a depth of at 35m deep below ground level.

4.5 Receptors

Potential site receptors may include:

Human receptor populations

- Current and future residents of the site.
- Visitors to the site (e.g. workers conducting maintenance, members of the public using the tourist accommodation and hospitality facilities).
- Workers involved in the construction of future facilities or agricultural activities at the site.

Environmental Receptors

- Local drainage channels and receiving surface water bodies.
- Groundwater resources beneath the site (negligible likelihood of contamination).

4.6 Potential for Contamination

The Subject Site is not listed in any of the contaminated land databases.

Although historical agricultural activities and the use of motorised equipment and vehicles are reasoned to have had a potential for contaminating surface soils at the site, the type and quantity of contaminants introduced through this land use is not expected to have led to significant contamination of the surface soils.

Table 4.1 summarises the potential areas of environmental concern based on the results of the desktop review.

Table 4.1: Potential areas of environmental concern

Description	Rationale	Potential Contaminants
Viticulture	Possible use of fertiliser, herbicides and insecticide means that the contaminants could accumulate and build up to significant concentrations in the underlying soil.	Pesticides, heavy metals.



Motorised equipment and vehicle usage	Leaked oils, fuels and grease from vehicles used or parked in the area.	TPH, BTEX, PAHs, phenols, heavy metals.
Use of imported fill	Hazardous materials potentially present in imported fill.	Heavy metals (Pb), asbestos, hydrocarbons

Based on the results of the desktop assessment the overall likelihood for significant chemical contamination to be present within the site is considered to be low.

5.0 SITE INVESTIGATION

5.1 General

The objective of the contaminated site investigation is to determine whether there are any environmental risks associated with the Subject Site that could affect the proposed development and would require further action to render the site suitable for its intended use. The desktop evaluation of the site history and current use of the site did not identify any significant risks in this regard but did identify several historical and current activities that could contribute to contamination of the surface soils of the Site.

Barnson conducted an inspection of the site on 22 April 2021. The purpose of the site inspection was to verify the findings of the desktop assessment, as well as to collect samples of soil from the site for confirmatory analysis.

Based on the findings of the CSM the inspection and sampling were focussed on the surface soils (0-200mm) of the areas identified for 'additional permitted use' (see Figure 2.11). Sampling was planned with consideration of the NSW EPA Sampling Design Guidelines for contaminated sites (NSW EPA, 1995), and the sensitivity of the proposed land use (commercial/public open space) in mind. During the site inspection the following observations were made.

- At the time Barnson conducted the site inspection, the site was in good condition with all areas mowed allowing easy access.
- The construction pad prepared for the extension to the greenhouses, contains construction materials such as PVC water pipes and couplings, used in the maintenance of the greenhouses and/or irrigation and stockpiles of timber poles used as plant supports in the greenhouses and vineyard (see Figure 5.1). This area further contains a stockpile of old wooden crates and pallets Figure 5.2.
- Vegetation cover of the site was in good condition and no discoloration (other than seasonal yellowing of the grass) or bare spots were observed.
- No visible discoloration or staining of open ground or soil was observed during the site inspection.
- The site is fenced and secured and in general good order without any visible sign of disturbance to the soils or site infrastructure.



Figure 5.1: Piping and timber stockpiled near greenhouses.



Figure 5.2: Wooden packing crates and pallets stored at the building pad

- Two stockpiles of compost/growth medium material which was retrieved from the greenhouse area is present on the cleared site just west of the cellar door. The stockpiles have been there for an extended period of time and are overgrown with vegetation see Figure 5.3. The material was previously stockpiled at the greenhouse area.
- No drainage channels were noted to be present at the site and no surface water, other than the water in the two dams, was present on the site at the time of inspection.
- The vehicles and chemicals stored on site are all inside buildings or on concrete slabs (Figure 5.4). No storage on open ground was observed at the time of the site inspection.



Figure 5.3: Compost and top soil stockpile at the cleared area near the cellar door building.



Figure 5.4: Equipment and fuel storage.

- The land use of the immediately surrounding area remains the same as noted in the historical review of the site.

5.2 Confirmatory Sampling

The purpose of collecting confirmatory samples as part of the site inspection is to determine if any of the potential contaminants identified from the CSM are present. The samples are not intended for statistically valid characterisation or quantification of contamination levels. The collection of surface soil samples at the site was therefore focussed on areas where contamination of the surface soil could most likely have occurred.



Samples of soil were collected from the greenhouse and construction pad areas as well as the areas planted with grapevines. The area around the cottage was also specifically investigate with two individual surface soil samples collected, while the two stockpiles adjacent to the cellar door was also individually sampled. Individual samples were combined into composite samples for analysis. Figure 5.5 presents a map of the Subject Site with the locations of the surface soil samples indicated. Table 5.1 is a summary description of the collected samples as well as indicating which samples were combined for analysis.

Table 5.1: Summary of sample details.

Reference in Figure 5.5	Description	Composite sample number submitted for analysis
1a-1f	Surface soil (50-300mm) samples collected from inside greenhouses and from construction pad.	Composite sample prepared of sample 1a to 1f, submitted as composite sample CM-01 for analysis.
2a-2d	Surface soil (50-300mm) samples collected from vineyards included in the permitted use area.	Composite sample prepared of sample 2a to 2d, submitted as composite sample CM-02 for analysis.
3a-3d	Surface soil (50-300mm) samples collected from vineyards included in the permitted use area.	Composite sample prepared of sample 3a to 3d, submitted as composite sample CM-03 for analysis.
4a-4b	Surface soil (50-300mm) samples collected from the lawn and access driveway to the cottage and attached shed.	Composite sample prepared of sample 4a to 4b, submitted as composite sample CM-04 for analysis.
5a-5c	Surface soil (50-300mm) samples collected from the cleared area west of cellar door.	Composite sample prepared of sample 5a to 5c, submitted as composite sample CM-05 for analysis.
6a-6c	Soil sample collected from soil stockpiles west of cellar door.	Composite sample prepared of sample 6a to 6b, submitted as composite sample CM-06 for analysis.

The pattern followed for the soil sampling can be described as Judgement Sampling, where points are selected on the basis of the investigator’s knowledge of the proposed land use and likely distribution of contaminants at a site. It is an efficient sampling method for confirmatory sampling that utilises knowledge of the site history and field observations to direct sample collection (NSW EPA, 1995).

