JME4015 Rezoning 30 Swan St Morpeth

Preliminary Contamination Assessment
16 April 2014

James McMahon
Principal Environmental Scientist

Revision	Details	Date	Amended By	Issued To
0	Draft	21/03/2014	JMc	MD/AH
0	Final	16/04/2014	JMc	MD/AH

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EXECUTIVE SUMMARY

This report presents the findings of a Preliminary Contamination Assessment (PCA) undertaken by JM Environments (JME) for 30 Swan St, Morpeth NSW (the site). The site is identified as Lot 3 DP 237264. The site location is shown in Figure 1. It is assumed the site is approximately 7,900m^2.

It is understood the site is proposed to be rezoned from the current Rural zone to Residential zoned land. The purpose of this PCA is to support the planning proposal for this rezoning.

The objectives of this PCA are to:

- identify potentially contaminating activities that are currently being performed on the site and that may have been performed on the site in the past;
- assess Areas of Environmental Concern (AEC's) and Chemicals of Concern (COC's) for the site; and
- provide recommendations on further assessment or remediation, if considered necessary.

In order to meet the objectives the following scope of works was undertaken:

- desktop study;
- a site walkover;
- review and collation of the above information and identification of potential Areas of Environmental Concern (AECs) and potential Chemicals of Concern (COCs);
- preparation of this PCA.

Based on the information gained from the desk stop study it is considered that the site has been potentially contaminated from past activities on site. It is recommended that a detailed contamination site assessment which includes soil sampling and analysis is undertaken to further assess the potential contamination of the site. The detailed assessment should be conducted with the development application for the construction of residences on the site. Potential contamination is likely to be minor/moderate, and subject to the detailed assessment, it is considered the rezoning may be supported.

It is assumed that rezoning the site for residential land use will result in single/double storey residential developments. Hence the disturbance of the soil 2m below the surface is considered unlikely into the future. Therefore further assessment of acid sulfate soils is not considered necessary.

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1 INTRODUCTION

This report presents the findings of a Preliminary Contamination Assessment (PCA) undertaken by JM Environments (JME) for 30 Swan St, Morpeth NSW (the site). The site is identified as Lot 3 DP 237264. The site location is shown in Figure 1. It is assumed the site is approximately 7,900m^2.

The PCA was commissioned by Pulver Cooper and Blackley (PCB) on behalf of Mr H Lantry in response to a JME proposal (ref: JME4015-Swan St Contamination Assessment Proposal dated 7 February 2014.

It is understood the site is proposed to be rezoned from the current Rural zone to Residential zoned land. The purpose of this PCA is to support the planning proposal for this rezoning.

2 SCOPE OF WORK

The objectives of this assessment are to:

- identify potentially contaminating activities that are currently being performed on the site and that may have been performed on the site in the past;
- assess Areas of Environmental Concern (AEC's) and Chemicals of Concern (COC's) for the site;
- assess the nature and extent of contamination on the site; and
- provide recommendations on further assessment or remediation, if considered necessary.

In order to meet the objectives the following scope of works was undertaken:

- desktop study including;
    - a review of published information related to soils, acid sulfate soils, geology and hydrogeology;
    - a review of previous site ownership (land titles search);
    - a review of historical aerial photography over the past 50 to 60 years;
    - a review of the sites section 149 certificate;
    - a review of NSW Office of Environment and Heritage (NOEH) notices under the Contaminated Land Management Act (1997)
    - a search of NSW Office of Water for records for nearby registered groundwater bores;
- a site walkover;
- review and collation of the above information and identification of potential Areas of Environmental Concern (AECs) and potential Chemicals of Concern (COCs); and
- preparation of this PCA.

3 SITE DESCRIPTION

3.1 Site Location and Identification

General site information is provided in Table 1.

TABLE 1 – SUMMARY OF SITE DETAILS

SITE ADDRESS:	The site is located at 30 Swan Street, Morpeth NSW as shown in Figure 1.
SITE AREA:	Approximately 7,900m^2.
SITE IDENTIFICATION	Lot 3 DP237264 within the Local Government area of Maitland, Parish of Alnwick, County of Northumberland.
CURRENT LANDUSE:	Rural residential.
PROPOSED LANDUSE:	The proposed land use for the site is residential.
ADJOINING SITE USES:	Residential land use south and west of the site; Rural land use north and east of the site
SITE COORDINATES	Easting 372105, Northing 6378481

4 DESKTOP STUDY

4.1 Site Topography and Drainage

A review of the online topographic map (www.maps.six.nsw.gov.au) indicates the site is relatively flat and less than 10m above sea level. Stormwater from site would drain into the paddock immediately north of the site. It is expected that the local stormwater would discharge into the Hunter River approximately 160m north of site.

4.2 Local Geology, Hydrogeology and Groundwater Use

A review of Newcastle 1:250,000 Geological Series Sheet S1 56-2, First Edition, 1966 indicates that the site is underlain by Quaternary soils made up of gravel, sand, silt, clay "waterloo rock" (aka indurated sand or "coffee rock"), marine and freshwater deposits.

The NSW Department of Water and Energy operates a website listed as www.waterinfo.nsw.gov.au with search tools that provide summary reports on registered bores in NSW. JME carried out a search of registered bores on this website on the 21 March 2014. The results of this search indicated that that there were no registered bores within a 1 kilometre radius of the Site. .

It is anticipated that groundwater will be located between 2mbgs and 6mbgs of site and flow north towards the Hunter River.

A review of the online acid sulfate risk map (www.nratlas.nsw.gov.au) indicates that the site is located on the border of Class 4 and Class 5 acid sulfate areas. Class 4 areas require an acid sulfate soil assessment be conducted for works beyond 2 metres below natural ground surface or works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface. Class 5 areas require an acid sulfate soil assessment for works within 500 metres of adjacent Class 1, 2, 3, or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

4.3 Historical Titles Search

A search of historical titles for the site was undertaken by JME. A list of past registered proprietors for the lots was obtained dating back to1823. The results of the search are included in Appendix A. A summary of the site owner's is shown in Table 2.

TABLE 2 – SUMMARY OF SITE HISTORY DOCUMENTS

DATE OF ISSUE	DOC NO	DESCRIPTION	CANCELLATION DATE	NOTE
13/12/1962	Vol 9337 Folio 120	Certificate of Title	22/6/1970	Lots 1-6 DP 237264
22/6/1970	Vol 11343 Folio 169	Certificate of Title	27/1/1972	Lots 1-3 DP 237264
27/1/1972	Vol 11766 Folio 32	Certificate of Title		Lot 3 DP 237264
current	Lot 3 DP 237264	Certificate of Title		Current Owner Hilary Ignatius Lantry
16/12/1970	M105742	Transfer document		Title transfer Railway to Lantry
20/8/1971	M399277	Transfer document		Easement (Hunter Water)
31/12/1971	M565919	Transfer to new CT		Split Lot 3 from Lots 1-3
Current	Lot 3 DP237264	Cadastral Records Enquiry report		Lot location

Lot 3 DP 237264 (the site) was originally part of a larger parcel of land (Vol 9337 Folio 120) that encompassed Lots 1-6 granted to Edward Charles Close in 1823. The site was split and Lots 1-3 (Vol 11343 Folio 169) became property of the Commissioner of Railways circa 1864. Lot 3 (Vol 11766 Fol 32) was split from Lots 1 and 2 on 27/1/1972 with Lot 3 then being transferred to Hilary Ignatius Lantry, farmer, on 16/12/1970 (M105472). An easement for sewer was recorded on 20/8/1971 with transfer of rights to Hunter Water for the easement.

4.4 Aerial Photograph Review

Aerial photographs of the site were purchased from the NSW Land and Property Management Authority and reviewed by a JME Environmental Scientist. The results of the aerial photograph review are summarised below in Table 3. The aerial photographs are presented in Appendix B.

TABLE 3 – AERIAL PHOTOGRAPH REVIEW

YEAR	SITE	SURROUNDING LAND
1958	The photograph is of poor quality. There appears to be a building just west of the centre of the site. There appears to be another building in the north east corner of site.	The street layout and general surrounding land is not dissimilar to the current day. However there are fewer residential building along Swan Street.
1965	Both buildings in the previous photo have been removed	Similar to 1958.
1974	Similar to 1965.	Similar to 1965 with more residential along Swan Street to the west of site.
1987	The residence, tennis court and pool appears to be similar with current layout.	Similar to 1974.
1996	Similar to 1987	Similar to 1987.
2007	Similar to 1996.	Similar to 1996.
2013	Similar to 2007.	Similar to 2007.

4.5 Section 149 Certificate

A Section 149 Planning Certificate was obtained from Council for the site. A copy of the certificate is provided in Appendix C. Table 4 (below) summarises the relevant contamination and acid sulfate soil information contained within the certificate.

TABLE 4 – SECTION 149 CERTIFICATE SUMMARY

Current Zoning	RU1 Primary Production
Objectives of Zone	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise fragmentation and alienation of resource lands. To minimise conflict between land uses in this zone and uses in adjoining zones.
Mine Subsidence	Site is NOT within a proclaimed mine subsidence district.
Land Contamination	The land to which the certificate relates is : • not significantly contaminated land; • not subject to a management order; • not the subject of an voluntary management proposal; and • not subject to an ongoing maintenance order

	within the meaning of the Contaminated Land Management Act (1997).
Potential Acid Sulfate Soils	All land within the Maitland Local Government Area has the potential to contain acid sulfate soils.

According to the LEP, the site is on the border of Class 4 and Class 5 Land with respect to acid sulfate soils. This means development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

However, despite the above, development consent is not required for the carrying out of works if:

- a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
- the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

Also, development consent is not required under this clause to carry out any works if:

- the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
- the works are not likely to lower the watertable.

4.6 NSW OEH/EPA Records

A search of the NSW OEH's record under section 58 of the Contaminated Land Management Act 1997 database revealed that there are no sites within Morpeth that are registered with notices.

A copy of the search can be found in Appendix D.

4.7 Internet Search for Publicly Available Information

An internet search was undertaken to gather information relevant to the site. It appears Edward Close gifted his land to the Railway (The Sydney Morning Herald 21 May 1864) to enable the Maitland Morpeth rail line to be built.

