
Preliminary Contamination Assessment

216-234 Pacific Highway,
Charmhaven NSW.

NEW22P-0025-AA
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This report has been reviewed and approved by Emma Coleman, who is a Certified Environmental Practitioner (CEnvP) (registration no. 1274) – Site Contamination Specialist (registration no. SC41121), under the Environment Institute of Australia and New Zealand.



Executive Summary

Qualtest Laboratory NSW Pty Ltd (Qualtest) has carried out a Preliminary Contamination Assessment (PCA) for Capital Property Solutions Pty Ltd C/- Interface Planning Pty Ltd (Interface Planning) for the site located at 216-234 Pacific Highway, Charmhaven NSW (the Site).

The site comprises Lot 332 DP18234 and Lot 1 DP335574, is about 6.8ha in area, and is currently used for rural-residential purposes. The site is proposed to be developed for a 71 dwelling retirement village.

An application for a Site Compatibility Certificate was lodged with Department of Planning, Industry and Environment (DPIE). DPIE requested: *"The application notes that, having regard to the past agricultural use of the land, further investigations in relation to potential contamination would be necessary should this application proceed to a development application. A preliminary site investigation report should be undertaken or approved by a certified contaminated land consultant and submitted in support of the application for the Site Compatibility Certificate to demonstrate the site is suitable for its intended use."*

The purpose of the PCA was to support the SCC submission to DPIE, and future development application submissions.

The objectives of the PCA were to provide an assessment of the likelihood for contamination to be present on the site from past uses and activities, and provide recommendations on the need for further assessment, management and/or remediation (if required).

In order to achieve the above objective, Qualtest carried out the following scope:

- Desktop study and site history review;
- Site walkover;
- Data assessment and preparation of a Preliminary Contamination Assessment Report.

The site history review indicated that the site has been used for rural residential purposes since at least the 1960s, and likely from the 1930s. The agricultural activities carried out on the site are not known, but appear to have included grazing of animals (cattle or horses), keeping of chickens and other small animals, greenhouses, and potentially cropping.

A number of structures (sheds/residential dwellings) were constructed on the site prior to the 1960s and into the 1980s, and some of these have been demolished. Observations of the building materials visible at the time of walkover indicated that potential asbestos containing materials are present. At least one dam constructed before 1965 was backfilled in the 1970s or 1980s, and it is possible other dams were present, but not visible in the aerial photographs due to tree cover. During the site walkover, stockpiles of materials, equipment and waste were observed, particularly on the southern portion of the site (Lot 332).

Two service stations are located about 30m south and 60m south to south-east of the site, in an up-gradient position, and have been present since at least 1965.

Six Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: 1. Current and former buildings across the site; 2. Septic tank and associated overflow/soak aways; 3. Storage of materials, equipment and waste; 4. Potential cropping; 5. Infilled dam; and 6. Offsite service stations.

The Conceptual Site Model (CSM) indicated that there was potential for soil, surface water and groundwater contamination to exist on the site and potentially complete exposure pathways could exist to current and future site users and the environment.

Based on the above, it is recommended that a detailed contamination assessment, comprising intrusive investigations, be carried out on the site.

Whilst there is a potential for contamination to be present on the site, the likely type and extent of potential contamination is typical for rural-residential properties, and it is unlikely the contamination (if any) would preclude the development of the site as a retirement village. In addition, should contaminated groundwater be migrating from nearby service stations, it is expected that the polluter would be required to contribute to the remediation or management of the contamination. Therefore, it is considered that the detailed contamination assessment could be carried out as part of the Development Application process, after a Site Compatibility Certificate has been obtained.

This report was prepared in general accordance with the relevant sections of the NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), NEPC 2013, Canberra (referred to as ASC NEPM 2013).

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Appendix A - Figures: Figure 1 - Site Location Plan

Figure 2 – Historical Site Features Plan

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Appendix B: Groundwater Bore Search

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Appendix D: Aerial Photographs

Appendix E: Site Photographs

Appendix F: NSW EPA Records

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1.0 Introduction

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1.1 Objectives

The objectives of the PCA were to provide an assessment of the likelihood for contamination to be present on the site from past uses and activities, and provide recommendations on the need for further assessment, management and/or remediation (if required).

1.2 Scope of Works

In order to achieve the above objective, Qualtest carried out the following scope:

- Desktop study and site history review;
- Site walkover; and
- Data assessment and preparation of a Preliminary Contamination Assessment Report.

2.0 Site Description

2.1 Site Identification

General site information is provided below in Table 2.1. The site location is shown in Figure 1, Appendix A.

Table 2.1: Summary of Site Details

| | |
|---|---|
| Site Address: | 216-234 Pacific Highway, Charmhaven NSW |
| Approximate site area and dimensions: | Approx. 6.8ha Approx. 213m long by 322m wide across the centre of the site. |
| Title Identification Details: | Lot 332 DP18234 and Lot 1 DP335574 within the Central Coast local government area, Parish of Munmorah, County of Northumberland. |
| Current Zoning | RU6 – Transition |
| Current Ownership: | Lot 1 – James Fogarty Lot 332 – Lesday Pty Ltd |
| Current Occupier: | Lot 1 – Rural-Residential Lot 332 – Rural |
| Previous and Current Landuse: | Lot 1 – Rural Residential Lot 332 – Rural |
| Proposed Landuse: | Proposed to be developed for a 71 dwelling retirement village |
| Adjoining Site Uses: | North – Rural residential and dense bushland; East – Pacific Highway followed by residential properties; South – Rural Residential; and West – Undeveloped bushland. |
| Site Coordinates for approx. centre of site: | 33°13'31.79 S 151°30'04.19 E |

2.2 Topography and Drainage

Reference to the NSW Land and Property Information Spatial Information Exchange website (<https://six.nsw.gov.au/wps/portal/>) indicated the elevation of the site was between <10m and 20m AHD.

The highest portions of the site were observed in the central-eastern and south-eastern portions of the site. The general surface topography was observed to slope down to the west. The central eastern portion of the site slopes to the north and west.

Rain falling on the site would be expected to infiltrate into the site surface. Excess surface water is generally expected to follow the site topography, and flow west/north west. Two onsite dams were observed in the north-eastern (Dam 1) and south-western (Dam 2) portions of the site. Surface water would be expected to collect in Dam 1 when falling in the central-eastern and north-eastern portions of the site, and Dam 2 when falling in the southern and south-eastern portions of the site. Surface water draining offsite is expected to flow into an unnamed creek located in the south-western corner of the site and along the western boundary of the

site. The unnamed creek is then expected to discharge to Wallarah Creek, located approximately 720m north-west of the site.

2.3 Regional Geology

The 1:100,000 Gosford-Lake Macquarie Geology Map indicates that the site is underlain by the early Triassic, Tuggerah Formation comprising grey to green-grey laminate, red-brown claystone and siltstone, interbedded with fine to medium grained green-grey sandstone.

2.4 Hydrogeology

Groundwater beneath the site is anticipated to be present in a semi-confined aquifer in residual soils and/or weathered rock. Groundwater is expected to be less than 10m below ground surface (bgs). Groundwater flow direction is anticipated to follow the surface topography and flow north-west into Wallarah Creek, located approximately 720m north-west of the site and eventually discharge into Budgewoi Lake, located approximately 1km north-east of the site.

It should be noted that groundwater conditions can vary due to rainfall and other influences including regional groundwater flow, temperature, permeability, recharge areas, surface condition, and subsoil drainage.

A search of the NSW Department of Primary Industries (Office of Water) registered groundwater bores located within a 500m radius of the site was undertaken. The search revealed that there were no registered bores within this radius. A copy of the search is provided in Appendix B.

2.5 Acid Sulfate Soils

Reference to the Acid Sulfate Soil online database from State of NSW and Department of Planning, Industry and Environment, 2021 (espade.environment.nsw.gov.au) the site is located within an area of “no known occurrence of acid sulfate soils”

3.0 Site History Review

A site history review was undertaken as part of the PCA, and included:

- A review of historical ownership of the site;
- A review of aerial photography from the past 57 years;
- A review of Section 10.7 Certificates for the site from Central Coast Council;
- Search of the NSW EPA's list of contaminated sites relevant to the site and nearby properties; and
- A site walkover to help identify current and previous activities carried out on the site, identify surrounding land uses, and assess Areas of Environmental Concern (AECs) and Chemicals of Potential Concern (COPCs).

The information provided from the above reviews is summarised in the sections below.

3.1 Historical Titles Search

A search of historical titles for Lot 332 and Lot 1 was undertaken by Advanced Legal Searchers Pty Ltd. A list of past registered proprietors dating back to 1918 was obtained. The results of the search are included in Appendix C and a summary is presented below in Table 3.1.

Table 3.1: Summary of Historical Titles

| Date | Owner |
|-------------------------|---|
| Lot 332 DP 18234 | |
| 1976 – to date | Lesday Pty Limited |
| 1975 – 1976 | Robert Andre Perkins, grazier |
| 1946 – 1975 | Mary Martha Agnes Phillips Whildon, spinster |
| 1936 – 1946 | Australian Mutual Providence Society |
| 1918 – 1936 | Albert Hamlyn Warner, esquire |
| Lot 1 DP 335574 | |
| 1985 – to date | James Trevor Fogarty Marie Emily Fogarty |
| 1972 – 1985 | Thomas James Fogarty, carpenter |
| 1953 – 1972 | Thomas James Fogarty, carpenter Jean Emily Fogarty, his wife |
| 1937 – 1953 | John Ulrich Studach, farmer Lucy Victoria Studach, his wife |
| 1936 – 1937 | Australian Mutual Providence Society |
| 1918 – 1936 | Albert Hamlyn Warner, esquire |

The historical title search indicated that the site was owned by private individuals between 1918 to current date (Lot 1) and 1918 to 1976 (Lot 332), with the exception of the Australian Mutual Providence Society (AMP Ltd) during the 1930s and 1940s. The private individuals has occupations listed as farmer, carpenter, spinster, and grazier. From 1976 to the current date Lot 332 has been owned by a company, Lesday Pty Ltd.

3.2 Aerial Photograph Review

Aerial photographs of the site from 1965, 1971, 1984 and 1996 were obtained from the NSW Government Spatial Portal (<https://portal.spatial.nsw.gov.au/>), and satellite images from Google Earth for 2005 and 2021, were assessed by a Qualitest Environmental Scientist. The results of the aerial photograph review are summarised below in Table 3.2. The aerial photographs are presented in Appendix D. The location of the historical site features is shown on Figure 2, Appendix A

Table 3.2: Aerial Photograph Review

| Year | Site | Surrounding Land |
|------|--|--|
| 1965 | <p>The site appears to be rural residential land.</p> <p>Two rows of buildings/shed structures can be observed in the north-eastern area. Some land disturbance can be observed around the buildings/sheds. A dwelling with a driveway is observed in the north-eastern portion of the site. Two potential dams can be observed in the northern portion, with possible filling in the dam embankments.</p> <p>An additional building/structure can be observed in the south-eastern portion. There appears to be some stored materials, possibly hay bales, near the building to the west and south. Some access roads and land disturbance can be observed in the southern portion. A dam is present in the central western area of the southern portion.</p> <p>There may have been crops grown in the north-central portion of the site and southern portion of the site.</p> <p>The remainder of the site is either uncleared vegetation (trees) in the central and western portions, or grassed for farming purposes.</p> | <p>Dense bushland can be observed to the north and west.</p> <p>Rural residential properties can be observed to the south and rural residential/residential dwellings appear to have been constructed to the east.</p> <p>A possible service station can be observed about 30m south of the south-eastern site boundary.</p> |
| 1971 | <p>The 1971 image is of poor quality.</p> <p>The site appears relatively similar to the previous aerial photograph. One of the dams located to the north appears to have been removed/filled.</p> <p>Some of the stored material around the building located in the southern portion, appears to have been removed. A portion of possibly disturbed land or a constructed building/slab can be observed just north of the central-southern boundary.</p> <p>Bushland density may have slightly decreased across the site.</p> | <p>The surrounding land use appears relatively unchanged since the 1965 aerial photograph.</p> <p>Some land disturbance can be observed to the south.</p> |

| Year | Site | Surrounding Land |
|------|---|--|
| 1984 | <p>A row of buildings/shed structures located in the northern portion appear to have been removed. A new building/shed is present to the west of the former buildings/sheds. The surrounding previously disturbed area in the central north appears to have been overgrown with short, possible grass vegetation.</p> <p>Additional buildings/ shed structures appear to have been developed in the south-eastern portion. These structures may have been present in the 1971 aerial photograph but obstructed from view by trees. Some stored materials can be observed surrounding these structures. A small structure appears to have been developed in a previously disturbed portion along the central-southern boundary. A new driveway appears to have been constructed in the south-eastern corner, likely unpaved.</p> <p>A new dam appears to have been constructed in the south-western corner. Bushland in many parts across the site has been reduced.</p> | <p>The surrounding land appears relatively similar to the previous aerial photograph.</p> <p>A portion of land to the north has been partly cleared. Residential housing density has increased to the east. Some possible commercial buildings have been developed east of the Pacific Highway.</p> |
| 1996 | <p>The site appears relatively unchanged from the previous 1984 aerial photograph.</p> <p>Many of the structures and stored materials located in the south-eastern and southern portions appear to have been removed. The driveway in the south-eastern corner appears to be overgrown with vegetation or removed.</p> <p>An unknown object/structure can be observed in the south-west corner.</p> | <p>The surrounding land appears relatively unchanged from the previous 1984 aerial photograph.</p> <p>Some land clearing can be observed to the north. Access tracks and small amounts of land clearing can be observed to the west and south-west.</p> <p>A slight increase in residential housing can be observed to the east.</p> |

| Year | Site | Surrounding Land |
|------|---|--|
| 2005 | <p>The site appears relatively unchanged from the previous 1997 aerial photograph.</p> <p>A shed/structure has been removed from the row in the north-eastern portion. Additional structures and stored materials can be observed in the central/southern portion. Some minor land disturbance can be observed in the south-eastern corner.</p> <p>The dam in the central-western area of the southern portion appears to have been filled in.</p> | <p>The surrounding land appears relatively unchanged from the previous 1996 aerial photograph.</p> <p>A large-scale land clearing event has taken place to the north, possibly making way for a future subdivision. Possible slight increase in residential housing to the east.</p> |
| 2021 | <p>The site appears relatively unchanged from the previous 2005 aerial photograph.</p> <p>A shed located to the north has been removed, a slab/footings appear to remain. Two small green structures have been constructed north-west of the dwelling located on the north-eastern boundary.</p> <p>An increase in shed/structures can be observed in the central/southern portion. There also appears to be a large increase in stored materials, possibly scrap steel.</p> <p>Vegetation density appears to have increased, located in the eastern portion.</p> | <p>The surrounding land appears relatively unchanged from the previous 2005 aerial photograph.</p> |

