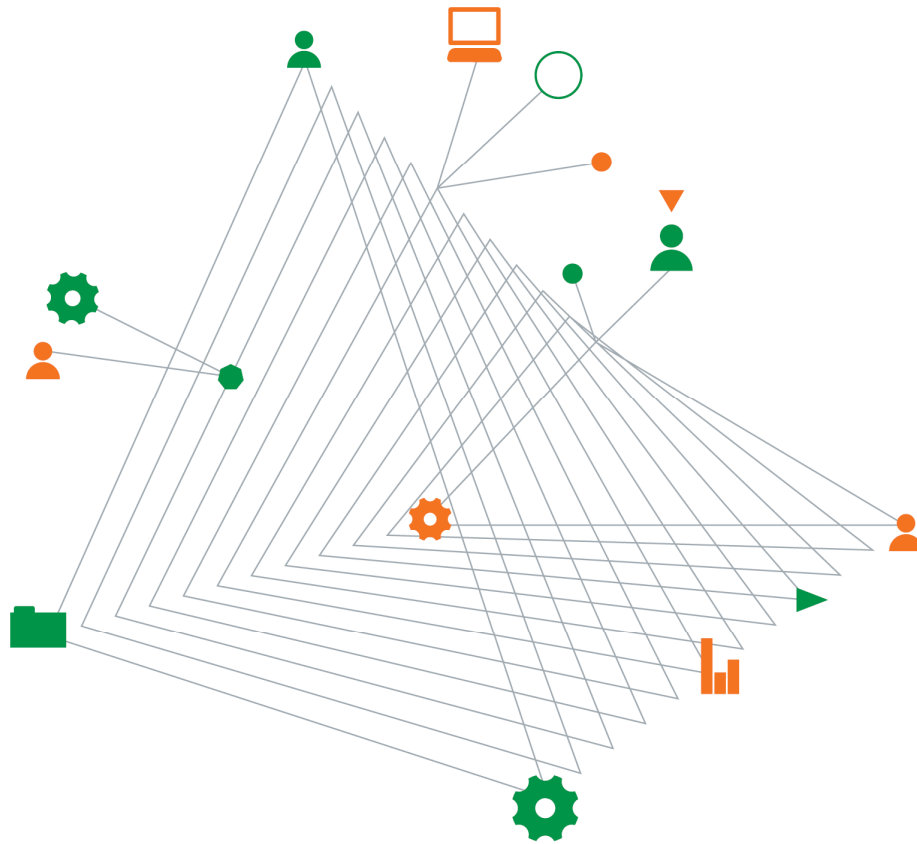


Andrew Carswell

Phase 1 Contamination Assessment

Part Lot 1 DP710456
39 Macquarie Street, Jamberoo, NSW

5 November 2014



Experience
comes to life
when it is
powered by
expertise

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Phase 1 Contamination Assessment

Prepared for
Andrew Carswell

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Executive Summary

We understand that Andrew Carswell (Andrew) made a submission to Kiama Municipal Council (Council) to amend the north-eastern portion of Lot 1 DP710456 (the site) from the current zoning (rural residential) to low density residential. The site occupies an approximate 800m² area as shown on Figure 1. Council has requested that a Phase 1 contamination assessment on this north-eastern portion is also provided to support the rezoning submission.

To assist Andrew with Council's requests, he has commissioned Coffey to undertake a Phase 1 Contamination Assessment at the site located at 39 Macquarie Street, Jamberoo NSW. The work was completed in general accordance with our proposal Ref: ENAUWOLL04194AA-P01, dated 17 October 2014. This report presents the findings of the assessment.

The scope of work developed to meet this objective included a review of site history information and a site walkover. The results of the desk study and site walkover were interpreted and assessed with respect to these objectives.

Site history information indicates that the site has been used for grazing land since at least the 1960's and has remained undeveloped since this time. The site forms part of a larger parcel of land (Lot 1) and has been progressively developed and used for dairy farming/residential activities. There were some gaps in the early site history which cannot preclude certain activities occurring or structures having been present at the site. No potentially contaminating activities were identified directly onsite, however filling activities were observed in an area west of the site. A fill mound occupying an 80m² area of variable thickness was observed. Demolition type materials were also observed at this fill area and extended to within 1m of the site's western boundary. The demolition type materials contained concrete, brick and potential ACM fragments.

Although not on the site, it cannot be precluded that some fill or demolition type materials have not extended onto the site due to its proximity to the boundary. Typically near surface soils would be impacted by these activities.

Based on the available site history information, the likelihood of these contaminating activities occurring at the site was assessed as low. Further stages of investigation are not considered necessary for the site based on information presently available, provided that demolition materials near the site is appropriately managed and is not inadvertently transported onto site.

Given the proximity of potential Asbestos Containing Materials (ACM) to the site boundary, that is, less than 1m, it is recommended that these fragments are assessed for asbestos. If asbestos is identified, the extent of potential contamination should be investigated to assess the risk it may pose to human health (if any).

It is recommended that an unexpected finds procedure be developed to manage potential contamination, should it be encountered during construction. Potential contamination may include, but not limited to, oil staining, building materials such as fibre cement, burial pits, fill, odours or discolouration.

This report must be read in conjunction with the attached "Important Information About Your Coffey Environmental Report" and the statement of limitations in Section 8 of this report.

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Abbreviations

ACM	Asbestos Containing Materials
AEC	Area of Environmental Concern
AHD	Australian Height Datum
BTEX	Benzene, Toluene, Ethylbenzene and Xylenes
COPC	Chemical of potential concern
DA / BA	Development Application / Building Application
NSW EPA	NSW Environment Protection Authority
NEPM	National Environment Protection (Assessment of Site Contamination) Measure
OC/OPP	Organochlorine / Organophosphorus Pesticides
PAH	Polycyclic Aromatic Hydrocarbons
PCB	Polychlorinated Biphenyls
POEO Act	Protection of the Environment Operations Act 1997
TRH	Total Recoverable Hydrocarbons

1. Introduction

We understand that Andrew Carswell (Andrew) made a submission to Kiama Municipal Council (Council) to amend the north-eastern portion of Lot 1 DP710456 (the site) from the current zoning (rural residential) to low density residential. The site occupies an approximate 800m² area as shown on Figure 1. Council has requested that a Phase 1 contamination assessment on this north-eastern portion is also provided to support the rezoning submission.

To assist Andrew with Council's requests, he has commissioned Coffey to undertake a Phase 1 Contamination Assessment at the site located at 39 Macquarie Street, Jamberoo NSW. The work was completed in general accordance with our proposal Ref: ENAUWOLL04194AA-P01, dated 17 October 2014. This report presents the findings of the assessment.

The objectives of the assessment were to assess the potential for contamination to be present, at a preliminary level, on the site from previous site activities with respect to its proposed land use and provide recommendations on the need for further stages of assessment (if required).

2. Scope of works

The work carried out by Coffey to meet the above objectives included:

- Review of published information (e.g. topographic, soil landscape and geological maps) and previous reports;
- Specific information reviewed for assessing the likelihood of potential contamination to exist at the site included review of: historical title records, aerial photographs, Council planning records (including current Section 149 certificate), a search of the NSW EPA contaminated land and Protection of the Environment Operations (POEO) Act Public Register
- registers and search for registered groundwater bores, holding interviews with persons familiar with the history of the site;
- A site visit to visually assess potential sources of contamination, observe surrounding land uses, topography, drainage and nearby sensitive environments, to understand potential areas of environmental concern (AECs) and chemicals of potential concern (COPC); and
- Preparation of this report summarising results of the desk study and site visit and making conclusions and recommendations with respect to the objectives outlined in Section 1.

The above methodology is in general accordance with the guidance provided by NSW EPA (2000): 'Guidelines for Consultants Reporting on Contaminated Sites'.

3. Site location and land use

3.1. Site location

The site identification information and surrounding land uses are summarised in **Table 1**. The site locality, site layout and general surrounding land uses are shown in Figure 1.

Table 1: Summary of site identification information

Street Address	39 Macquarie Street, Jamberoo NSW	
Title Identifiers	Part of Lot 1 DP 710456	
Area (approximate)	800m ² (20m street frontage east to west, 40m length north to south)	
Local Government Area	Kiama Municipal Council	
Parish	Kiama	
County	Camden	
Current Zoning	Rural residential	
Proposed Site Use	Low density residential	
Current Owner(s)	Andrew Carswell	
Current Site Use(s)	The site is currently vacant rural land.	
Surrounding Land Use	East & West	Residential properties
	North	Macquarie Street and residential beyond
	South	Hobby farm activities (vegetable patch, orchard and bee hive) on Lot 1 and vacant pastureland beyond.

3.2. Topography and drainage

A review of the 1:25,000 Kiama topographical map (Central Mapping Authority, 1985) indicates the site lies at an elevation between 40m and 50m above Australian Height Datum (AHD). The site is situated on the northern slopes of a ridgeline and slopes down towards the north and north-west. During the site walkover, site slopes were observed to be north-north-east (refer to Section 5). Surface water runoff is expected to flow in a northerly direction towards the closest watercourse, Hyams Creek approximately 300m north of site.

3.3. Soil landscape

Reference to the Soil Conservation Service of NSW (1990) Kiama 1:100,000 Soil Landscape Series Sheet (9029-9129) indicates that the Site is located within the 'Depositional Terrain – Fountindale' soil landscape grouping. The landscape is described as rolling low hills with long side slopes on Budgong Sandstone in the Jamberoo Valley. Relief 40-80m. Slopes <20%. Extensively cleared with scattered stands of tall open-forest and closed-forest.

3.4. Local geology, regional hydrogeology and groundwater usage

The Kiama, NSW 1:50,000 Geological Sheet 9028-1 (1974) indicates that the site is underlain by the Berry Siltstone. The Berry Siltstone is described as 'mid-grey to dark-grey siltstone to fine sandstone.'

Groundwater levels on-site are unknown and are expected to occur at depths greater than 10m based on the site locality near the crest of a hill.

The NSW Office of Water provides information to a website listed as www.nratlas.nsw.gov.au/wmc with search tools that provide summary reports on registered bores in NSW. Coffey carried out a search of registered bores on this website on the 17 October 2014. The results of this search indicated that there were two registered bores down gradient and within a 500m radius of the Site.

The details of these groundwater bores are summarised in **Table 2**. Bore search results are included in Appendix A. No work summary sheets were available for these groundwater bores.

Table 2: Summary of identified groundwater bore attribute information

Bore Number	Construction Date	Depth of Bore (m)	Purpose	Static Water Level	Location
GW013984.1.1	1958	17m	Irrigation	unknown	400m to the north-west
GW109193.1.1	2008	30m	Irrigation	unknown	500m to the north

4. Site history

4.1. Site history data sources

Information on the Site history was obtained from:

- Review of selected historical aerial photographs;
- A search of NSW EPA register for listings of the Site and nearby Sites;
- A historical land title search to review previous landowners and possible past uses of the Site;
- Interviews with available people familiar with the history and operations of the Site; and
- A review of Kiama Municipal Council records and planning certificates.

The Site history information is presented in Appendix B to F and a summary is provided below.

Based on other site history information, the likelihood underground or above ground storage present onsite was considered low and therefore a search of dangerous goods licenses held by WorkCover was not considered necessary.

4.2. Aerial photographs

Four aerial photographs were requested from NSW Government Land and Property Information service and covered a period between 1949 and 1993. Aerial imagery between 2006 and 2014 was reviewed on Google Earth software and showed the site had remained relatively unchanged during that time period. **Table 3** presents a summary of observations made during the review. Aerial photographs (1949 to 2006) are also presented in Appendix B.