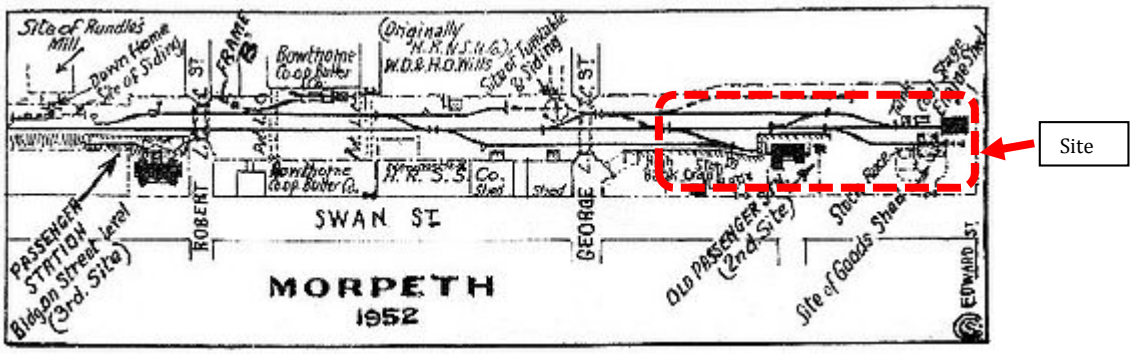


Plate 1: Swan Street 1952 (Source: Wikipedia)

The following excerpt from Wikipedia details the rail development on the site.

"Opened for traffic in May 1870, the new terminal station was located centrally between George and Edward Streets and consisted of a 120 feet brick platform with stone coping, a brick station building and Station Master's residence combined, with a dock siding at the Maitland end. In 1877, an engine shed with water tank was erected at the dead-end of the line beyond the second Morpeth station. In 1878, a 60 feet x 27 feet brick goods shed was erected adjacent to the engine shed, with a goods siding which extended from the dock past a high timber-faced wool bank to beyond the George Street crossing. A stock race was added in 1882. In 1880, a siding was laid in to serve Bundle's Flour-Mill. In 1904, the siding was still in existence but was known as Eales' Duckenfield siding, the large stone building having been converted into a warehouse. Both building and siding have long since vanished."

The railway only operated from 1871-1889, although trains still proceeded there for reversing for some years and was officially closed by an act of Parliament in 1953.

4.8 Interview with Mr Hilary Lantry

Mr Lantry is the current owner of the site (since 1970) and has a knowledge of the operation of the site spanning more than sixty years. Mr Lantry was able to provide the following information regarding the sites history:

- the rail was in use until the 1950s;
- Coal trucks delivered coal for steam trains;
- Coal was stored on the eastern portion of the site;
- Railway line ran through the location of the pool in the backyard;
- The train overshot the end of the rail twice;
- A small crane was located in the western portion of site; and
- Front garden was filled with river bank soil.

4.9 Site Walkover

A site walkover was conducted by a JME environmental scientist on 28 March 2014 to conduct a visual assessment of the current site activities, potential sources of contamination, property boundaries, surrounding land uses, topography and nearby sensitive environments.

The site is located on the eastern outskirts of Morpeth. The streets were asphalt sealed and have kerb and guttering. The residence along with a hard-court tennis court and an in-ground pool were located centrally on the site. The residence was constructed of brick with a tile roof. A well

maintained garden and lawn surrounded the residence (Photo 1).

Photo 1: Brick and tile residence

The western portion of site appeared to have been benched or cut and filled (Photo 2). There was a concrete slab on the upper bench. (Photo 3)

Photo 2: Lower bench/fill area in the western paddock

Photo 3: Concrete slab on the upper bench area in the western paddock

The northern boundary fence of site is on the toe of a battered slope which was approximately 1.5-2m high. Portions of the batter were potentially stabilised with sandstone blocks (Photo 4).

Small exposed soil appeared to be stained dark brown.

Photo 4: Sandstone blocks along the battered slope of the northern boundary

The eastern paddock, which is approximately double the size of the western paddock, also appeared to be benched. There were a number of patches of bare soil or sparsely vegetated within the eastern paddock. These appeared to contain fill material comprising of gravel, coal, charcoal and crushed concrete (Photo 5).

Photo 5: Example of visible fill material.

Brick footings, approximately 15m long were located near the centre of the eastern paddock (Photo 6).

Photo 6: Brick Footings

5 DISCUSSION

Based on the above information, the site was once a terminal for the Morpeth train line. The terminal contained a passenger platform, livestock loading ramp, engine shed water tank and loading crane. The train line use was ceased by an act of government in 1953.

Aerial photography suggest the site lay dormant with some of the buildings remaining, possibly the passenger terminal and engine shed, until sometime before 1965. Between 1974 and 1987 the current residence and ancillary item were constructed. The site appeared to be relatively unchanged from 1987.

Site observations indicate that site was filled along the northern half to level the train corridor.

Based on the site history review and the site walkover, the potential AECs and COCs identified at the site are presented below in Table 5.

TABLE 5 – POTENTIAL AECS AND COCS

AEC	POTENTIAL CONTAMINATING ACTIVITY	POTENTIAL COCS	LIKELIHOOD OF CONTAMINATION *	COMMENT
1. Entire site	Former use as a train terminal. Uncontrolled filling across site.	Metals TPH, PAH, BTEX,OCPs, OPPs, PCBs Metals, and Asbestos	Medium	Contamination, if any, from train use would be from the surface down. Fill of unknown origin and quality used to level the line.

AEC	POTENTIAL CONTAMINATING ACTIVITY	POTENTIAL COCS	LIKELIHOOD OF CONTAMINATION *	COMMENT
2. Former engine shed	Maintenance of steam engine	TPH, PAH, BTEX, Metals, and Asbestos (brakes)	Medium-low	Contamination, if it existed would located in the upper soils.
Passenger station	Weathering and demolition of hazardous building materials	Zinc, lead and asbestos.	low	Asbestos contamination risk is consider low as building were constructed prior to asbestos used in building products.

NOTES:
** = It is important to note that this is not an assessment of the financial risk associated with the AEC in the event contamination is detected, but a qualitative assessment of the probability of contamination being detected at the potential AEC.*
Metals - Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc; TPH - Total Petroleum Hydrocarbons; PAH - Polycyclic Aromatic Hydrocarbons; OCP - Organochlorine Pesticides; OPP – Organophosphorus Pesticides

6 CONCLUSION

Based on the information gained from the desk stop study it is considered that the site has been potentially contaminated from past activities on site. It is recommended that a detailed contamination site assessment which includes soil sampling and analysis is undertaken to further assess the potential contamination of the site. The detailed assessment should be conducted with the development application for the construction of residences on the site. Potential contamination is likely to be minor/moderate, and subject to the detailed assessment, it is considered the rezoning may be supported.

It is assumed that rezoning the site for residential land use will result in single/double storey residential developments. Hence the disturbance of the soil 2m below the surface is considered unlikely into the future. Therefore further assessment of acid sulfate soils is not considered necessary.

7 REFERENCES

Column a of Appendix II in the NSW DEC (2006) Guidelines for the NSW Site Auditor Scheme (Second Edition)

Newcastle 1:250,000 Geological Sheet (SI/56-02) produced by the NSW Department of Mineral Resources (1966);

ASSMAC (1998) Acid Sulfate Soil Manual;

www.waterinfo.nsw.gov.au; and

www.nratlas.nsw.gov.au

"Opening of the Morpeth Rail Line" Sydney Morning Herald, 21 May 1864

Maitland To Morpeth Railway (Cessation of Operation) Act. Act No. 38, 1953

LIMITATIONS

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 JM Environments understanding of the client's brief and general accepted practice for environmental consulting.

This report was prepared for Mr H Lantry with the objective of assessing the presence of contamination on the site that could potentially impact on the use of the property for residential use. No warranty, expressed or implied, is made as to the information and professional advice included in this report. The report is not intended for other parties or other uses with the exception of Maitland City Council for the purpose of assessing a DA for rezoning the site. 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.

Information within the report including borehole and test pit logs should not be used for geotechnical investigation purposes.

Figures

Notes:

1) https://six.nsw.gov.au/

2) Subject Site

CLIENT: **Mr H Lantry**

PROJECT TITLE: **Rezoning Project**

30 Swan Street, Morpeth NSW

PROJECT:	JME4015	DESIGNED:	JMc	
DWG #:	1	DRAWN:	JMc	
REVISION:	1	STATUS:	NFC	
SCALE:	NTS			
DATE:	21/03/2014			

FIGURE TITLE: **Site Location Plan**

FIGURE NUMBER: **1**

JM ENVIRONMENTS

Appendix A

Title Search

Land and Property Information Division

ABN: 84 104 377 806
GPO BOX 15
Sydney NSW 2001
DX 17 SYDNEY Telephone: 1300 052 637