3.3 Site Observations

A Qualtest Environmental Scientist visited the site on the 9 and 10 February 2022. Selected site photographs are presented in Appendix E. The location of site features is shown on Figure 3, Appendix A. A summary of the site features is outlined below:

- A residential dwelling was observed in the eastern portion of the site. The dwelling was observed to have been constructed of concrete in the walls and the slab and a corrugated iron roof. A part gravel and grass driveway was observed running along the northern side of the house (see Photograph 1);
- Five sheds and animal enclosures were observed in the north-eastern portion of the site:
 - Shed 1 was observed to the west of the residential dwelling. The shed was observed to have been constructed with probable ACM and timber with some chicken wire in the window and a concrete slab floor. The shed appeared to be used as a bird aviary (see Photograph 2);
 - Shed 2 was observed to the south of Shed 1. The shed was observed to have been constructed with a corrugated metal roof and concrete walls. Shed 2 was heavily overgrown with vegetation, restricting access and visual observations (see Photograph 3);

- Shed 3 was observed to the west of Shed 1. The shed was observed to have been constructed with probable ACM, weatherboards, timber, glass windows, corrugated steel roof and a concrete slab floor in relatively good condition. Shed 3 was observed to be primarily used to store gardening equipment such as lawn mowers, pots, picks, shovels, wheel barrows, as well as some timber furniture, push bikes, and cardboard boxes. A sheet of probable ACM was observed leaning against the southern outside wall of the shed (see Photographs 4 and 5);
- Shed 4 was observed on the southern bank of Dam 1. The shed was observed to be constructed of corrugated iron and timber. The shed was observed to comprise of concrete, steel, timber, wire and corrugated iron, possibly used to store pumps associated with the dam (see Photograph 6);
- Shed 5 was observed in the south-eastern portion of the site. The shed was observed to be derelict and appeared to be constructed of probable ACM sheeting walls inside and timber on the outside, corrugated steel roofing and glass windows. The shed appeared to be used to store materials which are unknown as the shed was very dilapidated, and entry was deemed unsafe (see Photograph 7);
- An additional small structure/animal enclosure was observed west of Shed 1 and was observed to be constructed of mesh wire, corrugated steel roof, plastic tarp, timber and steel with some possible ACM. The structure appeared to have been formerly used as an enclosure for rabbits or other small animals (see Photograph 8);
- A chicken coop was observed approximately 40m west of Shed 1. The chicken coop appeared to be constructed of a timber frame, steel mesh walls, corrugated iron roof and an earthen floor. The chicken coop was used to house chickens, buckets, loose timber and some 44-gallon drums (potentially containing chicken feed) (see Photograph 9);
- A possible septic tank may exist to the south of the residential dwelling on the site. Due to the overgrown nature of this area, visual observations were obstructed;
- Three greenhouses were observed in the north-eastern portion of the site. Greenhouse 1 was observed in the eastern portion of the site, approximately 20m south-west of the residential house. Greenhouses 2 and 3 were observed approximately 40m north-west of the residential house. The greenhouses appeared to be constructed of mesh wire, a steel frame, covered with a green shade cloth. The greenhouses comprised of an earthen floor and numerous plants (see Photographs 10 and 11);
- An old concrete slab was observed approximately 90m west of the house, in the central northern portion of the site. Some loose probable ACM pieces were observed on top of the slab (see Photograph 12);
- A stock loading yard was observed in the central portion of the site and was observed to comprise of steel and timber (see Photograph 13);
- Two dams were observed on the site. Dam 1 was located in the north-eastern portion of the site and Dam 2 was located in the south-western portion of the site. The embankments of both dams appeared to comprise material sourced from the dam excavation. Both dams were overgrown with vegetation (see Photograph 14 and 15);
- An area of possible filling was observed north of Shed 3, the ground was observed to be undulating and the vegetation was more lush. The area correlates to the location of a dam observed in the 1965 aerial photograph that was infilled between 1965 and 1971;
- Six stockpiles of stored waste/materials were observed in numerous locations around the site:
 - Waste/materials 1 was observed in the western portion of the site and appeared to comprise of probable ACM sheeting and small scattered fragments, steel, timber, corrugated iron and tyres (see Photograph 16);

- Waste/materials 2 was observed in the central portion of the site and appeared to comprise of steel, wire, rainwater tank, sink, timber, concrete, drums and cables (see Photograph 17);
- Waste/materials 3 was observed in the central to southern portion of the site and comprised of aluminium cans, bolts & screws, corrugated iron sheeting, wire rolls, steel cages, fencing, scaffolding and other steel structures. Some 44-gallon drums, PVC piping, bricks, chip board, timber crates, old trailers, cars, trucks, a bobcat, concrete piping (possibly ACM), batteries, oil & diesel drums, transmission fluid drums, and intermittent bulk containers (IBC) with unknown contents (likely rain water) (see Photographs 18 to 20);
- Some small amounts of concrete waste were observed in the western portion of the site;
- Three shipping containers were observed in the southern portion of the site and were observed to be constructed of steel. The shipping containers were locked during the site walkover, restricting access (see Photograph 21);
- Ten stockpiles were observed on the site:
 - SP1 was <math><0.5\text{m}^3</math> in volume, and located adjacent to an old concrete slab in the north-east portion of the site. It was overgrown with vegetation but appeared to comprise soil with steel pieces (see Photograph 22);
 - SP2 was about 4m^3 in volume, and located in the south-east corner of the site. It comprised Gravelly Clay, with some topsoil, overgrown with vegetation (see Photograph 23);
 - SP3 was <math><0.5\text{m}^3</math> in volumes, and located in the south-east corner of the site. It comprised topsoil and mulch (see Photograph 24);
 - SP4 was about 8m^3 in volume, and located in the south-east portion of the site. It comprised topsoil overgrown with vegetation (see Photograph 25);
 - SP5 and SP6 were about 15m^3 and 6m^3 respectively, located in the south-east portion of the site. They comprised Gravelly Sandy Clay, dark grey, with some possible coal chitter, overgrown with vegetation (see Photographs 26 and 27);
 - SP7 was about 3m^3 in volume, located in the south-east portion of the site. It was overgrown with vegetation, with some sandstone and concrete on surface (see Photograph 28);
 - SP8 was about 50m^3 in volume, located in the south-east portion of the site. It comprised Gravelly Clay and Coal Chitter, mostly overgrown with vegetation (see Photograph 29);
 - SP9 was about 3m^3 in volume, located in the south-west portion of the site. It was overgrown with vegetation (see Photograph 30);
 - SP10 was about 50m^3 in volume, located in the south-west portion of the site. It was overgrown with vegetation (see Photograph 31).
- A horse enclosure was located near the southern central boundary of the site. It was constructed with corrugated iron, steel, temporary fencing panels, and had a half earthen / half concrete floor. Some timber was stored inside. Two water tanks were located on the southern side of the enclosure (see Photograph 32).

3.4 NSW EPA Records & Environment Protection Licenses

Contaminated Land Records

A search of the NSW EPA database of notices issued under the Contaminated Land Management Act, 1997 (CLM Act) revealed there were no properties listed as having current and/or former notices within the Charmhaven suburb.

A search of sites that have been notified to NSW EPA as contaminated (as of 8 November 2021) was also carried out. The search identified one property within the Charmhaven suburb which had been notified to the NSW EPA as being contaminated, summarised in Table 3.4.1

Table 3.4.1 – Information on Properties Notified to EPA as Contaminated

| Company Name | Contamination Activity/Type | Address | Approx. Distance & Direction from Site | Management Class |
|-----------------------------------|-----------------------------|-----------------------|--|---|
| Caltex Charmhaven Service Station | Service Station | 13-15 Pacific Highway | 1km north | Regulation under the CLM Act not required |

Based on the management class, and the distance from the site, it is unlikely that contamination on the property would affect the site.

A copy of the above searches is provided in Appendix F.

Environment Protection Licenses (EPLs)

The Protection of the Environment Operations (POEO) register under Section 308 of the POEO Act 1997, was searched for Environment Protection Licenses (EPLs) and notices for the suburb of Martins Creek NSW. The search revealed there was one property within the Charmhaven suburb with an EPL, summarised in Table 3.4.2.

Table 3.4.2 – Information on Properties with EPLs

| Company Name | Address | Approx. Distance & Direction from Site | Licensed Activity |
|-----------------------------|----------------|--|---|
| Hymix Australia Pty Limited | 3 Arizona Road | 1.8kms south | Concrete works. License no longer in force. |

Given the distance to the site from the surrounding properties containing EPLs, it is considered unlikely that contamination from the properties (if any) would impact the site.

A copy of the above searches is provided in Appendix F.

NSW EPA PFAS Investigation Program

Based on a review of the NSW EPA Government PFAS Investigation Program ([ref: https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program](https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program)), there are no properties in the suburb of Charmhaven that have been identified as a site that is likely to have used large quantities of PFAS.

NSW EPA Former Gasworks Sites

Based on a review of the NSW EPA website ([ref: https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites](https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites)), no former gasworks have been identified in the suburb of Charmhaven, or the Central Coast Council area.

3.5 Section 10.7 Certificate

A Section 10.7 Certificate for the site was obtained from Port Stephens Council, and is presented in Appendix G. Relevant information is summarised below.

Table 3.6 - Summary of Section 10.7 Certificates

| | |
|---------------------------------------|---|
| Zoning | RU6 – Transitional SP2 – Infrastructure (eastern boundary of Lot 332, associated with Pacific Highway) |
| Critical Habitat | Land includes or comprises critical habitat: No |
| Heritage | Item of environmental heritage is situated on the land: No |
| Mine Subsidence | The land is within a declared mine subsidence district under Section 20 of the Coal Mine Subsidence Compensation Act 2017. |
| Bushfire | Some of the land is bush fire prone land. |
| Flooding | Lot 332 - the land or part of the land is within the flood planning area and is subject to flood related development controls. Lot 1 - the land or part of the land is not within the flood planning area and is subject to flood related development controls. |
| Loose-fill Asbestos Insulation | The land does not include any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division. That register lists residential premises that contain or have contained loose-fill asbestos insulation. |
| Contaminated Land Information | There are no prescribed matters under section 59(2) of the Contaminated Land Management Act 1997 to be disclosed. |
| Potential acid sulfate soils | The land is classed as being Acid Sulfate Soil Class 5. Based on the Wyong Local Environmental Plan (LEP), 2013 the site is located within a Class 5 for ASS. The LEP defines Class 5 as requiring development consent based on the following works; "Works within 500m of adjacent Class 1, 2, 3, or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land." |

3.6 Previous Reports

Qualtest has not been provided with or been made aware of any previous contamination assessments being conducted on the site.

3.7 Potential Offsite Sources of Contamination

Qualitest have assessed the following potential offsite sources of contamination:

- BP Truckstop service station located at 210 Pacific Highway, Charmhaven. The service station is about 30m south of the site, in an up-gradient location, and has been present since at least 1965. Review of the aerial photographs from 1965 and 1971 indicate the service station forecourt was not paved in the past. Based on this there is a potential for groundwater contamination (if present) from the service station to migrate onto the site.
- Enhance service station located at 207-211 Pacific Highway, Charmhaven. The service station is about 60m south to south-east of the site, in an up-gradient location, and has been present since at least 1965. Review of the aerial photographs from 1965 and 1971 indicate the service station forecourt was not paved in the past. Based on this there is a potential for groundwater contamination (if present) from the service station to migrate onto the site, although there is a lower risk from this service station than the BP Truckstop.

3.8 Summary of Site History

The site history review showed:

- The site has been used as rural-residential properties since at least the 1960s based on aerial photographs, and likely since the 1930s based on the historical titles. The agricultural activities carried out on the site are not known, but appear to have included grazing of animals (cattle or horses), keeping of chickens and other small animals, greenhouses, and potentially cropping.
- A number of structures (sheds/residential dwellings) were constructed on the site prior to the 1960s and into the 1980s. Some of the structures were demolished between the 1970s and 1990s. Observations of the building materials visible at the time of walkover indicated that potential asbestos containing materials are present.
- At least two dams constructed before 1965 have been backfilled, one in the 1970s or 1980s, and one in the 1990s or 2000's. It is possible other dams were present, but not visible in the aerial photographs due to tree cover.
- During the site walkover, stockpiles of materials, equipment and waste were observed, particularly on the southern portion of the site (Lot 332).
- Two service stations are located about 30m south and 60m south to south-east of the site, in an up-gradient position, and have been present since at least 1965.