The individual sample increments collected were combined, as presented in Table 5.1, in a 5 litre bucket and transferred to the Barnson office in Mudgee for sub-sampling and laboratory submission. The volume of each bucket was reduced by following a ‘cone-and-quarter’ technique. The increments in each bucket were thoroughly mixed by heaping them into a cone and turning the cone over to form a new cone until the operation has been carried out three times. The heap is flattened and quartered along two diameters which intersect at a right angle in the centre of the cone (see Figure 5.6).



Figure 5.5: Locations of confirmatory surface soil samples.

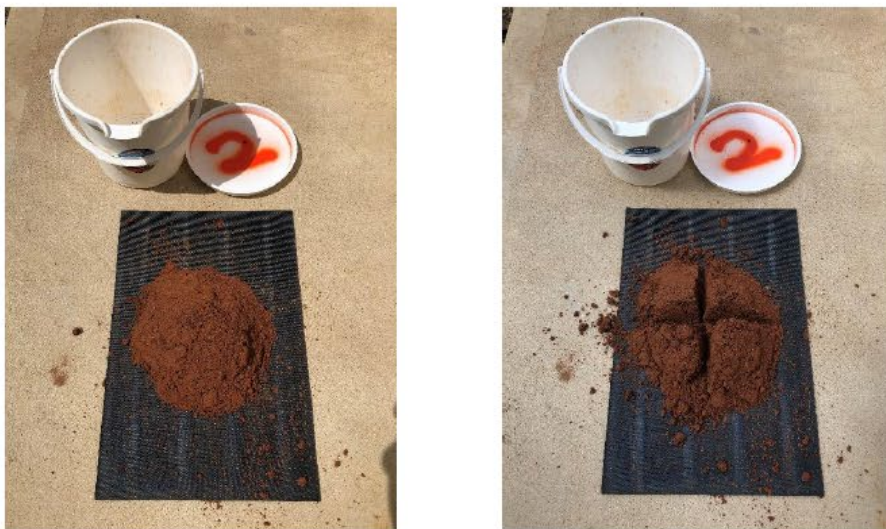


Figure 5.6: Cone and quartering.



One pair of diagonally opposite quarters are removed and the remainder is scooped into a cone and the procedure repeated until a mass of sample sufficient to fill two 250ml glass jars is produced (see Figure 5.7).



Figure 5.7: Sample volume reduction

The glass jars were filled, marked as indicated in Table 5.1, placed in a thermally isolated container with ice bricks and transferred to the analytical laboratory.

All samples were submitted to the Australian Laboratory Services Pty Ltd (ALS), laboratory in Mudgee, for determination of the following parameters:

- metallic element (cadmium, chromium, copper, lead, nickel and zinc) concentrations, including arsenic and mercury in soil;
- extraction with organic solvent and analysis of Total Recoverable Hydrocarbons (TRH) fractions C6 to C40, benzene, toluene, ethylbenzene and total xylene (BTEX), Polycyclic Aromatic Hydrocarbons (PAHs), polychlorinated biphenyls (PCBs);
- extraction with organic solvent and analysis of Organochlorine (OCP) and Organophosphorus (OPP) Pesticides; and
- laboratory QC duplicates and spikes.

The composite surface soil sample collected from the two stockpiles adjacent to the cellar door (5a and 5b) were analysed for the presence of asbestos fibres. These stockpiles include surface soil from the greenhouse and building pad area.



5.3 Analytical Results

A copy of the laboratory report for the confirmatory samples is attached as Appendix A.

The laboratory report indicate that only low concentrations of metallic elements, were detected in the surface soil samples. In all of the surface soil samples, the concentrations of hydrocarbons (polycyclic aromatic compounds), alkane fractions (straight chain hydrocarbons) as well as persistent pesticide and herbicide compounds are indicated as below the limits of detection.

The metals detected include chromium (Cr), copper (Cu), lead (Pb), nickel (Ni), and zinc (Zn). Concentrations of arsenic, cadmium and mercury were all below detection.

The laboratory report further indicate that no asbestos fibres were detected in the samples of stockpiled soil. Table 5.2 presents a summary of the analytical results for the elements detected.

Table 5.2: Summary of metal and metalloid concentrations detected in surface soil samples from the Subject Site.

Element	CM-01	CM-02	CM-03	CM-04	CM-05	CM-06
	mg.kg ⁻¹					
Arsenic (As)	<5	<5	<5	<5	<5	14
Cadmium (Cd)	<1	<1	<1	<1	<1	<1
Chromium (Cr)	14	29	30	27	32	21
Copper (Cu)	18	11	31	26	23	71
Lead (Pb)	18	15	18	13	13	10
Mercury (Hg)	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Nickel (Ni)	14	9	10	8	9	9
Zinc (Zn)	40	17	20	65	15	54

5.4 Analytical Data Quality

Samples were collected in new containers using cleaned equipment. The samples prepared for analysis were placed into glass jars provided by the laboratory, refrigerated and transported in an insulated container to the laboratory. Chain of custody was recorded for all samples. A copy of the signed sheet is attached as Appendix A.

The analyses were undertaken at a NATA accredited laboratory. The laboratory quality control procedures in the form of duplicates as well as analyte and surrogate spikes were applied to all contaminant classes analysed. The results reported for the duplicate is within the Relative Percent Difference range of the acceptance criteria for a duplicate sample. The analyte spike recoveries reported for the different sets of organic analytes are indicated as within the acceptance criteria (see Appendix A).



All media appropriate to the objectives of this investigation have been adequately analysed and no area of significant uncertainty exist. It is concluded that the data is usable for the purposes of the investigation.

6.0 ASSESSMENT

6.1 Assessment Criteria - Human Health and Environmental Risk

Screening for human health and ecological risk, utilises published human health investigation levels (HILs) and ecological screening and investigation levels (ESLs & EILs) from the National Environment Protection (Assessment of Site Contamination) Measure (NEPC, 1999) to identify contaminant concentrations in soil that may pose a risk to future residents, people visiting the site, or to ecological receptors.