Table 3: Summary of historical aerial photographs

Image Date	Onsite Observations	Offsite Observations
1949	The site appears to be vacant cleared land possibly used for grazing.	Vacant grazing land. There appears to be some mature trees to the west and a light rectangular structure (possible dwelling) on the property to the north.
1963	The site appears to have some trees growing over it.	Minnamurra Lane is now apparent to the north of the site.
1979	The site is now obscured by what appears to be dense tree cover.	Macquarie Street is now apparent to the north of the site.
1993	Some of the trees previously observed appear to have been removed.	The properties to the east now have some buildings and an access road (an extension of Macquarie Street).
2006 to 2014 (DigitalGlobe 2014, viewed on Google Earth)	The site appears to be vacant cleared land with some scattered trees near the site boundaries.	There appears to be some buildings on surrounding properties to the north and east, and in other areas of Lot 1 to the south and west.

4.3. NSW EPA records

There are currently no notices on the NSW EPA contaminated land record which relate to this site or nearby surrounding properties. A surrendered POEO licence applying to Jamberoo Sewerage Scheme was listed under the Protection of the Environment Operations Act 1997 public register. The works undertaken as part of this scheme is not considered significant in the context of this assessment. NSW EPA documentation is presented in Appendix C.

4.4. Land titles search

A titles search was undertaken with Advance Legal Searchers Pty Ltd for the property of No. 39 Macquarie Avenue, Jamberoo. A review of this information indicated the site has passed ownership several times since 1912 and current site owners are Anna Louise Carswell, who commenced ownership in 2014. The site was previously owned by individuals of various occupations including a dairy farmer until 1939. Miltonbrook Developments Pty Ltd owned the site between 1987 and 1988.

Land title search results are included in Appendix D.

4.5. Review of Council records

We attended Kiama Municipal Council to review available Council records and planning certificates for the property Lot 1 DP710456. The records included several Development Applications / Building Applications ranging between 1993 to 2002 and applied to offsite building structures located on other areas of Lot 1. The records indicated that these offsite buildings were mainly constructed from brick and metal materials. Council did not provide records earlier than 1993 for this site and a survey plan at this time shows the site being vacant unused land with contours steeply sloping down to the north-north-east. A photocopy of the 1993 survey plan is included in Appendix E.

The planning certificate for the site (under Section 149 of the Environmental Planning and Assessment Act, 1979) indicates the site is not subject to any notifications under the Contaminated Land Management Act 1997. The Section 149 planning certificate is presented in Appendix F.

4.6. Site interview information

Interviews were carried out with Mr Lionel Sawtell (former site owner) and Mr Steve Marsh resident at a neighbouring property.

Mr Sawtell had been involved with the site for 20 years. Mr Sawtell bought the property at Lot 1 DP710456 when it was vacant land and constructed several buildings before selling in 2013. These buildings, located offsite in other areas of Lot 1, were constructed from non-hazardous materials. Mr Sawtell noted that some offsite soils were excavated to form a drainage channel and to bury a horse. The fill soils generated from these excavations were mainly placed on the west side of the horse paddock access gate. He indicated that 'not much' soil was moved within the paddock area. Based on Mr Sawtell's description of the extent of soil movement and our site observations (refer to Section 5), it is considered unlikely that soils were moved within the site boundary. Prior to owning the property, Mr Sawtell was not aware of any development on the property. The site was apparently used as a horse paddock, and had also planted some trees and erected fencing. The remainder of the property (Lot 1) was used for cattle breeding and grazing.

Mr Steve Marsh lived next to the site for 18 years and had apparently built the structures now occupying offsite areas within Lot 1. No asbestos materials were used or fill imported to the property. Mr Marsh indicated that Lot 1 was previously owned by Dairy Farmers which ceased operations in the 1960s. Mr Marsh indicated that there were no previous structures within the site boundary.

Mr Marsh noted there was a concrete slab west of the site within Lot 1 and was associated with a former dairy shed. Mr Sawtell was not aware of this concrete slab being on his property at the time of purchase.

4.7. Summary of desktop site history review

The following is a summary of the history of the site:

- Up until the 1960s, the site was used by dairy farmers. The site was likely to have been used for grazing activities associated with a local dairy farm.
- Between 1960 and 1993, the site remained vacant cleared land, and potentially used for grazing livestock. The surrounding land uses are generally residential dwellings with some paddocks used for cattle grazing.
- Between 1993 and 2013, the site was used as a horse paddock. Several buildings were constructed in offsite areas within Lot 1 during this period.

4.8. Integrity assessment of historical data

The sources of historical data mainly relied upon for this assessment includes council records, titles searches and site interviews. Aerial photographs between 1949 and 1993 were limited in resolution and partially obstructed by large trees near the site. Other aerial photographs after this period were of better resolution and the site was not obscured by vegetation.

A dangerous goods search was not undertaken. Coffey considers that there is a low likelihood for storage of potential harmful chemicals (and associated storage facilities) based on the site history of rural land use.

The observations made during the walkover were generally consistent with the records provided by third parties (Refer to Section 5).

5. Site observations

A Coffey environmental engineer visited the site on 27 October 2014 to make observations of the site and surrounding features. The site layout and relevant site features observed are shown in Figure 1.

The site was a vacant grassed paddock in the north-eastern corner of Lot 1. The site was defined by fenced lot boundaries to the north, east and south, and an inferred boundary to the west, based on a tape measurement of 20m from the south-eastern corner (Photo 1).

The site was situated on steep northern slopes of a hill with the crest approximately 50m further to the south. Site terrain was even and sloped down to the north-north-east towards Macquarie Street. An open drainage channel was observed to the west of the site within Lot 1 and appeared to direct surface water flows towards the site.

There was no evidence of fill deposits onsite. A cutting was observed between the street and the northern site boundary, suggesting the site was at natural ground level. An area occupying about 80m² of uneven ground immediately west of the site was observed. The area to the west of the paddock access gate appeared to be a mound of varying thickness (up to 0.5m) higher than surrounding areas. The mound may be a localised fill mound derived from the excavation of the drainage channel or from another unknown source (Photo 3). An area of disturbed surface soils was observed up to 5m east of the paddock gate (i.e. offsite) and appeared to have fragments of demolition type materials including potential asbestos containing materials (ACM), concrete and brick (example in Photo 4). Based on site boundaries as indicated by Andrew Carswell during the site walkover, demolition materials did not extend onto the site (Photo 2). The closest potential ACM fragments were observed within 1m of the inferred western site boundary, however the majority of fragments were observed between 5m and 10m west of the site.

Residential brick dwellings were observed on properties to the north and east of the site, and within Lot 1 to the west of the site. Two steel sheds were also observed to the south and west of the site within Lot 1. A septic system was observed to the west of the site near to the residential dwelling on Lot 1.



Photo 1: Panorama looking across site from south-east corner of the site

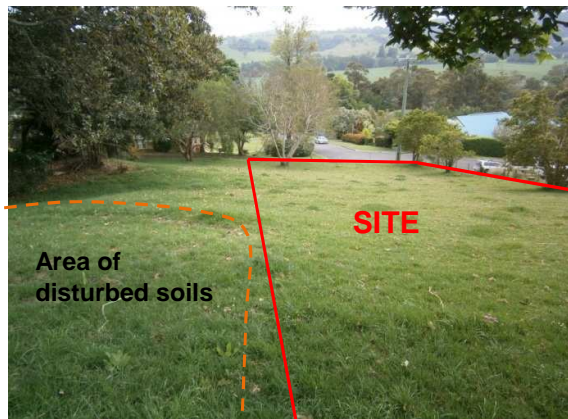


Photo 2: Area of disturbed soils with respect to site

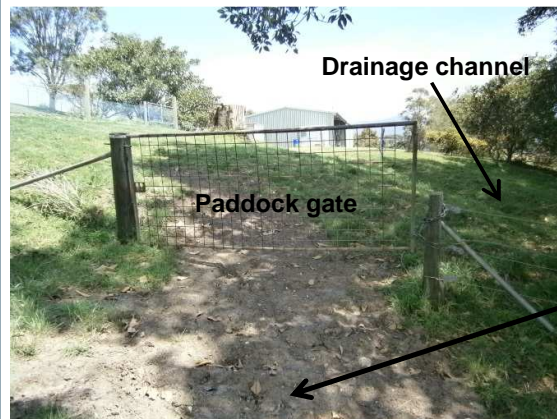


Photo 3: Fill soils around paddock access gate



Photo 4: Potential ACM fragment close-up

6. Potential areas of environmental concern and chemicals of potential concern

Site history information and observations indicated that site activities have generally been associated with grazing and the site has remained undeveloped. There is some evidence of filling in the area west of the site around the front gate and demolition type materials were observed. Although not on the site, it cannot be precluded that some fill or demolition type materials have not extended onto the site. Typically near surface soils would be impacted by these activities. Given the proximity of these activities to the site, they are considered Areas of Environmental Concern (AECs).

Contaminants of potential concern (COPC) associated with these AECs include:

- For fill materials can be petroleum hydrocarbons¹, pesticides², Polychlorinated Biphenyls (PCBs), heavy metals³ and asbestos.
- For demolition type materials heavy metals (particularly lead and zinc) and asbestos

Based on site history and observation, the likelihood of these activities contaminating the site area considered low.

¹ Petroleum hydrocarbons: Total Recoverable Hydrocarbons (TRH), Benzene, Toluene, Ethylbenzene, Xylenes (BTEX), Polycyclic Aromatic Hydrocarbons (PAHs)

² Pesticides: Organochlorine Pesticide (OCP), Organophosphorus (OPP)

³ Heavy metals: arsenic, chromium, copper, cadmium, nickel, lead, zinc, mercury

7. Conclusions and recommendations

Site history information indicates that the site has been used for grazing land since at least the 1960's and has remained undeveloped since this time. The site forms part of a larger parcel of land (Lot 1) and has been progressively developed and used for dairy farming/residential activities. There were some gaps in the early site history which cannot preclude certain activities occurring or structures having been present at the site. No potentially contaminating activities were identified directly onsite, however filling activities were observed in an area west of the site. A fill mound occupying an 80m² area of variable thickness was observed. Demolition type materials were also observed at this fill area and extended to within 1m of the site's western boundary. The demolition type materials contained concrete, brick and potential ACM fragments.

Although not on the site, it cannot be precluded that some fill or demolition type materials have not extended onto the site due to its proximity to the boundary. Typically near surface soils would be impacted by these activities.

Based on the available site history information, the likelihood of these contaminating activities occurring at the site was assessed as low. Further stages of investigation are not considered necessary for the site based on information presently available, provided that demolition materials near the site is appropriately managed and is not inadvertently transported onto site.

Given the proximity of potential Asbestos Containing Materials (ACM) to the site boundary, that is, less than 1m, it is recommended that these fragments are assessed for asbestos. If asbestos is identified, the extent of potential contamination should be investigated to assess the risk it may pose to human health (if any).

It is recommended that an unexpected finds procedure be developed to manage potential contamination, should it be encountered during construction. Potential contamination may include, but not limited to, oil staining, building materials such as fibre cement, burial pits, fill, odours or discolouration.

8. Limitations

Limited information is available on the extent and quality of fill imported to other areas of Lot 1. Although we did not observe ACM fragments within the site boundary, we cannot preclude that there is potential for ACM to exist onsite beneath the grass cover. Allowances for uncertainties and potential unexpected finds should be made during planning and development phases.

It is the nature of contaminated site investigations that the degree of variability in site conditions cannot be known completely and no sampling and analysis program can eliminate all uncertainty concerning the condition of the site. Professional judgement must be exercised in the collection and interpretation of the data.

In preparing this report, current guidelines for assessment and management of contaminated land were followed. This work has been conducted in good faith in accordance with Coffey's understanding of the client's brief and general accepted practice for environmental consulting.