3.9 Gaps in the Site History

Whilst the site history is reasonably comprehensive there are some gaps identified in the review as follows:

- Agricultural activities carried out on the site are not well known;
- Types of materials, equipment and waste stored on the site prior to the site visit are not known, but are likely to be similar to current.

4.0 Preliminary Conceptual Site Model

Based on the results of the preliminary contamination assessment carried out on the site, a preliminary Conceptual Site Model (CSM) has been developed.

Table 4.0 – Preliminary Conceptual Site Model

| AEC | COPC | Likelihood of Contamination | Mechanism of Contamination | Potentially Affected Media | Human & Ecological Receptors | Potential mechanisms of exposure | Potential & Complete Exposure Pathways |
|--|--|--|--|--|---|---|---|
| <p>1. Current and former buildings across the site.</p> <ul style="list-style-type: none"> Weathering of potentially hazardous materials (asbestos, lead paint, galvanised metals) Use of pesticides and weedicides around buildings Storage of chemicals, oils, paint in sheds | <p>Metals, Asbestos, OCP, OPP, Herbicides, TRH, BTEX, PAH (CoPCs dependent on building materials, and what was stored in building)</p> | <ul style="list-style-type: none"> Medium to High | <ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil contaminants to surface water and groundwater. | <ul style="list-style-type: none"> Aesthetics Underlying soils Surface water Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water – onsite dams Offsite surface water – unnamed creek on western boundary of the site. Groundwater dependent ecosystems – Wallarah Creek 720m north-west, and Budgewoi Lake 1km north-east of the site. | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water discharge to unnamed creek. Groundwater discharge to Wallarah Creek and Budgewoi Lake. | <ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users, if contamination present. Potentially complete exposure pathway for ecological receptors, if contamination present. Potentially complete exposure pathway for onsite dams, if contamination present. Likely incomplete exposure pathway for offsite surface water due to distance from AEC on site to western boundary, and clayey nature of soils. Likely incomplete exposure pathway for groundwater due to expected depth of groundwater (>5m bgs), clayey sub-soils, and contamination likely limited to surface soils (top 0.2m) |
| <p>2. Septic tank</p> <ul style="list-style-type: none"> Septic tank overflow/soak aways, potential leaks of effluent | <p>Microbiological</p> | <ul style="list-style-type: none"> Low to medium | <ul style="list-style-type: none"> Subsurface leaks from tank Subsurface & surface leaks from overflow pipe | <ul style="list-style-type: none"> Soil Surface water Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water – onsite dams Offsite surface water – unnamed creek on western boundary of the site. Groundwater dependent ecosystems – Wallarah Creek 720m north-west, and Budgewoi Lake 1km north-east of the site. | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil and/or surface water Leaching of soil contaminants to surface water and/or groundwater Surface water discharge to unnamed creek. Groundwater discharge to Wallarah Creek and Budgewoi Lake. | <ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users, if contamination present. Potentially complete exposure pathway for ecological receptors, if contamination present. Potentially complete exposure pathway for onsite dams, if contamination present. Likely incomplete exposure pathway for groundwater due to expected depth of groundwater (>5m bgs), clayey sub-soils, and contamination likely limited to top 2m). |

| AEC | COPC | Likelihood of Contamination | Mechanism of Contamination | Potentially Affected Media | Human & Ecological Receptors | Potential mechanisms of exposure | Potential & Complete Exposure Pathways |
|---|---|--|--|--|---|---|--|
| <p>3. Stored materials, equipment, waste materials</p> <ul style="list-style-type: none"> Stored metal, timber, tyres, concrete, IBCs, cables, PVC pipes, bricks, chipboard, trailers, vehicles, batteries, oil & diesel drums, and potential ACM sheeting | <p>TRH, BTEX, PAH, Metals, Asbestos (CoPCs dependent on waste type)</p> | <ul style="list-style-type: none"> Medium to high | <ul style="list-style-type: none"> Top-down leaks/spills, flakes/fibres onto soil. Leaching of soil contaminants to surface water and groundwater. | <ul style="list-style-type: none"> Aesthetics Underlying soils Surface water Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water – onsite dams Offsite surface water – unnamed creek on western boundary of the site. Groundwater dependent ecosystems – Wallarah Creek 720m north-west, and Budgewoi Lake 1km north-east of the site. | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water discharge to unnamed creek. Groundwater discharge to Wallarah Creek and Budgewoi Lake. | <ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users, if contamination present. Potentially complete exposure pathway for ecological receptors, if contamination present. Potentially complete exposure pathway for onsite dams, if contamination present. Likely incomplete exposure pathway for offsite surface water due to distance from AEC on site to western boundary, and clayey nature of soils. Likely incomplete exposure pathway for groundwater due to expected depth of groundwater, clayey sub-soils, and contamination likely limited to surface soils (top 0.5m) |
| <p>4. Potential cropping:</p> <ul style="list-style-type: none"> Possible cropping in the northern-central and southern portions of the site prior to 1971 | <p>OCPs, OPPs, Herbicides</p> | <ul style="list-style-type: none"> Low | <ul style="list-style-type: none"> Top-down application of pesticides and herbicides Leaching of soil contaminants to surface water and groundwater. | <ul style="list-style-type: none"> Surface soils Surface water Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water – onsite dams Offsite surface water – unnamed creek on western boundary of the site. Groundwater dependent ecosystems – Wallarah Creek 720m north-west, and Budgewoi Lake 1km north-east of the site. | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil Ingestion of contaminated soil Inhalation of contaminated soil (as dust) Leaching of soil contaminants to surface water and/or groundwater Surface water discharge to unnamed creek. Groundwater discharge to Wallarah Creek and Budgewoi Lake. | <ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users, if contamination present. Potentially complete exposure pathway for ecological receptors, if contamination present. Potentially complete exposure pathway for onsite dams, if contamination present. Likely incomplete exposure pathway for offsite surface water due to distance from AEC on site to western boundary, and clayey nature of soils. Likely incomplete exposure pathway for groundwater due to expected depth of groundwater, clayey sub-soils, and contamination likely limited to surface soils (top 0.2m) |

| AEC | COPC | Likelihood of Contamination | Mechanism of Contamination | Potentially Affected Media | Human & Ecological Receptors | Potential mechanisms of exposure | Potential & Complete Exposure Pathways |
|--|---|---|---|--|---|--|---|
| <p>5. Infilled dams</p> <ul style="list-style-type: none"> One dam in north-eastern portion of site infilled in the 1970s or 1980s. One dam in south-western portion infilled in the 1990s or 2000s. Possible use of contaminated soils or waste materials to backfill dam. | <p>TRH, BTEX, PAH, Metals, Asbestos, OCPs, OPPs, Herbicides</p> | <ul style="list-style-type: none"> Low | <ul style="list-style-type: none"> Use of fill to backfill dams Leaching of soil contaminants to surface water and groundwater. | <ul style="list-style-type: none"> Fill soils Underlying soils Surface water Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users Soil biota/plants and transitory wildlife Onsite surface water – onsite dams Offsite surface water – unnamed creek on western boundary of the site. Groundwater dependent ecosystems – Wallarah Creek 720m north-west, and Budgewoi Lake 1km north-east of the site. | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil Ingestion of contaminated soil Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water discharge to unnamed creek. Groundwater discharge to Wallarah Creek and Budgewoi Lake. | <ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users, if contamination present. Potentially complete exposure pathway for ecological receptors, if contamination present. Potentially complete exposure pathway for onsite dams, if contamination present. Likely incomplete exposure pathway for offsite surface water due to distance from AEC on site to western boundary, and clayey nature of soils. Likely incomplete exposure pathway for groundwater due to expected depth of groundwater, clayey sub-soils, and contamination likely limited to depth of former dam (<2m). |
| <p>6. Offsite service stations</p> <ul style="list-style-type: none"> Potential migration of contaminated groundwater from service stations onto southern portion of site. | <p>TRH, BTEX, PAH, Lead</p> | <ul style="list-style-type: none"> Low | <ul style="list-style-type: none"> Migration of contaminated groundwater onto site | <ul style="list-style-type: none"> Soil in groundwater smear zone Groundwater | <ul style="list-style-type: none"> Current site users Future construction workers & site users | <ul style="list-style-type: none"> Direct dermal contact with contaminated soil Ingestion of contaminated soil Inhalation of hydrocarbon vapours | <ul style="list-style-type: none"> Likely incomplete exposure pathway for current site users, as no voids/buildings for vapour intrusion. Potentially complete exposure pathway for future construction workers and site users, if contamination present. |

5.0 Conclusions and Recommendations

The site history review indicated that the site has been used for rural residential purposes since at least the 1960s, and likely from the 1930s. The agricultural activities carried out on the site are not known, but appear to have included grazing of animals (cattle or horses), keeping of chickens and other small animals, greenhouses, and potentially cropping.

A number of structures (sheds/residential dwellings) were constructed on the site prior to the 1960s and into the 1980s, and some of these have been demolished. Observations of the building materials visible at the time of walkover indicated that potential asbestos containing materials are present. At least two dams constructed before 1965 were backfilled, and it is possible other dams were present, but not visible in the aerial photographs due to tree cover. During the site walkover, stockpiles of materials, equipment and waste were observed, particularly on the southern portion of the site (Lot 332).

Two service stations are located about 30m south and 60m south to south-east of the site, in an up-gradient position, and have been present since at least 1965.

Six Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: 1. Current and former buildings across the site; 2. Septic tank and associated overflow/soak aways; 3. Storage of materials, equipment and waste; 4. Potential cropping; 5. Infilled dam; and 6. Offsite service stations.

The Conceptual Site Model (CSM) indicated that there was potential for soil, surface water and groundwater contamination to exist on the site and potentially complete exposure pathways could exist to current and future site users and the environment.

Based on the above, it is recommended that a detailed contamination assessment, comprising intrusive investigations, be carried out on the site.

Whilst there is a potential for contamination to be present on the site, the likely type and extent of potential contamination is typical for rural-residential properties, and it is unlikely the contamination (if any) would preclude the development of the site as a retirement village. In addition, should contaminated groundwater be migrating from nearby service stations, it is expected that the polluter would be required to contribute to the remediation or management of the contamination. Therefore, it is considered that the detailed contamination assessment could be carried out as part of the Development Application process, after a Site Compatibility Certificate has been obtained.

This report was prepared in general accordance with the relevant sections of the NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), NEPC 2013, Canberra (referred to as ASC NEPM 2013).

6.0 Limitations

This report has been prepared by Qualtest for Capital Property Solutions Pty Ltd C/- Interface Planning Pty Ltd based on the objectives and scope of work list in Sections 1.1 and 1.2. 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 their particular situation.

The opinions, conclusions and recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. Qualtest has

no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

In preparing this report Qualtest has relied on information contained in searches of government websites and has not independently verified or checked the data contained on these websites.

In preparing this report, current guidelines for assessment and management of contaminated land were followed. If this report is reproduced, it must be in full.

7.0 References

NSW Department of Primary Industries (Office of Water) Registered Groundwater Bore Map, accessed from <http://allwaterdata.water.nsw.gov.au/water.stm>, accessed on 16 February 2022.

NSW Land and Property Information, Spatial Information eXchange (SIX) Maps - Topographic Map, accessed from <https://maps.six.nsw.gov.au/>, accessed on 16 February 2022.

NSW and Department of Planning, Industry and Environment, 2021, accessed from espade.environment.nsw.gov.au, accessed on 16 February 2022.

NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land.

NEPC (2013) National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013), Canberra (ASC NEPM 2013).

