



**Sydney
Environmental**
Group

Stage 1 - Preliminary Site Investigation


99-101 Newcastle Street, East Maitland NSW


Health Design Australia Pty Ltd

ReportNo: 2318-PSI-01-301123.v1f

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 **Sydney Environmental Group Pty Ltd PO Box
A1420, Sydney South NSW**



 **Info@sydneyenvironmental.com.au**

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DOCUMENT RECORD

Revision	Date	Author	Reviewer
v1f	30 November 2023	Tristan Bonython	Steven Wallace

Author Signature		Reviewer Signature	
Name	Tristan Bonython	Name	Steven Wallace
Credentials	B. Env. Environmental Earth Sciences	Credentials	CEnvP, M.Sc.Envir.Sci, B.Sc. Meteorology
Title	Graduate Environmental Scientist	Title	Senior Environmental Scientist

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Prepared by Sydney Environmental Group Pty Ltd ABN: 14 631 026 214



EXECUTIVE SUMMARY

Sydney Environmental Group Pty Ltd (SE) was engaged by Health Design Australia Pty Ltd (hereafter referred to as 'the client'), to undertake a Stage 1 Preliminary Site Investigation of the property located at 99-101 Newcastle Street, East Maitland NSW (refer **Figure 1** with the 'site' boundaries outlined in **Figure 2**).

SE has the following project appreciation:

- The site covers an area of approximately 1,100 m²;
- The site is proposed for redevelopment as a medical centre; and
- A contamination assessment of the site is required to identify any contamination that may be present and provide advice on the suitability of the site for any proposed future land-use.

The objectives of this project were to:

- Assess the potential for contamination to be present on the site as a result of past and current land use activities;
- Provide advice on whether the site would be suitable (in the context of land contamination) for the continued residential land use setting; and
- Provide recommendations for further investigation, management and/or remediation (if warranted).

SE undertook the following activities to address the project objectives:

- A desktop review of relevant information pertaining to the site;
- A site walkover to understand current site conditions; and
- Data assessment and reporting.

Based on SE's assessment of the desktop review information and fieldwork data in the context of the proposed redevelopment scenario, SE makes the following conclusions:

- Four (4) potential areas of environmental concern (PAECs) have been identified for the site, albeit are considered areas with low potential for contamination to be present;
- A potential human health inhalation risks exists within the site due the bagged potential asbestos containing materials observed during the site walkover. Although they are bagged, if these were to be opened then the inhalation risk exposure pathway would be complete;
- The aesthetic risk associated with waste storage observed across the site will presumably be removed during redevelopment works; and
- The site is generally considered to be suitable (from a land contamination perspective) for the proposed future development following removal of the potential asbestos containing bags identified during the site walkover.

Based on the conclusions stated above and the background data gathered during the course of this investigation, SE recommend the following:

- Removal of potential asbestos containing bags from within the site by a licenced asbestos removalist contractor prior to redevelopment works;
- Following the removal of hardstand, visual inspection of the underlying soil materials during redevelopment by a suitably qualified environmental scientist, with potential for sampling to be determined by the outcome of the visual inspection;
- Undertake a hazardous building materials survey of the structures present on-site prior to demolition;
- Following removal of hazardous building materials (if identified) and subsequent demolition of the building materials, a clearance inspection should be carried out by an appropriately qualified occupational hygienist / NSW LAA; and
- A waste classification assessment should be carried out on any soil materials proposed for disposal off-site as per the NSW EPA Waste Classification Guidelines (2014).



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A Groundwater

B Land Titles

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E Planning Certificate





ABBREVIATIONS

AHD	Australian Height Datum
AEC	Area of Environmental Concern
ANZECC	Australian and New Zealand Environment and Conservation Council
AST	Aboveground storage tank
Bgs	Below ground surface
BTEX	Benzene, Toluene, Ethylbenzene, Xylene
Btoc	Below top of casing
CoC	Chain of Custody
CSM	Conceptual Site Model
DSI	Detailed Site Investigation
EC	Electrical conductivity
EIL	Ecological Investigation Level
EPA	Environment Protection Authority
GS	Geological Survey of NSW
HIL	Health Investigation Levels
HSL	Health Screening Levels
IL	Investigation Levels
LOR	[Laboratory] Limit of reporting
NATA	National Association of Testing Laboratories
N/A	Not applicable
ND	Not detected
NEPC	National Environment Protection Council
NEPM	National Environment Protection Measure
NSW EPA	NSW Environment Protection Authority
OCP	Organochlorine Pesticide
OPP	Organophosphorus Pesticide
PAEC	Potential Area of Environmental Concern
PAH	Polycyclic aromatic hydrocarbon
PCB	Polychlorinated biphenyl
PID	Photo-ionisation detector
PSH	Phase separated hydrocarbon
PSI	Preliminary Site Investigation
QA/QC	Quality assurance/Quality control
RPD	Relative percentage difference
SAQP	Sampling Analysis and Quality Plan
SE	Sydney Environmental Group Pty Ltd
SVOC	Semi-volatile organic compound
TPH	Total petroleum hydrocarbon
USCS	Unified Soil Classification System
UST	Underground storage tank
VOC	Volatile organic compound

1. INTRODUCTION

1.1. Background

Sydney Environmental Group Pty Ltd (SE) was engaged by Health Design Australia Pty Ltd (hereafter referred to as 'the client'), to undertake a Stage 1 Preliminary Site Investigation of the property located at 99-101 Newcastle Street, East Maitland (hereafter referred to as 'the site') (refer **Figure 1** with the 'site' boundaries outlined in **Figure 2**).

SE has the following project appreciation:

- The site covers an area of approximately 1,100 m²;
- The site is proposed for redevelopment as a medical centre; and
- A contamination assessment of the site is required to identify any contamination that may be present and provide advice on the suitability of the site for any proposed future land-use.

1.2. Proposed Development

SE have been advised that the proposed future redevelopment of the site will include refurbishments as a medical centre. SE have not been provided with any more details as to the extent of the development proposal.

1.3. Objectives

The objectives of this project were to:

- Assess the potential for contamination to be present on the site as a result of past and current land use activities;
- Provide advice on whether the site would be suitable (in the context of land contamination) for the continued residential land use setting; and
- Provide recommendations for further investigation, management and/or remediation (if warranted).

1.4. Scope of Work

SE undertook the following scope of works to address the project objective:

- A desktop review of relevant information pertaining to the site;
- A site walkover to understand current site conditions; and
- Data assessment and reporting.

2. SITE IDENTIFICATION

The site identification details and associated information are presented in **Table 2.1**.

Table 2.1. Site Identification Information

Attribute	Description
Street Address	99-101 Newcastle Street, East Maitland
Lot and Deposited Plan (DP)	Lot 2 of DP 785381
Geographical Coordinates	32°44'46"S 151°34'49"E (Centre of site)
Site Area	≈ 1100 m ²
Local Government Area (LGA)	Maitland City Council
Parish	Maitland
County	Northumberland
Zoning	MU1 - Mixed Use <i>Maitland Local Environmental Plan 2011</i>

The locality of the site is set out in **Figure 1**.

The general layout and boundary of the site is set out in **Figure 2**.

3. GEOLOGY, ACID SULFATE SOILS, TOPOGRAPHY AND HYDROGEOLOGY

Regional geology, topography, soil landscape and hydrogeological information are presented in **Table 3.1**.