This report was prepared for Andrew Carswell based on the objective and scope of work list in Section 1 and Section 2. No warranty, expressed or implied, is made as to the information and professional advice included in this report. Anyone using this document does so at their own risk and should satisfy themselves concerning its applicability and, where necessary, should seek expert advice in relation to the particular situation.

The attached document entitled "Important information about your Coffey environmental report" presents additional information about the uses and limitations of this report.

9. References

1. **Central Mapping Authority of NSW (1985)** Kiama 1:25,000 Topographic Map 9028-1-S, Second Edition.
2. **DigitalGlobe 2014**, aerial imagery viewed on Google Maps™, accessed 29/10/2014
3. **Geological Survey of NSW, Department of Mineral Resources (1974)** 1:100,000 Kiama Geological Series Sheet 9028-1, First Edition.
4. **Land and Property Information (2014)**, Spatial Information Exchange, online map; <http://maps.six.nsw.gov.au/#> , accessed 04/11/2014
5. **NEPC (1999 amended 2013)** *National Environmental Protection (Assessment of Site Contamination) Measure 1999*, as amended in 2013, National Environment Protection Council.
6. **NSW EPA (1995)** *Sampling Design Guidelines*. ISBN 0-7310-3756-1.
7. **NSW EPA (2014)** Contaminated sites database, online; <http://www.epa.nsw.gov.au/clm/publiclist.htm> accessed 4/11/14
8. **NSW EPA (2014)** POEO public register, online; <http://www.epa.nsw.gov.au/prpoeo/index.htm> accessed 4/11/14
9. **NSW DEC (2006)** *Guidelines for the NSW Site Auditor Scheme*. ISBN 0-7313 0177 3
10. **NSW OEH (2011)**. *Guidelines for Consultants Reporting on Contaminated Sites*. New South Wales Office of Environment and Heritage.
11. **NSW OEH (2014)** Heritage database, online: <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>
12. **Soil Conservation Service of NSW, Department of Lands NSW (1990)** Kiama – Soil Landscape Series Sheet 9028.

Important information about your **Coffey** Environmental Report

Introduction

This report has been prepared by Coffey for you, as Coffey's client, in accordance with our agreed purpose, scope, schedule and budget.

The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared, and the opinions, recommendations and conclusions set out in the report are made in accordance with generally accepted principles and practices of that profession.

The report is based on information gained from environmental conditions (including assessment of some or all of soil, groundwater, vapour and surface water) and supplemented by reported data of the local area and professional experience. Assessment has been scoped with consideration to industry standards, regulations, guidelines and your specific requirements, including budget and timing. The characterisation of site conditions is an interpretation of information collected during assessment, in accordance with industry practice,

This interpretation is not a complete description of all material on or in the vicinity of the site, due to the inherent variation in spatial and temporal patterns of contaminant presence and impact in the natural environment. Coffey may have also relied on data and other information provided by you and other qualified individuals in preparing this report. Coffey has not verified the accuracy or completeness of such data or information except as otherwise stated in the report. For these reasons the report must be regarded as interpretative, in accordance with industry standards and practice, rather than being a definitive record.

Your report has been written for a specific purpose

Your report has been developed for a specific purpose as agreed by us and applies only to the site or area investigated. Unless otherwise stated in the report, this report cannot be applied to an adjacent site or area, nor can it be used when the nature of the specific purpose changes from that which we agreed.

For each purpose, a tailored approach to the assessment of potential soil and groundwater contamination is required. In most cases, a key objective is to identify, and if possible quantify, risks that both recognised and potential contamination pose in the context of the agreed purpose. Such risks may be financial (for example, clean up costs or constraints on site use) and/or physical (for example, potential health risks to users of the site or the general public).

Limitations of the Report

The work was conducted, and the report has been prepared, in response to an agreed purpose and scope, within time and budgetary constraints, and in reliance on certain data and information made available to Coffey.

The analyses, evaluations, opinions and conclusions presented in this report are based on that purpose and scope, requirements, data or information, and they could change if such requirements or data are inaccurate or incomplete.

This report is valid as of the date of preparation. The condition of the site (including subsurface conditions) and extent or nature of contamination or other environmental hazards can change over time, as a result of either natural processes or human influence. Coffey should be kept apprised of any such events and should be consulted for further investigations if any changes are noted, particularly during construction activities where excavations often reveal subsurface conditions.

In addition, advancements in professional practice regarding contaminated land and changes in applicable statutes and/or guidelines may affect the validity of this report. Consequently, the currency of conclusions and recommendations in this report should be verified if you propose to use this report more than 6 months after its date of issue.

The report does not include the evaluation or assessment of potential geotechnical engineering constraints of the site.

Interpretation of factual data

Environmental site assessments identify actual conditions only at those points where samples are taken and on the date collected. Data derived from indirect field measurements, and sometimes other reports on the site, are interpreted by geologists, engineers or scientists to provide an opinion about overall site conditions, their likely impact with respect to the report purpose and recommended actions.

Variations in soil and groundwater conditions may occur between test or sample locations and actual conditions may differ from those inferred to exist. No environmental assessment program, no matter how comprehensive, can reveal all subsurface details and anomalies. Similarly, no professional, no matter how well qualified, can reveal what is hidden by earth, rock or changed through time.

The actual interface between different materials may be far more gradual or abrupt than assumed based on the facts obtained. Nothing can be done to change the actual site conditions which exist, but

steps can be taken to reduce the impact of unexpected conditions.

For this reason, parties involved with land acquisition, management and/or redevelopment should retain the services of a suitably qualified and experienced environmental consultant through the development and use of the site to identify variances, conduct additional tests if required, and recommend solutions to unexpected conditions or other unrecognised features encountered on site. Coffey would be pleased to assist with any investigation or advice in such circumstances.

Recommendations in this report

This report assumes, in accordance with industry practice, that the site conditions recognised through discrete sampling are representative of actual conditions throughout the investigation area. Recommendations are based on the resulting interpretation.

Should further data be obtained that differs from the data on which the report recommendations are based (such as through excavation or other additional assessment), then the recommendations would need to be reviewed and may need to be revised.

Report for benefit of client

Unless otherwise agreed between us, the report has been prepared for your benefit and no other party. Other parties should not rely upon the report or the accuracy or completeness of any recommendation and should make their own enquiries and obtain independent advice in relation to such matters.

Coffey assumes no responsibility and will not be liable to any other person or organisation for, or in relation to, any matter dealt with or conclusions expressed in the report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in the report.

To avoid misuse of the information presented in your report, we recommend that Coffey be consulted before the report is provided to another party who may not be familiar with the background and the purpose of the report. In particular, an environmental disclosure report for a property vendor may not be suitable for satisfying the needs of that property's purchaser. This report should not be applied for any purpose other than that stated in the report.

Interpretation by other professionals

Costly problems can occur when other professionals develop their plans based on misinterpretations of a report. To help avoid misinterpretations, a suitably qualified and experienced environmental consultant should be retained to explain the implications of the report to other professionals referring to the report and then review plans and specifications produced to see how other professionals have incorporated the report findings.

Given Coffey prepared the report and has familiarity with the site, Coffey is well placed to provide such

assistance. If another party is engaged to interpret the recommendations of the report, there is a risk that the contents of the report may be misinterpreted and Coffey disowns any responsibility for such misinterpretation.

Data should not be separated from the report

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way. Logs, figures, laboratory data, drawings, etc. are customarily included in our reports and are developed by scientists or engineers based on their interpretation of field logs, field testing and laboratory evaluation of samples. This information should not under any circumstances be redrawn for inclusion in other documents or separated from the report in any way.

This report should be reproduced in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties.

Responsibility

Environmental reporting relies on interpretation of factual information using professional judgement and opinion and has a level of uncertainty attached to it, which is much less exact than other design disciplines. This has often resulted in claims being lodged against consultants, which are unfounded. As noted earlier, the recommendations and findings set out in this report should only be regarded as interpretive and should not be taken as accurate and complete information about all environmental media at all depths and locations across the site.