HILs are scientifically based, generic assessment criteria designed to be used in the screening of potential risks to human health from chronic exposure to contaminants. HIL's are conservatively derived and are designed to be protective of human health under the majority of circumstances, soil types and human susceptibilities and thus represent a reasonable 'worst-case' scenario for specific land-use settings. The HILs selected for evaluation of the Subject Site are those derived for a standard residential scenario (HIL-A) and assumes a residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, and no poultry). The more conservative residential screening values were selected for the assessment to accommodate the potential risks posed to sensitive individuals (e.g. children or the elderly) that may visit or stay at the Site and make use of the tourist facilities.

Table 6.1: Human health and ecological risk screening levels

Element	Health-based Investigation Levels	Ecological Investigation Levels (EIL)
	HIL A Residential mg.kg ⁻¹	mg.kg ⁻¹
Arsenic (As)	100	100
Cadmium (Cd)	20	-
Chromium (Cr) (Total)	NR	230
Copper (Cu)	7,000	230
Lead (Pb)	300	1,100
Mercury (Hg)	200	-
Nickel (Ni)	400	270
Zinc (Zn)	8,000	300

Note: NR=not relevant due to low human toxicity of Cr(III). EILs selected for urban residential land use scenario.



Although the primary concern in most site assessments is protection of human health, the assessment should also include consideration of ecological risks and protection of groundwater resources that may result from site contamination. EILs provide screening criteria to assess the effect of contaminants on a soil ecosystem and afford species level protection for organisms that frequent or inhabit soil and protect essential soil processes.

Ecological investigation levels (EILs) have been derived for common metal contaminants in soil. The values selected for the evaluation of the heavy metals detected in the soil samples from the subject site considers the physicochemical properties of soil and contaminants and the capacity of the soil to accommodate increases in contaminant levels above natural background while maintaining ecosystem protection for identified land uses.

Table 6.1 presents a summary of the health-risk based criteria selected for assessment of the Subject Site. This summary of criteria includes only analytes that have been detected in the soil samples (refer Table 5.2).

It was confirmed that limits of detection reported by the laboratory are below the screening criteria values. All other contaminants analysed for in the soil samples that are reported below the limit of detection by the laboratory can therefore be excluded from further assessment.

6.2 Findings

Direct comparison of the analytical results presented in Table 5.2 with the assessment criteria (refer Table 6.1) show that metal concentrations are well below risk-based values. The general low concentrations of heavy metals detected suggest naturally occurring element abundance and is most likely not related to contamination or the agricultural activities at the site.

7.0 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

In accordance with the objectives detailed in Section 1.2, and based on the information contained within this assessment, the following conclusions are made (subject to the limitations in Section 1.5):

- Activities associated with the use of the Subject Site for residential purposes were identified as having a potential to contaminate surface soil at the site.
- The following potential sources of contamination were identified:
 - Historical viticulture activities.
 - Use of vehicles and motorised equipment.
 - Use of imported materials.
- A review of the available information indicated a low potential for significant environmental contamination to be present across the site.
- A site investigation and confirmatory sampling conducted to determine the presence and significance of potential contamination associated with the identified sources, revealed that none of the contaminants investigated are present above health-risk based criteria in the surface soils of the Subject Site.



- The screening criteria used in the evaluation of the contaminant concentrations were appropriately conservative and suitable for assessment of the proposed use.
- Based on the findings of the desktop review and site investigation it is concluded that neither the areas of the Subject Site identified for further development poses no significant risk to the health of humans.

7.2 Recommendations

- Based on the findings of the desktop review and site investigation it can be stated with a reasonable level of confidence that the subject site is suitable for the proposed re-development and land use.

8.0 REFERENCES

- Mid-Western Regional Council LEP. (2011). Retrieved May 4, 2020, from <https://legislation.nsw.gov.au/#/view/EPI/2012/374/maps#GRV>
- NEPC. (1999). *National Environment Protection (Assessment of Site Contamination) Measure (as amended, 2013)*. National Environment Protection Council.
- NSW EPA. (1995). *Contaminated Sites: Sampling Guidelines*. NSW Environmental Protection Agency.
- NSW EPA. (2020). *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*. NSW Environmental Protection Agency.
- WaterNSW. (2021, May 10). *Real Time Data*. Retrieved May 10, 2021, from Water NSW: <https://realtimedata.watnsw.com.au/water.stm>



Appendix A - Chain of Custody and Laboratory Report

Environmental Division
 Mudgee
 Work Order Reference
ME2100696



a Unit 4 / 108-110 Market Street
 Mudgee NSW 2850
 t 1300 BARNSON (1300 227 676)
 e generalenquiry@barnson.com.au
 w www.barnson.com.au



Telephone 02 6572 9791

CHAIN OF CUSTODY AND ANALYTICAL REQUEST

Job Number	36321	Date	26/04/2021
Laboratory	ALS Mudgee	Report to	Nardus Potgieter npotgieter@barnson.com.au
Sample Temperature on Receipt			
Temp. °C	Signature: <i>B. Bailey</i>		
Notes			

Sample ID	Description	Sample Date/Time	Analysis request						
			1	2	3	4	5	6	
CM01	50-300mm combo from greenhouse area	22/04/2021	X						
CM02	50-300mm from grapevine area 1	22/04/2021	X						
CM03	50-300mm from former grapevine area 1	22/04/2021	X						
CM04	50-300mm from cottage	22/04/2021	X						
CM05	50-300mm from cleared area near house	22/04/2021	X						
CM06	from soil stockpiles combo	22/04/2021	X						X

Analysis Request		ALS Method Code
1	BTEXN, TRH(C6-C40), Phenols, PAH, OCP, OPP, PCB, 8Metals	S-19
2	Asbestos in 50g soil	EA200G
3		
4		
5		
6		

Relinquished by / Affiliation	Accepted by / Affiliation	Date
<i>[Signature]</i> / Barnson	<i>[Signature]</i> / ALS Mudgee	26/04/2021



CERTIFICATE OF ANALYSIS

Work Order : ME2100696 Client : BARNSON Contact : Nardus Potgieter Address : Unit 4 108-110 Market Street MUDGEE NSW 2850 Telephone : 1300227676 Project : Soil Order number : --- C-O-C number : --- Sampler : Client Sampler Site : --- Quote number : SY/053/14 No. of samples received : 6 No. of samples analysed : 6	Page : 1 of 14 Laboratory : Environmental Division Mudgee Contact : Mary Monds (ALS Mudgee Sampler) Address : 1/29 Sydney Road Mudgee NSW Australia 2850 Telephone : +61 2 6372 6735 Date Samples Received : 26-Apr-2021 10:50 Date Analysis Commenced : 27-Apr-2021 Issue Date : 04-May-2021 10:07
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Accreditation No. 825
Accredited for compliance with
ISO/IEC 17025 - Testing

This report supersedes any previous report(s) with this reference. Results apply to the sample(s) as submitted, unless the sampling was conducted by ALS. This document shall not be reproduced, except in full.