Table 3.1. Regional Setting Information

Attribute	Description
Climate	A review of the closest weather station to the site (Paterson AWS) indicated that the climate is relatively mild with average maximum temperatures ranging from 17.5 – 30°C and minimum temperatures ranging from 6.2 – 17.8°C. Rainfall is relatively varied across the year, ranging from 5.0 days of rain per month in August, to 9.4 average days of rainfall per month in March. Average monthly rainfall varied from 37.7 mm in August up to 124.4 mm in March.
Geology	A review of the Environment NSW ‘eSpade V2.2’ web application (environment.nsw.gov.au/eSpade2WebApp, accessed 15 November 2023), indicated that the site is likely to be underlain by Permian aged lithologies from the Tomago Coal Measures and Mulbring Siltstone with small areas of the Waratah SubGroup. The Tomago Coal Measures comprise of shale, mudstone, sandstone, coal, tuff and clay. The Mulbring Siltstone, consist of siltstone, claystone and thin sandstone, and limestone layers.
Acid Sulfate Soils	A review of the Environment NSW ‘eSpade V2.2’ web application (environment.nsw.gov.au/eSpade2WebApp, accessed 15 November 2023), indicated that the site lies in an area mapped as ‘No Known Occurrence’ with respect to acid sulfate soils. This infers that land management activities are not likely to be affected by acid sulfate soil materials. Further assessment of acid sulfate soils in the context of this investigation is considered by SE as not warranted.
Topography	The local area consists of gently undulating rises to rolling low hills on Permian sediments in the southeast of the Hunter Region. Slopes 3 - 15%, local relief, < 50m, elevation 10- 90 m. The site topography is predominately level with variation across the block between 1 m and 2 m Australian Height Datum (AHD). SE understands that the site is located at an elevation of between 9 m to 10 m Australian Height Datum (AHD).
Hydrology and Hydrogeology	Surface water courses proximal to the site include Wallis Creek, a tributary of the Hunter River, located approximately 450 m west of the site, and the Hunter River located approximately 1 km north of the site. Based on distances to the nearest surface water course, groundwater flow in the vicinity of the site is considered likely to be towards the west. A review of the NSW Office of Water groundwater database undertaken on 29 November 2023 indicated there are eleven (11) registered groundwater features located within a 500 m radius of the site: <ul style="list-style-type: none"> • GW202609 - Monitoring Bore, with a final depth of 12.50 m and a Standing Water Level (SWL) of 7.77 m. • GW202608 – Monitoring Bore, with a final depth of 7.50 m and SWL of 5.63 m. • GW202610 – Monitoring Bore, with a final depth of 6.60 m and SWL of 6.18 m. • GW206611 – Status Unknown • GW202612 – Monitoring Bore, with a final depth of 7 m and SWL of 4.24 m. • GW065476 – Irrigation Bore, with a final depth of 13 m. • GW202476 – Monitoring Bore, with a final depth of 4 m and SWL of 1.06 m. • GW202613 – Monitoring Bore, with a final depth of 6 m and SWL of 4.45 m. • GW202614 – Monitoring Bore, with a final depth of 9.50 m and SWL of 4.71 m. • GW202477 – Monitoring Bore, with a final depth of 6 m and SWL of 2.71 m. • GW201107 – Monitoring Bore, with a final depth of 13 m and SWL of 6 m.

A copy of the NSW Office of Water search record is presented in **Appendix A**.

4. SITE HISTORY AND LAND USE

4.1. Land Titles

A search of historical land title ownership for the site was undertaken by Infotrack Pty Ltd, the results of which indicated that the land has been owned by a number of private individuals between 1933 and 2023 (refer to **Table 4.1.1**).

Table 4.1.1 Land Titles Record Summary

Date of Acquisition (Term Held)	Registered Proprietor/s and Occupations	Reference to Title at Acquisition and Sale
10.02.1933 (1933 to 1989)	Earp Woodcock Beveridge & Co Limited Now B.B.C Hardware (NCLE) Pty Limited	Book 1656 No. 820
17.02.1989 (1989 to 2000)	Rainbon Pty Limited	2/785381
11.05.2000 (2000 to 2021)	Frost Associates Pty Ltd	2/785381
27.08.2021 (2021 to date)	# Romajo Pty Ltd	2/785381

Based on the land title ownership search, SE conclude that there is a low potential for land contaminating activities to have been undertaken on the site. As a conservative measure, further assessment of the potential land contaminating activities, by means of additional historical assessments and a site walkover, was considered warranted.

A copy of the land title search record is presented in **Appendix B**.

4.2. Aerial Imagery

A review of selected historical aerial imagery of the site was undertaken. Observations made of the imagery considered relevant to this investigation, are presented in **Table 4.2**.

A copy of the historical aerals is presented in **Appendix C**.

Table 4.2. Aerial Imagery Observations

Image Date	Site Features	Surrounding Land Use Settings
1965	Site is observed have two (2) combined buildings in the north portion of site and one (1) small shed within the south of site.	Surrounding land is observed to be utilised within a commercial and residential setting. Properties to the far west of the site are observed to be utilised in an agricultural setting.
1974	No significant changes observed.	No significant changes observed to surrounding land use.
1984	No significant changes observed.	No significant changes observed to surrounding land use.
1993	The shed in southern portion of site is observed to have been rebuilt.	No significant changes observed to surrounding land use.
2001	No significant changes observed.	No significant changes observed to surrounding land use.
2011	No significant changes observed.	No significant changes observed to surrounding land use.
2023	No significant changes observed.	Redevelopment is observed on all surrounding commercial/residential structures.

The aerial imagery review indicated a low potential for land contaminating activities to have occurred on the site, including uncontrolled demolition and filling.

4.3. Anecdotal Information

There was no anecdotal information provided to SE during the site investigation.

4.4. Incident Reports

There was no incident report information provided to SE as part of this project.

4.5. Complaints History

There was no complaints history provided to SE during the investigation.

4.6. Previous Contamination Assessments

There were no previous contamination assessments provided to SE during the investigation.

5. REGULATORY RECORDS

5.1. NSW EPA CLM Act Record of Notices

A search of the publicly available online NSW EPA CLM Act Record of Notices was completed on 15 November 2023. The results indicated that the site was not the subject of any notifications under Section 58 of the *Contaminated Land Management Act 1997*.

A copy of the CLM Act Record of Notices search record is presented in **Appendix D**.

5.2. NSW EPA POEO Act Register of Licences, Applications and Notices

A search of the publicly available online NSW EPA Record of Notices was completed on 15 November 2023. The results indicated that the site was not the subject of any licences, applications, notices, audits or pollution studies or reduction programs under Section 308 of the *Protection of the Environment Operations Act 1997*.

A copy of the POEO Act Register of Licences, Applications and Notices search record is presented in **Appendix D**.

5.3. NSW EPA CLM Act Register of Notified Sites

A search of the publicly available online register of sites notified to the NSW EPA under Section 60 of the *Contaminated Land Management Act 1997*, was undertaken on 15 November 2023. The results indicated that four (4) notified sites were located within the suburb of East Maitland but are all noted to not require regulation under the CLM act.

A copy of the NSW EPA CLM ACT Register of Notified Sites is presented in **Appendix D**.

5.4. Section 10.7 Planning Certificate

The Site is zoned as 'MU1 – Mixed Use' under the *Maitland Local Environmental Plan 2011*. The site uses are covered under the objectives of the zones listed below:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

The proposed development is permissible under this Local Environmental Plan.

The certificates indicated that, within the meaning of the Contaminated Land Management Act, the site was not:

- Significantly contaminated land;
- Subject to a management order;
- The subject of an approved voluntary management proposal;
- Subject to an ongoing maintenance order; or
- The subject of a site audit statement.

A copy of the section 10.7 planning certificate is presented in **Appendix E**.

6. SITE WALKOVER

A site walkover was undertaken on the 15 November 2023 by a suitably experienced SE environmental consultant. The purpose of the site walkover was to make observations of land use activities on the site, and on properties immediately adjacent to the site.

6.1. Current Land Use Activity

The site currently occupied and utilised within a commercial setting.

6.2. Buildings and General Infrastructure

The following buildings and infrastructure were observed within the investigation area:

- One (1) vacant double-storey brick commercial structure in northwestern portion of site.
- One (1) vacant triple-storey sandstone commercial structure in northeastern portion of site, joining at its eastern wall to the double-storey commercial structure.
- One (1) corrugated iron shed (interior inaccessible).
- One (1) corrugated iron roof shed (outdoor storage space).

The central and southern portions of site were observed to be covered in hardstand and gravel.



Image 6.2.1. View of the three-story sandstone commercial structure within the northern portion of the site, as observed from the central portion of the site on 10 November 2023, facing north-east.



Image 6.2.2. View of the double-story brick commercial building within the northern portion of the site, as observed from the central portion of site on 10 November 2023, facing north-east.



Image 6.2.3. View of corrugated iron shed within western portion of the site, as observed from the western portion of site on 10 November 2023, facing north.



Image 6.2.4. View of first level of the three-story building, as observed from southern portion of building on 10 November 2023, facing north-east.



Image 6.2.5. View of second level of the three-story building, as observed from central portion of building on 10 November 2023, facing south-west.



Image 6.2.6. View of third level of the three-story building, as observed from central portion of building on 10 November 2023, facing east.



Image 6.2.7. View of second level of the double-story building, as observed from southern portion of building on 10 November 2023, facing west.



Image 6.2.8. View of first level of the double-story building, as observed from northern portion of building on 10 November 2023, facing southwest.