Figures

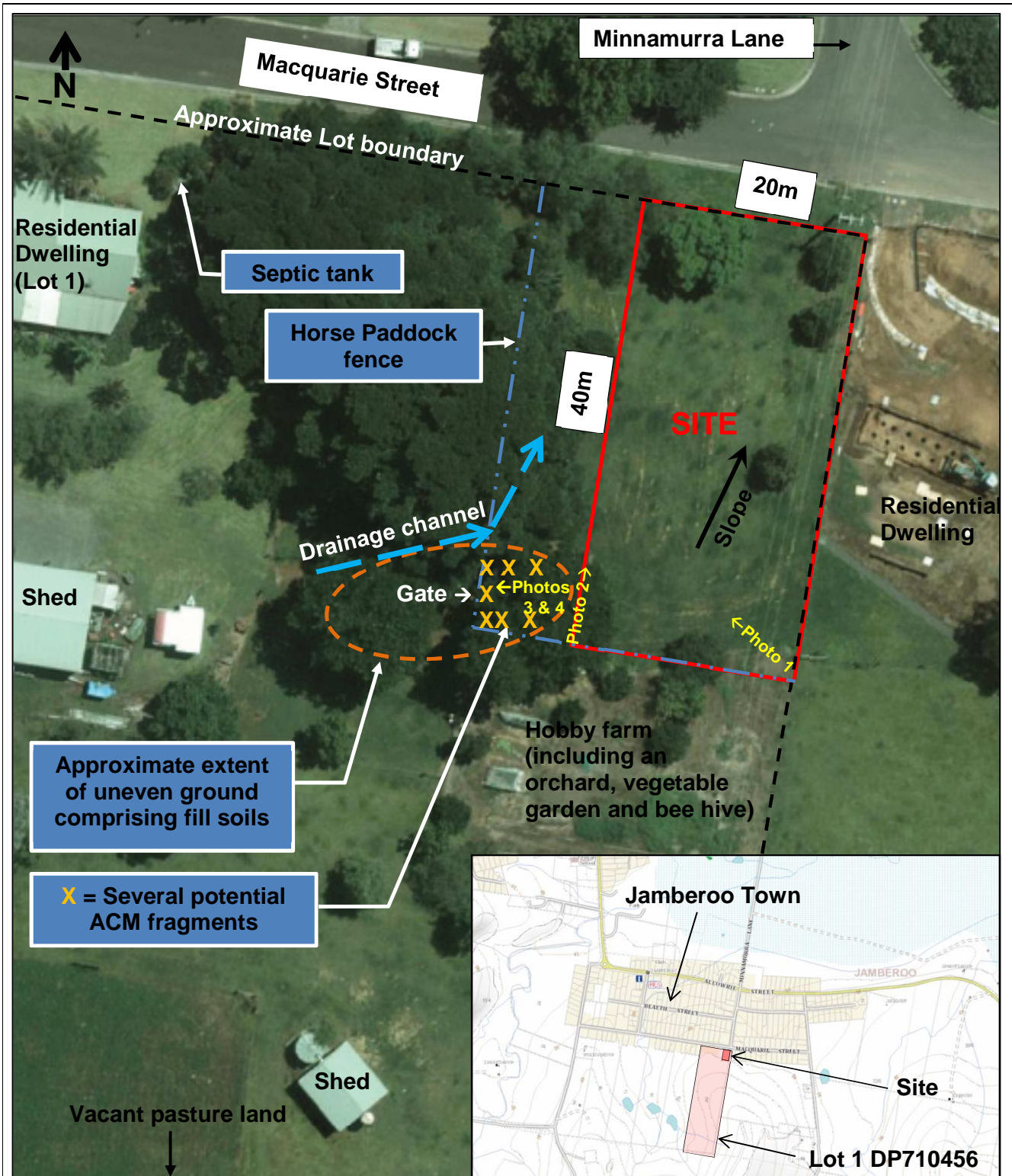



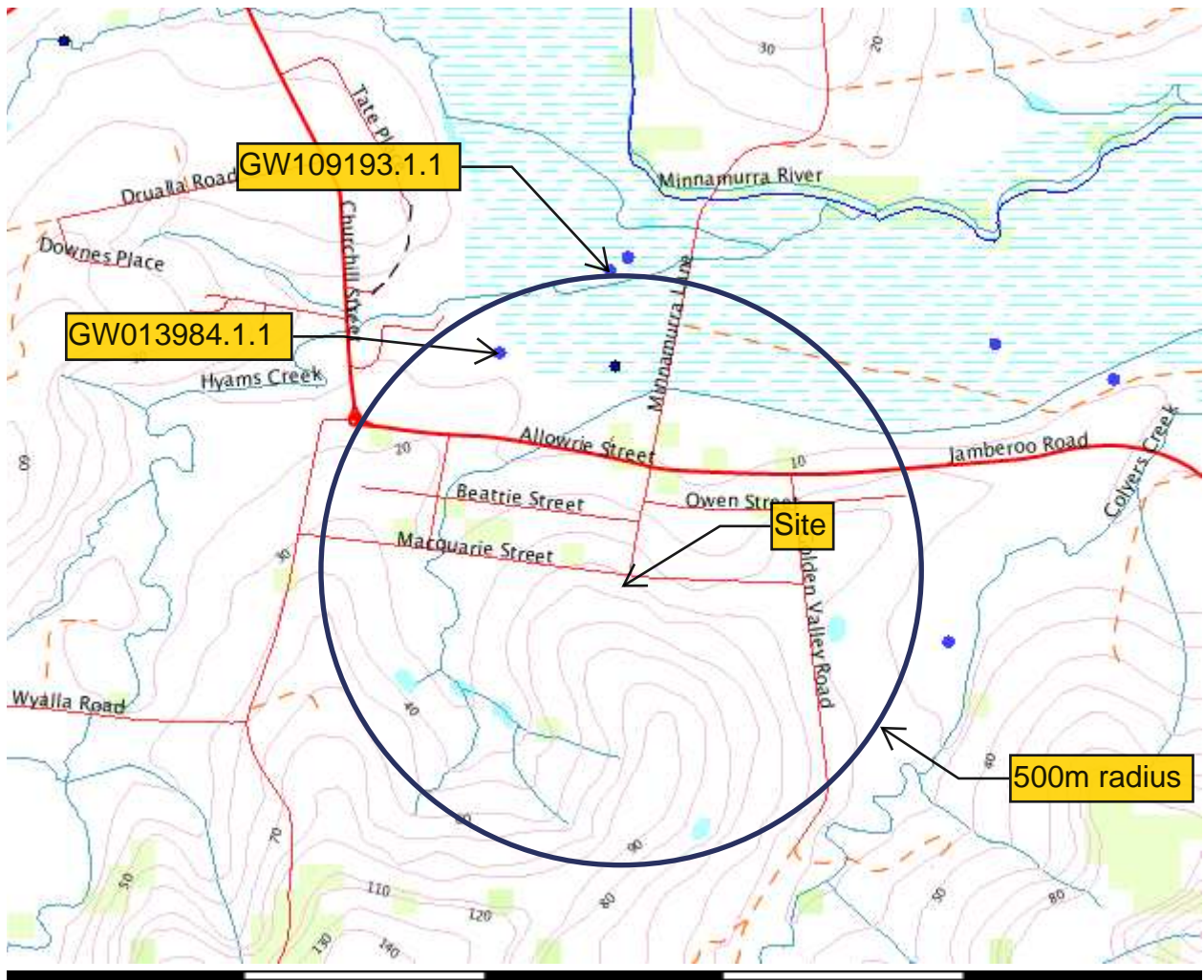
Image Reference: © Land and Property Information 2014

drawn	AJW		client:	ANDREW CARSWELL		
approved	CCQ		project:	PHASE 1 CONTAMINATION ASSESSMENT PART LOT 1 DP710456, 39 MACQUARIE STREET JAMBEROO, NSW		
date	5/11/14		title:	SITE LOCALITY AND LAYOUT PLAN SHOWING SITE FEATURES		
scale	Not to scale		project no:	ENAUWOLL04194AA-R01	figure no:	FIGURE 1
original size	A4					

Appendix A - Groundwater bore search

Search of nearby Groundwater Bores

Map created with NSW Natural Resource Atlas - <http://nratlas.nsw.gov.au>
 Friday, October 17, 2014



0 2 Km

Legend


Symbol	Layer	Custodian
	Cities and large towns	renderImage: Cannot build image from features
	Populated places	renderImage: Cannot build image from features
	Towns	
	Groundwater Bores	
	Catchment Management Authority boundaries	
	Major rivers	
	Topographic base map	



Copyright © 2014 New South Wales Government. Map has been compiled from various sources and may contain errors or omissions. No representation is made as to its accuracy or suitability.

Appendix B - Aerial photographs



LEGEND
 = Approximate site location

drawn	AJW
approved	CCQ
date	4/11/2014
scale	NTS
original size	A4



client:	Andrew Carswell	
project:	Phase 1 Contamination Assessment Part of Lot 1 DP710456 39 Macquarie Street, Jamberoo NSW	
title:	Historical Aerial Photograph - 1949	
project no:	ENAUWOLL04191AA-R01	figure no: Appendix B-1



LEGEND

 = Approximate site location

drawn	AJW
approved	CCQ
date	4/11/2014
scale	NTS
original size	A4



client:	Andrew Carswell	
project:	Phase 1 Contamination Assessment Part of Lot 1 DP710456 39 Macquarie Street, Jamberoo NSW	
title:	Historical Aerial Photograph - 1963	
project no:	ENAUWOLL04191AA-R01	figure no: Appendix B-2



LEGEND

 = Approximate site location

drawn	AJW
approved	CCQ
date	4/11/2014
scale	NTS
original size	A4



client:	Andrew Carswell	
project:	Phase 1 Contamination Assessment Part of Lot 1 DP710456 39 Macquarie Street, Jamberoo NSW	
title:	Historical Aerial Photograph - 1979	
project no:	ENAUWOLL04191AA-R01	figure no: Appendix B-3



LEGEND

 = Approximate site location

drawn	AJW
approved	CCQ
date	4/11/2014
scale	NTS
original size	A4



client:	Andrew Carswell	
project:	Phase 1 Contamination Assessment Part of Lot 1 DP710456 39 Macquarie Street, Jamberoo NSW	
title:	Historical Aerial Photograph - 1993	
project no:	ENAUWOLL04191AA-R01	figure no: Appendix B-4



Google earth



Image Reference: DigitalGlobe 2014, as viewed on Google Earth, accessed 29/10/2014

LEGEND

 = Approximate site location

drawn	AJW
approved	CCQ
date	4/11/2014
scale	NTS
original size	A4



client:	Andrew Carswell	
project:	Phase 1 Contamination Assessment Part of Lot 1 DP710456 39 Macquarie Street, Jamberoo NSW	
title:	Historical Aerial Photograph - 2006	
project no:	ENAUWOLL04191AA-R01	figure no: Appendix B-5

Appendix C - NSW EPA records



Healthy Environment, Healthy Community, Healthy Business

[Home](#) > [Contaminated land](#) > [Record of notices](#)

Search results

Your search for: LGA: Kiama Municipal Council

did not find any records in our database.

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

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

More information about particular sites may be available from:

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

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

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

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

[Search Again](#)

[Refine Search](#)

Search TIP

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

... [more search tips](#)

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17 October 2014

List of NSW Contaminated Sites Notified to EPA as of 2 October 2014

Background

In response to 2008 amendments to the *Contaminated Land Management Act 1997* (CLM Act) clarifying the Section 60 duty to report contaminated sites, the Environment Protection Authority (EPA) has received 1,098 notifications (as 2 October 2014) from owners or occupiers of sites where they believe the site is contaminated.

A strategy to systematically assess, prioritise and respond to these notifications has been developed by the EPA. This strategy acknowledges the EPA's obligations to make information available to the public under *Government Information (Public Access) Act 2009*.

When a site is notified to the EPA, it may be accompanied by detailed site reports where the owner has been proactive in addressing the contamination and its source. However, often there is minimal information on the nature or extent of the contamination.

For some notifications, the information indicates the contamination is securely immobilised within the site, such as under a building or carpark, and is not currently causing any offsite consequences to the community or environment. Such sites would still need to be cleaned up, but this could be done in conjunction with any subsequent building or redevelopment of the land. These sites may not require intervention under the CLM Act, but could be dealt with through the planning and development consent process.

Where indications are that the nominated site is causing actual harm to the environment or an unacceptable offsite impact (i.e. it is a "significantly contaminated site"), the EPA would apply the regulatory provisions of the CLM Act to have the responsible polluter and/or landowner investigate and remediate the site.

As such, the sites notified to the EPA and presented in the following table are at various stages of the assessment and/or remediation process. Understanding the nature of the underlying contamination, its implications and implementing a remediation program where required, can take a considerable period of time. The tables provide an indication, in relation to each nominated site, as to the management status of that particular site. Further detailed information may be available from the EPA or the responsible landowner.

The following questions and answers may assist those interested in this issue:

Frequently asked questions

What is the difference between the "List of NSW Contaminated Sites Notified to the EPA" and the "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*.

The sites appearing on this “List of NSW contaminated sites notified to the EPA” indicate that the notifiers consider that the sites are contaminated and warrant reporting to the EPA. However, the contamination may or may not be significant enough to warrant regulation by the EPA. The EPA needs to review and, if necessary, obtain more information before it can make a determination as to whether the site warrants regulation.

Why my site appears on the list?

Your site appears on the list because of one or more of the following reasons:

- The site owner and/or the person partly or fully responsible for causing the contamination notified to the EPA about the contamination under Section 60 of the *Contaminated Land Management Act 1997*. In other words, the site owner or the “polluter” believes the site is contaminated.
- The EPA has been notified via other means and is satisfied that the site is or was contaminated.

Does the list contain all contaminated sites in NSW?

No. The list only contains contaminated sites that the EPA is aware of, with regard to its regulatory role under the CLM Act. An absence of a site from the list does not necessarily imply the site is not contaminated.

The EPA relies upon responsible parties to notify contaminated sites.

How are these notified contaminated sites managed by the EPA?

There are different ways that the EPA manages these notified contaminated sites. First, an initial assessment is carried out by the EPA. At the completion of the initial assessment, the EPA may take one or more than one of the following management approaches:

- The contamination warrants the EPA’s direct regulatory intervention either under the *Contaminated Land Management Act 1997* or the *Protection of the Environment Operations Act 1997* (POEO Act), or both. Information about current or past regulatory action on this site can be found on EPA website.
- The contamination with respect to the current use or approved use of the site, as defined under the *Contaminated Land Management Act 1997*, is not significant enough that it warrants EPA regulation.
- The contamination does not require EPA regulation and can be managed by a planning approval process.
- The contamination is related to an operational Underground Petroleum Storage System, such as a service station or fuel depot. The contamination may be managed under the POEO Act and the Protection of the Environment Operation (Underground Petroleum Storage Systems) Regulation 2008.
- The contamination is being managed under a specifically tailored program operated by another agency (for example the Department of Industry and Investment’s *Derelict Mines Program*).

I am the owner of a site that appears on the list. What should I do?

First of all, you should ensure the current use of the site is compatible with the site contamination. Secondly, if the site is the subject of EPA regulation, make sure you comply with the regulatory requirements, and you have considered your obligations to notify other parties who may be affected.

If you have any concerns, contact us and we may be able to offer you general advice, or direct you to accredited professionals who can assist with specific issues.

I am a prospective buyer of a site that appears on the list. What should I do?

You should seek advice from the vendor to put the contamination issue into perspective. You may need to seek independent expert advice.