This Certificate of Analysis contains the following information:

- General Comments
- Analytical Results
- Descriptive Results
- Surrogate Control Limits

Additional information pertinent to this report will be found in the following separate attachments: Quality Control Report, QA/QC Compliance Assessment to assist with Quality Review and Sample Receipt Notification.

Signatories

This document has been electronically signed by the authorized signatories below. Electronic signing is carried out in compliance with procedures specified in 21 CFR Part 11.

<i>Signatories</i>	<i>Position</i>	<i>Accreditation Category</i>
Alana Smylie	Asbestos Identifier	Newcastle - Asbestos, Mayfield West, NSW
Edwandy Fadjar	Organic Coordinator	Sydney Inorganics, Smithfield, NSW
Edwandy Fadjar	Organic Coordinator	Sydney Organics, Smithfield, NSW
Ivan Taylor	Analyst	Sydney Inorganics, Smithfield, NSW



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Work Order : ME2100696
Client : BARNSON
Project : Soil

General Comments

The analytical procedures used by ALS have been developed from established internationally recognised procedures such as those published by the USEPA, APHA, AS and NEPM. In house developed procedures are fully validated and are often at the client request.

Where moisture determination has been performed, results are reported on a dry weight basis.

Where a reported less than (<) result is higher than the LOR, this may be due to primary sample extract/digestate dilution and/or insufficient sample for analysis.

Where the LOR of a reported result differs from standard LOR, this may be due to high moisture content, insufficient sample (reduced weight employed) or matrix interference.

When sampling time information is not provided by the client, sampling dates are shown without a time component. In these instances, the time component has been assumed by the laboratory for processing purposes.

Where a result is required to meet compliance limits the associated uncertainty must be considered. Refer to the ALS Contact for details.

Key : CAS Number = CAS registry number from database maintained by Chemical Abstracts Services. The Chemical Abstracts Service is a division of the American Chemical Society.
LOR = Limit of reporting
^ = This result is computed from individual analyte detections at or above the level of reporting
ø = ALS is not NATA accredited for these tests.
~ = Indicates an estimated value.

- Benzo(a)pyrene Toxicity Equivalent Quotient (TEQ) per the NEPM (2013) is the sum total of the concentration of the eight carcinogenic PAHs multiplied by their Toxicity Equivalence Factor (TEF) relative to Benzo(a)pyrene. TEF values are provided in brackets as follows: Benz(a)anthracene (0.1), Chrysene (0.01), Benzo(b+j) & Benzo(k)fluoranthene (0.1), Benzo(a)pyrene (1.0), Indeno(1.2.3.cd)pyrene (0.1), Dibenz(a,h)anthracene (1.0), Benzo(g,h,i)perylene (0.01). Less than LOR results for 'TEQ Zero' are treated as zero, for 'TEQ 1/2LOR' are treated as half the reported LOR, and for 'TEQ LOR' are treated as being equal to the reported LOR. Note: TEQ 1/2LOR and TEQ LOR will calculate as 0.6mg/Kg and 1.2mg/Kg respectively for samples with non-detects for all of the eight TEQ PAHs.
- EP080: Where reported, Total Xylenes is the sum of the reported concentrations of m&p-Xylene and o-Xylene at or above the LOR.
- EP068: Where reported, Total Chlordane (sum) is the sum of the reported concentrations of cis-Chlordane and trans-Chlordane at or above the LOR.
- EP068: Where reported, Total OCP is the sum of the reported concentrations of all Organochlorine Pesticides at or above LOR.
- EP075(SIM): Where reported, Total Cresol is the sum of the reported concentrations of 2-Methylphenol and 3- & 4-Methylphenol at or above the LOR.
- EA200 'Am' Amosite (brown asbestos)
- EA200 'Cr' Crocidolite (blue asbestos)
- EA200 'Trace' - Asbestos fibres ("Free Fibres") detected by trace analysis per AS4964. The result can be interpreted that the sample contains detectable 'respirable' asbestos fibres
- EA200: Asbestos Identification Samples were analysed by Polarised Light Microscopy including dispersion staining.
- EA200 Legend
- EA200 'Ch' Chrysotile (white asbestos)
- EA200: 'UMF' Unknown Mineral Fibres. "-" indicates fibres detected may or may not be asbestos fibres. Confirmation by alternative techniques is recommended.
- EA200: For samples larger than 30g, the <2mm fraction may be sub-sampled prior to trace analysis as outlined in ISO23909:2008(E) Sect 6.3.2-2
- EA200: 'Yes' - Asbestos detected by polarised light microscopy including dispersion staining.
- EA200: 'No*' - No asbestos found, at the reporting limit of 0.1g/kg, by polarised light microscopy including dispersion staining. Asbestos material was detected and positively identified at concentrations estimated to be below 0.1g/kg.
- EA200: 'No' - No asbestos found at the reporting limit 0.1g/kg, by polarised light microscopy including dispersion staining.



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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil

Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM01 50-300mm combo from greenhouse area	CM02 50-300mm from grapevine area 1	CM03 50-300mm from former grapevine area 1	CM04 50-300mm from cottage	CM05 50-300mm from cleared area near house
Sampling date / time					22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00
Compound	CAS Number	LOR	Unit	ME2100696-001	ME2100696-002	ME2100696-003	ME2100696-004	ME2100696-005	ME2100696-005
				Result	Result	Result	Result	Result	Result
EA055: Moisture Content (Dried @ 105-110°C)									
Moisture Content	---	1.0	%	4.3	9.4	6.8	3.4	8.2	
EG005(ED093)T: Total Metals by ICP-AES									
Arsenic	7440-38-2	5	mg/kg	<5	<5	<5	<5	<5	
Cadmium	7440-43-9	1	mg/kg	<1	<1	<1	<1	<1	
Chromium	7440-47-3	2	mg/kg	14	29	30	27	32	
Copper	7440-50-8	5	mg/kg	18	11	31	26	23	
Lead	7439-92-1	5	mg/kg	18	15	18	13	13	
Nickel	7440-02-0	2	mg/kg	14	9	10	8	9	
Zinc	7440-66-6	5	mg/kg	40	17	20	65	15	
EG035T: Total Recoverable Mercury by FIMS									
Mercury	7439-97-6	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	
EP066: Polychlorinated Biphenyls (PCB)									
Total Polychlorinated biphenyls	---	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	
EP068A: Organochlorine Pesticides (OC)									
alpha-BHC	319-84-6	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Hexachlorobenzene (HCB)	118-74-1	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
beta-BHC	319-85-7	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
gamma-BHC	58-89-9	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
delta-BHC	319-86-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Heptachlor	76-44-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Aldrin	309-00-2	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Heptachlor epoxide	1024-57-3	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
^ Total Chlordane (sum)	---	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
trans-Chlordane	5103-74-2	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
alpha-Endosulfan	959-98-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
cis-Chlordane	5103-71-9	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Dieldrin	60-57-1	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
4,4'-DDE	72-55-9	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Endrin	72-20-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
beta-Endosulfan	33213-65-9	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
^ Endosulfan (sum)	115-29-7	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
4,4'-DDD	72-54-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	

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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil



Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM01 50-300mm combo from greenhouse area	CM02 50-300mm from grapevine area 1	CM03 50-300mm from former grapevine area 1	CM04 50-300mm from cottage	CM05 50-300mm from cleared area near house
Sampling date / time					22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00
Compound	CAS Number	LOR	Unit	ME2100696-001	ME2100696-002	ME2100696-003	ME2100696-004	ME2100696-005	
				Result	Result	Result	Result	Result	
EP068A: Organochlorine Pesticides (OC) - Continued									
Endrin aldehyde	7421-93-4	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Endosulfan sulfate	1031-07-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
4,4'-DDT	50-29-3	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	
Endrin ketone	53494-70-5	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Methoxychlor	72-43-5	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	
^ Sum of Aldrin + Dieldrin	309-00-2/60-57-1	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
^ Sum of DDD + DDE + DDT	72-54-8/72-55-9/5 0-2	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
EP068B: Organophosphorus Pesticides (OP)									
Dichlorvos	62-73-7	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Demeton-S-methyl	919-86-8	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Monocrotophos	6923-22-4	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	
Dimethoate	60-51-5	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Diazinon	333-41-5	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Chlorpyrifos-methyl	5598-13-0	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Parathion-methyl	298-00-0	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	
Malathion	121-75-5	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Fenthion	55-38-9	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Chlorpyrifos	2921-88-2	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Parathion	56-38-2	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2	
Pirimphos-ethyl	23505-41-1	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Chlorfenvinphos	470-90-6	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Bromophos-ethyl	4824-78-6	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Fenamiphos	22224-92-6	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Prothiofos	34643-46-4	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Ethion	563-12-2	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Carbophenothion	786-19-6	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
Azinphos Methyl	86-50-0	0.05	mg/kg	<0.05	<0.05	<0.05	<0.05	<0.05	
EP075(SIM)A: Phenolic Compounds									
Phenol	108-95-2	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5	
2-Chlorophenol	95-57-8	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5	
2-Methylphenol	95-48-7	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5	

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 Client : BARNSON
 Project : Soil



Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID				
				CM01	CM02	CM03	CM04	CM05
				50-300mm combo from greenhouse area	50-300mm from grapevine area 1	50-300mm from former grapevine area 1	50-300mm from cottage	50-300mm from cleared area near house
Sampling date / time				22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00
Compound	CAS Number	LOR	Unit	ME2100696-001	ME2100696-002	ME2100696-003	ME2100696-004	ME2100696-005
				Result	Result	Result	Result	Result
EP080/071: Total Petroleum Hydrocarbons - Continued								
C10 - C14 Fraction	----	50	mg/kg	<50	<50	<50	<50	<50
C15 - C28 Fraction	----	100	mg/kg	<100	<100	<100	<100	<100
C29 - C36 Fraction	----	100	mg/kg	<100	<100	<100	<100	<100
[^] C10 - C36 Fraction (sum)	----	50	mg/kg	<50	<50	<50	<50	<50
EP080/071: Total Recoverable Hydrocarbons - NEPM 2013 Fractions								
C6 - C10 Fraction	C6_C10	10	mg/kg	<10	<10	<10	<10	<10
[^] C6 - C10 Fraction minus BTEX (F1)	C6_C10-BTEX	10	mg/kg	<10	<10	<10	<10	<10
>C10 - C16 Fraction	----	50	mg/kg	<50	<50	<50	<50	<50
>C16 - C34 Fraction	----	100	mg/kg	<100	<100	<100	<100	<100
>C34 - C40 Fraction	----	100	mg/kg	<100	<100	<100	<100	<100
[^] >C10 - C40 Fraction (sum)	----	50	mg/kg	<50	<50	<50	<50	<50
[^] >C10 - C16 Fraction minus Naphthalene (F2)	----	50	mg/kg	<50	<50	<50	<50	<50
EP080: BTEXN								
Benzene	71-43-2	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	108-88-3	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	100-41-4	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
meta- & para-Xylene	108-38-3 106-42-3	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
ortho-Xylene	95-47-6	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
[^] Sum of BTEX	----	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
[^] Total Xylenes	----	0.5	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Naphthalene	91-20-3	1	mg/kg	<1	<1	<1	<1	<1
EP066S: PCB Surrogate								
Decachlorobiphenyl	2051-24-3	0.1	%	72.6	71.2	80.9	77.2	70.1
EP068S: Organochlorine Pesticide Surrogate								
Dibromo-DDE	21655-73-2	0.05	%	89.7	85.2	103	85.2	86.6
EP068T: Organophosphorus Pesticide Surrogate								
DEF	78-48-8	0.05	%	64.6	110	117	122	83.9
EP075(SIM)S: Phenolic Compound Surrogates								
Phenol-d6	13127-88-3	0.5	%	98.0	102	102	104	99.2
2-Chlorophenol-D4	93951-73-6	0.5	%	101	95.7	94.7	95.7	95.6

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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil



Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM01 50-300mm combo from greenhouse area	CM02 50-300mm from grapevine area 1	CM03 50-300mm from former grapevine area 1	CM04 50-300mm from cottage	CM05 50-300mm from cleared area near house
Sampling date / time					22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00	22-Apr-2021 00:00
Compound	CAS Number	LOR	Unit	ME2100696-001	ME2100696-002	ME2100696-003	ME2100696-004	ME2100696-005	
				Result	Result	Result	Result	Result	Result
EP075(SIM)S: Phenolic Compound Surrogates - Continued									
2,4,6-Tribromophenol	118-79-6	0.5	%	93.7	94.6	90.0	102	93.8	
EP075(SIM)T: PAH Surrogates									
2-Fluorobiphenyl	321-60-8	0.5	%	98.0	93.2	95.6	95.2	100	
Anthracene-d10	1719-06-8	0.5	%	111	106	108	109	108	
4-Terphenyl-d14	1718-51-0	0.5	%	98.6	112	109	106	110	
EP080S: TPH(V)/BTEX Surrogates									
1,2-Dichloroethane-D4	17060-07-0	0.2	%	113	106	112	119	114	
Toluene-D8	2037-26-5	0.2	%	98.6	88.7	91.4	101	92.7	
4-Bromofluorobenzene	460-00-4	0.2	%	108	96.5	102	108	102	

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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil



Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM06 from soil stockpiles combo	---	---	---	---
				Sampling date / time	22-Apr-2021 00:00	---	---	---	---
Compound	CAS Number	LOR	Unit		ME2100696-006	-----	-----	-----	-----
					Result	---	---	---	---
EA055: Moisture Content (Dried @ 105-110°C)									
Moisture Content	---	1.0	%		18.2	---	---	---	---
EA200: AS 4964 - 2004 Identification of Asbestos in Soils									
Asbestos Detected	1332-21-4	0.1	g/kg		No	---	---	---	---
Asbestos (Trace)	1332-21-4	5	Fibres		No	---	---	---	---
Asbestos Type	1332-21-4	-	--		-	---	---	---	---
Sample weight (dry)	---	0.01	g		100	---	---	---	---
APPROVED IDENTIFIER:	---	-	--		A. SMYLIE	---	---	---	---
Synthetic Mineral Fibre	---	0.1	g/kg		No	---	---	---	---
Organic Fibre	---	0.1	g/kg		No	---	---	---	---
EG005(ED093): Total Metals by ICP-AES									
Arsenic	7440-38-2	5	mg/kg		14	---	---	---	---
Cadmium	7440-43-9	1	mg/kg		<1	---	---	---	---
Chromium	7440-47-3	2	mg/kg		21	---	---	---	---
Copper	7440-50-8	5	mg/kg		71	---	---	---	---
Lead	7439-92-1	5	mg/kg		10	---	---	---	---
Nickel	7440-02-0	2	mg/kg		9	---	---	---	---
Zinc	7440-66-6	5	mg/kg		54	---	---	---	---
EG035T: Total Recoverable Mercury by FIMS									
Mercury	7439-97-6	0.1	mg/kg		<0.1	---	---	---	---
EP066: Polychlorinated Biphenyls (PCB)									
Total Polychlorinated biphenyls	---	0.1	mg/kg		<0.1	---	---	---	---
EP068A: Organochlorine Pesticides (OC)									
alpha-BHC	319-84-6	0.05	mg/kg		<0.05	---	---	---	---
Hexachlorobenzene (HCB)	118-74-1	0.05	mg/kg		<0.05	---	---	---	---
beta-BHC	319-85-7	0.05	mg/kg		<0.05	---	---	---	---
gamma-BHC	58-89-9	0.05	mg/kg		<0.05	---	---	---	---
delta-BHC	319-86-8	0.05	mg/kg		<0.05	---	---	---	---
Heptachlor	76-44-8	0.05	mg/kg		<0.05	---	---	---	---
Aldrin	309-00-2	0.05	mg/kg		<0.05	---	---	---	---
Heptachlor epoxide	1024-57-3	0.05	mg/kg		<0.05	---	---	---	---
^ Total Chlordane (sum)	---	0.05	mg/kg		<0.05	---	---	---	---
trans-Chlordane	5103-74-2	0.05	mg/kg		<0.05	---	---	---	---
alpha-Endosulfan	959-98-8	0.05	mg/kg		<0.05	---	---	---	---



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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil

Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM06 from soil stockpiles combo	---	---	---	---
				Sampling date / time	22-Apr-2021 00:00	---	---	---	---
Compound	CAS Number	LOR	Unit	ME2100696-006	-----	-----	-----	-----	-----
				Result	---	---	---	---	---
EP068A: Organochlorine Pesticides (OC) - Continued									
cis-Chlordane	5103-71-9	0.05	mg/kg	<0.05	---	---	---	---	---
Dieldrin	60-57-1	0.05	mg/kg	<0.05	---	---	---	---	---
4,4'-DDE	72-55-9	0.05	mg/kg	<0.05	---	---	---	---	---
Endrin	72-20-8	0.05	mg/kg	<0.05	---	---	---	---	---
beta-Endosulfan	33213-65-9	0.05	mg/kg	<0.05	---	---	---	---	---
^ Endosulfan (sum)	115-29-7	0.05	mg/kg	<0.05	---	---	---	---	---
4,4'-DDD	72-54-8	0.05	mg/kg	<0.05	---	---	---	---	---
Endrin aldehyde	7421-93-4	0.05	mg/kg	<0.05	---	---	---	---	---
Endosulfan sulfate	1031-07-8	0.05	mg/kg	<0.05	---	---	---	---	---
4,4'-DDT	50-29-3	0.2	mg/kg	<0.2	---	---	---	---	---
Endrin ketone	53494-70-5	0.05	mg/kg	<0.05	---	---	---	---	---
Methoxychlor	72-43-5	0.2	mg/kg	<0.2	---	---	---	---	---
^ Sum of Aldrin + Dieldrin	309-00-2/60-57-1	0.05	mg/kg	<0.05	---	---	---	---	---
^ Sum of DDD + DDE + DDT	72-54-8/72-55-9/50-29-3	0.05	mg/kg	<0.05	---	---	---	---	---
EP068B: Organophosphorus Pesticides (OP)									
Dichlorvos	62-73-7	0.05	mg/kg	<0.05	---	---	---	---	---
Demeton-S-methyl	919-86-8	0.05	mg/kg	<0.05	---	---	---	---	---
Monocrotophos	6923-22-4	0.2	mg/kg	<0.2	---	---	---	---	---
Dimethoate	60-51-5	0.05	mg/kg	<0.05	---	---	---	---	---
Diazinon	333-41-5	0.05	mg/kg	<0.05	---	---	---	---	---
Chlorpyrifos-methyl	5598-13-0	0.05	mg/kg	<0.05	---	---	---	---	---
Parathion-methyl	298-00-0	0.2	mg/kg	<0.2	---	---	---	---	---
Malathion	121-75-5	0.05	mg/kg	<0.05	---	---	---	---	---
Fenthion	55-38-9	0.05	mg/kg	<0.05	---	---	---	---	---
Chlorpyrifos	2921-88-2	0.05	mg/kg	<0.05	---	---	---	---	---
Parathion	56-38-2	0.2	mg/kg	<0.2	---	---	---	---	---
Pirimphos-ethyl	23505-41-1	0.05	mg/kg	<0.05	---	---	---	---	---
Chlorfenvinphos	470-90-6	0.05	mg/kg	<0.05	---	---	---	---	---
Bromophos-ethyl	4824-78-6	0.05	mg/kg	<0.05	---	---	---	---	---
Fenamiphos	22224-92-6	0.05	mg/kg	<0.05	---	---	---	---	---
Prothiofos	34643-46-4	0.05	mg/kg	<0.05	---	---	---	---	---
Ethion	563-12-2	0.05	mg/kg	<0.05	---	---	---	---	---