6.3. Boundary Fencing

The boundary is fenced along the southern, eastern, and western boundaries. No boundary fencing was observed between the northern boundary of the site and Newcastle Street.



Image 6.3.1: View of the western fenced boundary, as observed 10 November 2023, facing north.

6.4. Adjacent Land Use Activities

Observations made during the site walkover indicated the following land use activities adjacent to the site:

- North - Commercial (tire and automobile service centre)
- East - Commercial (automobile retailer);
- West - Rural residential; and
- South - Commercial (fitness centre).

6.5. Odours and Staining

There was no olfactory or visual evidence of contamination identified on the surface of the site, during the site walkover.

6.6. Chemical Storage

There was minor evidence of chemical storage observed during the site walkover in the form of two (2) stacked 160 L storage drums of sodium lauryl sulfate. It was unclear during the walkover as to where the drums still contained the labelled chemical (sodium lauryl sulfate). The drums appeared in good condition, with no olfactory odours, staining or spilling was observed around the storage drums or on surrounding surficial surfaces.



Image 6.6.1. Two (2) storage drums of sodium lauryl sulfate found in southwestern portion of site, as viewed facing north on 10 November 2023.

6.7. Underground and Aboveground Storage Tanks

One (1) above-ground water storage tank was observed within the central portion of site. The water tank was however disconnected and seemingly not in use.



Image 6.7.1. Above-ground water tank within the northern portion of site, as observed 10 November 2023, facing north-west.

6.8. Fill Material

Widespread filling was not observed during the site walkover.

6.9. Wastes

Widespread storage of waste was observed during the site walkover. Within an area approximately 30 m² (10 m x 3 m) observed north of the corrugated shed in the southern portion of the site (under the awning), a variety of miscellaneous building materials, machinery and waste materials were observed. This included the following materials:

- Plastics;
- Timber;
- Scrap metal;
- Tyres;
- One (1) car trailer
- One (1) four-wheel drive vehicle;
- One (1) light truck; and
- One (1) tractor.



Image 6.9.1. Waste storage area in central northern portion of the site, as viewed facing north on 10 November 2023.



Image 6.9.2: Various building and furniture waste materials, as observed 10 November 2023, facing north.



Image 6.9.3: Various building material and mechanical waste, as viewed facing north on 10 November 2023.

6.10. Asbestos Containing Materials

Potential Asbestos Containing Materials (ACM) were not identified within the site walkover. However, three (3) asbestos disposal bags were observed within the waste storage area in the southern portion of the site. All three (3) bags were observed to contain potential asbestos containing materials in the form of fibre cement fragments. The origin of the potential asbestos containing materials was unknown.

The three (3) bags were observed to be in good condition, with duct taping observed around the top of the bags as a seal.

A hazardous building materials survey was not within the scope of this assessment but is advised prior to the refurbishment or demolition of the structure to identify any hazardous building materials (including ACM) which may be present.



Image 6.10.1. Asbestos disposal bag found within the waste storage area, as viewed facing northeast on 10 November 2023.

6.11. Phytotoxicity

There was no visual evidence observed to suggest significant or widespread phytotoxic impact (in the form of dieback or plant stress) in the vegetation at the site. Similar observations were made of visible vegetation on land adjacent to the site.

6.12. Surface Water and Site Drainage

Visual observations made in the context of site drainage during the walkover, indicated that drainage mechanisms on the site are likely to include:

- Infiltration into underlying soils, where soil permeability permits.

6.13. Adjacent Sensitive Receptors

Adjacent ecological receptors include vegetation surrounding the site and Wallis Creek, a tributary to the Hunter River located approximately 450 m to the west of the site, and the Hunter River located approximately 1 km north of the site.

The closest sensitive human receptors are current and future onsite residential land users, and those on neighbouring sites.

7. DATA INTEGRITY ASSESSMENT

SE has relied on the following sources of data while undertaking this investigation:

- SE field observations during the site walkover;
- Australian Soil Resource Information System;
- Department of Land and Water Conservation;
- Department of Minerals and Energy;
- Department of Primary Industries – Water;
- Liverpool City Council;
- Google Earth;
- Infotrack Pty Ltd;
- National Environment Protection Council;
- Nearmap Pty Ltd;
- NSW Environment Protection Authority;
- NSW Land and Property Information; and
- Water NSW.

Based on SE's experience and professional judgement, the data obtained from the sources relied upon, is considered to be adequately precise, accurate, representative, complete and comparable within the objectives of this investigation and for the purpose of drawing conclusions regarding land contamination risks at the site.

8. CONCEPTUAL SITE MODEL

8.1. Potential Areas of Environmental Concern

The site history data collected and site walkover observations made were assessed within the objectives of this investigation and in the context of the proposed development works. That assessment identified potential areas of environmental concern (PAEC) and contaminants of potential concern (COPC) which have the potential to be present on site. The PAEC and associated COPC identified are presented in **Table 8.1** below.

Table 8.1.1 PAEC and COPC

ID	Potential Area of Environmental Concern	Land Use Activity	Contaminants of Potential Concern
PAEC01	On-site Structures	Hazardous Building Materials	Asbestos, Lead, SMF & PCB
PAEC02	Building Footprints and Hardstand	Uncontrolled Demolition / Filling	Heavy Metals, PAH, TRH, BTEX, OCP, PCBs and Asbestos
PAEC03	Bagged Potential Asbestos Containing Materials	Uncontrolled Demolition	Asbestos
PAEC04	Building Materials and Rubbish Storage	Waste Storage	Aesthetics

The potential contamination pathways are considered to be as follows:

- Inhalation/ingestion of contaminants released in dust during redevelopment;
- Direct contact, ingestion or inhalation of soil; and
- Migration of contaminants within surface and groundwater to neighbouring properties and water bodies.

Relevant potential receptors are considered to include:

- Onsite construction and maintenance workers;
- Third parties during construction (adjacent site users and adjacent residents);
- Onsite flora and fauna;
- Groundwater and surface water;
- Future residents/end users; and
- Neighbouring residential land users.

8.2. Land Use Setting

SE understands that the current and future land-use setting will consist of commercial (health centre) with inaccessible soils or limited soil access.

Based on the proposed development works and guidance provided in NEPM ASC 2013, SE considers it reasonable to adopt the '*HIL D – commercial/industrial with inaccessible soils*' land use setting for the purpose of assessing land contamination exposure risks. Commercial/industrial use includes premises such as shops, offices, factories and industrial sites with limited soil access.

8.3. Human Health – Direct Contact

It is considered that a direct contact exposure pathway may exist and be achieved by inhalation/ingestion of dust during any future development works by site works. There also poses the risk of direct contact, ingestion or inhalation of soil contaminants by future site occupants.

Base on the site history and site walkover, there was a low potential for fill materials to be present within the site. While a visual assessment of the footprints should be carried out following demolition of the on-site

structures (if required for the new development), SE considers that further assessment, in the form of instructive sampling for direct contact exposure risks is not considered warranted.

8.4. Human Health – Inhalation / Vapour Intrusion

In order for a potentially unacceptable inhalation / vapour intrusion human health exposure risk to exist, a primary vapour source (e.g. underground storage tank) or secondary vapour source (e.g. significantly contaminated soil or groundwater) would typically need to be present.

The historical evidence reviewed indicated a very low likelihood for a potential primary source to be present within the site or on properties adjacent to the site.

As a conservative measure, SE considers further assessment of the inhalation / vapour intrusion risk to be warranted due to the presence of bagged potential asbestos containing materials observed during the site walkover.

8.5. Aesthetics

Section 3.7 of Schedule B (1) NEPM ASC 2013 advises that there are no specific numeric aesthetic guidelines, however site assessment requires a balanced consideration of the quantity, type and distribution of foreign materials or odours in relation to the specific land use and its sensitivity.

Based on the site history and site walkover, SE notes the presences of moderate wastes, small scale chemical storage and vehicles across the site. As these items will presumably be removed prior to any redevelopment works, SE considers further assessment of aesthetic exposure risk as not warranted.

8.6. Ecological Health – Terrestrial Ecosystems

Section 3.4.2 of Schedule B (1) NEPM ASC 2013 suggests that a pragmatic risk-based approach be taken in applying ecological investigation levels and ecological screening levels in residential and commercial/ industrial land use settings.

While consideration to ecological health was undertaken during the background / desktop study and site walkover carried out during the investigation. Based on the low potential for land-contaminating activities to have taken place, SE considers that further assessment of terrestrial ecosystems exposure risks is warranted.