The information provided in the list, particularly the EPA Site Management Class, is meant to be indicative only, and a starting point for your own assessment. Site contamination as a legacy of past site uses is not uncommon, particularly in an urbanised environment. If the contamination on a site is properly remediated or managed, it may not materially impact upon the intended future use of the site. However, each site needs to be considered in context.

List of NSW Contaminated Sites Notified to the EPA

Disclaimer

The EPA has taken all reasonable care to ensure that the information in the list of contaminated sites notified to the EPA (the list) is complete and correct. The EPA does not, however, warrant or represent that the list is free from errors or omissions or that it is exhaustive.

The EPA may, without notice, change any or all of the information in the list at any time.

You should obtain independent advice before you make any decision based on the information in the list.

The list is made available on the understanding that the EPA, its servants and agents, to the extent permitted by law, accept no responsibility for any damage, cost, loss or expense incurred by you as a result of:

1. any information in the list; or
2. any error, omission or misrepresentation in the list; or
3. any malfunction or failure to function of the list;
4. without limiting (2) or (3) above, any delay, failure or error in recording, displaying or updating information.

THE EPA Site Management Class	Explanation
A	The contamination of this site is being assessed by the EPA. Sites which have yet to be determined as significant enough to warrant regulation may result in no further regulation under the <i>Contaminated Land Management Act 1997</i> .
B	The EPA is awaiting further information to progress its initial assessment of this site.
C	The contamination of this site is or was regulated under the <i>Contaminated Land Management Act 1997</i> . Information about current or past regulatory action on this site can be found on the EPA website (www.epa.nsw.gov.au) - Environmental Issues - Contaminated Land - Record of EPA notices.
D	The contamination of this site is or was regulated under the <i>Protection of the Environment Operations Act 1997</i> . Information about current or past regulatory action on this site can be found on the EPA website (www.epa.nsw.gov.au) - Environmental Issues - Environment Protection Licences - POEO public register.
E	This is a premises with an operational Underground Petroleum Storage System, such as a service station or fuel depot. The contamination of this site is managed under the <i>Protection of the Environment Operations Act 1997</i> and the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.
F	The contamination of this site is managed by a planning approval process. The consent authority is either the local council or a government agency, such as the Department of Planning.
G	Based on the information made available to the EPA to date, the contamination of this site is considered by the EPA to be not significant enough to warrant regulatory intervention under the <i>Contaminated Land Management Act 1997</i>
H	Initial assessment completed. The contamination of this site is to be regulated by the EPA

Suburb/City	Site Description	Site Address	Activity that caused contamination	s60 Form Received	EPA Initial Assessment	EPA Management Class
Islington	Caltex Service Station	240 Maitland Rd	Service Station	yes	In Progress	B
Islington	Shell Pipeline Easement (vacant land)	24 Fern Street	Other Petroleum	yes	In Progress	A
Jamisontown	7 Eleven Service Station	92 Mulgoa Road	Service Station	Yes	Complete	CE
Jamisontown	BP Service Station	126 Mulgoa Road	Service Station	yes	In Progress	E
Jamisontown	Former Caltex Jamisontown	229-231 Mulgoa Road	Service Station	yes	Complete	A
Jannali	Former Mobil Service Station	121 Georges River Road	Service Station	yes	Complete	G
Jennings	Former Arsenic Poison Factory	Duke, Manor and King Streets	Chemical Industry	No	Complete	F
Jesmond	Caltex Service Station	27 Bluegum Rd	Service Station	yes	In Progress	B
Jindabyne	BP Service Station	8 Kosciuszko Road	Service Station	yes	In Progress	A
Jindabyne	Caltex Service Station	4-6 Kosciuszko Rd	Service Station	yes	In Progress	B
Junee	Subdivision Proposal	5858 Gundagai Road	Unclassified	No	Complete	G
Kanahooka	Former Smelter Site	Kanahooka Road	Metal Industry	No	Complete	F
Kandos	Cement Australia Cement Manufacturing Facility	1 Jamieson Street	Other Industry	yes	Complete	A
Kariong	Caltex Service Station	Lot 2 Langford Drive	Service Station	yes	In Progress	B
Kariong	Coles Express Kariong	6-8 Central Coast Highway	Service Station	yes	In Progress	A
Karuah	Mobil Service Station	401 Tarean Street	Service Station	yes	In Progress	B
Katoomba	Aldi Stores	201 Katoomba Street	Service Station	Yes	Complete	G
Katoomba	Former Katoomba/Leura Gasworks	Megalong Street	Gasworks	Yes	Complete	C
Kellyville	BP Service Station	19-21 Windsor Road	Service Station	yes	In Progress	A
Kellyville	Caltex Service Station	3-5 Windsor Rd	Service Station	yes	In Progress	B
Kelso	BP Service Station	63 Sydney Road	Service Station	yes	In Progress	A
Kelso	Caltex Service Station	17 Great Western Hwy	Service Station	yes	In Progress	B
Kembla Grange	ShawCor Australia	66 West Dapto Road	Other Petroleum	yes	In Progress	A
Kemblawarra	Griffins Bay, Lake Illawarra	Shellharbour Road	Landfill	No	Complete	G
Kemps Creek	Caltex Service Station	1163 Mamre Road	Service Station	yes	In Progress	B
Kempsey	Former Mobil depot	14 Hopetoun Street	Other Petroleum	No	Complete	G
Kempsey	Former Mobil Service Station	108-112 Smith Street	Service Station	yes	In Progress	E
Kempsey	Former Shell Depot	43-51 Gladstone Street	Other Petroleum	yes	In Progress	A
Kempsey	Kempsey Showground	19 Sea Street	Unclassified	No	Complete	F
Kempsey	Mobil Depot	154 Belgrave Street	Service Station	No	Complete	G
Kempsey	Shell Coles Express Service Station	Corner Pacific Highway and Cochrane Street	Service Station	Yes	Complete	BE
Kempsey South	Caltex Service Station	52 Lachlan St	Service Station	yes	In Progress	B
Kensington	Caltex Service Station	219a Anzac Pde	Service Station	yes	In Progress	B



Healthy Environment, Healthy Community, Healthy Business

[Home](#) > [Environment protection licences](#) > [POEO Public Register](#) > [Search for licences, applications and notices](#)

Search results

Your search for: **General Search** with the following criteria

Suburb - Jamberoo

returned 1 results

[Export to excel](#)

1 of 1 Pages

[Search Again](#)

<u>Number</u>	<u>Name</u>	<u>Location</u>	<u>Type</u>	<u>Status</u>	<u>Issued date</u>
12067	SYDNEY WATER CORPORATION	TOWNSHIP OF JAMBEROO, JAMBEROO, NSW 2533	POEO licence	Surrendered	08 Apr 2004
					17 October 2014

Connect

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Government

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Public consultation

Contact us
Offices
Report pollution

NSW Government
jobs.nsw

Accessibility
Disclaimer
Privacy
Copyright



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[Search for licences, applications and notices](#)

Licence summary

[Search Again](#)

[Return to Previous Page](#)

Summary Licence No: 12067

[View this licence](#) (PDF document 102 kb)

Licence holder: SYDNEY WATER CORPORATION
Premises: JAMBEROO SEWERAGE SCHEME
 TOWNSHIP OF JAMBEROO, JAMBEROO, NSW, 2533
LGA: KIAMA **Catchment:** Illawarra Coast
Administrative fee: \$475.00
Licence status: Surrendered
Activity type: Sewage treatment processing by small plants
Licence review: Due date 08 Apr 2007
Pollution incident management plan: Yet to be confirmed

Applications

<u>Number</u>	<u>Application type</u>	<u>Current status</u>	<u>Date received</u>
1045451	s.80 Surrender of a Licence	Issued	10 Mar 2005

Notices

<u>Number</u>	<u>Issue date</u>	<u>Notice type</u>
1045451	27 May 2005	s.80 Surrender of a Licence

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Annual Returns

<u>Start date</u>	<u>End date</u>	<u>Date received</u>	<u>Non-compliance</u>	<u>LBL data</u>
08-Apr-2005	20-Jun-2005	12-Jul-2005	No	Not available
08-Apr-2004	07-Apr-2005	19-May-2005	yes	Not available

Appendix D - Land title search results

ADVANCE LEGAL SEARCHERS PTY LTD

(ACN 147 943 842)
ABN 82 147 943 842

P.O. Box 149
Yagoona NSW 2199

Telephone: +612 9644 1679
Mobile: 0412 169 809
Facsimile: +612 8076 3026
Email: alsearch@optusnet.com.au

22nd October, 2014

COFFEY ENVIRONMENTS PTY LTD
118 Auburn Street,
WOLLONGONG NSW 2500

Attention: Alexander Williams

RE: 39 Macquarie Avenue, Jamberoo
PO: EWOLL-420
Project No. ENAUWOLL04194AA

Current Search

Folio Identifier 1/710456 (title attached)
DP 710456 (plan attached)
Dated 17th October, 2014
Registered Proprietor:
ANNA LOUISE CARSWELL

Title Tree
Lot 1 DP 710456

Folio Identifier 1/710456

PA 58561

Deed of Appointment Book 2699 No. 975

Deed of Appointment Book 2502 No. 16

Deed of Appointment Book 2474 No. 768

Deed of Appointment Book 2425 No. 837

Conveyance Book 968 No. 923

**Summary of proprietor(s)
Lot 1 DP 710456**

Year	Proprietor
	(Lot 1 DP 710456)
2014 – todate	Anna Louise Carswell
1993 – 2014	Lionel Harold Sawtell Beth Sawtell
1988 – 1993	Marc Anthony De Stoop Lindy Louise De Stoop
1987 – 1988	Miltonbrook Developments Pty Limited
1987 – 1987	James Oldbury Campbell Fellows) executors of the Will of Maxwell John Davey) James Joseph McCarthy, the elder) dairy farmer
	(Lot 1 DP 710456, being part of Suburban Lots A & B, Village of Jamberoo, Parish of Kiama – Area 22 Acres – Deed of Appointment Book 2699 No. 975)
1964 – 1987	James Oldbury Campbell Fellows) executors of the Will of Maxwell John Davey) James Joseph McCarthy, the elder) dairy farmer
1939 – 1964	Various parties) executors of the Will of James Joseph McCarthy,) the elder, dairy farmer, Deed of Appointment Bk 2502) No. 16, Bk 2474 No. 768, Bk 2425 No. 837
1939 – 1939	James Joseph McCarthy, dairy farmer
	(Part of that piece or parcel of land, being Suburban Lots A & B – Area 22 Acres – part of Hyam’s Grant 1823, Parish of Kiama, Village of Jamberoo – Conv Bk 968 No. 923)
1912 – 1939	James Joseph McCarthy, auctioneer