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 Work Order : ME2100696
 Client : BARNSON
 Project : Soil



Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

Sample ID

				CM06 from soil stockpiles combo	---	---	---	---
				22-Apr-2021 00:00	---	---	---	---
Compound	CAS Number	LOR	Unit	ME2100696-006	-----	-----	-----	-----
				Result	---	---	---	---
EP068B: Organophosphorus Pesticides (OP) - Continued								
Carbophenothion	786-19-6	0.05	mg/kg	<0.05	---	---	---	---
Azinphos Methyl	86-50-0	0.05	mg/kg	<0.05	---	---	---	---
EP075(SIM)A: Phenolic Compounds								
Phenol	108-95-2	0.5	mg/kg	<0.5	---	---	---	---
2-Chlorophenol	95-57-8	0.5	mg/kg	<0.5	---	---	---	---
2-Methylphenol	95-48-7	0.5	mg/kg	<0.5	---	---	---	---
3- & 4-Methylphenol	1319-77-3	1	mg/kg	<1	---	---	---	---
2-Nitrophenol	88-75-5	0.5	mg/kg	<0.5	---	---	---	---
2,4-Dimethylphenol	105-67-9	0.5	mg/kg	<0.5	---	---	---	---
2,4-Dichlorophenol	120-83-2	0.5	mg/kg	<0.5	---	---	---	---
2,6-Dichlorophenol	87-65-0	0.5	mg/kg	<0.5	---	---	---	---
4-Chloro-3-methylphenol	59-50-7	0.5	mg/kg	<0.5	---	---	---	---
2,4,6-Trichlorophenol	88-06-2	0.5	mg/kg	<0.5	---	---	---	---
2,4,5-Trichlorophenol	95-95-4	0.5	mg/kg	<0.5	---	---	---	---
Pentachlorophenol	87-86-5	2	mg/kg	<2	---	---	---	---
EP075(SIM)B: Polynuclear Aromatic Hydrocarbons								
Naphthalene	91-20-3	0.5	mg/kg	<0.5	---	---	---	---
Acenaphthylene	208-96-8	0.5	mg/kg	<0.5	---	---	---	---
Acenaphthene	83-32-9	0.5	mg/kg	<0.5	---	---	---	---
Fluorene	86-73-7	0.5	mg/kg	<0.5	---	---	---	---
Phenanthrene	85-01-8	0.5	mg/kg	<0.5	---	---	---	---
Anthracene	120-12-7	0.5	mg/kg	<0.5	---	---	---	---
Fluoranthene	206-44-0	0.5	mg/kg	<0.5	---	---	---	---
Pyrene	129-00-0	0.5	mg/kg	<0.5	---	---	---	---
Benz(a)anthracene	56-55-3	0.5	mg/kg	<0.5	---	---	---	---
Chrysene	218-01-9	0.5	mg/kg	<0.5	---	---	---	---
Benzo(b+j)fluoranthene	205-99-2 205-82-3	0.5	mg/kg	<0.5	---	---	---	---
Benzo(k)fluoranthene	207-08-9	0.5	mg/kg	<0.5	---	---	---	---
Benzo(a)pyrene	50-32-8	0.5	mg/kg	<0.5	---	---	---	---
Indeno(1,2,3.cd)pyrene	193-39-5	0.5	mg/kg	<0.5	---	---	---	---
Dibenz(a,h)anthracene	53-70-3	0.5	mg/kg	<0.5	---	---	---	---
Benzo(g,h,i)perylene	191-24-2	0.5	mg/kg	<0.5	---	---	---	---
^A Sum of polycyclic aromatic hydrocarbons	---	0.5	mg/kg	<0.5	---	---	---	---