8.7. Management Limits for Petroleum Hydrocarbon Compounds

NEPM 2013 notes that there are a number of policy considerations which reflect the nature and properties of petroleum hydrocarbons:

- Formation of observable light non-aqueous phase liquids (LNAPL);
- Fire and explosive hazards; and
- Effects on buried infrastructure (e.g. penetration of, or damage to, in-ground services by hydrocarbons).

Section 2.9 of Schedule B (1) NEPM ASC 2013 includes 'management limits' to avoid or minimise these potential effects. Application of the management limits requires consideration of site-specific factors such as the depth of building basements and services and depth to groundwater, to determine the maximum depth to which the limits should apply. Section 2.9 of Schedule B (1) NEPM ASC 2013 also notes that management limits may have less relevance at operating industrial sites which have no or limited sensitive receptors in the area of potential impact, and when management limits are exceeded, further site-specific assessment and management may enable any identified risk to be addressed.

Based on the site history and site walkover, SE considers that further assessment of petroleum hydrocarbon exposure risks is not warranted.

9. CONCLUSIONS AND RECOMMENDATIONS

Based on SE's assessment of the desktop review information and fieldwork data in the context of the proposed redevelopment scenario, SE makes the following conclusions:

- Four (4) potential areas of environmental concern (PAECs) have been identified for the site, albeit are considered areas with low potential for contamination to be present;
- A potential human health inhalation risks exists within the site due the bagged potential asbestos containing materials observed during the site walkover. Although they are bagged, if these were to be opened then the inhalation risk exposure pathway would be complete;
- The aesthetic risk associated with waste storage observed across the site will presumably be removed during redevelopment works; and
- The site is generally considered to be suitable (from a land contamination perspective) for the proposed future development following removal of the potential asbestos containing bags identified during the site walkover.

Based on the conclusions stated above and the background data gathered during the course of this investigation, SE recommend the following:

- Removal of potential asbestos containing bags from within the site by a licenced asbestos removalist contractor prior to redevelopment works;
- Following the removal of hardstand, visual inspection of the underlying soil materials during redevelopment by a suitably qualified environmental scientist, with potential for sampling to be determined by the outcome of the visual inspection;
- Undertake a hazardous building materials survey of the structures present on-site prior to demolition;
- Following removal of hazardous building materials (if identified) and subsequent demolition of the building materials, a clearance inspection should be carried out by an appropriately qualified occupational hygienist / NSW LAA; and
- A waste classification assessment should be carried out on any soil materials proposed for disposal off-site as per the NSW EPA Waste Classification Guidelines (2014).

This report, including its conclusions and recommendations, must be read in conjunction with the limitations presented in **Section 10**.

10. STATEMENT OF LIMITATIONS

The findings presented in this report are based on specific searches of relevant, government historical databases and anecdotal information that were made available during the course of this investigation. To the best of our knowledge, these observations represent a reasonable interpretation of the general condition of the site at the time of report completion.

This report has been prepared solely for the use of the client to whom it is addressed and no other party is entitled to rely on its findings.

No warranties are made as to the information provided in this report. All conclusions and recommendations made in this report are of the professional opinions of personnel involved with the project and while normal checking of the accuracy of data has been conducted, any circumstances outside the scope of this report or which are not made known to personnel and which may impact on those opinions is not the responsibility of Sydney Environmental Group Pty Ltd. Should information become available regarding conditions at the site including previously unknown sources of contamination, SE reserves the right to review the report in the context of the additional information.

This report must be reviewed in its entirety and in conjunction with the objectives, scope and terms applicable to SE's engagement. The report must not be used for any purpose other than the purpose specified at the time SE was engaged to prepare the report.

Logs, figures, and drawings are generated for this report based on individual SE consultant interpretations of nominated data, as well as observations made at the time site walkover/s were completed.

Data and/or information presented in this report must not be redrawn for its inclusion in other reports, plans or documents, nor should that data and/or information be separated from this report in any way.

Should additional information that may impact on the findings of this report be encountered or site conditions change, SE reserves the right to review and amend this report.

11. REFERENCES

National Environment Protection Council (NEPC) 2013A, 'Schedule B(1) Guideline on Investigation Levels for Soil and Groundwater, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) as amended in May 2013'.

National Environment Protection Council (NEPC) 2013B, 'Schedule B(2) Guideline on Site Characterisation, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) as amended in May 2013'.

NSW EPA 2017, '*Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (3rd edition)*'.

NSW EPA 2022, '*Contaminated Sites: Sampling Design Guidelines*'.

NSW EPA 2012, '*Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases*'

NSW EPA 2020, '*Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*'.

WA DOH 2021, '*Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia*' dated 2021.

Standards Australia. 2005. 'AS 4482.1. Guide to the Sampling and Investigation of Potentially Contaminated Soil. Part 1: Non-volatile and Semi-volatile Compounds.' www.standards.com.au.

Standards Australia. 1999. 'AS 4482.2. Guide to the Sampling and Investigation of Potentially Contaminated Soil Part 2: Volatile Compounds'. www.standards.com.au.

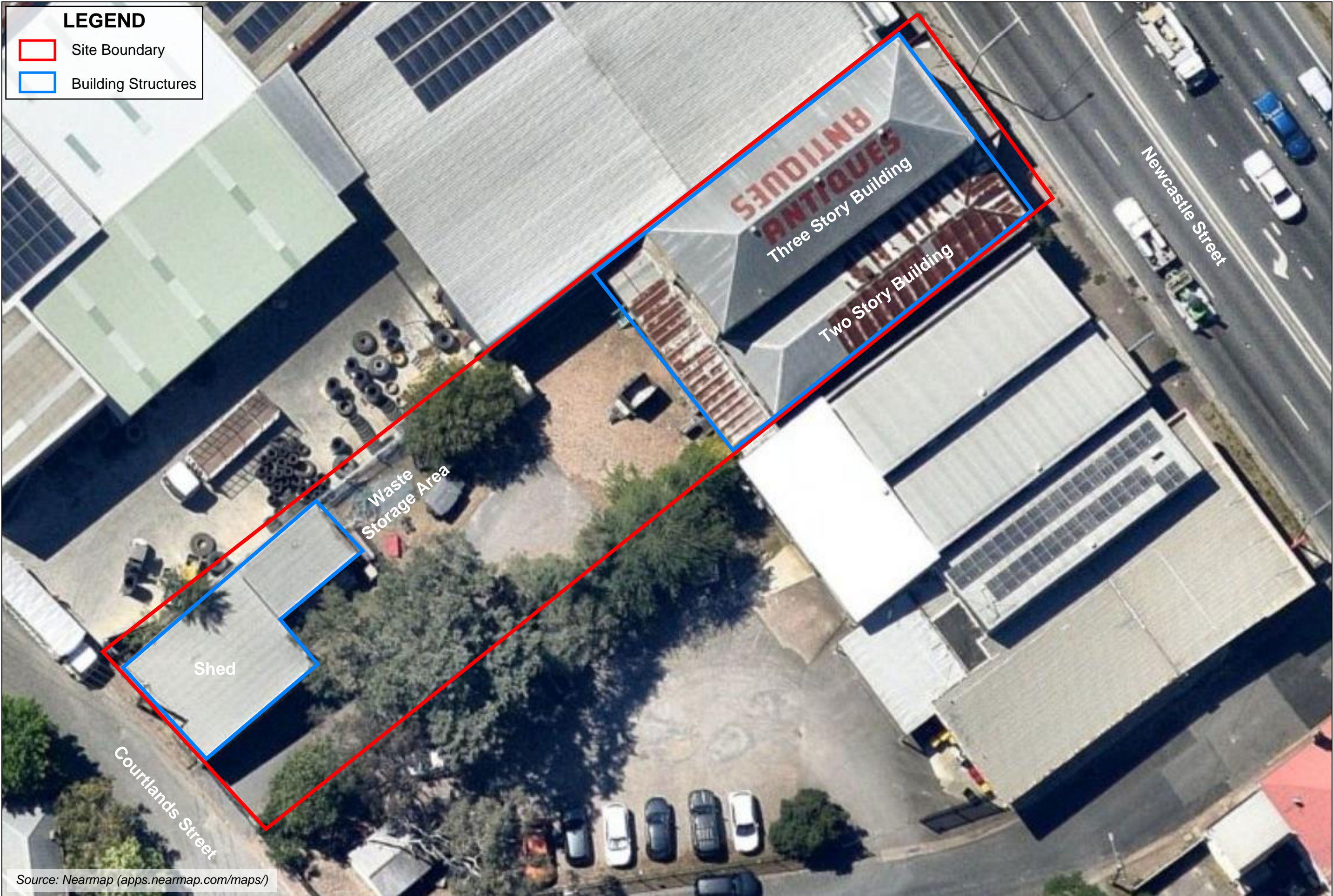
Standards Australia. 1998. 'AS/NZS 5667.11:1998. Water Quality – Sampling. Part 11: Guidance on Sampling of Groundwater.' www.standards.com.au.