Cadastral Records Enquiry Report

Requested Parcel : Lot 1 DP 710456

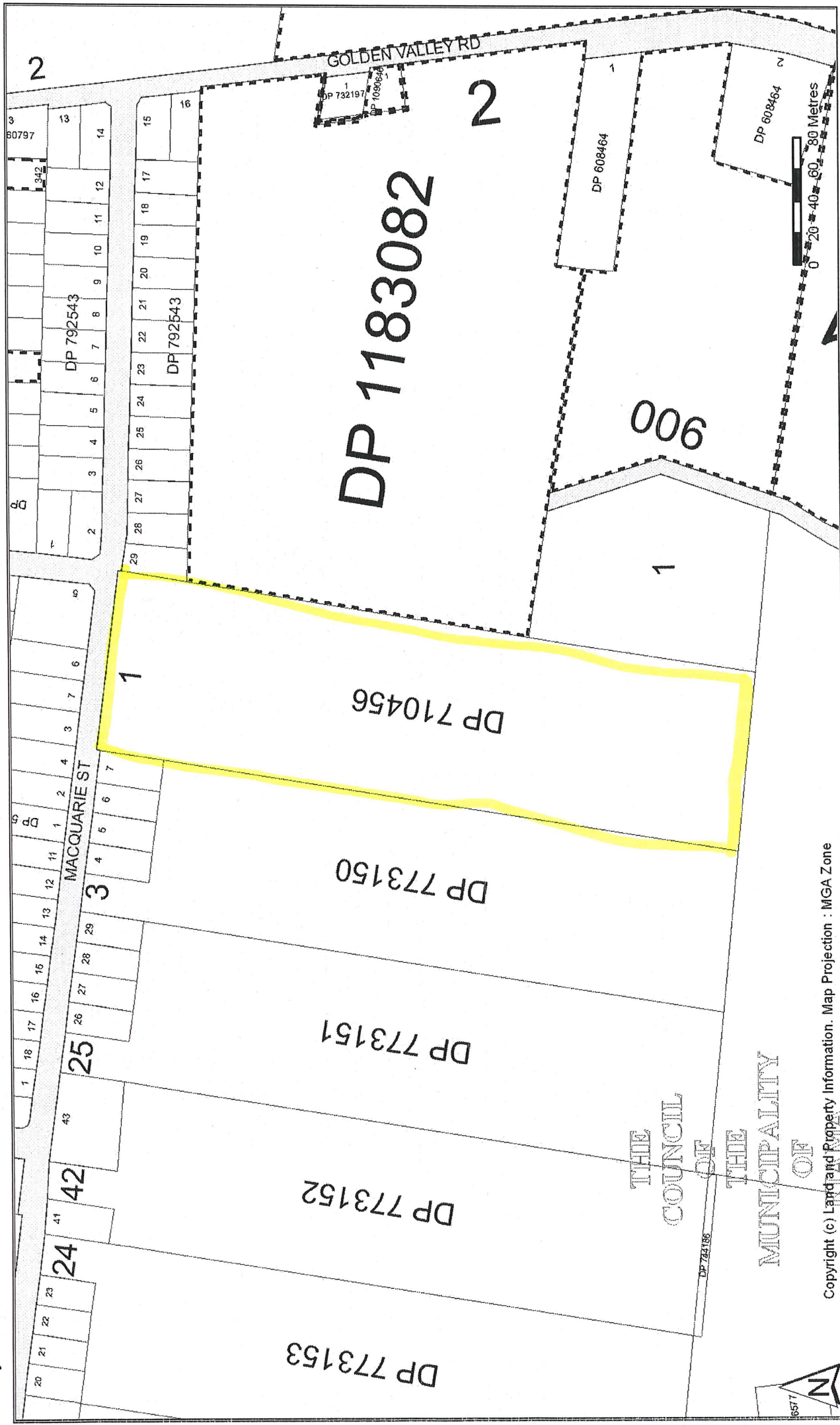
Identified Parcel : Lot 1 DP 710456

LGA : KIAMA

Parish : KIAMA

County : CAMDEN

Locality : JAMBEROO



Copyright (c) Land and Property Information. Map Projection : MGA Zone



Advance Legal Searchers Pty Ltd hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act.

Information provided through Tri-Search an approved LPINSW Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/710456

SEARCH DATE	TIME	EDITION NO	DATE
17/10/2014	6:21 PM	11	27/8/2014

LAND

LOT 1 IN DEPOSITED PLAN 710456
AT JAMBEROO
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP710456

FIRST SCHEDULE

ANNA LOUISE CARSWELL (T AI846254)

SECOND SCHEDULE (3 NOTIFICATIONS)

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- X312872 EASEMENT FOR ELECTRICITY PURPOSES AFFECTING THE PART OF THE LAND WITHIN DESCRIBED SHOWN SO BURDENED IN PLAN LODGED WITH TRANSFER NO X312872
- AI846255 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



Advance Legal Searchers Pty Ltd hereby certifies that the information contained in this document has been provided electronically by the Registrar General.

Information provided through Tri-Search an approved LPI/NSW Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

17/10/2014 6:21PM

FOLIO: 1/710456

First Title(s): OLD SYSTEM
Prior Title(s): PA58561

Recorded	Number	Type of Instrument	C.T. Issue
20/6/1985	PA58561	PRIMARY APPLICATION	FOLIO CREATED EDITION 1
2/10/1986	W545224	DISCHARGE OF MORTGAGE	EDITION 2
30/6/1987	W959162	* TRANSFER	EDITION 3
30/6/1987	W959163	MORTGAGE	
22/10/1987	X157905	DISCHARGE OF MORTGAGE	EDITION 4
22/10/1987	X157908	MORTGAGE	
25/11/1987	X188024	* TRANSFER	EDITION 5
9/2/1988	X312871	TRANSFER RELEASING EASEMENT	
9/2/1988	X312872	TRANSFER GRANTING EASEMENT	
17/3/1988	X441604	DISCHARGE OF MORTGAGE	EDITION 6
17/3/1988	X441605	TRANSFER	
2/8/1989	Y523909	MORTGAGE	EDITION 7
24/9/1993	I672791	REQUEST	EDITION 8
24/9/1993	I672792	DISCHARGE OF MORTGAGE	
24/9/1993	I672793	* TRANSFER	
4/5/1994	U232213	MORTGAGE	EDITION 9
4/10/2012	AH278245	MORTGAGE	EDITION 10
27/8/2014	AI846253	DISCHARGE OF MORTGAGE	EDITION 11
27/8/2014	AI846254	TRANSFER	
27/8/2014	AI846255	MORTGAGE	

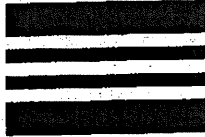
*** END OF SEARCH ***

Coffey - Jamberoo

PRINTED ON 17/10/2014

*ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

RP13



① **TRANSFER**
Real Property Act, 1900



I
672793 F



B
\$2

Office of State Revenue use only

00*Z\$ 10/899331006 +0 101Z £68090

(A) **LAND TRANSFERRED**

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

FOLIO IDENTIFIER 1/710456

(B) **LODGED BY**

L.T.O. Box
46X

Name, Address or DX and Telephone
~~KELL HEARD McEWAN~~
~~M.J. ARMSTRONG SOLICITOR~~
85 MARKET ST., WOLLONGONG
DX 5162 Phone: 294388
REFERENCE (max. 15 characters): ~~KELL SAWTELL~~

(C) **TRANSFEROR**

MARC ANTHONY DE STOOP and LINDY LOUISE
DE STOOP

(D) acknowledges receipt of the consideration of \$225,000.00

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

(E) subject to the following ENCUMBRANCES 1. 2. 3.

(F) **TRANSFEEE**

T

LIONEL HAROLD SAWTELL and BETH SAWTELL
as joint tenants/~~tenants in common~~ X

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

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

[Signature]
Signature of Witness

P. JOHN MYLOTT
Name of Witness (BLOCK LETTERS)

121 QUEEN STREET, CAMPBELTOWN
SOLICITOR Address of Witness

de De Stoop

[Signature]
Signature of Transferor

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

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

[Signature]
Signature of Transferee's Solicitor
DW BULLOVS

CHECKED BY (office use only) *hge*

INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE

Ref:Coffey - Jamberoo /Src:T

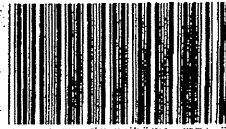
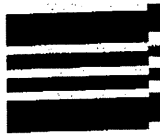
RP 13



NEW SOUTH WALES

DEPARTMENT OF FINANCE

STAMP DUTY
\$ 1-00



W959162

TRANSFER
REAL PROPERTY ACT, 1900

T	C.B.	1 of 2	X
	\$	37	

R1/2

DESCRIPTION OF LAND
Note (a)

CHIEF COMM. TORON. TITLE Reference	If Part Only, Delete Whole and Give Details	Location
IDENTIFIER 1/710456	WHOLE	AT JAMBEROO

TRANSFEROR
Note (b)

JAMES OLDBURY CAMPBELL FELLOWS and MAXWELL JOHN DASEY

ESTATE
Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 50,000.00 (being the same consideration referred to in Conveyance of even date herewith between the same parties hereto) and transfers an estate in fee simple in the land above described to the TRANSFEREE

TRANSFEREE
Note (d)

MILTONBROOK DEVELOPMENTS PTY. LIMITED of 39 Five Islands Road
Port Kembla

OFFICE USE ONLY

S.

TENANCY
Note (e)

as joint tenants/tenants in common

PRIOR ENCUMBRANCES
Note (f)

subject to the following PRIOR ENCUMBRANCES 1. Nil

DATE 29th April, 1987

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION
Note (g)

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

M. C. Cordova
Signature of Witness

M. C. CORDOVA
Name of Witness (BLOCK LETTERS)

110 Bathurst Street, SYDNEY
Address and occupation of Witness

Secretary

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

J. O. C. Fellows
M. J. Dasey
Signature of Transferor

Note (g)

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

(H. HANSON)
Solicitor for
Signature of Transferee

1/ 4/87

TO BE COMPLETED BY LODGING PARTY
Notes (h) and (i)

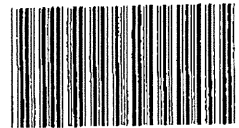
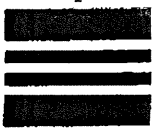
LODGED BY 24J COMMONWEALTH BANK 24J OF AUSTRALIA BRANCH SECURITIES PITT STREET & MARTIN PLACE SYDNEY. PHONE 238-3155 D.X. 1020 SYDNEY 24J 24J		LOCATION OF DOCUMENTS	
		CT	OTHER
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Delivery Box Number		Herewith.	
Checked	Passed	In L.T.O. with	
<i>ASX</i>		Produced by	
Signed	Extra Fee	Secondary Directions	
		Delivery Directions	
REGISTERED - -19			
30 JUN 1987			

OFFICE USE ONLY



1-23 STANLEY
 37

1122



X188024

TRANSFER
 REAL PROPERTY ACT, 1900

CA 1 of 1	
\$ 37	

R 1 of 1

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
1/710456 2/710456 3/710456 4/710456 5/710456	WHOLE	Jamberoo
<p>The Electricity Commission of New South Wales of the corner of Park Street, and Elizabeth Street, Sydney</p>		

DESCRIPTION OF LAND

Note (a)

TRANSFEROR

Note (b)

ESTATE

Note (c)

TRANSFEEE

Note (d)

TENANCY

Note (e)

PRIOR ENCUMBRANCES

Note (f)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 20.00 and transfers all its right title and interest in the easement over Lots 1-3 and 5 DP 710456 created by Notification in Government Gazette dated 5.7.1946 folio 1506/7 and the easement over Lot 4 DP 710456 created by Deed Registered Number 171 Book 1642 to the Transferee

Illawarra County Council of Bridge Street, Coniston
 as joint tenants/tenants in common

OFFICE USE ONLY
 OVER

subject to the following PRIOR ENCUMBRANCES

DATE 2nd November 1987

We hereby certify this dealing to be correct for the purposes of the real Property Act, 1900.

EXECUTION

Note (g)

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

H.W. Mackenzie J.P.
 Signature of Witness

ROSS WILLIAM MACKENZIE
 Name of Witness (BLOCK LETTERS)

25 IRAGA AVENUE PEAKHURST
 Address and occupation of Witness

ADMINISTRATIVE SERVICES OFFICER

Note (g)

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

The COMMON SEAL of the ILLAWARRA COUNTY COUNCIL was hereunto affixed on the FIFTH day of NOVEMBER 1987.

Name of Witness (BLOCK LETTERS) resolution of the Council passed on the FIFTH day of NOVEMBER 1987.
 Address and occupation of Witness



SIGNED FOR AND ON BEHALF OF THE ELECTRICITY COMMISSION OF NEW SOUTH WALES BY ME JOHN ALFRED McGRATH, SECRETARY OF THE SAID COMMISSION PURSUANT TO DELEGATION.