APPENDIX A:

Figures

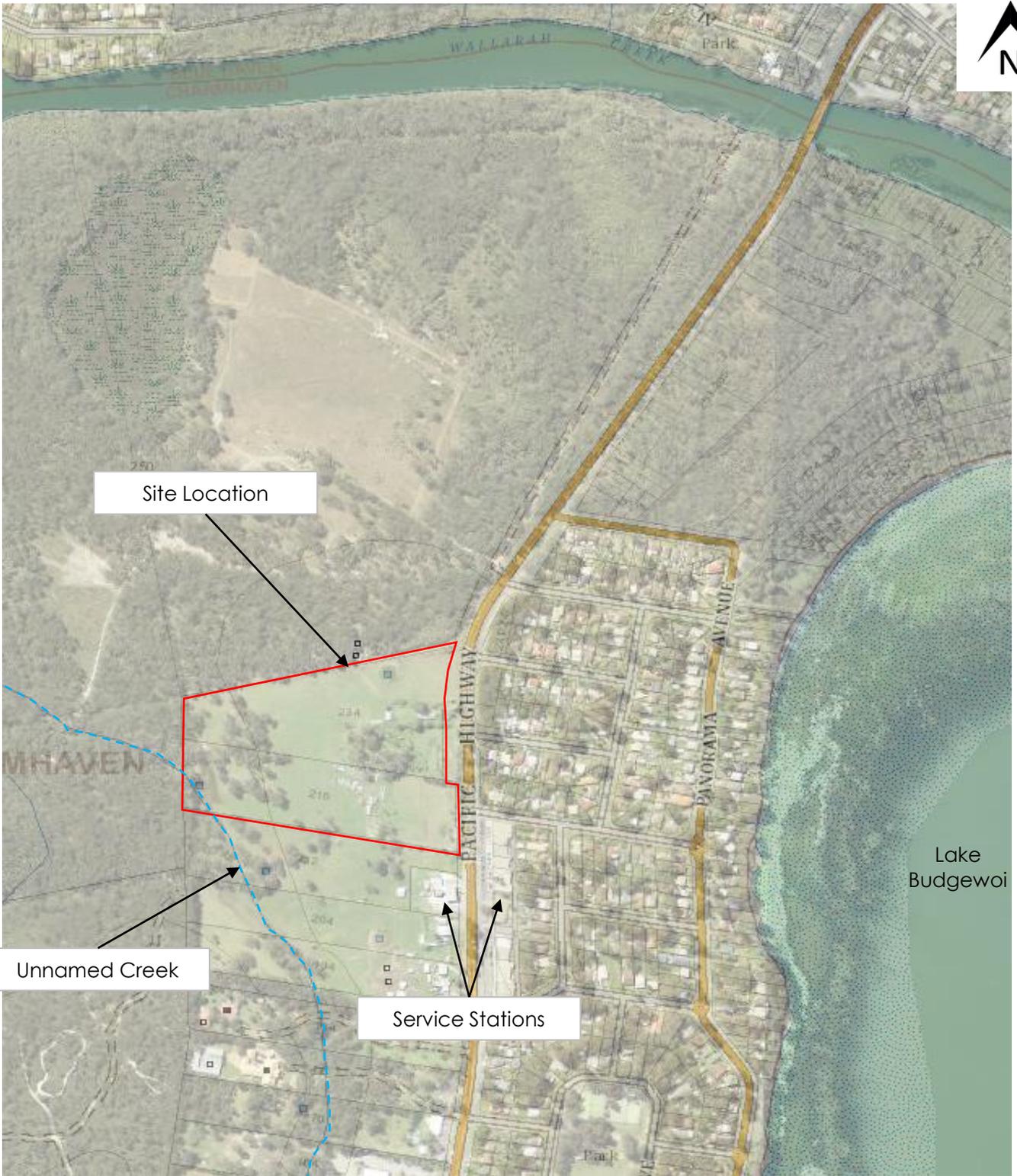


Image obtained from Sixmaps (<https://maps.six.nsw.gov.au/>), imagery dated 24/10/2011



| | | | |
|-----------|--------------------------------------|-------------|----------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Drawing No: | FIGURE 1 |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Project No: | NEW22P-0025-AA |
| Location: | 216-234 PACIFIC HWY, CHARMHAVEN | Scale: | N.T.S |
| Title: | SITE LOCATION PLAN | Date: | 16/02/2022 |



- LEGEND:**
- Approx. location of stored materials, equipment and waste
 - Approx. areas of potential former cropping
 - Approx. location former
 - Approx. location infilled dam

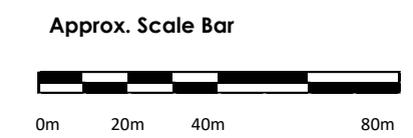


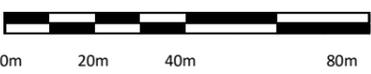
Image obtained from Sixmaps (<https://maps.six.nsw.gov.au/>), imagery dated 24/10/2011



| | | | |
|-----------|--------------------------------------|-------------|----------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Drawing No: | FIGURE 2 |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Project No: | NEW22P-0025-AA |
| Location: | 216-234 PACIFIC HWY, CHARMHAVEN | Scale: | N.T.S. |
| Title: | HISTORICAL SITE FEATURES PLAN | Date: | 16/02/2022 |



Approx. Scale Bar



| No. | Description |
|-----|--|
| 1 | House (concrete walls and slab, metal sheeting roof) |
| 2 | Shed 1 (probable ACM and timber, concrete floor, used as bird aviary) |
| 3 | Structure (timber and metal sheeting, possible sheet of ACM) |
| 4 | Shed 2 (concrete and metal sheeting, overgrown with vegetation) |
| 5 | Greenhouse 1 (chicken wire with steel frame, covered with shade cloth, earthen floor, plants) |
| 6 | Greenhouses 2 & 3 (chicken wire with steel frame, covered with shade cloth, earthen floor, plants) |
| 7 | Shed 3 (probable ACM, timber, metal sheeting, concrete floor, storing garden equipment, sheet of ACM leaning on shed) |
| 8 | Chicken Coop (steel, timber, metal sheeting roof, earthen floor, some drums possibly filled with feed stored inside) |
| 9 | Concrete slab (concrete slab from former building, with fragments of probable ACM on surface) |
| 10 | Stockpile SP1 (<0.5m ³ soil with steel pieces) |
| 11 | Stored Materials/Waste 1 (Sheets and fragments of probable ACM, metal, timber, tyres, tree roots) |
| 12 | Possible Fill (area possibly filled based on undulations and more lush vegetation) |
| 13 | Stock Loading Yard (timber and steel, no obvious evidence of cattle/sheep dips) |
| 14 | Shed 4 (timber and metal sheeting, concrete floor) |
| 15 | Dam 1 (dam walls appear to be material excavated from dam) |
| 16 | Stored Materials/Waste 2 (steel wire, rainwater tank, sink, timber, concrete, drums, cables) |
| 17 | Stored Materials/Waste 3 (aluminium cans, bolts & screws, metal sheeting, wire rolls, steel cages, fencing, scaffolding; several 44-gallon drums (unknown contents), PVC pipes, bricks, chipboard, timber crates, trailers, cars, trucks, bobcat, concrete piping (possibly ACM), batteries, oil & diesel drums, transmission fluid drums, IBC (unknown contents), and steel frames) |
| 18 | Shipping Containers x 4 (locked and not accessible) |
| 19 | Shed 5 (Timber and metal sheeting, probable ACM. Extremely dilapidated and overgrown, not safe to access) |
| 21 | Stored Materials/Waste 4 (44-gallon drums x 8 (unknown contents), metal fencing, rain water tanks) |
| 22 | Road (constructed with fill material) |
| 23 | Stockpile SP2 (~4m ³ Gravelly Clay, with some topsoil, overgrown with vegetation) |
| 24 | Stockpile SP3 (<0.5m ³ mulch and topsoil) |
| 25 | Stockpile SP4 (~8m ³ topsoil, overgrown with vegetation) |
| 26 | Fill (potential coal fines with gravel fill, black) |
| 27 | Stockpiles SP5 & SP6 (~15m ³ and ~6m ³ respectively, Gravelly Sandy Clay, dark grey, with some possible coal chitter, overgrown with vegetation) |
| 28 | Stockpile SP7 (~3m ³ overgrown with vegetation, some sandstone and concrete on surface) |
| 29 | Stockpile SP8 (~50m ³ Gravelly Clay and Coal Chitter, mostly overgrown with vegetation) |
| 30 | Horse Enclosure (metal sheeting, steel, temporary fencing panels, half earthen floor and half concrete floor, some timber stored inside, water tanks x 2) |
| 31 | Dam 2 (dam walls appear to be material excavated from dam) |
| 32 | Stockpile SP9 (~3m ³ overgrown with vegetation) |
| 33 | Stockpile SP10 (~50m ³ overgrown with vegetation) |
| 34 | Concrete waste <1m ³ |

Image obtained from Sixmaps (<https://maps.six.nsw.gov.au/>), imagery dated 24/10/2011



| | | | |
|-----------|--------------------------------------|-------------|----------------|
| Client: | CAPITAL PROPERTY SOLUTIONS | Drawing No: | FIGURE 3 |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Project No: | NEW22P-0025-AA |
| Location: | 216-234 PACIFIC HWY, CHARMHAVEN | Scale: | N.T.S. |
| Title: | SITE FEATURES | Date: | 18/02/2022 |

APPENDIX B:

Groundwater Bore Search

Drainage Bores
Water works
and bores
Pipes
Pipes
Bore Types

Orange
Black
Green Basin

Pacific Highway, Charmhaven, Central Coast Council, New South Wales, 2263, Australia

Bark Park

There are **no sites** within 500 metres of the selected point. Zoom in and try again.

bp Truckstop

Charmhaven Physiotherapy

Shell

Pizza Inn
Pizza

The Chicken Carvery
& Takeaway
Fish and Chips · \$

APPENDIX C:

Historical Titles

ADVANCE LEGAL SEARCHERS PTY LTD

(ACN 147 943 842)

ABN 82 147 943 842

18/36 Osborne Road,
Manly NSW 2095

Mobile: 0412 169 809

Email: search@alsearchers.com.au

04th February, 2021

QUALTEST PTY LTD
2 Murray Dwyer Circuit,
MAYFIELD WEST, NSW 2304

Attention: Emma Coleman,

RE: 216 – 234 Pacific Highway,
Charmhaven
Purchase Order NEW22P-Charmhaven

| | | | |
|----------------|----------------|------------------|----------|
| Note 1: | Lot 332 | DP 18234 | (page 1) |
| Note 2: | Lot 1 | DP 335574 | (page 4) |

Note 1:

Current Search

Folio Identifier 332/18234 (title attached)

DP 18234 (plan attached)

Dated 02nd February, 2022

Registered Proprietor:

LESDAY PTY. LIMITED

Title Tree
Lot 332 DP 18234

Folio Identifier 332/18234

Certificate of Title Volume 5423 Folio 225

Certificate of Title Volume 2878 Folio 191

Index

D – Departmental Dealing

T – Transfer

TA – Transmission Application

M – Mortgagee Exercising Power of Sale

**Summary of proprietor(s)
Lot 332 DP 18234**

| Year | Proprietor(s) | |
|-------------------------|--|----|
| | (Lot 332 DP 18234) | |
| 11 Jul 1989 – todate | Lesday Pty. Limited | D |
| | (Lot 332 DP 18234 – Area 7 Acres 2 Roods – CTVol 5423 Fol 225) | |
| 25 May 1976 | Lesday Pty. Limited | T |
| 06 Aug 1975 | Robert Andre Perkins, grazier | TA |
| 02 May 1946 | Mary Martha Agnes Phillips Whildon, spinster | T |
| | (Part Portion 18 Parish Munmorah and other lands – Area 3498 Acres 3 Roods 23 ½ Perches – CTVol 2878 Fol 191) | |
| 28 Jul 1936 | Australian Mutual Providence Society | M |
| 24 Sep 1918 | Albert Hamlyn Warner, esquire | T |

Note 2:

Current Search

Folio Identifier 1/335574 (title attached)
DP 335574 (plan attached)
Dated 02nd February, 2022
Registered Proprietor:
JAMES TREVOR FOGARTY
MARIE EMILY FOGARTY

Title Tree
Lot 1 DP 335574

Folio Identifier 1/335574

Certificate of Title Volume 4877 Folio 162

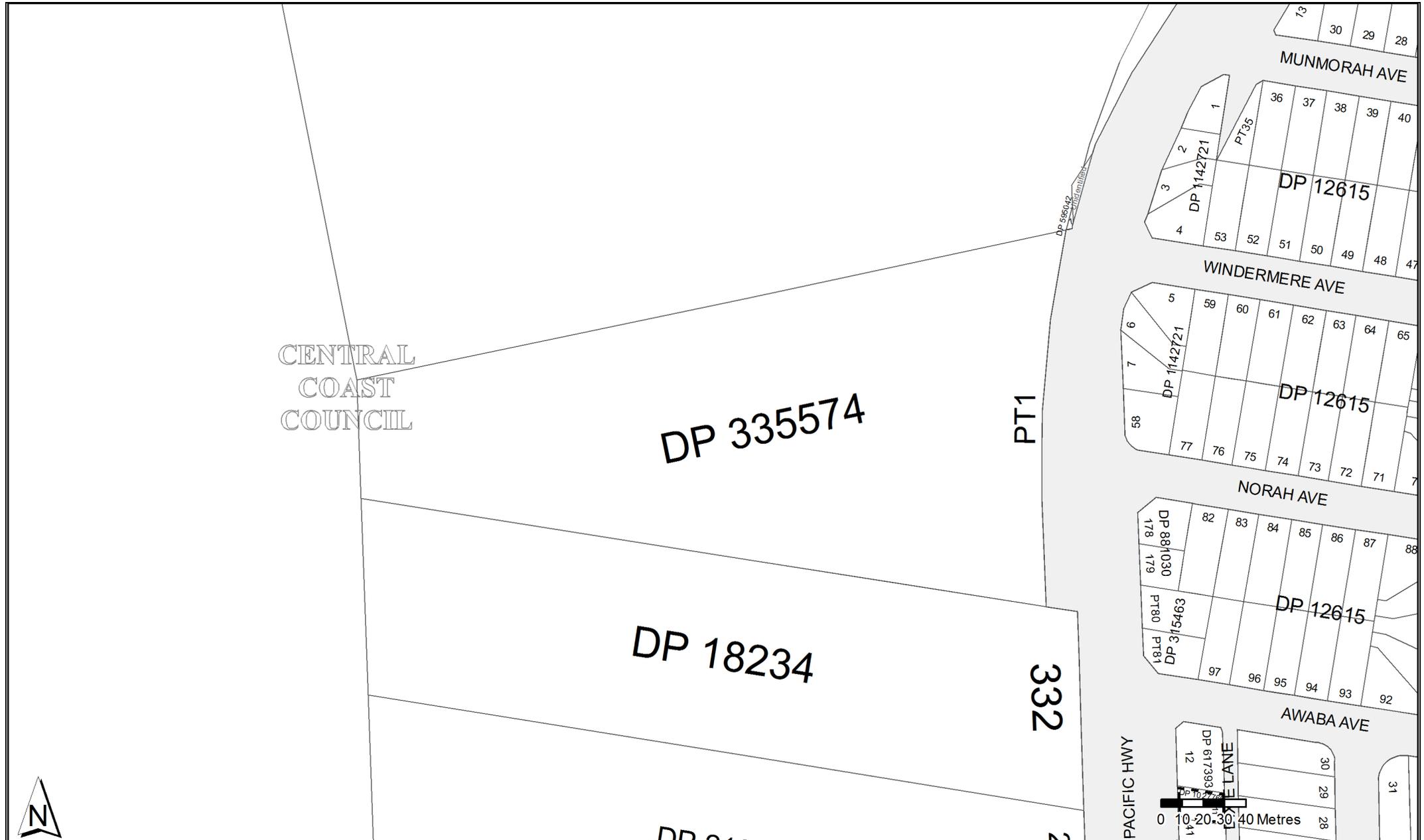
Certificate of Title Volume 2878 Folio 191