NSW GOVERNMENT Land & Property Information

A division of the Department of Finance & Services

HISTORY OF TITLE TRANSACTION

Title Reference: 3/237264

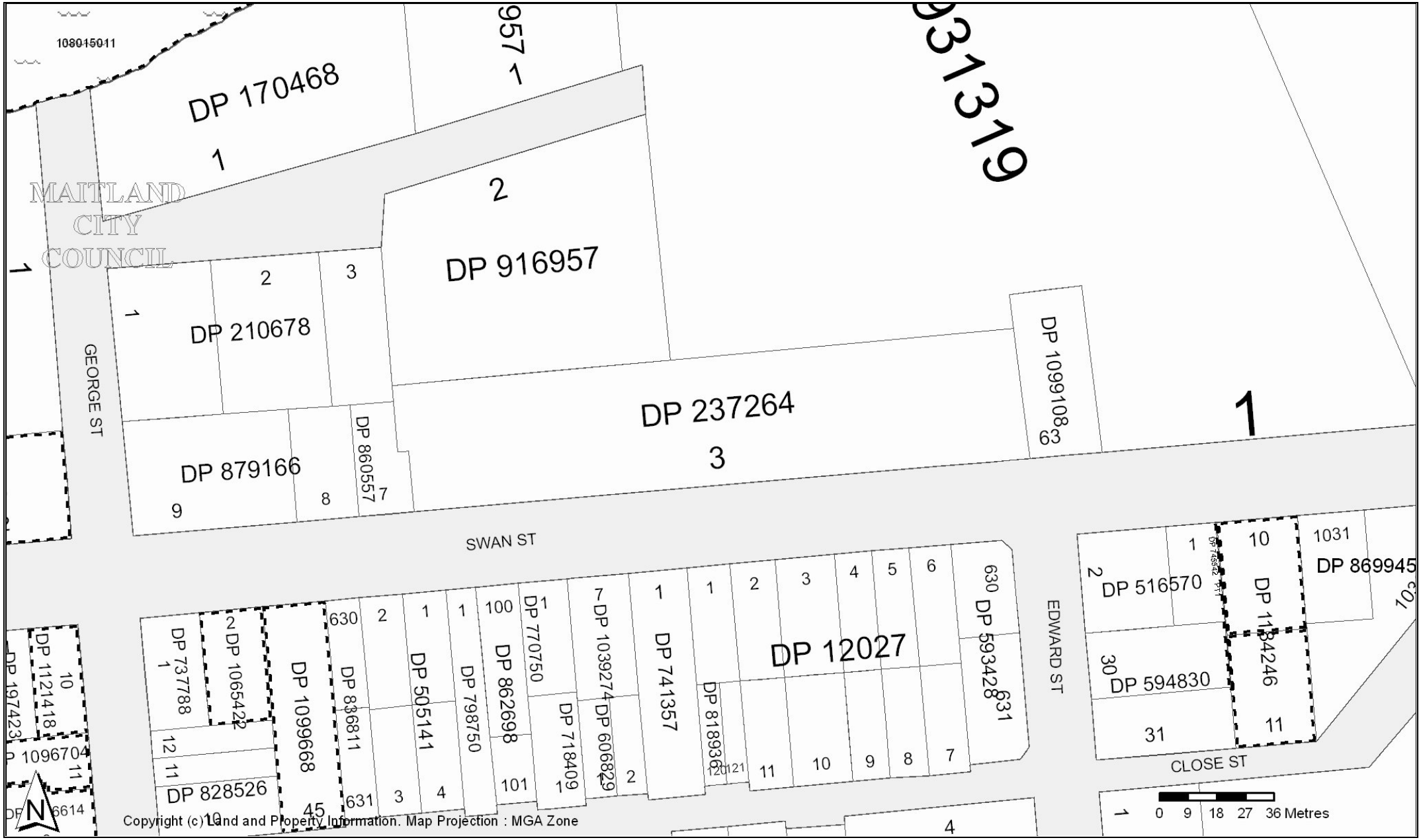
```
     LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH
     ----------------------------------------------------------------

                                          SEARCH DATE
                                          -----------
                                          11/3/2014 2:24PM

FOLIO: 3/237264
------

       First Title(s): SEE PRIOR TITLE(S)
       Prior Title(s): VOL 11766 FOL 32

Recorded    Number     Type of Instrument              C.T. Issue
--------    ------     ------------------              ----------
 5/6/1987              TITLE AUTOMATION PROJECT        LOT RECORDED
                                                       FOLIO NOT CREATED

 9/2/1988              CONVERTED TO COMPUTER FOLIO     FOLIO CREATED
                                                       CT NOT ISSUED


                 ***  END OF SEARCH  ***
```

PRINTED ON 11/3/2014

Cadastral Records Enquiry Report

Requested Parcel : Lot 3 DP 237264 **Identified Parcel :** Lot 3 DP 237264

Locality : MORPETH **LGA :** MAITLAND **Parish :** ALNWICK **County :** NORTHUMBERLAND



Copyright © Land and Property Information ABN: 84 104 377 806

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

Cadastral Records Enquiry Report

Requested Parcel : Lot 3 DP 237264 **Identified Parcel :** Lot 3 DP 237264

Locality : MORPETH **LGA :** MAITLAND **Parish :** ALNWICK **County :** NORTHUMBERLAND

	Status	Surv/Comp	Purpose
DP745542			
Lot(s): 1			
DP1184246	REGISTERED	SURVEY	SUBDIVISION
DP1065422			
Lot(s): 2			
CA89652 - LOT 2 DP1065422			
DP1076614			
Lot(s): 9			
CA90745 - LOT 9 DP1076614			
DP1096704			
Lot(s): 11			
CA99275 - LOT 11 DP1096704			
DP1099668			
Lot(s): 45			
CA100051 - LOT 45 DP1099668			
DP1113955			
Lot(s): 52			
DP584948	HISTORICAL	SURVEY	SUBDIVISION
DP1100526	HISTORICAL	COMPILATION	LIMITED FOLIO CREATION
CA100054 - LOT 1 DP1100526			
DP1121418			
Lot(s): 10			
DP199172	HISTORICAL	COMPILATION	DEPARTMENTAL
DP1184246			
Lot(s): 10, 11			
DP745542	HISTORICAL	COMPILATION	DEPARTMENTAL
Water Feature			
Polygon Id(s): 108015011			
DP1192522	UNREGISTERED	SURVEY	EASEMENT

Caution: For all **ACTIVITY PRIOR to SEPT 2002** you must refer to the RGs Charting and Reference Maps.

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Cadastral Records Enquiry Report

Requested Parcel : Lot 3 DP 237264 **Identified Parcel :** Lot 3 DP 237264

Locality : MORPETH **LGA :** MAITLAND **Parish :** ALNWICK **County :** NORTHUMBERLAND

Plan	Surv/Comp	Purpose
DP12027	SURVEY	UNRESEARCHED
DP28032	SURVEY	UNRESEARCHED
DP104813	SURVEY	UNRESEARCHED
DP170468	COMPILATION	UNRESEARCHED
DP197423	COMPILATION	DEPARTMENTAL
DP210678	SURVEY	SUBDIVISION
DP237264	SURVEY	RESUMPTION OR ACQUISITION
DP322179	SURVEY	UNRESEARCHED
DP505141	SURVEY	SUBDIVISION
DP516570	SURVEY	SUBDIVISION
DP563409	SURVEY	SUBDIVISION
DP593428	SURVEY	SUBDIVISION
DP594830	SURVEY	SUBDIVISION
DP606829	SURVEY	SUBDIVISION
DP708453	SURVEY	SUBDIVISION
DP718409	COMPILATION	DEPARTMENTAL
DP737788	COMPILATION	DEPARTMENTAL
DP741357	COMPILATION	DEPARTMENTAL
DP745542	COMPILATION	DEPARTMENTAL
DP770750	COMPILATION	DEPARTMENTAL
DP798750	COMPILATION	DEPARTMENTAL
DP818936	SURVEY	SUBDIVISION
DP828526	SURVEY	SUBDIVISION
DP836811	SURVEY	SUBDIVISION
DP860557	SURVEY	SUBDIVISION
DP862698	SURVEY	SUBDIVISION
DP869945	SURVEY	SUBDIVISION
DP879166	COMPILATION	SUBDIVISION
DP916957	COMPILATION	UNRESEARCHED
DP931319	COMPILATION	UNRESEARCHED
DP1039274	COMPILATION	LIMITED FOLIO CREATION
DP1065422	COMPILATION	LIMITED FOLIO CREATION
DP1076614	COMPILATION	LIMITED FOLIO CREATION
DP1096704	COMPILATION	LIMITED FOLIO CREATION
DP1099108	COMPILATION	DEPARTMENTAL
DP1099668	COMPILATION	LIMITED FOLIO CREATION
DP1113955	UNRESEARCHED	SUBDIVISION
DP1113955	SURVEY	SUBDIVISION
DP1121418	SURVEY	REDEFINITION
DP1184246	SURVEY	SUBDIVISION

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Land and Property Information Division

ABN: 84 104 377 806
GPO BOX 15
Sydney NSW 2001
DX 17 SYDNEY Telephone: 1300 052 637

NSW GOVERNMENT Land & Property Information

A division of the Department of Finance & Services

TITLE SEARCH

Title Reference: 3/237264

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 3/237264

SEARCH DATE	TIME	EDITION NO	DATE
12/3/2014	12:55 PM	-	-

VOL 11766 FOL 32 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 3 IN DEPOSITED PLAN 237264
AT MORPETH
LOCAL GOVERNMENT AREA MAITLAND
PARISH OF ALNWICK COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP237264

FIRST SCHEDULE

HILARY IGNATIUS LANTRY

SECOND SCHEDULE (1 NOTIFICATION)

1 M399277 EASEMENT FOR SEWER AFFECTING PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN PLAN WITH M399277

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 12/3/2014

** 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.

Req:R150705 /Doc:CT 11766-032 CT /Rev:15-Feb-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:02 /Pgs:ALL /Seq:1 of 2
Ref: /Src:X

[redacted]CATE OF TITLE

11766032

NEW SOUTH WALES

PROPERTY ACT, 1900

Appln. No.46949

Prior Title Vol.11343 Fol.169

Vol. 11766 Fol. 32

Edition issued 27-1-1972

M565919

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

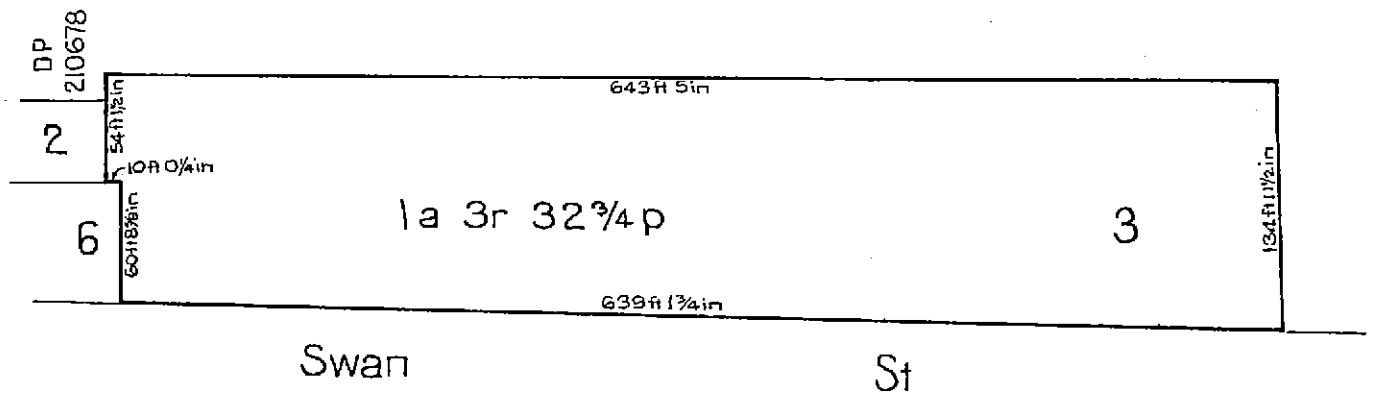
CANCELLED

Registrar General.