Standards Australia. 1998. 'AS/NZS 5667.1:1998. Water Quality – Sampling. Part 1: Guidance on the Design of Sampling Programs, Sampling Techniques and the Preservation and Handling of Samples'. www.standards.com.au.



FIGURES





LEGEND

- Site Boundary
- PAEC01/PAEC02 - On-site structures/ Building Footprints and Hardstand
- PAEC03 - Bagged Potential Asbestos Containing Materials
- PAEC04 - Building Materials and Rubbish Storage



Source: Nearmap (apps.nearmap.com/maps/)



Scale:		Potential Areas of Environmental Concern		
Client Name:	Health Design Australia Pty Ltd		Figure Number:	3
Project Name:	Stage 1 Preliminary Site Investigation		Figure Date:	29 November 2023
Project Location:	99-101 Newcastle Street, East Maitland NSW		Report Number:	2318-PSI-01-291123.v1f

APPENDIX A

GROUNDWATER



Daily River Reports

Daily River Reports

Dams

Real Time Data - ...

Groundwater (Telemetered data)

Real Time Data - ...

All Groundwater Site details

All Groundwater Site Details

ALL GROUNDWATER MAP

All data times are Eastern Standard Time

Map

Groundwater Bores

- Groundwater works
- ◆ Telemetered bores
- ▲ Logged bores
- Manual bores

Monitoring Bore Types

- Alluvial
- Coastal Sands
- Fractured Rock
- Porous Rock
- Great Artesian Basin
- Discontinued

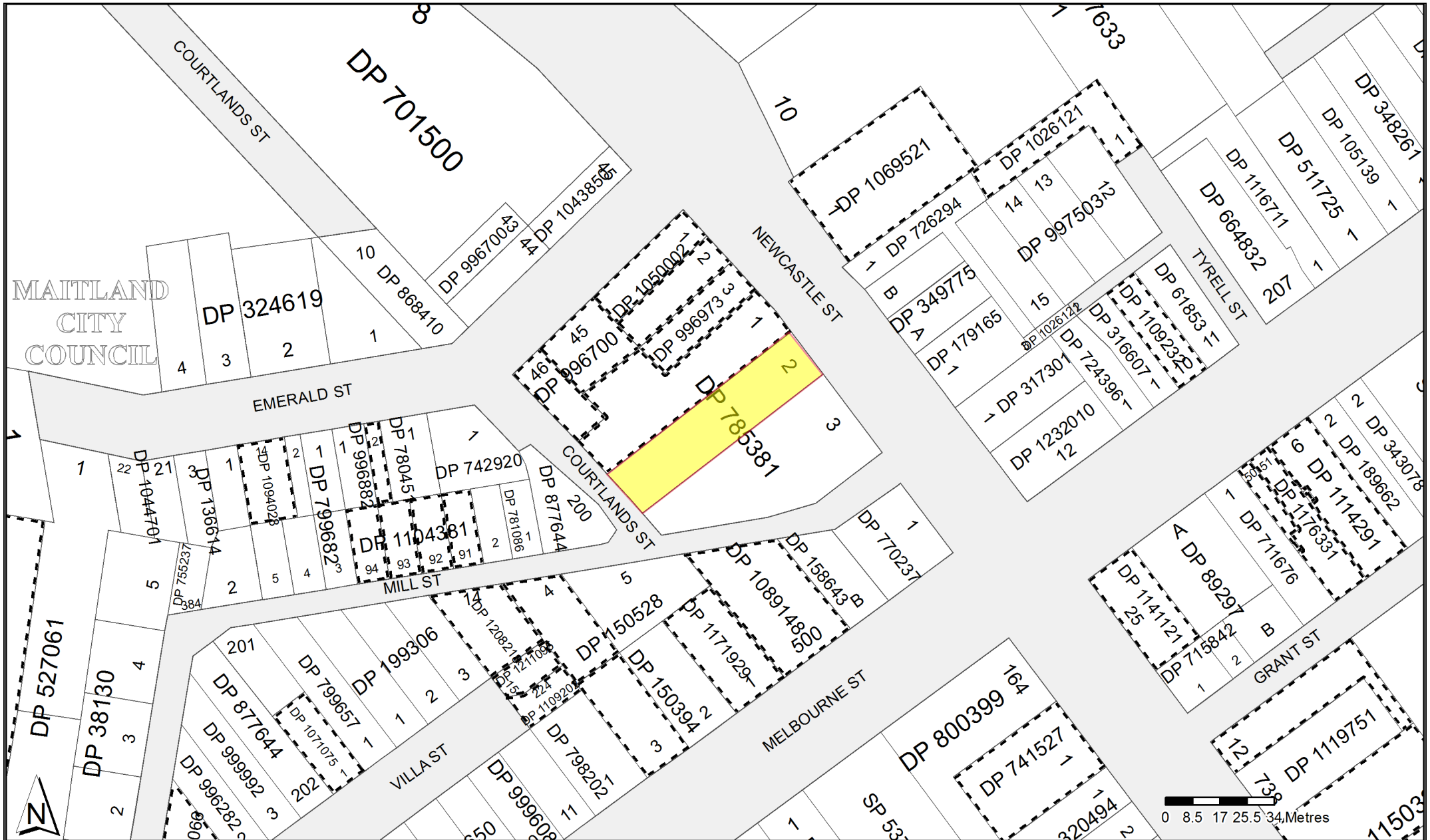
There are **11 sites** within 500 metres of the selected point.
The 5 closest sites are shown below. Show all 11 sites