John Alfred McGrath
 Signature of Transferor

P. J. R...
 CHAIRMAN

P. J. R...
 ACTING COUNTY CLERK

TO BE COMPLETED BY LODGING PARTY

Notes (h) and (i)

LODGED BY	ILLAWARRA COUNTY COUNCIL BRIDGE STREET, CONISTON DX 5204, WOLLONGONG Phone: 042 - 28 7511		LOCATION OF DOCUMENTS	
	CT	OTHER		
Delivery Box Number			Herewith.	
			In L.T.O. with	
			Produced by	
Checked	Passed	REGISTERED - -19	Secondary Directions	
<i>ECM</i>	<i>EPB</i>			
Signed	Extra Fee	25 NOV 1987	Delivery Directions	CT NOCT

INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment by hand at the Land Titles Office.

Typewriting and handwriting should be clear, legible and in permanent dense black or dark blue non copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing in the left hand margin.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

If it is intended to create easements, covenants, &c., use forms RP13A, RP13B, RP13C as appropriate.

Rule up all blanks.

The following instructions relate to the SIDE NOTES on the form.

(a) Description of land:

(i) TORRENS TITLE REFERENCE—For a manual reference insert the Volume and Folio (e.g., Vol. 8514 Fol. 1261)—For a computer folio insert the folio identifier (e.g., 12 701924). Title references should be listed in numerical sequence.

(ii) PART-WHOLE—If part only of the land in the folio of the Register is being transferred, delete the word "WHOLE" and insert the lot and plan number, portion, &c. See also sections 327 and 327AA of the Local Government Act, 1919.

(iii) LOCATION—Insert the locality shown on the Certificate of Title/Crown Grant, e.g., at Chullora. If the locality is not shown, insert the Parish and County, e.g., Ph. Lismore Co. Rous.

(b) Show the full name of the transferor(s).

(c) If the estate being transferred is a lesser estate than an estate In fee simple, delete "fee simple" and insert appropriate estate.

(d) Show the full name, address and occupation or description of the transferee(s).

(e) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.

(f) In the memorandum of prior encumbrances, state only the registered number of any mortgage, lease, charge or writ to which this dealing is subject.

(g) Execution:

GENERALLY

(i) Should there be insufficient space for execution of this dealing, use an annexure sheet.

(ii) The certificate of correctness under the Real Property Act, 1900, must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he is personally known. The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his firm), to be typewritten or printed adjacent to his signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.

ATTORNEY

(iii) If the transfer is executed by an attorney for the transferor/transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. , and I declare that I have no notice of the revocation of the said power of attorney".

AUTHORITY

(iv) If the transfer is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.

CORPORATION

(v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.

(h) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.

(i) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration, pbte for probate, L/A, for letters of administration, &c.

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS

(A) FOLIO IDENTIFIER	(B) DIRECTION	(C) NAME
1/710456		
2/710456		
3/710456		
4/710456		

SECOND SCHEDULE AND OTHER DIRECTIONS

(D) FOLIO IDENTIFIER	(E) DIRECTION	(F) NOTFN TYPE	(G) DEALING NUMBER	(H) DETAILS
1/710456 2/710456 3/710456 5/710456	UNDR ON	EA UA	Govt Gaz 5-7-1946 Vol 1506/T	Vested in Illawarra County Council
4/710456	UNDR ON	EB UA	OK 1642 No 171	Vested in Illawarra

Req:R394355 /Doc:DP 0710456 P /Rev:13-Jun-1992 /Sts:OK:OK /Prt:17-Oct-2014 18:20 /Fgs:ALL /Seq:1 of 1
 Ref:ALS /Src:T

PLAN FORM 2

Signatures and seals only.

J. D. C. Fellows

D.B. 110428

I hereby certify that -
 (a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
 (b) the requirements of section 248 of the Metropolitan Water, Sewerage and Drainage Act, 1954, as amended, (Water Districts Water, Sewerage, and Drainage Act, 1978, as amended)
 have been complied with by the applicant in relation to the proposed Subdivision No. _____
 Date _____
 (Signature) _____ Council Clerk

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly within the area of operations of the Metropolitan Water, Sewerage and Drainage Board and the Council Clerk there Board.
 *Delete if inapplicable.

Plan Drawing only to appear in this space

DIAGRAM A
 R.R. 1:1000
 HYAMS SUBDIVISION
 MACQUARIE ST
 YOUNG (WIDE) ST
 BEATTIE ST
 MINAMURRA (WIDE) ST
 LOTS 1-6
 2.34 ha, 4.24 ha, 4.217 ha, 4.182 ha, 4.151 ha, 4.599 ha

DIAGRAM B
 R.R. 1:1000
 MACQUARIE ST
 YOUNG (WIDE) ST
 OLD W/WD COTTAGE
 5, 4

OFFICE USE ONLY

D.P. 710456

Registered No. 17-6-1987
 C.A.:
 Title System: OLD SYSTEM
 Purpose: P.A. 58561
 Ref. Map: KIAMA SH.23rd
 Last Plan:

PLAN OF LOTS A, B, C, D, E & PART F OF MICHAEL HYAMS GRANT SUBDN.

Reduction Ratio 1: 2000
 Lengths are in metres.

Mtn./White City: KIAMA
 Locality: JAMBEROO
 Parish: KIAMA
 County: CAMDEN

This is sheet 4 of my plan in _____ sheets.
 (Delete if inapplicable.)
JOHN BARRY BYRNE
 of J.B. BYRNE & ASSOC'S - NARRABEEN
 a surveyor registered under the Surveyors Act, 1928, as amended, hereby certifies that the survey represented in this plan is accurate and has been made "in-situ" under my immediate supervision in accordance with the Survey Practice Regulations, 1971, and was completed on 19-3-1984 & 9-10-1984.

Surveyor registered under Surveyors Act, 1928, as amended.
 Datum Line of Assumed "X" - "Y"
 *Strike out either (X) or (Y). Insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.
PURSUANT TO SECTION 608 OF THE CONVEYANCING ACT 1919-1964 IT IS INTENDED TO CREATE:-
 1. EASEMENT FOR POWER SUPPLY 4 WIDE.

SURVEYOR'S REFERENCE .5136 L

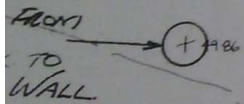
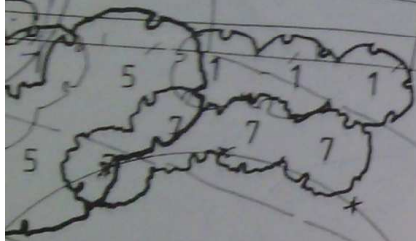
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 18th June, 1985

Appendix E - Survey plan from Council records

RETAIN EXISTING CORAL TREES

STREET



EXISTING MORETON BAY FIGS
TO BE PROTECTED DURING
CONSTRUCTION: DO NOT
STOCKPILE, FILL, EXCAVATE
OR DISTURB ROOT ZONE
UNDER CANOPY IN ANY WAY.

WIRE NET
PLANT FIG TREES

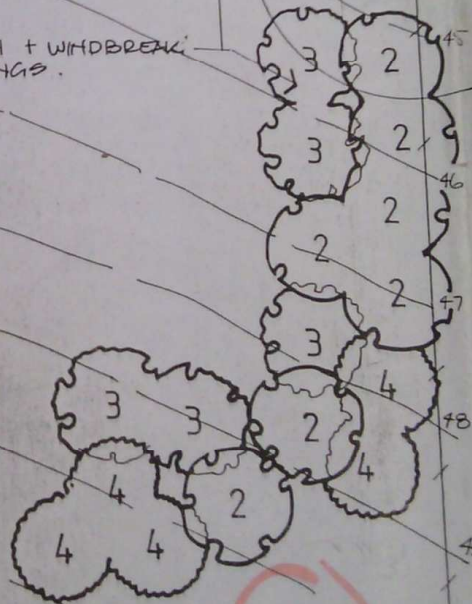
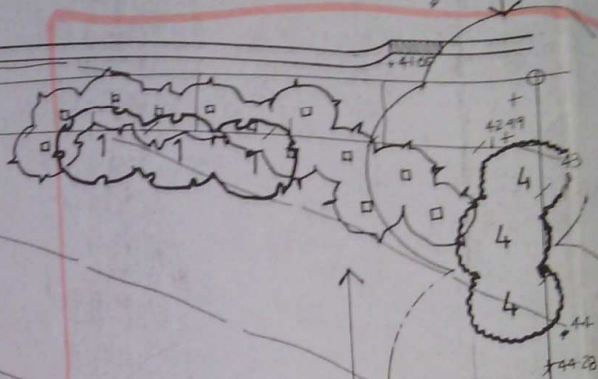
+51.47

Landscaping relocated
to here using original
species.

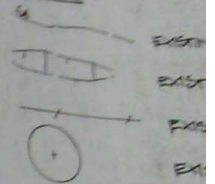
16195

SCREEN + WINDBREAK
PLANTINGS.

RETAIN EXISTING CORAL TREES



NOTES:



1. WATER ALL IMMEDIATELY
2. MAINTAIN MONTHS TO MAINT
3. PROTECT TEMPORARY AT LEAST SUFFICIENT OF PLANT GUARD FROM
4. DO NOT APPROPRIATE LARGE PRE
5. DO

Appendix F - Section 149 certificate

SECTION 149 PLANNING CERTIFICATE

Coffey Environments
Attention: Alexander Williams
118 Auburn Street
CONISTON NSW 2500

Certificate date:	20/10/2014	Property Number:	2608
Receipt number:	561176		

PROPERTY DESCRIPTION

Property: 39 Macquarie Street JAMBEROO 2533
Title: LOT: 1 DP: 710456

PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE EP&A REGULATION 2000

1 Names of relevant planning instruments and DCPs

The principal environmental planning instruments applying to the land are listed below:

Kiama Local Environmental Plan 2011.

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards
SEPP No 4 – Development Without Consent Miscellaneous Complying Development
SEPP No 6 – Number of Storeys in a Building
SEPP No 21 – Caravan Parks
SEPP No 30 – Intensive Agriculture
SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33 – Hazardous and Offensive Development
SEPP No 50 – Canal Estate Developments
SEPP No 55 – Remediation of Land
SEPP No 64 – Advertising and Signage
SEPP No 65 – Design Quality of Residential Flat Development
EPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

Section 149 Certificate

Certificate No.: 10271

Property: 39 Macquarie Street JAMBEROO 2533

Certificate Date: 20/10/2014

SEPP (Major Developments) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Temporary Structures) 2007

Deemed State Environmental Planning Policy

Illawarra Regional Environmental Plan No 1.

Illawarra Regional Environmental Plan No 2 - Jamberoo Valley

Proposed Environmental Planning Instruments

There are no exhibited proposed environmental planning instruments applying to the land.

Name of Development Control Plan applying to the land

The development control plan applying to the land is:

Kiama Development Control Plan 2012 (DCP)

This plan is a consolidated DCP giving an added level of guidance for development in the Kiama Municipality.

2 Zoning and Land Use Under Relevant LEPs

Zoning and land use under relevant LEPs

The following land use tables are copied from the current Kiama Local Environmental Plan 2011 instruments:

Zone RU2 Rural Landscape

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation. Flood mitigation works; Forestry; Highway service centres; Home based child care; Home businesses; Home industries; Home occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas; Restricted dairies; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any development not specified in items 2 or 3.

Zone E2 Environmental Conservation

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Recreation areas; Roads

4 Prohibited

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

Matters Prescribed by Clause 2 (e) - (h) of Schedule 4 of the EP&A Regulation 2000

The following information is provided in accordance with clause 2(e) – (h) of Schedule 4:

There are development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

The land does not include or comprise "critical habitat".