NO FOLIO

(Page 1) Vol. 11766 Fol. 32

PLAN SHOWING LOCATION OF LAND



M565919 S.W.

Scale : 100 feet to one inch

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 3 in Deposited Plan 237264 at Morpeth in the City of Maitland Parish of Alnwick and County of Northumberland being part of Portion 63 granted to Edward Charles Close on 30-6-1823.

FIRST SCHEDULE

HILARY IGNATIUS LANTRY at Morpeth, Farmer.

SECOND SCHEDULE

GRN EA

1. Easement for Sewer created by Transfer No.M399277P as more fully set out therein affecting part of the land above described.

Registrar General

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

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

RG 2/62 NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

Vol. 11766 Fol. 32

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT			ENTERED	Signature of Registrar General
	NATURE	NUMBER	DATE		

SECOND SCHEDULE (continued)

INSTRUMENT			PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION		
NATURE	NUMBER	DATE						

(Page 2 of 2 pages)

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

Req:R150705 /Doc:CT 11766-032 CT /Rev:15-Feb-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:02 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X

Req:R151321 /Doc:CT 11343-169 CT /Rev:10-Jan-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:36 /Pgs:ALL /Seq:1 of 2
Ref: /Src:X

[redacted]

ICATE OF TITLE

NEW SOUTH WALES

PERTY ACT, 1900, as amended.

Applns.Nos.947 and 46949

Prior Title Vol.9337 Fol.129
(as regards part)

Vol. 11343 Fol. 169

Edition issued 22-6-1970

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

Witness Barnes

Registrar General.

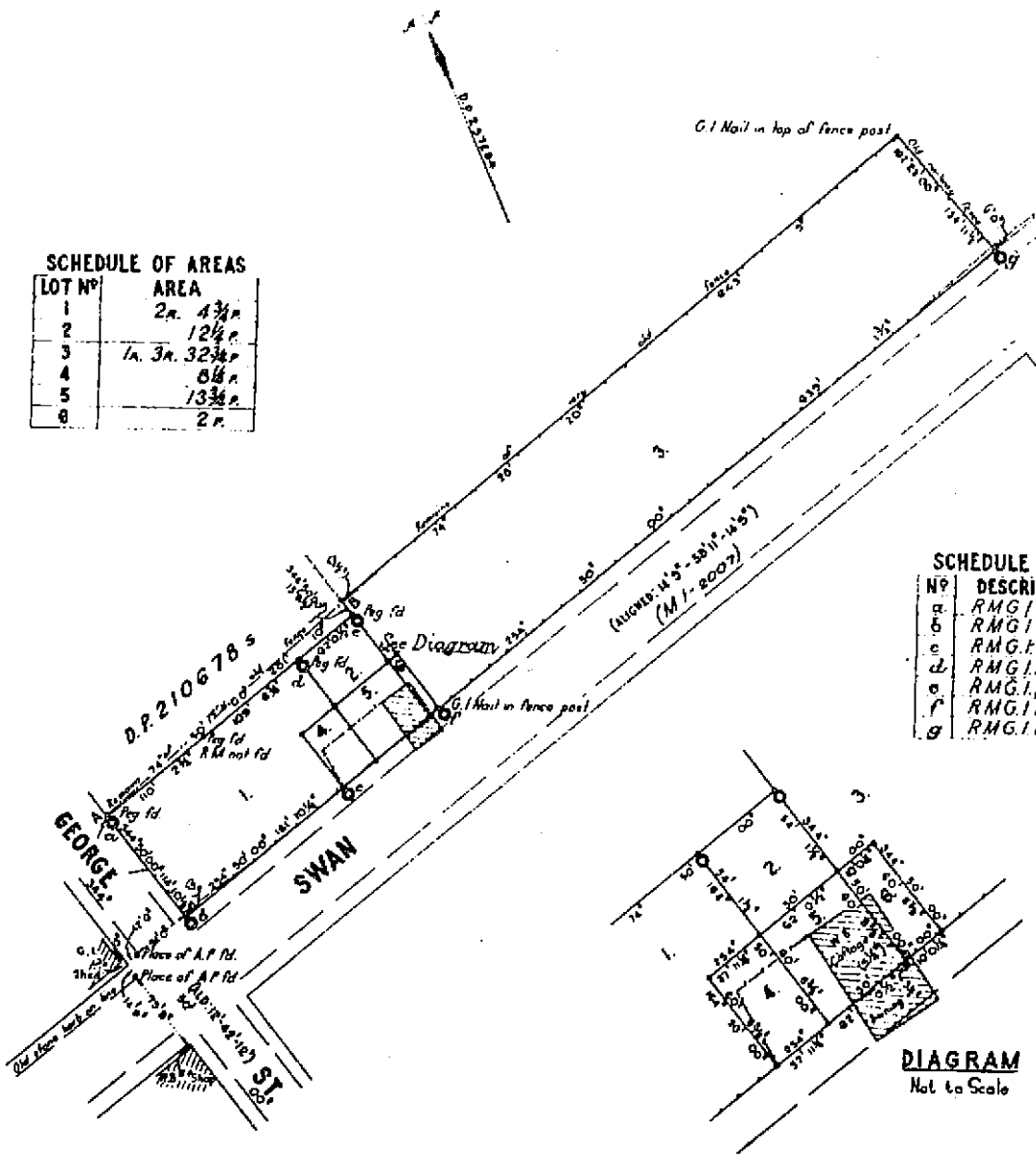
(Page 1) Vol. 11343 Fol. 169

PLAN SHOWING LOCATION OF LAND

CANCELLED

SCHEDULE OF AREAS

LOT Nº	AREA
1	2R. 4¾P.
2	12¼P.
3	1A. 3R. 32¾P.
4	6¾P.
5	13¾P.
6	2R.



SCHEDULE OF REFERENCE MARKS

Nº	DESCRIPTION	BEARING & DISTANCE
a	RMG/Pipe fd.	344°50'00"- 1'6"
b	RMG/Pipe	344°50'00"- 1'6"
c	RMG.I.Pipe	344°50'00"- 1'6"
d	RMG/Pipe fd	344°50'00"- 1'6"
e	RMG.I.Pipe fd	344°50'00"- 1'6"
f	RMG.I Pipe	344°50'00"- 1'6"
g	RMG.I Pipe	342°23'00"- 1'6"

DIAGRAM
Not to Scale

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lots 1, 2 and 3 in Deposited Plan 237264 at Morpeth in the City of Maitland Parish of Alnwick and County of Northumberland being part of Portion 63 granted to Edward Charles Close on 30-6-1823.

FIRST SCHEDULE

~~THE COMMISSIONER FOR RAILWAYS.~~

SECOND SCHEDULE

NIL.

Registrar General

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

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

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

Req:R151321 /Doc:CT 11343-169 CT /Rev:10-Jan-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:36 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X

V. C. N. BLIGHT, GOVERNMENT PRINTER

Vol. 11343 Fol 169

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar-General
Hilary Ignatius Lawtey of Morpeth, Farmer	Transfer	M 105742	2.11.1970	25.12.1970	Jawatson

This Deed is cancelled and Certificate of Title issued.
Vol. 11766 Fols. 31-32 dated 27-1-1972
Vide QM565919

Jawatson
REGISTRAR GENERAL

SECOND SCHEDULE (continued)

INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION		
Transfer	M 399277	10-8-1971	to The Hunter District Water Board of all the estate interest and right of the registered proprietor in respect of the water shown in Plan annexed to Transfer No M 399277 and as more fully set out therein	7-12-1971	Jawatson			

(Page 2 of 2 pages)

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

Req:R151582 /Doc:CT 09337-129 CT /Rev:19-Jan-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:1 of 2
Ref: /Src:X

[redacted]

M

NEW SOUTH WALES

(For Grant and title reference prior to first edition see Deposited Plan.)

TIFICATE OF TITLE

PERTY ACT, 1900, as amended.

09337-129

Vol. 9337 Fol. 129

1st Edition issued 13-12-1962

CANCELLED

(Page 1) Vol. 9337 Fol. 129

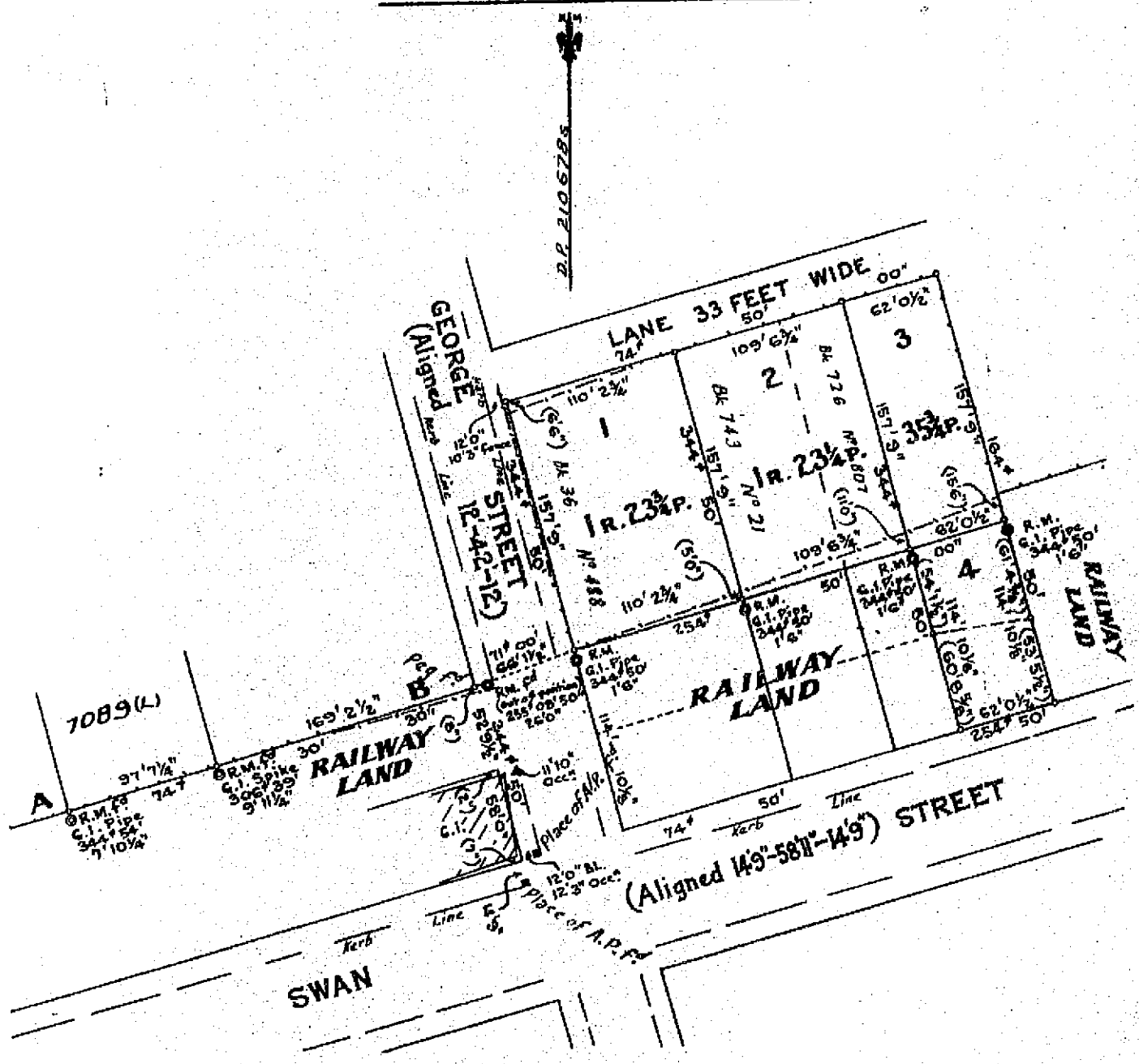
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Witness Heritchley

Registrar-General.