Index

TA – Transmission Application
ND – Notice of Death
T – Transfer
M – Mortgagee Exercising Power of Sale

**Summary of proprietor(s)
Lot 1 DP 335574**

| Year | Proprietor(s) | |
|-------------------------|--|----|
| | (Lot 1 DP 335574) | |
| 20 Mar 1990 – todate | James Trevor Fogarty Marie Emily Fogarty | |
| | (Lot 1 DP 335574 – Area 9 Acres 2 Roods 35 Perches – CTVol 4877 Fol 162) | |
| 07 May 1985 | James Trevor Fogarty Marie Emily Fogarty | TA |
| 10 Apr 1972 | Thomas James Fogarty, carpenter | ND |
| 20 Jan 1953 | Thomas James Fogarty, carpenter Jean Emily Fogarty, his wife | |
| 18 Oct 1937 | John Ulrich Studach, farmer Lucy Victoria Studach, his wife | T |
| | (Part Portion 18 Parish Munmorah and other lands – Area 3498 Acres 3 Roods 23 ½ Perches – CTVol 2878 Fol 191) | |
| 28 Jul 1936 | Australian Mutual Providence Society | M |
| 24 Sep 1918 | Albert Hamlyn Warner, esquire | T |



DP1027766

Lot(s): 311



DP808384

Status

Surv/Comp

Purpose

HISTORICAL

COMPILATION

SUBDIVISION

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

| Plan | Surv/Comp | Purpose |
|-----------|-------------|---------------------------|
| DP12615 | SURVEY | UNRESEARCHED |
| DP13878 | SURVEY | UNRESEARCHED |
| DP18234 | SURVEY | UNRESEARCHED |
| DP210687 | SURVEY | SUBDIVISION |
| DP258340 | SURVEY | SUBDIVISION |
| DP315463 | COMPILATION | UNRESEARCHED |
| DP335574 | SURVEY | UNRESEARCHED |
| DP586946 | SURVEY | SUBDIVISION |
| DP595042 | SURVEY | RESUMPTION OR ACQUISITION |
| DP617393 | SURVEY | CONSOLIDATION |
| DP631850 | SURVEY | SUBDIVISION |
| DP881030 | SURVEY | SUBDIVISION |
| DP1027766 | SURVEY | REDEFINITION |
| DP1142721 | COMPILATION | DEPARTMENTAL |

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL** **ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

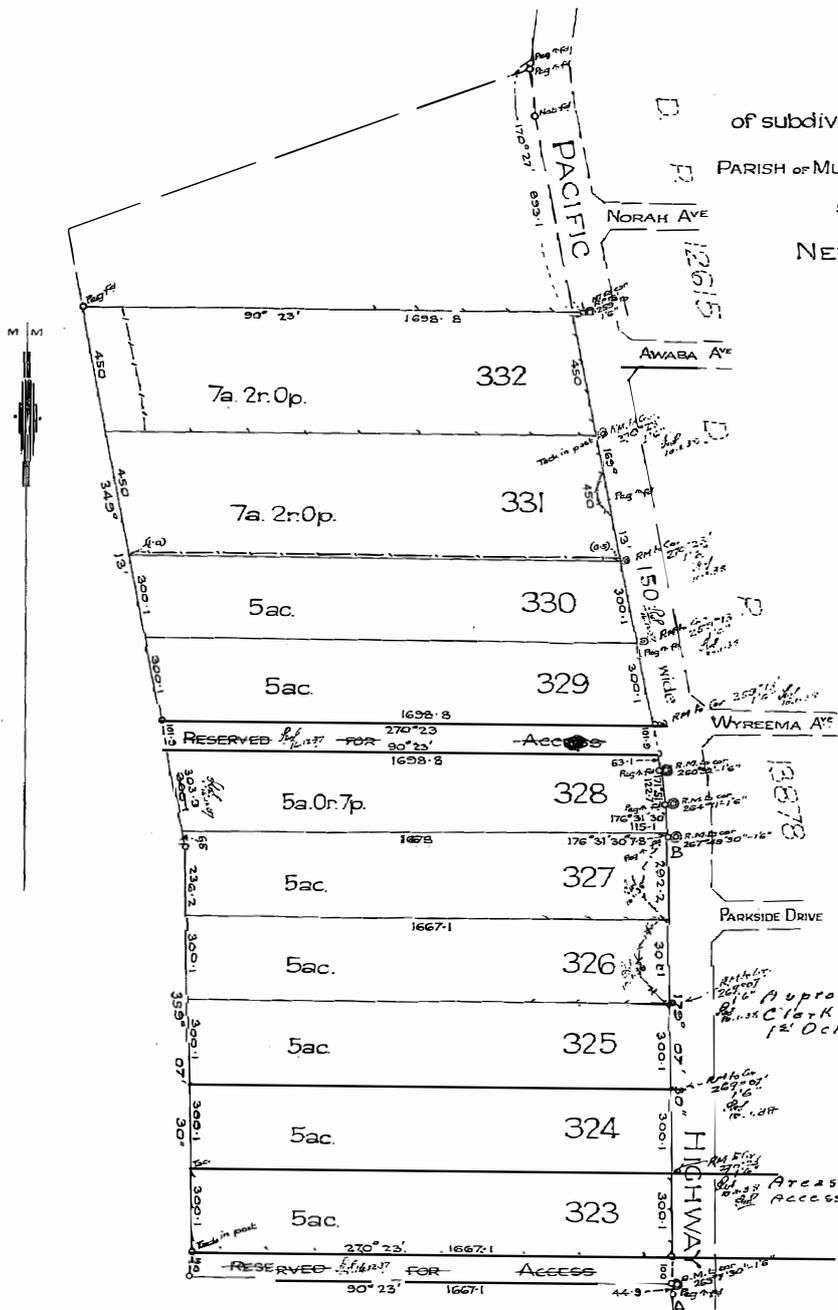
R. W. Williams

PLAN

of subdivision of part of Portion 18
 PARISH of MUNMORAH COUNTY of NORTHUMBERLAND

SCALE: 3 chains to one inch

NEW FARMS ESTATE



Approved and covered by Council
 Ref. to Clerk's certificate No. 1097 of
 12th October 1937
McGowan
 SHIRE CLERK.

Areas shown as Reserved for
 Access are NOT to be built upon.
McGowan
 SHIRE CLERK.

Ref. Marks are Galv. Iron Spikes.

Subscribed and declared before me at Sydney
 this 24th day of August 1937

[Signature]

Re-declared this 10th January
 1938 before me at Sydney
[Signature]

Datum line of azimuth A-B.

I, Sydney William Stokes of 88 Kings St Sydney a surveyor registered under the Surveyors Act 1929 do hereby solemnly and sincerely declare (a) that a boundary and measurements shown on this plan are correct (b) that all survey marks found and relevant physical objects are or are adjacent to the boundaries are correctly represented (c) that all physical objects indicated actually exist in the positions shown (d) that the whole of the material in Regulations 1937 under my supervision the character and extent of which was required by the Survey Practice Regulations 1937 was complete in area and in substance, and I make this solemn declaration conscientiously believing the same to be true and in obedience of the provisions of the Oaths Act 1900

J. M. Stokes

Surveyor registered under the Surveyors Act 1929

J.P.

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 12th day of November, 1937.



| FILE | TIN | CHS | LINKS | FEET | INCHES | AC | RD | P | HA |
|--------|--------|-----|--------|--------|--------|----|----|---|-------|
| 1 | 6 | 0.4 | 0.1 | 0.1 | 0.1 | 5 | 5 | 7 | 2.083 |
| 1 | 1 | 1 | 0.5 | 1.5 | 0.5 | 5 | 5 | 7 | 2.081 |
| 5.5 | 7.8 | 1 | 1.5 | 4.5 | 1.5 | 5 | 5 | 7 | 3.085 |
| 63.1 | 63.1 | 100 | 20.114 | 20.114 | 20.114 | 5 | 5 | 7 | |
| 115.1 | 115.1 | 100 | 20.5 | 20.5 | 20.5 | 5 | 5 | 7 | |
| 122.7 | 122.7 | 100 | 23.155 | 23.155 | 23.155 | 5 | 5 | 7 | |
| 236.2 | 236.2 | 100 | 24.565 | 24.565 | 24.565 | 5 | 5 | 7 | |
| 292.2 | 292.2 | 100 | 47.515 | 47.515 | 47.515 | 5 | 5 | 7 | |
| 300.1 | 300.1 | 100 | 50.78 | 50.78 | 50.78 | 5 | 5 | 7 | |
| 303.9 | 303.9 | 100 | 60.37 | 60.37 | 60.37 | 5 | 5 | 7 | |
| 356.2 | 356.2 | 100 | 61.43 | 61.43 | 61.43 | 5 | 5 | 7 | |
| 450 | 450 | 100 | 90.53 | 90.53 | 90.53 | 5 | 5 | 7 | |
| 857.1 | 857.1 | 100 | 179.66 | 179.66 | 179.66 | 5 | 5 | 7 | |
| 1678 | 1678 | 100 | 335.37 | 335.37 | 335.37 | 5 | 5 | 7 | |
| 1698.8 | 1698.8 | 100 | 337.56 | 337.56 | 337.56 | 5 | 5 | 7 | |
| 1698.8 | 1698.8 | 100 | 341.74 | 341.74 | 341.74 | 5 | 5 | 7 | |
| 1667.1 | 1667.1 | 100 | 895.2 | 895.2 | 895.2 | 5 | 5 | 7 | |
| 1667.1 | 1667.1 | 100 | 905.3 | 905.3 | 905.3 | 5 | 5 | 7 | |





NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

2/2/2022 11:28AM

FOLIO: 1/335574

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 4877 FOL 162

| <u>Recorded</u> | <u>Number</u> | <u>Type of Instrument</u> | <u>C.T. Issue</u> |
|-----------------|---------------|-----------------------------|-----------------------------------|
| 22/12/1988 | | TITLE AUTOMATION PROJECT | LOT RECORDED FOLIO NOT CREATED |
| 20/3/1990 | | CONVERTED TO COMPUTER FOLIO | FOLIO CREATED CT NOT ISSUED |
| 17/3/1998 | 3858346 | DEPARTMENTAL DEALING | |
| 31/1/2022 | AR846976 | CAVEAT | EDITION 1 |

*** END OF SEARCH ***

advlegs

PRINTED ON 2/2/2022



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

2/2/2022 11:26AM

FOLIO: 332/18234

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 5423 FOL 225

| <u>Recorded</u> | <u>Number</u> | <u>Type of Instrument</u> | <u>C.T. Issue</u> |
|-----------------|---------------|-----------------------------|-----------------------------------|
| 18/12/1988 | | TITLE AUTOMATION PROJECT | LOT RECORDED FOLIO NOT CREATED |
| 11/7/1989 | | CONVERTED TO COMPUTER FOLIO | FOLIO CREATED CT NOT ISSUED |
| 17/7/1991 | Z786420 | DEPARTMENTAL DEALING | |
| 22/3/1994 | | AMENDMENT: LOCAL GOVT AREA | |
| 17/3/1998 | 3858346 | DEPARTMENTAL DEALING | |
| 31/1/2022 | AR846935 | CAVEAT | EDITION 1 |

*** END OF SEARCH ***

advlegs

PRINTED ON 2/2/2022



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/335574

| SEARCH DATE | TIME | EDITION NO | DATE |
|-------------|----------|------------|-----------|
| 2/2/2022 | 11:26 AM | 1 | 31/1/2022 |

LAND

LOT 1 IN DEPOSITED PLAN 335574
LOCAL GOVERNMENT AREA CENTRAL COAST
PARISH OF MUNMORAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP335574

FIRST SCHEDULE

JAMES TREVOR FOGARTY
MARIE EMILY FOGARTY
AS JOINT TENANTS (TA V686475)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 N768035 EASEMENT FOR WATER SUPPLY AFFECTING THE PART OF THE
LAND ABOVE DESCRIBED SHOWN SO BURDENED IN VOL 4877 FOL
162
3858346 NOW VESTED IN WYONG SHIRE COUNCIL
GAZ.12.12.1997 FOL.10050
- * 3 AR846976 CAVEAT BY CAPITAL PROPERTY SOLUTION PTY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

advlegs

PRINTED ON 2/2/2022



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 332/18234

| SEARCH DATE | TIME | EDITION NO | DATE |
|-------------|----------|------------|-----------|
| ----- | ---- | ----- | ---- |
| 2/2/2022 | 11:27 AM | 1 | 31/1/2022 |