The land has been identified on Kiama LEP 2011 Terrestrial Biodiversity Map see clause 6.4 Terrestrial

Section 149 Certificate

Certificate No.: 10271

Property: 39 Macquarie Street JAMBEROO 2533

Certificate Date: 20/10/2014

Biodiversity of the Kiama LEP 2011 instrument attached to this certificate. To view the affected land see the Terrestrial Biodiversity maps that are accessible via the Kiama LEP 2011 Council's website www.kiama.nsw.gov.au.

A heritage item is not situated on the land.

3 Complying development

Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) may be carried out on the land except where the land is *excluded by an environmental planning instrument* or affected by a *general land exemption* or a *specific land exemption* under the Code SEPP.

Disclaimer:

Clause 3 "Complying Development" addresses the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – more commonly referred to as the Code SEPP.

There are other provisions in the Code SEPP that may prevent development being carried out on the land as complying development. Therefore persons wishing to carry out complying development on the land should read and understand all the provisions of the Code SEPP.

In determining whether complying development is subject to a general or a specific land exemption under Clauses 1.17A, 1.18 and 1.19, Council relies in some cases on information provided by State Government departments and public authorities. As Council cannot verify the accuracy of information supplied by other organizations, it does not accept any responsibility for any inaccuracies, errors or omissions in this Planning Certificate arising from information supplied by third parties where it is used for the purpose of disclosing information under Clause 3.

If land the subject of this certificate is affected by a specific land exemption referred to in clause 1.19(1)(c) and 1.19(5)(c) or 1.19(1)(j) and 1.19(4)(a) and 1.19(5)(i), a person will need to obtain further information from the appropriate State Government agencies to determine where complying development may be carried out in accordance with clause 1.19(1).

It is the responsibility of any person relying on this Planning Certificate for the purposes of complying development to ensure that all the requirements of the Code SEPP are met. Failure to comply with all the provisions of the Code SEPP may result in the issue of an invalid Complying Development Certificate.

Any person relying on this Planning Certificate for the purpose of carrying out complying development on the land should also ensure that the land is not affected by a restriction on the land title that may prevent complying development.

Note:

If a specified land exemption under clauses 1.17A, 1.18, 1.19(1) and 1.19(5) of the Code SEPP applies to the land, it may apply to the whole or part of the land. Council is unable to ascertain the extent of the affectation for the purposes of this Planning Certificate. If the specific land exemption applies to only part of the land, complying development may be able to be carried out on the unaffected part of the land.

To determine whether complying development may be carried out on part of the land under clause 1.17A, 1.18, 1.19(1) and 1.19(5), a person will need to consult with the appropriate public authority responsible for maps identifying the land affected by the specific land exemption. The specific land exemptions are applied by maps prepared by public authorities including Kiama Municipal Council. However, Council disclaims responsibility for the accuracy of map data prepared and supplied by other public authorities. Council itself may provide mapping derived from its own mapping data with restrictions on its use and reliability.

- *For land partly affected by Acid Sulfate Soils Class 1 or 2, the [Department of Planning](#) is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19(5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).*
- *For land partly affected by [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), the [Sydney Catchment Authority](#) is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).*
- *For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), [Kiama Council](#) is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.*
- *The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.*

- *For the purposes of this certificate council has used definition of “environmentally sensitive area” from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to “environmentally sensitive land”.*

1.17A Requirements for complying development for all environmental planning instruments

(1) To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) *be development for which development consent cannot be granted except with the concurrence of a person other than:

 - (i) *the consent authority, or*
 - (ii) *the Director-General of the Department of Environment, Climate Change and Water as referred to in [section 79B](#) (3) of [the Act](#), or**
- (b) *be on land that is critical habitat, or*
- (c) *be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or*
- (d) *be carried out on land that:

 - (i) *comprises an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or on which such an item is located, or*
 - (ii) *is subject to an interim heritage order under that Act or on which is located an item that is so subject, or*
 - (iii) *is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or**
- (e) *except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENT BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (1)?

NO The land is affected by one or more of the following general land exemptions specified in clause 1.17A:

- (e) environmentally sensitive area.

(2) Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:

- (a) *has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or*
- (b) *is subject to an exemption under section 57 (1A) or (3) of that Act, the development is complying development under this Policy.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (2)?

YES

(3) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that register.

Please Refer to NOTE above.

(4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.

Please Refer to NOTE above.

1.18 General requirements for complying development for this Policy

(1) To be complying development for the purposes of this Policy, the development must:

- (a) *not be exempt development under this Policy, and*
- (b) *be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and*
- (c) *meet the relevant provisions of the Building Code of Australia, and*
 - (c1) *must not require an environment protection licence within the meaning of the [Protection of the Environment Operations Act 1997](#) , and*
 - (c2) *must not be designated development, and*

Note: Designated development is defined in [section 77A](#) of [the Act](#) as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (c3) *not be carried out on land that comprises, or on which there is, a draft heritage item, and*
- (d) *before the complying development certificate is issued, have an approval, if required by the [Local Government Act 1993](#) , for:*
 - (i) *an on-site effluent disposal system if the development is undertaken on unsewered land, and*
 - (ii) *an on-site stormwater drainage system, and*
- (e) *before the complying development certificate is issued, have written consent from the relevant roads authority (if required under [section 138](#) of the [Roads Act 1993](#)) for the building of any kerb, crossover or driveway, and*

Note: Other consents may be required under [section 138](#) of the [Roads Act 1993](#) before carrying out other works in relation to roads.

- (f) *if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#) , have the prior approval of the Mine Subsidence Board, and*

Note: Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under [section 149](#) (2) of [the Act](#), but the information is not included in a certificate issued under clause 279 (2) of [Environmental Planning and Assessment Regulation 2000](#) .

- (g) *not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and*

- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note: A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#). Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH GENERAL REQUIREMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.18 (1)?

YES

(2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction.

(3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note: Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for General Housing Code and Rural Housing Code

To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (e) land identified by an environmental planning instrument as being:
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or

- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
- (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
- (i) land that is declared to be a special area under the [Sydney Water Catchment Management Act 1998](#), or
- (j) unsewered land:
- (i) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE AND RURAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (1)?

NO The land is affected by one or more of the following specific land exemptions under clause 1.19(1):

- (e) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area.
 - (iv) environmentally sensitive land.
 - (v) within a protected area.

(2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (2)?

YES

(3) This subclause does not apply to Kiama LGA.

(4) Specific Land Exemptions for Housing Alterations Code and General Development Code

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

- (a) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE HOUSING ALTERATIONS CODE AND GENERAL DEVELOPMENT CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (4)?

YES

(5) Specific Land Exemptions for Commercial and Industrial (New Buildings and Additions) Code

To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

- (a) *land within a heritage conservation area or a draft heritage conservation area, or*
- (b) *land that is reserved for a public purpose in an environmental planning instrument, or*
- (c) *land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or*
- (d) *land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or*
- (e) *land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or*
- (f) *land identified by an environmental planning instrument as being:*
 - (i) *within a buffer area, or*
 - (ii) *within a river front area, or*
 - (iii) *within an ecologically sensitive area, or*
 - (iv) *environmentally sensitive land, or*
 - (v) *within a protected area, or*
- (g) *land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:*
 - (i) *a coastline hazard, or*
 - (ii) *a coastal hazard, or*
 - (iii) *a coastal erosion hazard, or*
- (h) *land in a foreshore area, or*
- (i) *unsewered land:*
 - (i) *to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or*
 - (ii) *in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (5) OF THE CODE SEPP?

NO The land is affected by one or more of the following specific land exemptions under clause 1.19(5):

- (f) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area.
 - (iv) environmentally sensitive land.
 - (v) within a protected area.

but only if the land is zoned B1, B2, B7, IN2 or IN4.

4 Coastal protection

Council has not been notified that the land is affected by the operation of Section 38 or Section 39 of the Coastal Protection Act 1979.

4A Certain information relating to beaches and coasts

- (1) Council has not been notified that the land is affected by an order made under Part 4D of the Coastal Protection Act 1979.
- (2) Council has not been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal works have been placed on the land.
- (3) Council has not been notified of any information required by the regulations under section 56B of the Coastal Protection Act 1979 to be notified in this certificate.

4B Annual charges under the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land has not consented to the land being subject to annual charges under section 496B of the local Government Act 1993 for coastal protection services that relate to any existing coastal protection works within the meaning of section 553B of that Act.

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

5 Mine subsidence

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

6 Road widening and road realignment

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
- (2) an Environmental Planning Instrument; or
- (3) a resolution of the Council.

7 Council and other public authority policies on hazard risk restrictions

Council has not adopted a policy to restrict development of the land because of the likelihood of landslip. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of slip.

Council has not adopted a policy to restrict development of the land because of the likelihood of subsidence. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of subsidence.

Council has not adopted a policy to restrict development of the land because of the likelihood of bushfire. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of bushfire. Where applicable, Council applies State Government policy contained in the two NSW Rural Fire Services publications titled Planning for Bush Fire Protection and Building in Bush Fire Prone Areas - Single dwellings to development in a bushfire prone area.

Council has not adopted a policy to restrict development of the land because of the likelihood of tidal inundation. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of tidal inundation.

Council has not adopted a policy to restrict development of the land because of the likelihood of acid sulphate soils. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of acid sulphate soil. However, where land is affected by acid sulfate soils, development may be affected by Clause 6.1 of Kiama Local Environmental Plan 2011.

Council has not adopted a policy to restrict development of the land because of the likelihood of any other risk. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of any other risk.

7A Flood related development controls information

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

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

8 Land reserved for acquisition

The land is not affected by the provisions of an environmental planning instrument or a proposed environmental planning instrument which provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

9 Contributions plans

The land is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No 1 and 2.

9A Biodiversity certified land

Council is unaware of any biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)

10 Biobanking agreements

Council is unaware of any biobanking agreement made under Part 7A of the Threatened Species Conservation Act 1995

11 Bush fire prone land

The land is not shown as bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at www.kiama.nsw.gov.au/environmental-services

12 Property vegetation plans

Council has not been notified of the existence of a property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified that an Order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

75A-75ZA has been repealed.

15 Site compatibility certificates and conditions for seniors housing

Council is not aware of a site compatibility certificate (seniors housing) applying to the land.

16 Site compatibility certificates for infrastructure

Council is not aware of a site compatibility certificate (infrastructure) applying to the land.

17 Site compatibility certificates and conditions for affordable rental housing

Council is not aware of a site compatibility certificate (affordable rental housing) applying to the land.

18 Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C on this Regulation.

Council is not aware of any current site verification certificate applying to this land.

19 Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

Note A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.

Council is not aware of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

Land subject to Section 59(2) of the Contaminated Land Management Act 1997

For the purposes of section 59 (2) of the Contaminated Land Management Act 1997, Council is not aware of the land being:

- (a) significantly contaminated land within the meaning of that Act as at the date when this certificate is issued,
 - (b) subject to a management order within the meaning of that Act as at the date when this certificate is issued,
 - (c) the subject of an approved voluntary management proposal within the meaning of that Act as at the date when this certificate is issued,
 - (d) subject to an ongoing maintenance order within the meaning of that Act as at the date when this certificate is issued.
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Additional information pursuant to Section 149(5) of the Act

Minimum area for the erection of a dwelling-house

Where the application for the Certificate states the land is vacant, state whether the erection of a dwelling-house on the land is prohibited by a reason of a development standard relating to the minimum area on which a dwelling-house may be erected?

Reply: YES

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

The land is not affected by a resolution of Council to prepare a Draft Development Control Plan.

For further information, please contact Council's Strategic Planning Department on 02 4232 0444.

All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth
General Manager

Per:



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