REGISTRAR GENERAL NEW SOUTH WALES

PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 4 in Deposited Plan 210678 at Morpeth in the City of Maitland Parish of Alnwick and County of Northumberland.

FIRST SCHEDULE (Continued overleaf)

~~THE COMMISSIONER FOR RAILWAYS.~~

Registrar General.

SECOND SCHEDULE (Continued overleaf)

1. Reservations and conditions, if any, contained in the Crown Grant(s) referred to in the said Deposited Plan.

Registrar General.

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

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

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

ST 1408 V. C. N. BLIGHT, GOVERNMENT PRINTER

Vol. 9337 Fol 129

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar-General
N/S The Commissioner for Railways freed from all other interests	Resumption	L451405		21-7-1969	Jawatson

This deed is cancelled as to the whole

New Certificates of Title have issued on 22-6-1970

for lots in Deposited Plan No. 237264 as follows:-

Lots 1 & 6 (incl) Vol. 11343 Fols 169 & 170 respectively.

VIDE R.P.A. 46949 (consolidation)

Jawatson

REGISTRAR GENERAL

REGISTRAR GENERAL NEW SOUTH WALES

DP 237264

Resumption

Recorded

Exempt

Reg. 14 2 6

22-4-70

L451405 NP

SECOND SCHEDULE (continued)

INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION		

(Page 2 of 2 pages)

FORM No. 184A

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

Req:R151582 /Doc:CT 09337-129 CT /Rev:19-Jan-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X

Req:R151581 /Doc:DL M565919 /Rev:22-Nov-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:1 of 2
Ref: /Src:X

M565919

No fee
31-12-71.

ORDER FOR A NEW CERTIFICATE OF TITLE PURSUANT TO SECTION ~~110 (1a)~~ 330 OF THE REAL PROPERTY ACT, 1900-~~1956~~.

I, the Registrar-General of New South Wales direct, pursuant to Section ~~110 (1a)~~ 330 of the Real Property Act, 1900-~~1956~~, that 2 new Certificate of Title issue for— (I) lots 1 and 2 } in D.P. 237264
(II) lot 3 }

of the land comprised in C.T. Volume 11343 Folium 169

in the name of the present registered proprietor.

Dated this 23rd day of December, 1971

J. H. WATSON,

Registrar-General.

D 1583

A.T.

RG 3/77

No. M565919

APPLICATION FOR NEW CERTIFICATE OF TITLE

Register Books affected

Volume 11343 Folio 169.

Lodged by:

H. M. ALLEN & CO.

11766-32

10/2/72

ONLY

USE

DEPARTMENTAL

FOR

M.R.D.

D

Special Directions

	Date	Initials
Sent to Survey Branch		
Received from Records		
Draft Written	10/1/72	
Draft Examined	20/1/72	
Diagram Complete	20-1-72	
Diagram Examined		
Draft Forwarded		
C.T. Engrossed	27/1/72	
Issue Cancelled	7/2	

New Certificate of Title issued

Vol. 11766 Fol. 31 & 32

M52/321 to follow after 11766-31

Req:R151581 /Doc:DL M565919 /Rev:22-Nov-2011 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X

Req:R150919 /Doc:DL M399277 /Rev:21-May-1997 /Sts:DI.OK /Prt:12-Mar-2014 14:16 /Pgs:ALL /Seq:1 of 3
Ref: /Src:X

M 399277

No.

'71 AUG 20 PM 12:05

R.P. 13

FEES:—

Lodgment Endorsement

New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900)

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black non-copying ink.

I, IGNATIUS HILARY LANTRY of Morpeth Farmer

(herein called transferor)

being registered as the proprietor of an estate in *fee simple*[a] in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, ~~in consideration of~~ for the purpose of restoring the Transferee to its former position with respect to the sewer described in the plan annexed hereto and marked "A" ~~(----------) (the receipt whereof is hereby acknowledged) paid to --------- by~~

do hereby transfer to

[c] THE HUNTER DISTRICT WATER BOARD a body corporate by act of the legislature of the State of New South Wales and having its office at Hunter Street Newcastle (herein called transferee)[d]

Out of ALL such its Estate and Interest in ALL THE land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if part only)[e]
		Whole or Part	Vol.	Fol.	
Northumberland	Alnwick	Whole	11343	169	All the estate interest and right of the transferee in respect of the said sewer lying in or under the said land to which the Transferee was entitled under or by virtue of the Hunter District Water Sewerage and Drainage Act 1938 at the date of the resumption of the said land by notification in the Government Gazette No. 101 published the 15th day of September 1967 to the intent that the Transferee shall be restored to all its rights under the said Act in respect of the said sewer notwithstanding such resumption

ENCUMBRANCES, &c., REFERRED TO[f]

Signed at Maitland the 10th day of August, 1971

[g] Signed in my presence by the transferor WHO IS PERSONALLY KNOWN TO ME

[b] Signed Hilary Lantry Transferor*

[h] Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

† Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act, and that I am the solicitor for the transferee whose signature cannot be obtained without difficulty and delay.

Signed in my presence by the transferee WHO IS PERSONALLY KNOWN TO ME

Transferee(s)

(Jan Koenig)

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

Sc 437—W K 1165 V. C. N. Blight, Government Printer

THIS SPACE TO BE LEFT FREE FROM NOTATIONS

NOT TO BE ALTERED BY ERASURE—See Foot Note

Req:R150919 /Doc:DL M399277 /Rev:21-May-1997 /Sts:DI.OK /Prt:12-Mar-2014 14:16 /Pgs:ALL /Seq:2 of 3
Ref: /Src:X

M 399277

No.

Lodged by

Address:

Phone No.:

PARTIAL DISCHARGE OF MORTGAGE[i]

(N.B.—Before execution read marginal note)

I,

mortgagee under Mortgage No.

release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land compised in such mortgage.

Dated at *this* *day of* 19 .

Signed in my presence by

who is personally known to me.

Mortgagee.

i This discharge is appropriate to a transfer of part of the land in the Mortgage. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY

(To be signed at the time of executing the within instrument)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. *Miscellaneous Register under the authority of which he has just executed the within transfer.*[j]

Signed at *the* *day of* , 19 .

Signed in the presence of—

j Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS[k]

Appeared before me at , *the* *day of* , *one thousand nine hundred and* *the attesting witness to this instrument and declared that he personally knew* *the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said* *is* *own handwriting, and that* *he was of sound mind and freely and voluntarily signed the same*

k To be signed by Registrar General, Deputy Registrar General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

LEAVE THESE SPACES FOR DEPARTMENTAL USE

INDEXED	MEMORANDUM OF TRANSFER	DOCUMENTS LODGED HEREWITH (To be filled in by person lodging dealing)
	M.P.D 1975	1. 2. 3. 4. 5. 6. 7. — Received Docs. Nos. Receiving Clerk
Checked by RG	Particulars entered in Register Book, 7-12-1977	
Passed (in S.D.B.) by		
Signed by JD	Registrar General	

PROGRESS RECORD

	Initials	Date
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Diagram prepared		
Diagram examined		
Draft forwarded		
Supt. of Engrossers		
Cancellation Clerk		

VOL. FOL.

K 1165 St 437—W

Req:R150919 /Doc:DL M399277 /Rev:21-May-1997 /Sts:DI.OK /Prt:12-Mar-2014 14:16 /Pgs:ALL /Seq:3 of 3
Ref: /Src:X