LAND

LOT 332 IN DEPOSITED PLAN 18234
LOCAL GOVERNMENT AREA CENTRAL COAST
PARISH OF MUNMORAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP18234

FIRST SCHEDULE

LESDAY PTY. LIMITED (DD Z786420)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 M726430 EASEMENT FOR WATER SUPPLY AFFECTING THAT PART OF
THE LAND SHOWN SO BURDENED IN VOL 5423 FOL 225
3858346 NOW VESTED IN WYONG SHIRE COUNCIL
GAZ.12.12.1997 FOL.10050
- * 3 AR846935 CAVEAT BY CAPITAL PROPERTY SOLUTION PTY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

advlegs

PRINTED ON 2/2/2022

APPENDIX D:

Aerial Photographs

Aerial Photographs

1965



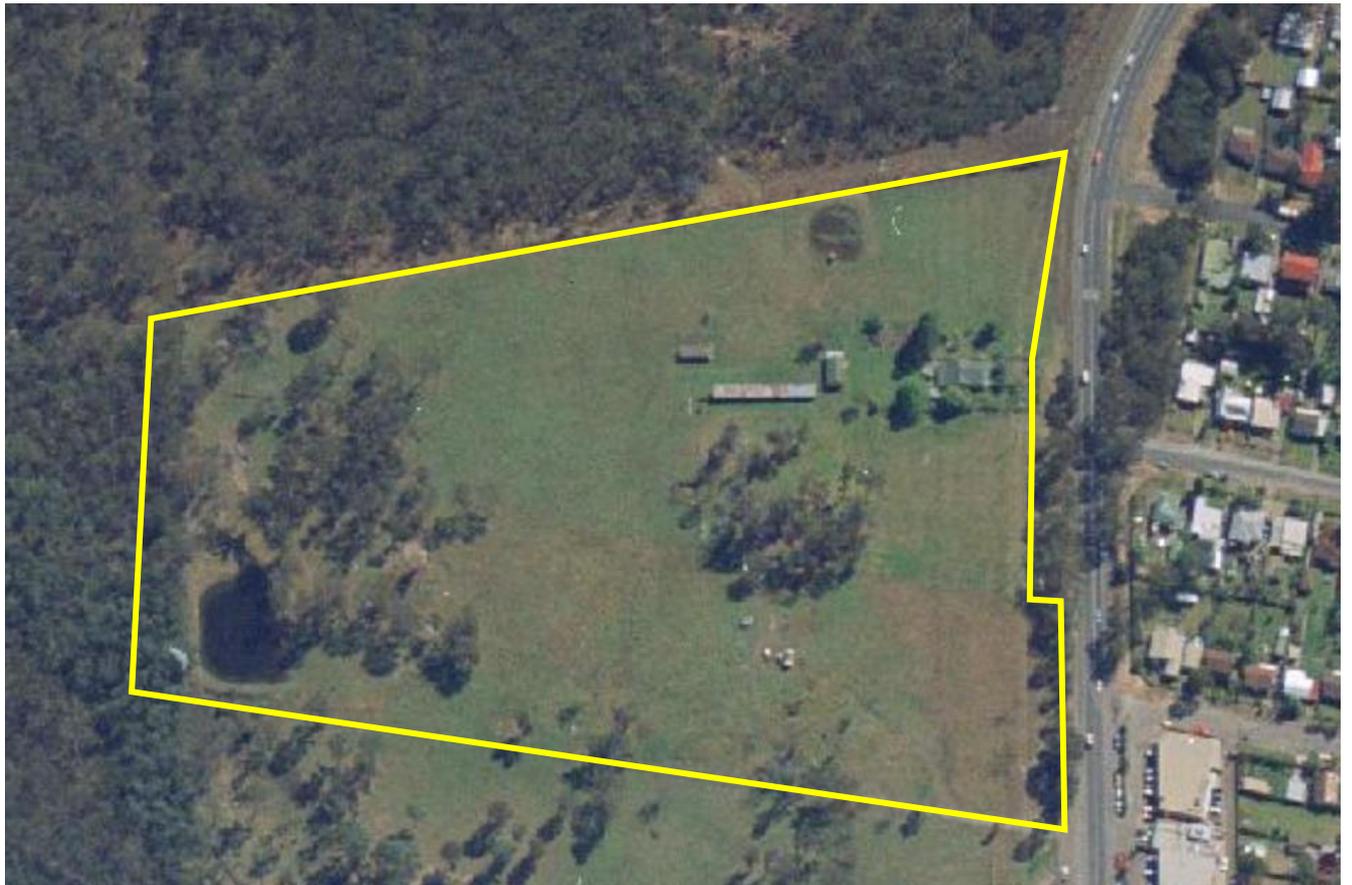
1971



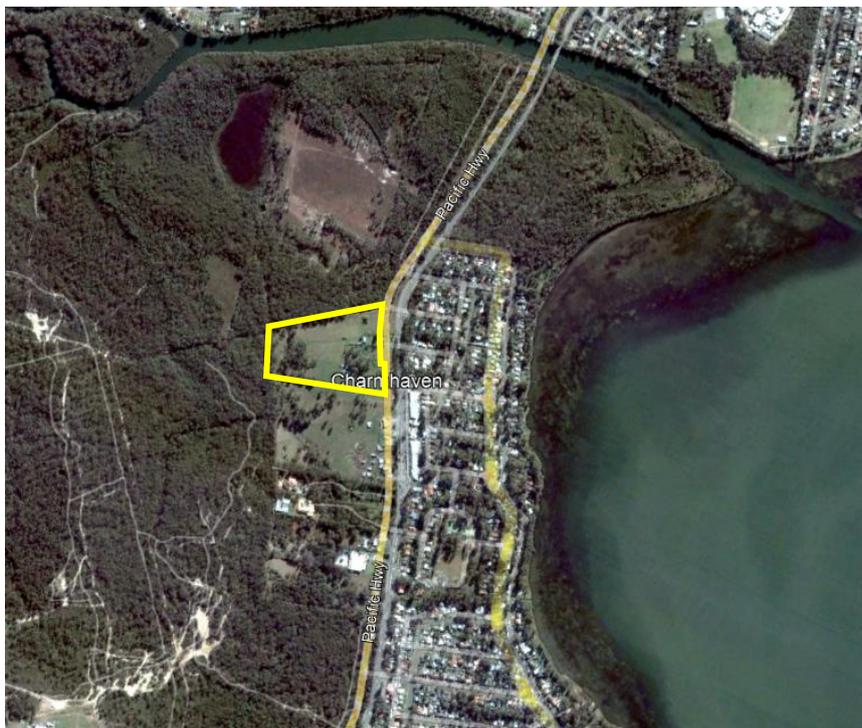
1984



1996



2005



2021



APPENDIX E:

Site Photographs



Photograph 1 - Showing rural residential dwelling.



Photograph 2 - Shed 1.

| | | | | |
|--|-----------|--|-------------|----------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 1 and 2 |
| | Title: | SITE PHOTOGRAPHS | | |



Photograph 3 - Shed 2.



Photograph 4 - Shed 3.

| | | | | |
|--|-----------|--|-------------|----------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 3 and 4 |
| | Title: | SITE PHOTOGRAPHS | | |



Photograph 5 - Inside of shed 3.



Photograph 6 - Shed 4.

| | | | | |
|--|-----------|--|-------------|----------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 5 and 6 |
| | Title: | SITE PHOTOGRAPHS | | |



Photograph 7 - Shed 5.



Photograph 8 - Animal enclosure.



| | | | |
|-----------|--|-------------|----------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 7 and 8 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 9 - Chicken coup.



Photograph 10 - Greenhouse 1.



| | | | |
|-----------|--|-------------|-----------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 9 and 10 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 11 - Greenhouses 2 and 3



Photograph 12 - Loose ACM piece on old concrete slab.



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 11 and 12 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 13 - Stock loading yard.



Photograph 14 - Dam 1.



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 13 and 14 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 15 - Dam 2.



Photograph 16 - Waste/materials stockpile 1.



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 15 and 16 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 17 - Waste/materials stockpile 2.



Photograph 18 - Waste/materials stockpile 3.

| | | | | |
|--|-----------|--|-------------|------------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 17 and 18 |
| | Title: | SITE PHOTOGRAPHS | | |



Photograph 19 - Waste/materials stockpile 3..



Photograph 20 - Waste/materials stockpile 3..



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 19 and 20 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 21 - Shipping containers.



Photograph 22 - SP1

| | | | | |
|--|-----------|--|-------------|------------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 21 and 22 |
| | Title: | SITE PHOTOGRAPHS | | |



Photograph 23 - SP2



Photograph 24 - SP3



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 23 and 24 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 25 - SP4



Photograph 26 - SP5



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 25 and 26 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 27 - SP6



Photograph 28 - SP7



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 27 and 28 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 29 - SP8



Photograph 30 - SP9



| | | | |
|-----------|--|-------------|------------------|
| Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 29 and 30 |
| Title: | SITE PHOTOGRAPHS | | |



Photograph 31 - SP10



Photograph 32 - Horse Enclosure

| | | | | |
|--|-----------|--|-------------|----------------|
|  | Client: | CAPITAL PROPERTY SOLUTIONS PTY LTD | Project No: | NEW22P-0025-AA |
| | Project: | PRELIMINARY CONTAMINATION ASSESSMENT | Date: | 16/02/22 |
| | Location: | 216-234 PACIFIC HIGHWAY, CHARMHAVEN, NSW | No: | 31 and |
| | Title: | SITE PHOTOGRAPHS | | |

APPENDIX F:

NSW EPA Records

| Suburb | SiteName | Address | ContaminationActivityType | ManagementClass | Latitude | Longitude |
|-------------|---|----------------------------|---------------------------|--|--------------|-------------|
| CHARLESTOWN | Ausgrid Powell Street Depot | 8 Powell STREET | Other Industry | Regulation under CLM Act not required | -32.95912375 | 151.6944136 |
| CHARMHAVEN | Caltex Charmhaven Service Station | 13-15 Pacific HIGHWAY | Service Station | Regulation under CLM Act not required | -33.21655768 | 151.5091452 |
| CHATSWOOD | Former Caltex Chatswood Service Station | 607 Pacific HIGHWAY | Service Station | Contamination formerly regulated under the CLM Act | -33.80396472 | 151.1795766 |
| CHATSWOOD | Woolworths Chatswood | 364-366 Eastern Valley WAY | Service Station | Regulation under CLM Act not required | -33.78667419 | 151.2010828 |

Search results

Your search for: Suburb: CHARMHAVEN

[Search Again](#)

[Refine Search](#)

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: [POEO public register](#)

Search TIP

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

... [more search tips](#)

Search results

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

Suburb - charmhaven

returned 2 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> |
|-------------------------|-----------------------------|---|---------------------------|--------------------|--------------------|
| 2146 | HYMIX AUSTRALIA PTY LIMITED | 3 ARIZONA ROAD, CHARMHAVEN, NSW 2263 | POEO licence | No longer in force | 22 Sep 1999 |
| 1008547 | HYMIX AUSTRALIA PTY LIMITED | 3 ARIZONA ROAD, CHARMHAVEN, NSW 2263 | s.58 Licence Variation | Issued | 23 Jun 2001 |

17 February 2022

| | | |
|-------------------------------|--------------------------------------|---|
| Bega Valley Shire Council | Upper Street, Bega | Contact council |
| Blue Mountains City Council | Megalong Street, Katoomba | Search record of EPA notices 🔗 |
| Broken Hill City Council | Mercury Street, Broken Hill | Search record of EPA notices 🔗 |
| Cabonne Shire Council | Gasworks Lane, Molong | Contact council |
| Camden Council | John Street, Camden | Contact council |
| Canterbury City Council | Kingsgrove Road, Kingsgrove | Contact council |
| Cessnock City Council | Maitland Road, Cessnock | Contact council |
| City of Canada Bay Council | Tennyson Road, Mortlake | Search record of EPA notices 🔗 |
| City of Canada Bay Council | Wymston Parade, Abbotsford | Search record of EPA notices 🔗 |
| City of Lithgow Council | Gasworks Lane, Lithgow | Contact council |
| Clarence Valley Council | Pound Street, Grafton | Contact council |
| Cootamundra Shire Council | Hovell Street, Cootamundra | Search record of EPA notices 🔗 |
| Council of the City of Sydney | Hickson Road, Millers Point | Search record of EPA notices 🔗 |
| Council of the City of Sydney | Macdonaldtown Triangle, Erskineville | Search record of EPA notices 🔗 |
| Cowra Shire Council | Brougham Street, Cowra | Contact council |
| Deniliquin Council | George Street, Deniliquin | Contact council |
| Dubbo City Council | Gas Lane, Dubbo | Contact council |
| Forbes Shire Council | Union Street, Forbes | Search record of EPA notices 🔗 |
| | | |

The EPA is leading an investigation program to assess the legacy of PFAS use across NSW. With the assistance of the NSW PFAS Technical Advisory Group, which includes NSW Health, Department of Primary Industries and the Office of Environment and Heritage, we provide impacted residents with tailored, precautionary dietary advice to help them reduce any exposure to PFAS.