- GW202609
- GW202608
- GW202610
- GW202612
- GW202611

Scale = 1 : 1693 166021, 0, 31

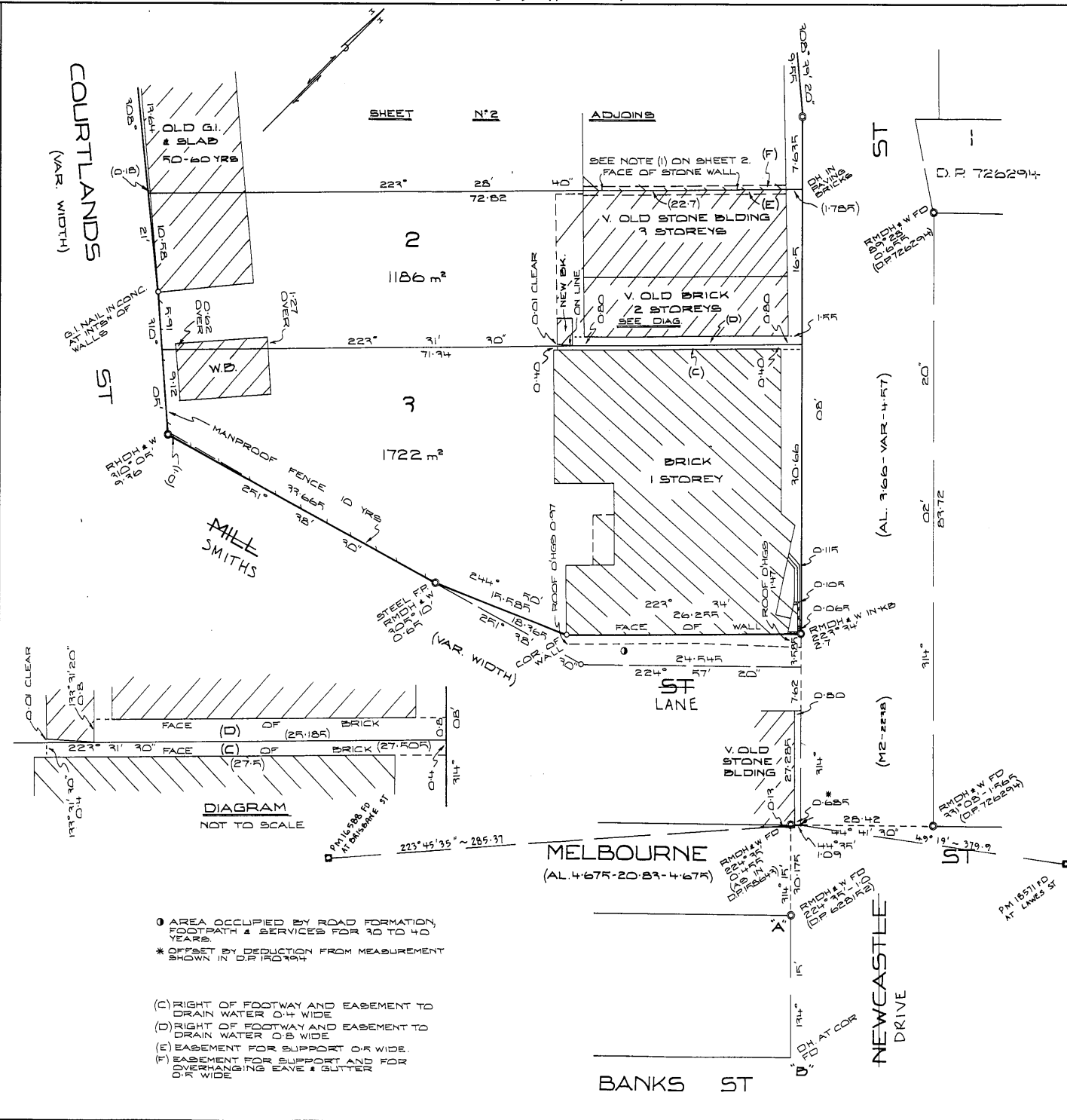
APPENDIX B

TITLES





SIGNATURE AND SEALS ONLY.



DP 785381 (E)

Registered: 23-12-1988
 C.A: No 88 OF 13-10-1988
 Title System: OLD SYSTEM
 Purpose: SUBDIVISION
 Ref. Map: U5472-43
 Last Plan:

PLAN OF SUBDIVISION OF THE LAND IN CONV. B20 BOOK 1656 AND CONV. 344 BOOK 1896 BEING PART OF PORTIONS 151 AND 224

Lengths are in metres. Reduction Ratio 1:300
 Municipality: City of MAITLAND
 Locality: EAST MAITLAND
 Parish: MAITLAND
 County: NORTHUMBERLAND

This is sheet 1 of my plan in 2 sheets. (Delete if inapplicable).

I, EWEN BASSETT RANDALL, of 20 HARPER TOMERS' ABBEY, of 20 HARPER TOMERS' ABBEY, NEWCASTLE, a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Practice Regulations, 1933 and any special requirements of the Department of Lands, and was completed on 7-10-1988.
 Signature: *E. B. Randall*
 Surveyor registered under Surveyors Act, 1929, as amended.
 Datum Line of Azimuth: "A" - "B"
 Insert date of survey.

Plans used in preparation of survey/compilation:
 M2-2225 DP 182643 DP 629182
 1079-1070 DP 317401 DP 629069
 DP 609289 DP 324619 DP 701200
 DP 661892 DP 349778 DP 726294
 DP 180394 DP 302629 DP 976162
 DP 180328 DP 327400

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.
 PURSUANT TO SEC 80B OF THE CONVEYANCING ACT 1919-1984 IT IS INTENDED TO CREATE:
 1/3 RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 0.4 WIDE.
 2/3 RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 0.8 WIDE.
 3/3 RIGHT OF FOOTWAY AND EASEMENT FOR SUPPORT 0.5 WIDE.
 4/3 EASEMENT FOR SUPPORT AND FOR OVERHANGING EAVE AND GUTTER 0.3 WIDE.

SURVEY REPORT FURNISHED - RETAINED WITH DP. MIN PPS.

Crown Lands Office Approval

PLAN APPROVED
 Land District
 Paper No.
 Field Book pages

Council Clerk's Certificate

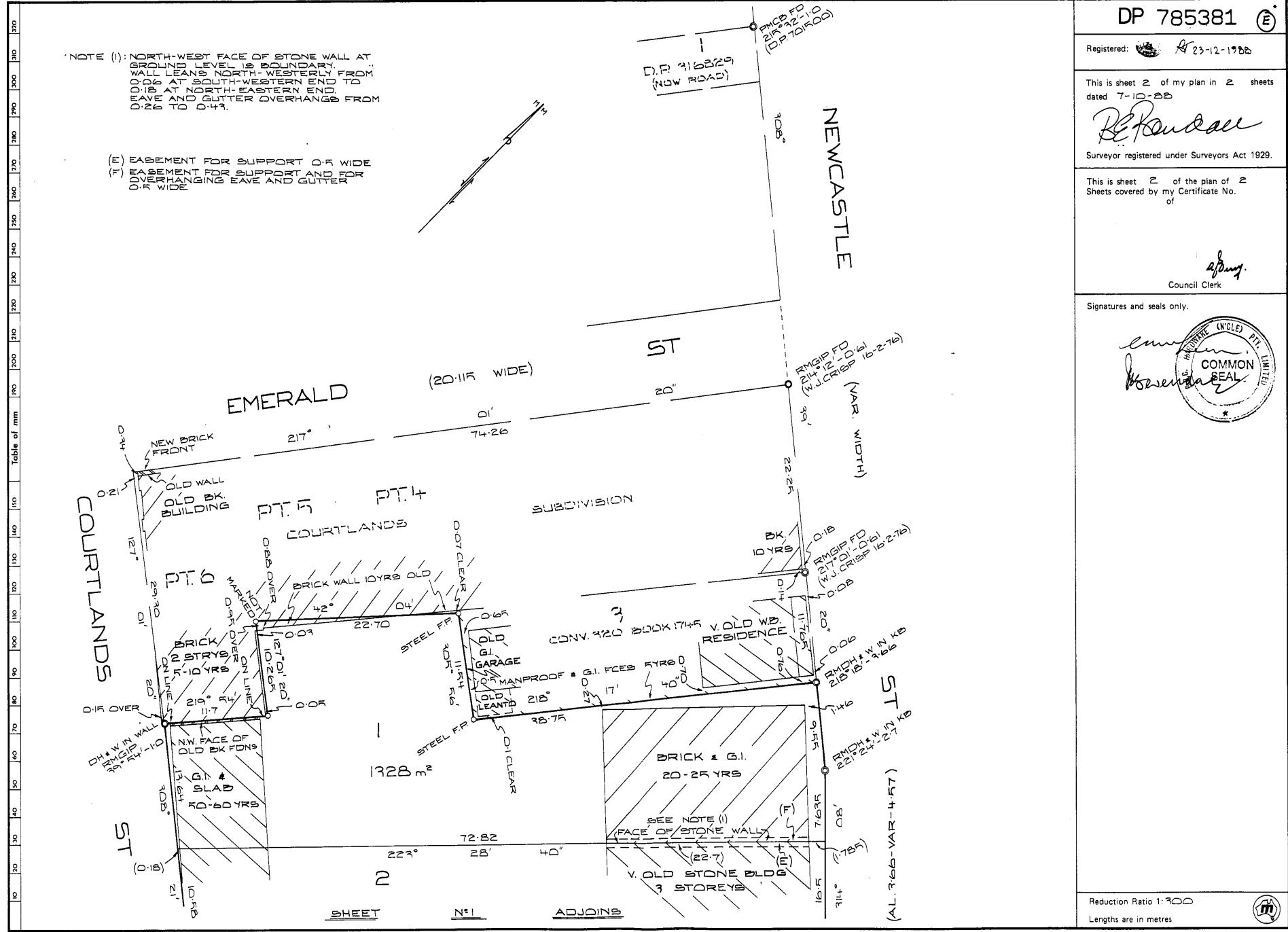
I hereby certify that -
 (a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
 (b) the requirements of section 34B of the 1 Metropolitan Water, Sewerage and Drainage Act, 1924 as amended, 1 Hunter District Water, Sewerage, and Drainage Act, 1926, as amended
 have been complied with by the applicant in relation to the proposed SUBDIVISION (insert "new road", "subdivision" or "consolidated lot") set out herein.
 Subdivision No. ... 88/002
 Date ... 13.10.1988
 (Signature)
 Council File No. ... 133/5/88/002

* This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water, Sewerage and Drainage Board and the Hunter District Water Board.
 † Delete if inapplicable.