City of Maitland

THE HUNTER DISTRICT WATER BOARD

Morpeth Sewerage

PLAN

AT MORPETH

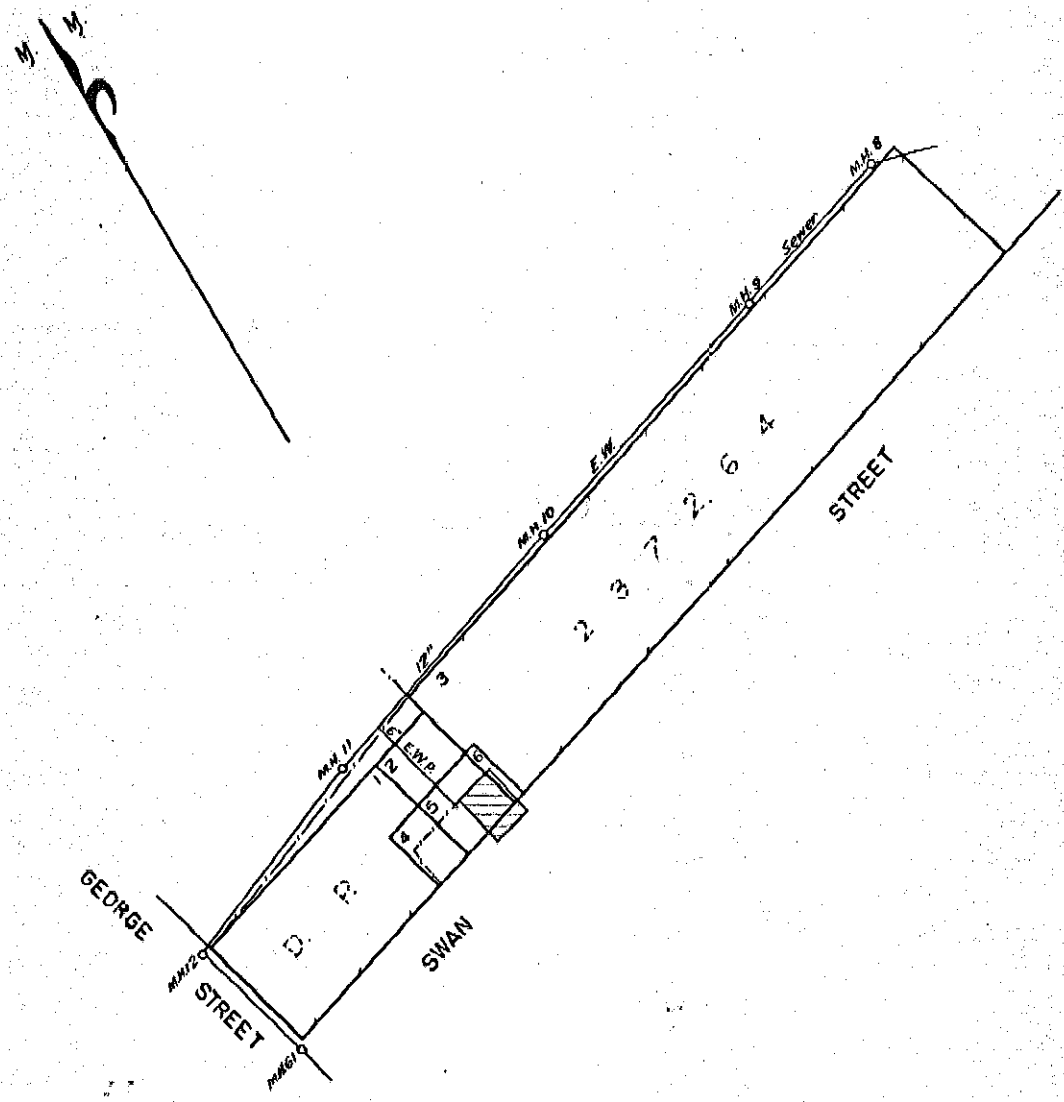
Showing Sewers lying within lots 2 and 3 D.P.237264.

PARISH OF ALNWICK COUNTY OF NORTHUMBERLAND

Scale:120 feet to an inch

This is the plan marked "A" annexed to Memorandum of Transfer Hillary Ignatius Lantry to the Hunter District Water Board dated the 10th. day of August 1971.

Hilary Lantry



B

Req:R151583 /Doc:DL M105742 /Rev:25-Jan-2012 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:1 of 2
Ref: /Src:X

M 105742

70 DEC 16 PM 1:03

70 DEC 14 AM 20

No._____

R.P. 13

FEES:— $ c

Lodgment — .

Endorsement — .

$ 20.00.

REGISTRAR GENERAL · NEW SOUTH WALES

N.S.W. STAMP DUTY DULY STAMPED

New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900)

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black non-copying ink.

I, THE COMMISSIONER FOR RAILWAYS (a body corporate created under or by virtue of the Transport (Division of Functions) Act 1932)

(herein called transferor)

being registered as the proprietor of an estate in *fee simple*[a] in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of ONE THOUSAND SIX HUNDRED DOLLARS ($1,600.00) (the receipt whereof is hereby acknowledged) paid to it by

[b] HILARY IGNATIUS LANTRY

do hereby transfer to

[c] HILARY IGNATIUS LANTRY of Morpeth Farmer

(herein called transferee)[d]

ALL such its Estate and Interest in ALL THE land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if part only)[e]
		Whole or Part	Vol.	Fol.	
Northumberland	Alnwick	Whole	11343	169	

a If a less estate, strike out "in *fee simple*" and interline the required alteration.

b State in full the name of the person who furnished the consideration monies.

c Show in BLOCK LETTERS the full name, postal address and description of the persons taking.

d If more than one person is taking state whether they hold as joint tenants or tenants in common.

e The description may refer to the defined residue of the land in a certificate or grant (e.g., "and being residue after Transfer No. ") or may refer to parcels shown in Town or Parish Maps issued by the Dept of Lands or shown in plans filed in the Office of the Registrar General (e.g., "and being lot sec. D.P. "). Unless authorised by Reg. 53 of the Conveyancing Act Regulations, 1961, a plan may not be annexed to or endorsed on this transfer form.

f A very short note will suffice.

g Execution in New South Wales may be proved if this instrument is signed or acknowledged before the Registrar General, or Deputy Registrar General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness should appear before one of the above functionaries who having questioned the witness should sign the certificate on the back of this form.

As to instruments executed elsewhere, see Section 107 of the Real Property Act, 1900, Section 168 of the Conveyancing Act, 1919, and Section 52A of the Evidence Act, 1898.

h Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

THIS SPACE TO BE LEFT FREE FROM NOTATION NOT TO BE ALTERED BY ERASURE—See Foot Note

ENCUMBRANCES, &c., REFERRED TO[f]

Signed at Sydney the second day of November, 1970.

THE COMMON SEAL OF THE COMMISSIONER for Railways hath been hereunto duly affixed in the presence of:

CORRECT

[h] Signed Mel L. Lyle
Assistant Solicitor for Railways

Transferor*

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

Transferee(s)

† Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

(W.A. Enright)
Solicitor for the Transferee whose signature cannot be obtained without difficulty and delay.

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

St 437—W K 1165 V. C. N. Blight, Government Printer

Wants to be sent SDB.

N55846

M 105742
No.

Lodged by

Address:

Phone No.:

Thomas Kenyon & Son
BW 7429
CONVEYANCING AGENTS
109 ELIZABETH ST., SYDNEY

PARTIAL DISCHARGE OF MORTGAGE[i]

(N.B.—Before execution read marginal note)

I,

mortgagee under Mortgage No.

release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land compised in such mortgage.

i This discharge is appropriate to a transfer of part of the land in the Mortgage. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

Dated at *this* *day of* 19 .

Signed in my presence by

who is personally known to me.

Mortgagee.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY

(To be signed at the time of executing the within instrument)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. *Miscellaneous Register under the authority of which he has just executed the within tranfer.*[j]

Signed at *the* *day of* , 19 .

Signed in the presence of—

j Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS[k]

Appeared before me at , *the* *day of* , *one thousand nine hundred and* *the attesting witness to this instrument and declared that he personally knew* *the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said* *is* *own handwriting, and that* *he was of sound mind and freely and voluntarily signed the same.*

k To be signed by Registrar General, Deputy Registrar General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

LEAVE THESE SPACES FOR DEPARTMENTAL USE

INDEXED	MEMORANDUM OF TRANSFER
Checked by	Particulars entered in Register Book, 23·12·1970
Passed (in S.D.B.) by	at
Signed by	Registrar General

DOCUMENTS LODGED HEREWITH

To be filled in by person lodging dealing

1. CT		Received Docs
2. Minute Paper		
3. Plan Copy		Nos
4.		
5.		
6.		Receiving Clerk
7.		

PROGRESS RECORD

	Initials	Date
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Diagram prepared		
Diagram examined		
Draft forwarded		
Supt. of Engrossers		
Cancellation Clerk		

VOL. FOL.

1165 Sc437—W

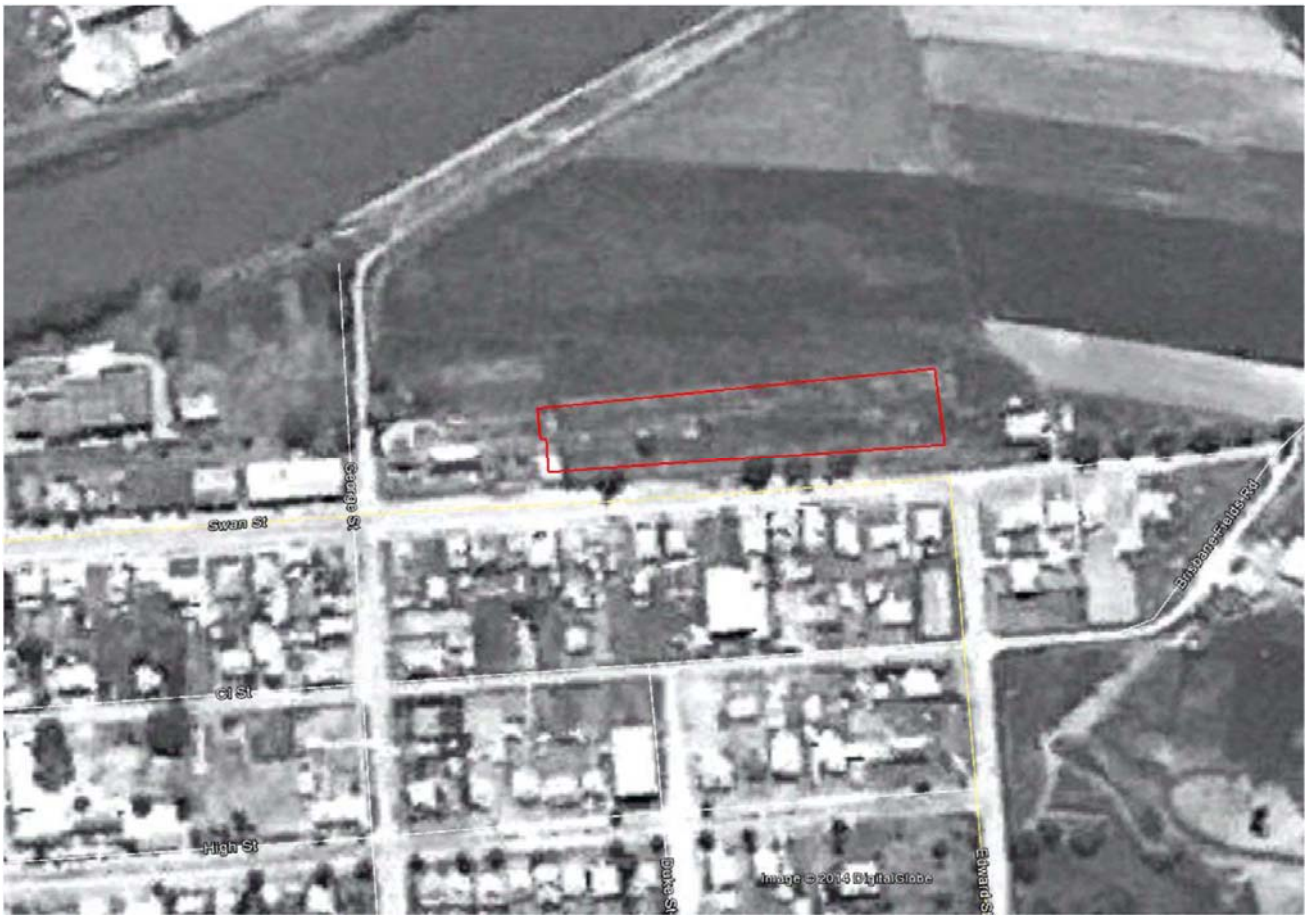
Req:R151583 /Doc:DL M105742 /Rev:25-Jan-2012 /Sts:OK.SC /Prt:12-Mar-2014 14:54 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X