Current investigations are focused on sites where it is likely that large quantities of PFAS have been used. The EPA is currently investigating PFAS at these sites:

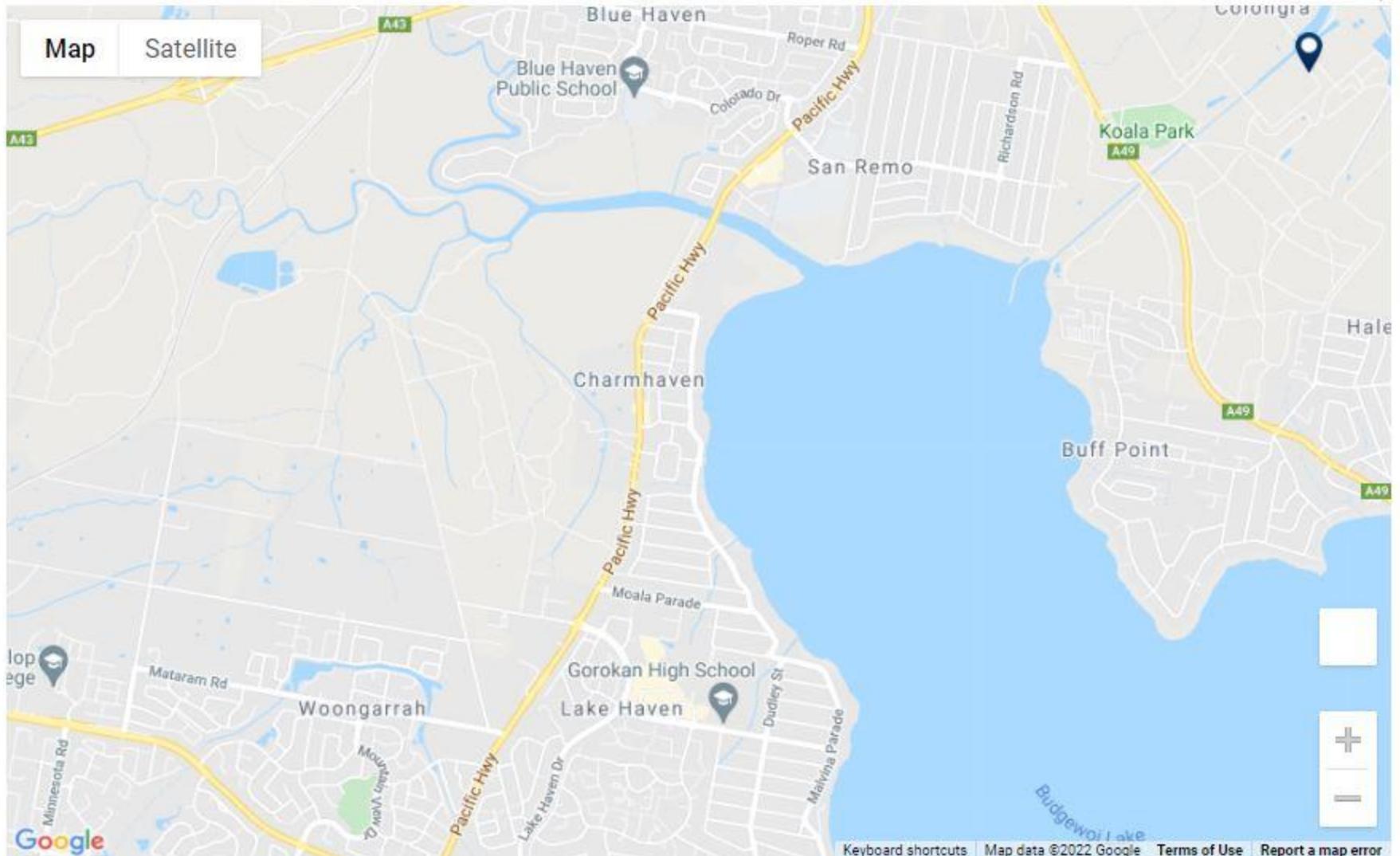
Map view

List view

No filter set

Showing 1 of 49 sites

[Reset map](#)



PFAS investigation site



Multiple sites

APPENDIX G:

Section 10.7 Certificate

Qualtest Laboratory (NSW) Pty Ltd
8 Ironbark Cl
WARABROOK NSW 2304

SECTION 10.7(2) AND (5) PLANNING CERTIFICATE

Under Section 10.7 of the Environmental Planning and Assessment Act, 1979

| | |
|------------------------------|--|
| Fee paid: | \$133.00 |
| Receipt No: | 16449392 |
| Receipt Date: | 2 February 2022 |
| Property Address: | 216 Pacific Highway, CHARMHAVEN NSW 2263 |
| Property Description: | Lot 332 DP 18234 |
| Property Owner | Lesday Pty Ltd |
| Certificate No: | 43838 |
| Reference No: | CHARMHAVEN:197099 |
| Date of issue: | 02-Feb-2022 |

The information contained within this certificate relates to the land.



**ADVICE PROVIDED PURSUANT TO S.10.7(2) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

| | |
|----------|--|
| 1 | RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS |
|----------|--|

(1) Environmental Planning Instruments which apply to the land

Wyong Local Environmental Plan 2013

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy No 21 – Caravan Parks
State Environmental Planning Policy No 64 – Advertising and Signage
State Environmental Planning Policy No 36 – Manufactured Home Estates
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Coastal Management) 2018 (part of lot)
State Environmental Planning Policy (Primary Production and Rural Development) 2019
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy No 55 – Remediation of Land
State Environmental Planning Policy No 50 – Canal Estate Development
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

(2) Proposed Environmental Planning Instruments which will apply to the land and is or has been the subject of community consultation or public exhibition

Draft Central Coast Local Environmental Plan will replace Gosford Local Environmental Plan 2014, Interim Development Order No. 122 – Gosford, Gosford Planning Scheme Ordinance and Wyong Local Environmental Plan 2013.

Proposed State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Proposed State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
Proposed State Environmental Planning Policy (Infrastructure) 2007
Proposed State Environmental Planning Policy (Primary Production and Rural Development) 2019

Proposed State Environmental Planning Policy Design and Place
Proposed State Environmental Planning Policy (State and Regional Development) 2011
Proposed State Environmental Planning Policy (Housing Diversity)
Proposed Standard Instrument (Local Environmental Plans) Order 2006

(3) Development Control Plans applying to the land

Wyong Development Control Plan 2013 applies to this land.

| | |
|----------|---|
| 2 | ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS |
|----------|---|

(a) Identity of the Zone

Lot 332 DP 18234

RU6 Transition

SP2 Infrastructure

Identity of the zone in Proposed Environmental Planning Instrument

Lot 332 DP 18234

Proposed RU6 Transition

Proposed SP2 Infrastructure

For each of the environmental planning instruments referred to in clause 1, please refer to the attached land use table to determine (b), (c) and (d) listed below:

(b) development that may be carried out within the zone without the need for development consent,

(c) development which may not be carried out within the zone except with development consent and

(d) development which is prohibited within the zone

(e) Development Standards applying to the land that fix minimum land dimensions for the erection of a dwelling-house

Development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on this land.

The minimum land dimension so fixed is 40ha.

Notwithstanding the above, reference should be made to Clause 4.2B of the Local Environmental Plan, which may contain other provisions enabling or restricting the erection of Dual Occupancies and Dwelling Houses on the land.

(f) Land includes or comprises critical habitat

No

(g) Land is in a conservation area

No

(h) Item of environmental heritage is situated on the land

None

| | |
|-----------|--|
| 2A | ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 |
|-----------|--|

Not applicable to Central Coast Local Government Area

| | |
|----------|------------------------------|
| 3 | COMPLYING DEVELOPMENT |
|----------|------------------------------|

Whether or not the land is land on which complying development can be carried out under each of the codes for complying development because of the provisions of clause 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*?

GENERAL HOUSING CODE

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

RURAL HOUSING CODE

Complying development under the Rural Housing Code **may** be carried out on the land providing the land is not less than the minimum lot size for the erection of a dwelling house under the Wyong Local Environmental Plan 2013.

LOW RISE HOUSING DIVERSITY CODE

Complying Development under the Low Rise Housing Diversity Code **may** be carried out on the land.

GREENFIELD HOUSING CODE

Greenfield Housing Code **is not** applicable to this land.

HOUSING ALTERATIONS CODE

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

GENERAL DEVELOPMENT CODE

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

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

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

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

Complying development under the Commercial and Industrial (New Buildings and Additions) Code **may** be carried out on the land.

CONTAINER RECYCLING FACILITIES CODE

Complying Development under the Container Recycling Facilities Code **may** be carried out on the land.

SUBDIVISIONS CODE

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

DEMOLITION CODE

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

FIRE SAFETY CODE

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

| | |
|--------------|-------------------|
| 4, 4A | (Repealed) |
|--------------|-------------------|

| | |
|-----------|---|
| 4B | ANNUAL CHARGES FOR COASTAL PROTECTION SERVICES UNDER LOCAL GOVERNMENT ACT 1993 |
|-----------|---|

The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works.

| | |
|----------|------------------------|
| 5 | MINE SUBSIDENCE |
|----------|------------------------|

The land **IS WITHIN** a declared Mine Subsidence District under section 20 of the *Coal Mine Subsidence Compensation Act 2017*. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides

compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

| | |
|----------|---|
| 6 | ROAD WIDENING AND ROAD ALIGNMENT |
|----------|---|

(a) DIVISION 2 OF PART 3 OF THE *ROADS ACT 1993*

The land is not affected by road realignment or road widening under the above.

(b) ENVIRONMENTAL PLANNING INSTRUMENT

The land is not affected by road widening or road re-alignment under the above.

(c) COUNCIL RESOLUTIONS

The land is affected by road realignment or road widening under the above.

The extent of any road widening or realignment is identified on Council's Road Widening Diagram.

The property is adjacent to a State Road under the control of Transport for New South Wales (TfNSW) and may be affected by an existing road widening scheme.

Enquiries regarding this matter should be directed to the Property officer at TfNSW Hunter Regional Office on (02) 9549 9658 or (02) 4908 7509.

| | |
|----------|--|
| 7 | COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES TO RESTRICT DEVELOPMENT DUE TO RISK |
|----------|--|

This land **is** affected by a policy adopted by the council or other public authority that restricts the development of the land because of the likelihood of risk restrictions. This land **is** affected because:

The land is classed as being Acid Sulfate Soil Class 5

| | |
|-----------|---|
| 7A | FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION |
|-----------|---|

(1) The land or part of the land **is** within the flood planning area and **is** subject to flood related development controls.

(2) The land or part of the land **is** between the flood planning area and the probable maximum flood and **is** subject to flood related development controls.

(3) A word or expression used in this clause has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

In this clause—

- flood planning area has the same meaning as in the Floodplain Development Manual.
- Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
- probable maximum flood has the same meaning as in the Floodplain Development Manual.

| | |
|----------|--------------------------------------|
| 8 | LAND RESERVED FOR ACQUISITION |
|----------|--------------------------------------|

The following environmental planning instruments and proposed environmental planning instruments make provisions for the acquisition of the land by a public authority as referred to in Section 3.15 of the Act:

Nil

| | |
|----------|---------------------------|
| 9 | CONTRIBUTION PLANS |
|----------|---------------------------|

The land is subject to Warnervale District Development Contributions Plan.

This land is subject to the Central Coast Regional Section 7.12 Development Contributions Plan 2019

This land is subject to Shire wide Infrastructure, Services and Facilities Development Contributions Plan.

| | |
|-----------|------------------------------------|
| 9A | BIODIVERSITY CERTIFIED LAND |
|-----------|------------------------------------|

The land **is not** biodiversity certified land within the meaning of Part 8 of the *Biodiversity Conservation Act, 2016*.

Note: Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

| | |
|-----------|---------------------------------------|
| 10 | BIODIVERSITY STEWARDSHIP SITES |
|-----------|---------------------------------------|

Council **has not** been notified by the Director-General of the Department of Planning, Industry and Environment that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act, 2016*.

Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

| | |
|------------|--|
| 10A | NATIVE VEGETATION CLEARING SET ASIDES |
|------------|--|

Council **has not** been notified by the Director-General of the Department of Planning, Industry and Environment that the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013* and the land is **not** registered as a set aside area in the public register under that section.

| | |
|-----------|-----------------------------|
| 11 | BUSH FIRE PRONE LAND |
|-----------|-----------------------------|

The information currently available to Council indicates that **some** of the land is bush fire prone land (as defined in the Act).

| | |
|-----------|---------------------------------|
| 12 | PROPERTY VEGETATION PLAN |
|-----------|---------------------------------|

Council **has not** been notified by Local Land Services – Greater Sydney that the land is subject to a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003.

| | |
|-----------|---|
| 13 | ORDERS UNDER <i>TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006</i> |
|-----------|---|

Council has not been notified of an Order issued under the Trees (Disputes between Neighbours) Act 2006.

NOTE: This advice is based on information provided by the Land and Environment Court.

| | |
|-----------|---------------------------------|
| 14 | DIRECTIONS UNDER PART 3A |
|-----------|---------------------------------|

The Minister **has not** issued a direction under the former 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 of the Act does not have effect.

| | |
|-----------|---|
| 15 | SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING |
|-----------|---|

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|---|
| 16 | SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS |
|-----------|---|

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|---|
| 17 | SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING |
|-----------|---|

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|--------------------------------------|
| 18 | PAPER SUBDIVISION INFORMATION |
|-----------|--------------------------------------|

(1) The name of any development plan adopted by a relevant authority that applies to this land or that is proposed to be subject to a consent ballot.