- (A) AREA OCCUPIED BY ROAD FORMATION, FOOTPATH & SERVICES FOR 30 TO 40 YEARS.
- * OFFSET BY DEDUCTION FROM MEASUREMENT SHOWN IN DP 180394
- (C) RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 0.4 WIDE
- (D) RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 0.8 WIDE
- (E) EASEMENT FOR SUPPORT 0.5 WIDE.
- (F) EASEMENT FOR SUPPORT AND FOR OVERHANGING EAVE & GUTTER 0.3 WIDE

110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Req:R514522 /Doc:DP 0785381 P /Rev:16-Mar-1999 /NSW IRS /Pgs:ALL /Prt:13-Nov-2023 14:22 /Seq:2 of 2
© Office of the Registrar-General /Src:InfoTrack /Ref:Newcastle Road



NOTE (1): NORTH-WEST FACE OF STONE WALL AT GROUND LEVEL IS BOUNDARY. WALL LEANS NORTH-WESTERLY FROM 0.018 AT SOUTH-WESTERN END TO 0.018 AT NORTH-EASTERN END. EAVE AND GUTTER OVERHANGS FROM 0.26 TO 0.43.

(1E) EASEMENT FOR SUPPORT OF WIDE OVERHANGING EAVE AND GUTTER FOR WIDE OVERHANGING EAVE AND GUTTER

DP 785381 (E)

Registered: 23-12-1988

This is sheet 2 of my plan in 2 sheets dated 7-10-88

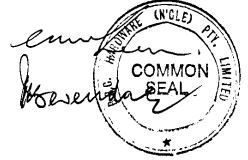
R. E. Randall

Surveyor registered under Surveyors Act 1929.

This is sheet 2 of the plan of 2 Sheets covered by my Certificate No. of

[Signature]
Council Clerk

Signatures and seals only.



Reduction Ratio 1:300
Lengths are in metres



SURVEYOR'S REFERENCE: 510/1

Plan Drawing only to appear in this space



SEARCH DATE

13/11/2023 2:22PM

FOLIO: 2/785381

First Title(s): OLD SYSTEM

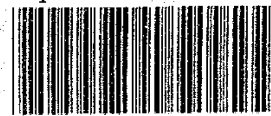
Prior Title(s): CA34361

Recorded	Number	Type of Instrument	C.T. Issue
6/1/1989	CA34361	CONVERSION ACTION	FOLIO CREATED EDITION 1
17/2/1989	Y173572	TRANSFER	EDITION 2
18/10/1993	I722720	MORTGAGE	EDITION 3
30/8/1995	O496287	LEASE	EDITION 4
28/5/1996	2190163	DISCHARGE OF MORTGAGE	
28/5/1996	2190164	MORTGAGE	EDITION 5
30/12/1997	3698158	LEASE	EDITION 6
11/1/2000	6479056	LEASE	EDITION 7
7/2/2000	6539469	REQUEST	
11/5/2000	6771816	DISCHARGE OF MORTGAGE	
11/5/2000	6771817	TRANSFER	EDITION 8
16/7/2003	9794960	LEASE	EDITION 9
27/8/2021	AR376032	TRANSFER	
27/8/2021	AR376033	MORTGAGE	EDITION 10

*** END OF SEARCH ***

RP 13
1985

STAMP DUTY



Y173572



OFFICE OF STATE REVENUE
(NSW TREASURY)

STAMP
 \$100
 DUTY
 CHIEF COMMISSIONER

TRANSFER

REAL PROPERTY ACT, 1900

CS 1 of 1 X
 \$ 492

DESCRIPTION OF LAND
Note (a)

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
Identifier 2/785381	WHOLE	at East Maitland

TRANSFEROR
Note (b)

B.B.C. HARDWARE (N'CLE) PTY. LIMITED of 7 Bridge Street, Sydney

ESTATE
Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$25,000.00 and transfers an estate in fee simple in the land above described to the TRANSFEREE

TRANSFEREE
Note (d)

RAINBON PTY. LIMITED, 147 Paterson Road, Bolwarra	OFFICE USE ONLY S
---------------------------------------------------	--------------------------

TENANCY
Note (e)

as joint tenants/tenants in common

PRIOR ENCUMBRANCES
Note (f)

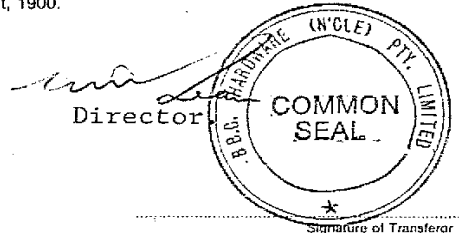
subject to the following PRIOR ENCUMBRANCES 1. _____
 2. _____ 3. _____

DATE

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

EXECUTION
Note (g)

Signed in my presence by the transferor who is personally known to me
 THE COMMON SEAL of B.B.C. HARDWARE (N'CLE) PTY LIMITED was hereunto affixed by authority of the Directors in the presence of:



Name of Witness (BLOCK LETTERS): Secretary.
 Address and occupation of Witness: _____

Note (g)

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

Signature of Witness
 Name of Witness (BLOCK LETTERS):
 Address and occupation of Witness:

Signature of Transferor
 (S.O. CAW) SOLICITOR

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

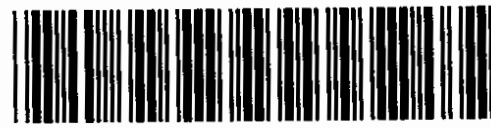
LODGED BY 24J COMMONWEALTH BANK 24J OF AUSTRALIA BRANCH SECURITIES PITT STREET & MARIN PLACE SYDNEY. PHONE 227-7558 D.X. 1020 SYDNEY 24J		LOCATION OF DOCUMENTS	
Delivery Box Number		CT	OTHER
Checked		Herewith.	
Passed		In L.T.O. with	
Signed		Produced by	
Extra Fee	REGISTERED -19	Secondary Directions	
	17 FEB 1989	Delivery Directions	CT 24J

OFFICE USE ONLY

97_01T

TRANSFER

Real Property Act, 1900



ly



Office of State Revenue
 NEW SOUTH WALES DUTY
 17-04-2000 0000285144-001
 SECTION 18(2)
 DUTY \$ *****2.00

(A) LAND TRANSFERRED

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

FOLIO IDENTIFIER 2/785381

(B) LODGED BY

L.T.O. Box	Name, Address or DX and Telephone
	Tony Frost PO Box 3 Port Macquarie 2444
	REFERENCE (max. 15 characters):

(C) TRANSFEROR

RAINBON PTY LTD 002 275 381

(D) acknowledges receipt of the consideration of \$329,000-

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

(E) subject to the following ENCUMBRANCES 1. 6479056 2. 3.

(F) TRANSFEEE

T TS (s713 LGA) TW (Sheriff)	FROST ASSOCIATES PTY LTD 001 511 315
	TENANCY:

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900. DATED 17 MARCH 2000

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

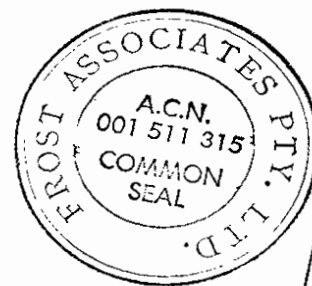
Robert Leonard
 Signature of Witness
 ROBERT LEONARD
 Name of Witness (BLOCK LETTERS)
 5 Bani Cross Ashmorefield
 Address of Witness



M. Brown
 Secretary
[Signature]
 Signature of Transferor
 Director

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

THE COMMON SEAL OF
 FROST ASSOCIATES PTY LTD WAS
 HERETO APPLIED IN THE PRESENCE
 OF A DIRECTOR AND THE SECRETARY
 Name of Witness (BLOCK LETTERS)
 Address of Witness



[Signature]
 Secretary
[Signature]
 Director
 Signature of Transferee

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

CHECKED BY (office use only)

[Handwritten initials]



FOLIO: 2/785381

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/11/2023	2:21 PM	10	27/8/2021

LAND

LOT 2 IN DEPOSITED PLAN 785381
AT EAST MAITLAND
LOCAL GOVERNMENT AREA MAITLAND
PARISH OF MAITLAND COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP785381

FIRST SCHEDULE

ROMAJO PTY LTD

(T AR376032)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM CREATED BY:
DP785381 -RIGHT OF FOOTWAY AND EASEMENT TO DRAIN 0.8 WIDE
DP785381 -FOR SUPPORT 0.5 WIDE
- 3 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
DP785381 -RIGHT OF FOOTWAY AND EASEMENT TO DRAIN 0.4 WIDE
DP785381 -FOR SUPPORT AND FOR OVERHANGING EAVE AND GUTTER
0.5 WIDE
- 4 AR376033 MORTGAGE TO PERPETUAL CORPORATE TRUST LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

APPENDIX C

Historical Aerials



Historical Aerial Image 1: 1966 aerial image of the site.