Appendix B

Historical Aerial Photographs

CLIENT: **Mr H Lantry**		PROJECT: JME4015	DESIGNED: JMc		FIGURE TITLE 1958 Aerial Photograph
		DWG #: 1	DRAWN: JMc		
		REVISION: 1			
PROJECT TITLE: **Rezoning Project**		SCALE: NTS	STATUS:		
30 Swan Street, Morpeth NSW		DATE: 21/03/2014			FIGURE: **1959**

CLIENT: **Mr H Lantry**		PROJECT: JME4015	DESIGNED: JMc		FIGURE TITLE 1965 Aerial Photograph
		DWG #: 1	DRAWN: JMc		
		REVISION: 1			
PROJECT TITLE **Rezoning Project**		SCALE: NTS	STATUS:		
30 Swan Street, Morpeth NSW		DATE: 21/03/2014			FIGURE: **1965**



CLIENT: **Mr H Lantry**		PROJECT:	JME4015	DESIGNED:	JMc
		DWG #:	1	DRAWN:	JMc
		REVISION:	1		
PROJECT TITLE **Rezoning Project**		SCALE:	NTS	STATUS:	
30 Swan Street, Morpeth NSW		DATE:	21/03/2014		

FIGURE TITLE 1975 Aerial Photograph

FIGURE: **1975**

JM ENVIRONMENTS

CLIENT: **Mr H Lantry**		PROJECT:	JME4015	DESIGNED:	JMc
		DWG #:	1	DRAWN:	JMc
		REVISION:	1		
PROJECT TITLE **Rezoning Project**		SCALE:	NTS	STATUS:	
30 Swan Street, Morpeth NSW		DATE:	21/03/2014		

FIGURE TITLE 1987 Aerial Photogrpah

FIGURE: **1987**

JM ENVIRONMENTS

CLIENT: **Mr H Lantry**		PROJECT:	JME4015	DESIGNED:	JMc
		DWG #:	1	DRAWN:	JMc
		REVISION:	1	STATUS:	
PROJECT TITLE **Rezoning Project**		SCALE:	NTS		
30 Swan Street, Morpeth NSW		DATE:	21/03/2014		

FIGURE TITLE 1996 Aerial Photograph

FIGURE: **1996**

JM ENVIRONMENTS

CLIENT: **Mr H Lantry**		PROJECT:	JME4015	DESIGNED:	JMc
		DWG #:	1	DRAWN:	JMc
		REVISION:	1	STATUS:	
PROJECT TITLE **Rezoning Project**		SCALE:	NTS		
30 Swan Street, Morpeth NSW		DATE:	21/03/2014		

FIGURE TITLE 2007 Aerial Photograph

FIGURE: **2007**

JM ENVIRONMENTS

Appendix C

Section 149 Certificate

PO Box 220
Maitland NSW 2320
Phone: (02) 4934 9700
Fax: (02) 4933 3209
DX 21613 Maitland

S149 Planning Certificate

Environmental Planning & Assessment Act, 1979 (as amended)

MAITLAND CITY COUNCIL

APPLICANT **JM ENVIRONMENTS**
37 TOOKE STREET
COOKS HILL NSW 2300

Certificate No	**14/670**
Certificate Date	**14/03/2014**
Fee Paid	**133.00**
Receipt No	**40640**
No. of Pages	**Page 1 of 11**

Your Reference

PROPERTY **LOT 3 DP237264**
30 SWAN STREET
MORPETH

PARISH **Alnwick**

PROPERTY NO **25423**

IMPORTANT: Please read this certificate carefully.

This certificate contains important information about the land described above.

Please check for any item, which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, please contact the Council by phone on (02) 49349700, or personally at Council's office at 285-287 High Street Maitland.

The information provided in this certificate relates only to the land described above. If you require information about adjoining or nearby land, or about the Council's development policies or codes for the general area, contact Council's Planning & Environment Department.

All information provided is correct as at the date issued on this certificate. However, it is possible for changes to occur at any time after issue of this certificate. We recommend that you only rely upon a very recent certificate.

The following responses are based on the Council's records and / or information from sources outside the Council. The responses are provided with all due care and in good faith, however the Council cannot accept responsibility for any omission or inaccuracy arising from information outside the control of the Council.

Furthermore, while this certificate indicates the general effect of the zoning of the abovementioned land, it is suggested that the applicable planning instruments be further investigated to determine any additional requirements.

Copies of Maitland City Council's Local Environmental Planning Instrument, Development Control Plans and Policies are available for purchase from Council's Customer Service Centre.

Manufactured from Recycled Materials

PART 1: MATTERS PROVIDED PURSUANT TO SECTION 149 (2)

1. Local Environmental Plans (LEP)

Maitland LEP 2011, notified 16 December 2011, applies to the land.

2. Exhibited draft Local Environmental Plans

Council has placed on exhibition the following draft Local Environmental Plan(s) applying to the land:

Draft Local Environmental Plan - Clause 4.2A Dual Occupancies In Rural Zones

The objectives of this planning proposal are:

1. To amend the wording of Clause 4.2A to clarify that there is no difference between the interpretation of the definitions of Dwelling House and Dual Occupancy in respect of Clause 4.2A, as far as that clause applies to dwelling entitlement.
2. Clause 4.2A identifies Dwelling House but not Dual Occupancy, which is a separately defined term in the MLEP 2011. It should be noted that the MLEP 2011 has been prepared in accordance with the Standard Instrument and Clause 4.2A is a model clause. It is therefore proposed to prohibit Dual Occupancies in the zones that Clause 4.2A applies, being RU1 Primary Production zone, RU2 Rural Landscape zone, E3 Environmental Management zone and E4 Environmental Living zone.

3. Development Control Plan prepared by Council

Maitland Development Control Plan 2011 applies to the land.

4. Development Control Plans prepared by the Director-General

The Council has not been notified of any Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act.

5. State Environmental Planning Policies

The Minister for Planning has notified that the following State Environmental Planning Policies shall be specified on certificates under Section 149 of the Environmental Planning and Assessment Act, 1979.

The land is affected by the following State Environmental Planning Policies:

State Environmental Planning Policy No. 21 - Caravan Parks

Establishes a policy in relation to caravan parks which requires development consent of Council. Development includes the establishment of caravan parks and subdivision for lease purposes.

State Environmental Planning Policy No. 30 - Intensive Agriculture

This policy aims to provide for greater consistency in the assessment of applications for cattle feedlots and piggeries. The policy requires that cattle feedlots of 50 or more head and piggeries having a capacity of 200 or more pigs or 20 or more breeding sows, need development consent. The policy also provides for public participation in such applications and requires the consent authority to take into consideration various environmental matters when assessing such applications.

State Environmental Planning Policy No. 33 - Hazardous And Offensive Development

Provides definitions for hazardous and offensive developments as well as potentially hazardous and offensive developments and specifies the way in which applications for such developments are to be considered.

State Environmental Planning Policy No. 36 - Manufactured Home Estates

Policy facilitates the establishment of manufactured home estates as a contemporary form of medium density residential development by allowing such estates, with development consent, on certain land where caravan parks are permitted, subject to the land meeting locational criteria specified in the SEPP.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

Policy aims to encourage the proper conservation and management of areas of koala habitat.

State Environmental Planning Policy No. 50 - Canal Estate Development

Prohibits canal estate development.

State Environmental Planning Policy No. 55 - Remediation Of Land

Provides a statewide planning approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

State Environmental Planning Policy No. 64 - Advertising And Signage

This policy aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, and provides effective communication that is of high quality design and finish. This policy includes the regulating of signage through time limited consents but does not regulate the content of signage.

State Environmental Planning Policy No. 65 - Design Quality Of Residential Flat Development

This Policy aims to improve the design quality of residential flat development in New South Wales.

This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

This Policy:

(a) identifies that there is a need for affordable housing in the local government areas within which that land is situated, and

(b) describes the kinds of households for which affordable housing may be provided, and

(c) makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing

The policy applies to all land in the Greater Metropolitan Region.

State Environmental Planning Policy - Major Development 2005

The aims of this Policy are as follows:

(a) (Repealed)

(b) (Repealed)

(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,

(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

(e) (Repealed)

(f) (Repealed)

State Environmental Planning Policy - State And Regional Development 2011

The aims of this Policy are as follows:

(a) to identify development that is State significant development,

(b) to identify development that is State significant infrastructure and critical State significant infrastructure,

(c) to confer functions on joint regional planning panels to determine development applications.

State Environmental Planning Policy - Affordable Rental Housing 2009

This Policy aims:

(a) to provide a consistent planning regime for the provision of affordable rental housing,

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,

(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,

(e) to facilitate an expanded role for not-for-profit providers of affordable rental housing,

(f) to support local business centres by providing affordable rental housing for workers close to places of work,

(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

State Environmental Planning Policy - Building Sustainability Index: Basix 2004

1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:

   a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and

   b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring the commitments referred to in paragraph (a) to be fulfilled.

2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy - (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013

This Policy aims to provide streamlined assessment procedures for development that complies with specified development standards by:

(a) providing exempt and complying development codes that have State-wide application, and

(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and

(c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and

(d) enabling the progressive extension of the types of development in this Policy, and

(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

State Environmental Planning Policy - Infrastructure 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and

(b) providing greater flexibility in the location of infrastructure and service facilities, and

(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and

(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and

(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and

(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

State Environmental Planning Policy - Mining, Petroleum Production And Extractive Industries 2007

The aims of this Policy, are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:

(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and

(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and

(c) to establish appropriate planning controls to encourage ecologically sustainable devlelopment through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.