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 Project : Soil

Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM06 from soil stockpiles combo	---	---	---	---
				Sampling date / time	22-Apr-2021 00:00	---	---	---	---
Compound	CAS Number	LOR	Unit		ME2100696-006	-----	-----	-----	-----
				Result	---	---	---	---	---
EP075(SIM)B: Polynuclear Aromatic Hydrocarbons - Continued									
^ Benzo(a)pyrene TEQ (zero)	---	0.5	mg/kg		<0.5	---	---	---	---
^ Benzo(a)pyrene TEQ (half LOR)	---	0.5	mg/kg		0.6	---	---	---	---
^ Benzo(a)pyrene TEQ (LOR)	---	0.5	mg/kg		1.2	---	---	---	---
EP080/071: Total Petroleum Hydrocarbons									
C6 - C9 Fraction	---	10	mg/kg		<10	---	---	---	---
C10 - C14 Fraction	---	50	mg/kg		<50	---	---	---	---
C15 - C28 Fraction	---	100	mg/kg		<100	---	---	---	---
C29 - C36 Fraction	---	100	mg/kg		<100	---	---	---	---
^ C10 - C36 Fraction (sum)	---	50	mg/kg		<50	---	---	---	---
EP080/071: Total Recoverable Hydrocarbons - NEPM 2013 Fractions									
C6 - C10 Fraction	C6_C10	10	mg/kg		<10	---	---	---	---
^ C6 - C10 Fraction minus BTEX (F1)	C6_C10-BTEX	10	mg/kg		<10	---	---	---	---
>C10 - C16 Fraction	---	50	mg/kg		<50	---	---	---	---
>C16 - C34 Fraction	---	100	mg/kg		<100	---	---	---	---
>C34 - C40 Fraction	---	100	mg/kg		<100	---	---	---	---
^ >C10 - C40 Fraction (sum)	---	50	mg/kg		<50	---	---	---	---
^ >C10 - C16 Fraction minus Naphthalene (F2)	---	50	mg/kg		<50	---	---	---	---
EP080: BTEXN									
Benzene	71-43-2	0.2	mg/kg		<0.2	---	---	---	---
Toluene	108-88-3	0.5	mg/kg		<0.5	---	---	---	---
Ethylbenzene	100-41-4	0.5	mg/kg		<0.5	---	---	---	---
meta- & para-Xylene	108-38-3 106-42-3	0.5	mg/kg		<0.5	---	---	---	---
ortho-Xylene	95-47-6	0.5	mg/kg		<0.5	---	---	---	---
^ Sum of BTEX	---	0.2	mg/kg		<0.2	---	---	---	---
^ Total Xylenes	---	0.5	mg/kg		<0.5	---	---	---	---
Naphthalene	91-20-3	1	mg/kg		<1	---	---	---	---
EP066S: PCB Surrogate									
Decachlorobiphenyl	2051-24-3	0.1	%		70.6	---	---	---	---
EP068S: Organochlorine Pesticide Surrogate									
Dibromo-DDE	21655-73-2	0.05	%		75.7	---	---	---	---
EP068T: Organophosphorus Pesticide Surrogate									

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Analytical Results

Sub-Matrix: SOIL
 (Matrix: SOIL)

				Sample ID	CM06 from soil stockpiles combo	---	---	---	---
				Sampling date / time	22-Apr-2021 00:00	---	---	---	---
Compound	CAS Number	LOR	Unit	ME2100696-006	-----	-----	-----	-----	-----
				Result	---	---	---	---	---
EP068T: Organophosphorus Pesticide Surrogate - Continued									
DEF	78-48-8	0.05	%	120	---	---	---	---	---
EP075(SIM)S: Phenolic Compound Surrogates									
Phenol-d6	13127-88-3	0.5	%	103	---	---	---	---	---
2-Chlorophenol-D4	93951-73-6	0.5	%	98.3	---	---	---	---	---
2,4,6-Tribromophenol	118-79-6	0.5	%	104	---	---	---	---	---
EP075(SIM)T: PAH Surrogates									
2-Fluorobiphenyl	321-60-8	0.5	%	97.4	---	---	---	---	---
Anthracene-d10	1719-06-8	0.5	%	110	---	---	---	---	---
4-Terphenyl-d14	1718-51-0	0.5	%	104	---	---	---	---	---
EP080S: TPH(V)/BTEX Surrogates									
1,2-Dichloroethane-D4	17060-07-0	0.2	%	96.1	---	---	---	---	---
Toluene-D8	2037-26-5	0.2	%	85.7	---	---	---	---	---
4-Bromofluorobenzene	460-00-4	0.2	%	91.2	---	---	---	---	---

Analytical Results

Descriptive Results

Sub-Matrix: SOIL

Method: Compound	Sample ID - Sampling date / time	Analytical Results
EA200: AS 4964 - 2004 Identification of Asbestos in Soils		
EA200: Description	CM06from soil stockpiles combo - 22-Apr-2021 00:00	Mid brown soil.



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Surrogate Control Limits

Sub-Matrix: SOIL		Recovery Limits (%)	
Compound	CAS Number	Low	High
EP066S: PCB Surrogate			
Decachlorobiphenyl	2051-24-3	39	149
EP068S: Organochlorine Pesticide Surrogate			
Dibromo-DDE	21655-73-2	49	147
EP068T: Organophosphorus Pesticide Surrogate			
DEF	78-48-8	35	143
EP075(SIM)S: Phenolic Compound Surrogates			
Phenol-d6	13127-88-3	63	123
2-Chlorophenol-D4	93951-73-6	66	122
2,4,6-Tribromophenol	118-79-6	40	138
EP075(SIM)T: PAH Surrogates			
2-Fluorobiphenyl	321-60-8	70	122
Anthracene-d10	1719-06-8	66	128
4-Terphenyl-d14	1718-51-0	65	129
EP080S: TPH(V)/BTEX Surrogates			
1,2-Dichloroethane-D4	17060-07-0	73	133
Toluene-D8	2037-26-5	74	132
4-Bromofluorobenzene	460-00-4	72	130



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Inter-Laboratory Testing

Analysis conducted by ALS Newcastle, NATA accreditation no. 825, site no. 1656 (Chemistry) 9854 (Biology).

(SOIL) EA200: AS 4964 - 2004 Identification of Asbestos in Soils

Analysis conducted by ALS Sydney, NATA accreditation no. 825, site no. 10911 (Chemistry) 14913 (Biology).

(SOIL) EP068A: Organochlorine Pesticides (OC)

(SOIL) EP068B: Organophosphorus Pesticides (OP)

(SOIL) EP068T: Organophosphorus Pesticide Surrogate

(SOIL) EP068S: Organochlorine Pesticide Surrogate

(SOIL) EG005(ED093)T: Total Metals by ICP-AES

(SOIL) EA055: Moisture Content (Dried @ 105-110°C)

(SOIL) EP066: Polychlorinated Biphenyls (PCB)

(SOIL) EP066S: PCB Surrogate

(SOIL) EG035T: Total Recoverable Mercury by FIMS

(SOIL) EP080/071: Total Petroleum Hydrocarbons

(SOIL) EP080/071: Total Recoverable Hydrocarbons - NEPM 2013 Fractions

(SOIL) EP080: BTEXN

(SOIL) EP080S: TPH(V)/BTEX Surrogates

(SOIL) EP075(SIM)B: Polynuclear Aromatic Hydrocarbons

(SOIL) EP075(SIM)A: Phenolic Compounds

(SOIL) EP075(SIM)S: Phenolic Compound Surrogates

(SOIL) EP075(SIM)T: PAH Surrogates