Nil

(2) The date of any subdivision order that applies to this land.

Not applicable

Words and expressions used in this clause have the same meaning as they have in part 16C of the *Environmental Planning and Assessment Regulation 2000*.

| | |
|-----------|--------------------------------------|
| 19 | SITE VERIFICATION CERTIFICATE |
|-----------|--------------------------------------|

Council **is not** aware of a Site Verification Certificate having been issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

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*.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|---------------------------------------|
| 20 | LOOSE-FILL ASBESTOS INSULATION |
|-----------|---------------------------------------|

This land does not include any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division. That register lists residential premises that contain or have contained loose-fill asbestos insulation.

| | |
|-----------|--|
| 21 | AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS (<i>BUILDING PRODUCT SAFETY ACT 2017</i>) |
|-----------|--|

(1) Is there any affected building notice of which the council is aware that is in force in respect of the land?

No

2 (a) Is there any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with?

No

2 (b) Is there any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding?

No

Note: In this clause 21:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*

| | |
|-----------|---|
| 22 | STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY AEROTROPOLIS) 2020 |
|-----------|---|

Not applicable to Central Coast Local Government Area

NOTE

CONTAMINATED LAND MANAGEMENT ACT 1997

The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

**ADVICE PROVIDED PURSUANT TO S.10.7(5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

NOTE: SECTION 10.7(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SUBSECTION (5).

For any enquiries regarding this Certificate, please contact Council's Customer Contact Centre on 1300 463 954.

Karen Hansen
Signed on Behalf of Central Coast Council

LAND USE TABLE

Zone RU6 Transition

Wyong Local Environmental Plan 2013

- 1 Objectives of zone
 - To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
 - To minimise conflict between land uses within this zone and land uses within adjoining zones.
 - To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.
- 2 Permitted without consent

Nil
- 3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Oyster aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Tank-based aquaculture; Waste or resource management facilities; Water recreation structures; Water supply systems
- 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

LAND USE TABLE

Zone SP2 Infrastructure Wyong Local Environmental Plan 2013

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To recognise existing railway land and to enable future development for railway and associated purposes.
- To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
- To recognise existing land and to enable future development for utility undertakings and associated purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

PROPOSED LAND USE TABLE

Zone RU6 Transition

Draft Central Coast Local Environmental Plan

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation.

2 Permitted without consent

Nil

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Sewage reticulation systems; Vehicle sales or hire premises; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

PROPOSED LAND USE TABLE

Zone SP2 Infrastructure
Draft Central Coast Local Environmental Plan

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To recognise existing railway land, major roads and utility installations to enable their future development, expansion and associated purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Qualtest Laboratory (NSW) Pty Ltd
8 Ironbark Cl
WARABROOK NSW 2304

SECTION 10.7(2) AND (5) PLANNING CERTIFICATE

Under Section 10.7 of the Environmental Planning and Assessment Act, 1979

| | |
|------------------------------|--|
| Fee paid: | \$133.00 |
| Receipt No: | 16449392 |
| Receipt Date: | 2 February 2022 |
| Property Address: | 234 Pacific Highway, CHARMHAVEN NSW 2263 |
| Property Description: | Pt Lot 1 DP 335574 |
| Property Owner | Mr J T Fogarty and Mrs M E Fogarty |
| Certificate No: | 43839 |
| Reference No: | CHARMHAVEN:197099 |
| Date of issue: | 02-Feb-2022 |

The information contained within this certificate relates to the land.



**ADVICE PROVIDED PURSUANT TO S.10.7(2) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

| | |
|----------|--|
| 1 | RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS |
|----------|--|

(1) Environmental Planning Instruments which apply to the land

Wyong Local Environmental Plan 2013

State Environmental Planning Policy No 50 – Canal Estate Development
State Environmental Planning Policy No 55 – Remediation of Land
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy No 21 – Caravan Parks
State Environmental Planning Policy No 64 – Advertising and Signage
State Environmental Planning Policy No 36 – Manufactured Home Estates
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Coastal Management) 2018 (part of lot)
State Environmental Planning Policy (Primary Production and Rural Development) 2019

(2) Proposed Environmental Planning Instruments which will apply to the land and is or has been the subject of community consultation or public exhibition

Draft Central Coast Local Environmental Plan will replace Gosford Local Environmental Plan 2014, Interim Development Order No. 122 – Gosford, Gosford Planning Scheme Ordinance and Wyong Local Environmental Plan 2013.

Proposed State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Proposed State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
Proposed State Environmental Planning Policy (Infrastructure) 2007
Proposed State Environmental Planning Policy (Primary Production and Rural Development) 2019

Proposed State Environmental Planning Policy Design and Place
Proposed State Environmental Planning Policy (State and Regional Development) 2011
Proposed State Environmental Planning Policy (Housing Diversity)
Proposed Standard Instrument (Local Environmental Plans) Order 2006

(3) Development Control Plans applying to the land

Wyong Development Control Plan 2013 applies to this land.

| | |
|----------|---|
| 2 | ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS |
|----------|---|

(a) Identity of the Zone

Pt Lot 1 DP 335574

RU6 Transition

Identity of the zone in Proposed Environmental Planning Instrument

Pt Lot 1 DP 335574

Proposed RU6 Transition

For each of the environmental planning instruments referred to in clause 1, please refer to the attached land use table to determine (b), (c) and (d) listed below:

(b) development that may be carried out within the zone without the need for development consent,

(c) development which may not be carried out within the zone except with development consent and

(d) development which is prohibited within the zone

(e) Development Standards applying to the land that fix minimum land dimensions for the erection of a dwelling-house

Development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on this land.

The minimum land dimension so fixed is 40ha.

Notwithstanding the above, reference should be made to Clause 4.2B of the Local Environmental Plan, which may contain other provisions enabling or restricting the erection of Dual Occupancies and Dwelling Houses on the land.

(f) Land includes or comprises critical habitat

No

(g) Land is in a conservation area

No

(h) Item of environmental heritage is situated on the land

None

| | |
|-----------|--|
| 2A | ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 |
|-----------|--|

Not applicable to Central Coast Local Government Area

| | |
|----------|------------------------------|
| 3 | COMPLYING DEVELOPMENT |
|----------|------------------------------|

Whether or not the land is land on which complying development can be carried out under each of the codes for complying development because of the provisions of clause 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*?

GENERAL HOUSING CODE

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

RURAL HOUSING CODE

Complying development under the Rural Housing Code **may** be carried out on the land providing the land is not less than the minimum lot size for the erection of a dwelling house under the Wyong Local Environmental Plan 2013.

LOW RISE HOUSING DIVERSITY CODE

Complying Development under the Low Rise Housing Diversity Code **may** be carried out on the land.

GREENFIELD HOUSING CODE

Greenfield Housing Code **is not** applicable to this land.

HOUSING ALTERATIONS CODE

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

GENERAL DEVELOPMENT CODE

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

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

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

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

Complying development under the Commercial and Industrial (New Buildings and Additions) Code **may** be carried out on the land.

CONTAINER RECYCLING FACILITIES CODE

Complying Development under the Container Recycling Facilities Code **may** be carried out on the land.

SUBDIVISIONS CODE

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

DEMOLITION CODE

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

FIRE SAFETY CODE

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

| | |
|--------------|-------------------|
| 4, 4A | (Repealed) |
|--------------|-------------------|

| | |
|-----------|---|
| 4B | ANNUAL CHARGES FOR COASTAL PROTECTION SERVICES UNDER LOCAL GOVERNMENT ACT 1993 |
|-----------|---|

The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works.

| | |
|----------|------------------------|
| 5 | MINE SUBSIDENCE |
|----------|------------------------|

The land **IS WITHIN** a declared Mine Subsidence District under section 20 of the *Coal Mine Subsidence Compensation Act 2017*. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

| | |
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| 6 | ROAD WIDENING AND ROAD ALIGNMENT |
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(a) DIVISION 2 OF PART 3 OF THE *ROADS ACT 1993*

The land is not affected by road realignment or road widening under the above.

(b) ENVIRONMENTAL PLANNING INSTRUMENT

The land is not affected by road widening or road re-alignment under the above.

(c) COUNCIL RESOLUTIONS

The land is not affected by road widening or road re-alignment under the above.

The property is adjacent to a State Road under the control of Transport for New South Wales (TfNSW) and may be affected by an existing road widening scheme. Any enquiries to TfNSW (Roads) formerly known as RMS regarding this matter should be lodged via the following portal <https://myrta.com/opis/index.jsp> or through the Central Register of Restrictions (CRR) via a conveyancer or agency.

| | |
|----------|--|
| 7 | COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES TO RESTRICT DEVELOPMENT DUE TO RISK |
|----------|--|

This land **is** affected by a policy adopted by the council or other public authority that restricts the development of the land because of the likelihood of risk restrictions. This land **is** affected because:

The land is classed as being Acid Sulfate Soil Class 5

| | |
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(1) The land or part of the land **is not** within the flood planning area and **is not** subject to flood related development controls.

(2) The land or part of the land **is** between the flood planning area and the probable maximum flood and **is** subject to flood related development controls.

(3) A word or expression used in this clause has the same meaning as in the standard

instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

In this clause—

- flood planning area has the same meaning as in the Floodplain Development Manual.
- Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
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| 8 | LAND RESERVED FOR ACQUISITION |
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The following environmental planning instruments and proposed environmental planning instruments make provisions for the acquisition of the land by a public authority as referred to in Section 3.15 of the Act:

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This land is subject to Shire wide Infrastructure, Services and Facilities Development Contributions Plan.

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The land **is not** biodiversity certified land within the meaning of Part 8 of the *Biodiversity Conservation Act, 2016*.

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| 10 | BIODIVERSITY STEWARDSHIP SITES |
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Council **has not** been notified by the Director-General of the Department of Planning, Industry and Environment that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act, 2016.

Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

| | |
|------------|--|
| 10A | NATIVE VEGETATION CLEARING SET ASIDES |
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Council **has not** been notified by the Director-General of the Department of Planning, Industry and Environment that the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013* and the land is **not** registered as a set aside area in the public register under that section.

| | |
|-----------|-----------------------------|
| 11 | BUSH FIRE PRONE LAND |
|-----------|-----------------------------|

The information currently available to Council indicates that **some** of the land is bush fire prone land (as defined in the Act).

| | |
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| 12 | PROPERTY VEGETATION PLAN |
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Council **has not** been notified by Local Land Services – Greater Sydney that the land is subject to a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003*.

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| 13 | ORDERS UNDER <i>TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006</i> |
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Council has not been notified of an Order issued under the *Trees (Disputes between Neighbours) Act 2006*.

NOTE: This advice is based on information provided by the Land and Environment Court.

| | |
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| 14 | DIRECTIONS UNDER PART 3A |
|-----------|---------------------------------|

The Minister **has not** issued a direction under the former 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 of the Act does not have effect.

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| 15 | SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING |
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Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
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| 16 | SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS |
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NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|--------------------------------------|
| 18 | PAPER SUBDIVISION INFORMATION |
|-----------|--------------------------------------|

(1) The name of any development plan adopted by a relevant authority that applies to this land or that is proposed to be subject to a consent ballot.

Nil

(2) The date of any subdivision order that applies to this land.

Not applicable

Words and expressions used in this clause have the same meaning as they have in part 16C of the *Environmental Planning and Assessment Regulation 2000*.

| | |
|-----------|--------------------------------------|
| 19 | SITE VERIFICATION CERTIFICATE |
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Council **is not** aware of a Site Verification Certificate having been issued by the Director-General of the Department of Planning, Industry and Environment in respect of the land.

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*.

NOTE: This advice is based on information provided by the NSW Department of Planning, Industry and Environment.

| | |
|-----------|---------------------------------------|
| 20 | LOOSE-FILL ASBESTOS INSULATION |
|-----------|---------------------------------------|

This land does not include any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division. That register lists residential premises that contain or have contained loose-fill asbestos insulation.

| | |
|-----------|--|
| 21 | AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS (<i>BUILDING PRODUCT SAFETY ACT 2017</i>) |
|-----------|--|

(1) Is there any affected building notice of which the council is aware that is in force in respect of the land?

No

2 (a) Is there any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with?

No

2 (b) Is there any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding?

No

Note: In this clause 21:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*

| | |
|-----------|---|
| 22 | STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY AEROTROPOLIS) 2020 |
|-----------|---|

Not applicable to Central Coast Local Government Area

NOTE

CONTAMINATED LAND MANAGEMENT ACT 1997

The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

**ADVICE PROVIDED PURSUANT TO S.10.7(5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

NOTE: SECTION 10.7(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SUBSECTION (5).

For any enquiries regarding this Certificate, please contact Council's Customer Contact Centre on 1300 463 954.

Karen Hansen
Signed on Behalf of Central Coast Council

LAND USE TABLE

Zone RU6 Transition

Wyong Local Environmental Plan 2013

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.

2 Permitted without consent

Nil

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Oyster aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Tank-based aquaculture; Waste or resource management facilities; Water recreation structures; Water supply systems

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

PROPOSED LAND USE TABLE

Zone RU6 Transition Draft Central Coast Local Environmental Plan

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation.

2 Permitted without consent

Nil

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Sewage reticulation systems; Vehicle sales or hire premises; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3