State Environmental Planning Policy - Rural Lands 2008

The aims of this policy are as follows:

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,

(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,

(c) to implement measures designed to reduce land use conflicts,

(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

State Environmental Planning Policy - Temporary Structures 2007

The aims of this Policy are as follows:

a) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment,

b) to encourage the protection of the environment at the location, and in the vicinity, of places of public entertainment or temporary structures (among other things) managing noise, parking and traffic impacts and ensuring heritage protection,

c) to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development,

d) to promote opportunities for buildings (including temporary structures) to be used as places of public entertainment by specifying the circumstances in which that use is complying development or exempt development,

e) to promote the creation of jobs in the public entertainment industry,

f) to increase access for members of the public to public entertainment.

6. Draft State Environmental Planning Policies

The following draft State Environmental Planning Policy(s) applying to the land has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy - Competition 2010

The aims of this Policy are: (a) to promote economic growth and competition, and (b) to remove anti-competitive barriers in environmental planning and assessment.

7. Zoning and land use under relevant LEPs

Maitland LEP 2011, notified 16 December 2011, identifies the zone applying to the land as:

RU1 Primary Production

The following development control table(s) give the objectives of the zone, the description of the zone and identify development allowed or prohibited in each zone. Development consent where required, must be obtained from the Council.

RU1 Primary Production

1) Objectives of zone

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

2) Permitted without consent

Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3) Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Cellar door premises; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Water supply systems

4) Prohibited

Any other development not specified in item 2 or 3

8. Development standards to permit the erection of a dwelling-house on the land

Clause 4.2A in the Maitland Local Environmental Plan 2011 applies to the land. This clause fixes a minimum lot size for the erection of a dwelling-house that is identified on the Maitland Local Environmental Plan 2011 Lot Size Map as 40 hectares.

9. Critical Habitat

No Local Environmental Plan or draft Local Environmental Plan identifies the land as including or comprising critical habitat.

10. Conservation Area/Item of Environmental Heritage

Heritage Conservation

The land is located within a Heritage Conservation Area. Clause 5.10 in the Maitland Local Environmental Plan 2011 applies. The Heritage Conservation Area is listed in Schedule 5 in the Maitland Local Environmental Plan 2011 and identified on the Maitland Local Environmental Plan 2011 Heritage Map.

11. Directions Under Part 3A

There is **no** direction by the Minister under Section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 (other than a project of a class prescribed by the regulations) of the Act does not have effect.

12. Coastal Protection

The Council has not received any notification from the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

13. Mine Subsidence Compensation Act 1961

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

14. Road widening or realignment

The land is not affected by any road widening or re-alignment under:

(a) Division 2 of Part 3 of the Roads Act 1993: or (b) any environmental planning instrument; (c) any resolution of the council.

15. Council and other public authority policies on hazard risk restrictions

All land within the Maitland Local Government Area has the potential to contain acid sulfate soils. Clause 7.1 in the Maitland Local Environmental Plan 2011 generally applies. Development consent is required where works described in the Table to this clause are proposed on land shown on the Maitland Local Environmental Plan 2011 Acid Sulfate Soils Map as being of the class specified for those works.

16. Bushfire Prone Land

The land is not 'bushfire prone land'.

17. Flood Related Development Controls

Development on this land or part of this 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) **is** subject to flood related development controls contained within cl. 7.3 of the Maitland Local Environmental Plan 2011 and s. B3 of the Maitland Development Control Plan 2011.

Development on this land or part of this land for any other purpose **is** subject to flood related development controls contained within cl. 7.3 of the Maitland Local Environmental Plan 2011 and s. B3 of the Maitland Development Control Plan 2011.

Information given in relation to flooding is based upon Councils adopted 1:100 ARI (Average Recurrent Interval) flood event.

The Maitland Local Environmental Plan 2011 identifies the flood planning level (FPL) as the level of a 1:100 ARI flood event plus 0.5m freeboard.

The subject land **is not** within a Declared Flood Plain within the meaning of the Water Management Act 2000. Development on this land **is not** subject to flood related development controls contained in Section 256 of the Water Management Act 2000.

18. Land reserved for acquisition

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

19. Contribution Plans

The following contribution plan(s) apply to the land:

- Maitland Section 94 Contributions Plan 1995.

- Maitland S94 Contributions Plan (City wide) 2006

- Maitland S94A Levy Contributions Plan 2006

Contributions plans may be inspected and purchased at Council's Customer Service Centre.

20. Property Vegetation Plans

The Council has not received any notification from the Catchment Management Authority that the land is affected by a property vegetation plan under the Native Vegetation Act 2003.

21. Order under Trees (Disputes Between Neighbours) Act 2006.

Council has not received notification from the Land and Environment Court of New South Wales that the land is affected by an Order Under Trees (Disputes Between Neighbours) Act 2006.

22. Conditions Affecting Seniors Housing

1) Site Compatibility Certificate

Council is unaware of whether a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 has been issued for the land.

2) Conditions of Development Consent since 11 October 2007

No development consent has been granted for the development permitted by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 after 11 October 2007.

23. Site Compatibility Certificates for Infrastucture

Council is unaware of whether a valid site compatibility certificate has been issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 for the land.

24. Complying Development

Complying development under the **General Housing Code** may not be carried out on the land as it is not within an applicable zone and the land is:

land within a heritage conservation area - unless under the General Housing Code or Rural Housing Code, the development is a detached outbuilding or swimming pool.

Complying development under the **Rural Housing Code** may not be carried out on the land as it is:

land within a heritage conservation area - unless under the General Housing Code or Rural Housing Code, the development is a detached outbuilding or swimming pool.

Complying development under the **Housing Alterations Code** may be carried out on the land.

Complying development under the **General Development Code** may be carried out on the land.

Complying development under the **Commercial and Industrial Alterations Code** may be carried out on the land.

Complying development under the **Commercial and Industrial (New Buildings and Additions) Code** may not be carried out on the land as it is not wthin an applicable zone and the land is:

land within a heritage conservation area - unless under the General Housing Code or Rural Housing Code, the development is a detached outbuilding or swimming pool.

Complying development under the **Subdivisions Code** may be carried out on the land.

Complying development under the **Demolition Code** may be carried out on the land.

Complying development under the **Fire Safety Code** may be carried out on the land.

Note: Despite the above provisions, if only part of a lot is subject to an exclusion or exemption under Clause 1.17A or Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013, complying development may be carried out on that part of the lot that is not affected by the exclusion or exemption.

25. Contaminated Land

(a) The land to which this certificate relates is not significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

(b) The land to which this certificate relates is not subject to a management order within the meaning of the Contaminated Land Management Act 1997.

(c) The land to which this certificate relates is not the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.

(d) The land to which this certificate relates is not subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.

(e) Council has not been provided with a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for the land to which this certificate relates.

(f) The land to which this certificate relates is not subject to the Unhealthy Building Land Policy as it is low lying as defined in Schedule 1 of the former Unhealthy Building Land Act 1990.

(g) The land to which this certificate relates is not subject to the Unhealthy Building Land Policy as it is potentially contaminated as defined in Schedule 2 of the former Unhealthy Building Land Act 1990.

26. Site compatibility certificates and conditions for affordable rental housing

(1) Site Compatibility Certificate

Council is unaware if a current site compatibility certificate (affordable rental housing) has been issued in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009.

(2) Conditions of Development Consent

No development consent has been granted for development permitted by State Environmental Planning Policy (Affordable Rental Housing) 2009 after 31 July 2009.

27. Nation Building and Jobs Plan (State Instructure Delivery) Act 2009

Council is unaware of whether an Order or an Authorisation has been issued under Section 23 and 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009, for the carrying out of development on the land.

PART 2: ADDITIONAL MATTERS PROVIDED PURSUANT TO SECTION 149 (5)

The following information is provided in accordance with section 149(5) of the Environmental Planning and Assessment Act 1979. Section 149(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 149(5). If this information is to be relied upon, it should be independently checked.

Maitland LEP 2011 makes the following special provisions in relation to the land

1. Preservation of trees or vegetation

The Native Vegetation Act 2003 applies to the land. This Act is administered by the Hunter-Central Rivers Catchment Management Authority (CMA). Any person intending to clear vegetation of any kind should consult with the CMA to determine if any approvals are required for this work.

2. Development Consent

Council's records indicate that the land has not had any development consent granted within the five (5) years preceding the date of this certificate.

3. Draft DCP's

No Draft Development Control Plan is expressed to apply to the land subject to this certificate.

4. Suspension of covenants

Clause 1.9A in the Maitland Local Environmental Plan 2011 applies to all land within the Maitland Local Government Area. This clause suspends any agreement, covenant or other instrument that restricts the development of land that is permissible under the provisions of the Maitland Local Environmental Plan 2011 to the extent necessary to serve that purpose.

5. Filling of land

Earthworks (excavation and filling of land) require development consent. Clause 7.2 in the Maitland Local Environmental Plan 2011 applies to all land within the Maitland Local Government Area. Earthworks (defined as both excavation and filling of land) require development consent of Council unless the works are exempt development, ancillary to other development for which development consent is required or granted, or considered by Council to be of a minor nature.

6. Development in the vicinity of heritage items

Clause 5.10 in the Maitland Local Environmental Plan 2011 generally applies to all land in the Maitland Local Government Area, where the land is located in the vicinity of a heritage item or heritage conservation area. This clause requires a consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned, before granting development consent.

David Evans - General Manager

Per: .....

End of Certificate

Appendix D

NSW OEH and EPA Records

Healthy Environment, Healthy Community, Healthy Business

Search results

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

Suburb - morpeth

returned 12 results

Export to excel

1 of 1 Pages

Search Again

Number	Name	Location	Type	Status	Issued date
10693	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	POEO licence	Issued	23 May 2000
1772	HUNTER WATER CORPORATION	OFF TANK STREET, MORPETH, NSW 2321	POEO licence	Surrendered	07 Mar 2001
1032506	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	24 Dec 2003
1036216	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	11 Jun 2004
1038864	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	06 Jan 2005
1047580	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	27 Jul 2005
1051134	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	06 Sep 2005
1061996	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	24 Aug 2006
1064954	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	30 Nov 2006
1073721	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	22 May 2007
1087238	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	23 May 2008
1121862	HUNTER WATER CORPORATION	Butcher Lane, MORPETH, NSW 2321	s.58 Licence Variation	Issued	07 Jan 2011

21 March 2014