Historical Aerial Image 2: 1976 aerial image of the site.



Historical Aerial Image 3: 1984 aerial image of the site.



Historical Aerial Image 4: 1993 aerial image of the site.



Historical Aerial Image 5: 2001 aerial image of the site.



Historical Aerial Image 6: 2011 aerial image of the site.



Historical Aerial Image 7: 2023 aerial image of the site.



APPENDIX D

NSW EPA

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
EAST GOSFORD	Hylton Moore Park	Althrop STREET	Landfill	Contamination currently regulated under CLM Act	-33.4352203	151.3601193
EAST MAITLAND	United Service Station East Maitland	164 (also known as 250) Newcastle STREET	Service Station	Regulation under CLM Act not required	-32.75245246	151.5869136
EAST MAITLAND	Woolworths Caltex Green Hills	14 Mitchell DRIVE	Service Station	Regulation under CLM Act not required	-32.76182386	151.5927863
EAST MAITLAND	Former Gasworks Site	Corner Melbourne Street and Brisbane STREET	Gasworks	Regulation under CLM Act not required	-32.74939199	151.5788783
EAST MAITLAND	Caltex East Maitland Service Station	Newcastle Road, Corner William STREET	Service Station	Regulation under CLM Act not required	-32.74883712	151.5829296
EAST TAMWORTH	Caltex Service Station	350-362 Armidale ROAD	Service Station	Regulation under CLM Act not required	-31.11401974	150.9613327
EASTERN CREEK	Caltex Service Station	M4 (Eastbound) MOTORWAY	Service Station	Regulation under CLM Act not required	-33.801607	150.8857989
EASTERN CREEK	Caltex Service Station M4 Motorway Westbound	M4 (Westbound) MOTORWAY	Service Station	Regulation under CLM Act not required	-33.80255701	150.8829211
EASTERN CREEK	Fulton Hogan Industries (formerly Pioneer Road Services)	Honeycomb DRIVE	Other Industry	Regulation under CLM Act not required	-33.80231274	150.8288299
EASTGARDENS	130-150 Bunnerong Road Eastgardens	130 - 150 Bunnerong ROAD	Other Industry	Regulation under CLM Act not required	-33.94230414	151.2248158
EASTLAKES	Former Shell Rosebery service station and adjacent land	275-279 Gardeners ROAD	Service Station	Contamination formerly regulated under the CLM Act	-33.92471289	151.2100772
EASTLAKES	Eastlakes Reserve	Evans AVENUE	Service Station	Contamination formerly regulated under the CLM Act	-33.92497291	151.2102725
EASTLAKES	Budget Petroleum Eastlakes	102 Maloney STREET	Service Station	Contamination formerly regulated under the CLM Act	-33.93120382	151.2054267
EASTLAKES	73 Gardeners Road	73 Gardeners ROAD	Unclassified	Regulation under CLM Act not required	-33.92541594	151.2182856
EASTWOOD	Former Mobil Service Station Eastwood	3-5 Trelawney (Cnr Rutledge St) STREET	Service Station	Regulation under CLM Act not required	-33.79273381	151.079584

[Home](#) [Public registers](#) [POEO Public Register](#) [Licences, applications and notices search](#)

Search results

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

Suburb - East Maitland

returned 25 results

[Export to excel](#)

1 of 2 Pages

[Search Again](#)

Number	Name	Location	Type	Status	Issued date
12137	ARENCO PTY LTD	Metford Road at the intersection with the main northern railway line, EAST MAITLAND, NSW 2323	POEO licence	Surrendered	08 Jun 2004
1044338	ARENCO PTY LTD	Metford Road at the intersection with the main northern railway line, EAST MAITLAND, NSW 2323	s.80 Surrender of a Licence	Issued	30 May 2005
2189	CSR BUILDING PRODUCTS LIMITED	METFORD ROAD, EAST MAITLAND, NSW 2323	POEO licence	Surrendered	30 May 2000
1504298	CSR BUILDING PRODUCTS LIMITED	METFORD ROAD, EAST MAITLAND, NSW 2323	s.80 Surrender of a Licence	Issued	26 Mar 2013
1011980	CSR LIMITED	METFORD ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	20 Mar 2002
1019123	CSR LIMITED	METFORD ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	30 Jan 2003
1029506	CSR LIMITED	METFORD ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	28 Jul 2003
2597	HANSON CONSTRUCTION MATERIALS PTY LTD	10 METFORD ROAD, EAST MAITLAND, NSW 2323	POEO licence	No longer in force	25 Feb 2000
6116	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	POEO licence	Issued	29 Sep 2000
1002953	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	21 Aug 2001
1028557	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	14 Aug 2003
1033704	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	28 Jan 2004
1036816	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	06 May 2004
1060623	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	19 May 2006
1073347	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	05 Jan 2008
1089469	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	20 Apr 2009
1100158	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD,	s.58 Licence Variation	Issued	23 May 2009

For business and industry ^

For local government ^

Contact us

1526551	MAITLAND CITY COUNCIL	EAST MAITLAND, NSW 2323 109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	19 Jan 2015
1540425	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	17 Jun 2016
1548296	MAITLAND CITY COUNCIL	109 & 110 MOUNT VINCENT ROAD, EAST MAITLAND, NSW 2323	s.58 Licence Variation	Issued	08 Feb 2017

[12](#)

30 November 2023

131 555 (tel:131555)

Online (<https://www.epa.nsw.gov.au/about-us/contact-us/feedback>)

info@epa.nsw.gov.au (<mailto:info@epa.nsw.gov.au>)

EPA Office Locations (<https://www.epa.nsw.gov.au/about-us/contact-us/locations>)

[Accessibility \(https://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/help-index\)](https://www.epa.nsw.gov.au/about-us/contact-us/website-service-standards/help-index)

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APPENDIX E

PLANNING CERTIFICATE

Certificate No.: PC/2023/3504

Certificate Date: 21/11/2023

Fee Paid: \$67.00

Receipt No.: 1744862

Your Reference:

SECTION 10.7 PLANNING CERTIFICATE
Environmental Planning and Assessment Act, 1979 as amended

APPLICANT:	Sydney Environmental Group tristan@sydneyenvironmental.com.au
PROPERTY DESCRIPTION:	99-101 Newcastle Street EAST MAITLAND NSW 2323
PARCEL NUMBER:	21398
LEGAL DESCRIPTION:	Lot 2 DP 785381

IMPORTANT: Please read this Certificate carefully.

The information provided in this Certificate relates only to the land described above. If you need information about an adjoining property or nearby land, a separate certificate will be required.

All information provided is correct as at the date of issue of this Certificate. However, it is possible for changes to occur at any time after the issue of this Certificate.

For more information on the Planning Certificate please contact our Customer Experience team on 4934 9700.

SECTION 10.7(2)

The following matters relate to the land, as required by section 10.7(2) of the *Environmental Planning and Assessment Act (1979)* ("the Act") and clause 284 and Schedule 2 of the *Environment Planning and Assessment Regulation 2021*.

ITEM 1 - Names of relevant planning instruments and development control plans

The following environmental planning instruments and development control plans apply to the carrying out of development on the land:

State Environmental Planning Policies

The Minister for Planning has notified that the following State Environmental Planning Policies (SEPPs) shall be specified on Certificates under Section 10.7 of the *Environmental Planning and Assessment Act, 1979*.

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

- SEPP65 Design Quality of Residential Apartment Development
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Primary Production) 2021
- SEPP (Planning Systems) 2021
- SEPP (Housing) 2021
- SEPP Building Sustainability Index: BASIX 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Resources and Energy) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021

Local Environmental Plan (LEP)

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

Development Control Plan prepared by Council

Maitland Development Control Plan 2011 applies to the land.

The following proposed environmental planning instruments and draft development control plans are or have been the subject of community consultation or on public exhibition under the *Environmental Planning and Assessment Act 1979*, apply to the carrying out of development on the land and:

Planning Proposal for a Local Environmental Plan

No draft local Environmental Plans that have been on public exhibition under the Act are applicable to the land.

Detailed information on draft environmental planning instruments is available at

the NSW Department of Planning and Environment Current LEP Proposals website; or Maitland City Council's website.

Draft Development Control Plans

No draft Development Control Plan(s) that have been on public exhibition under the Act are applicable to the land.

Draft State Environmental Planning Policies

No draft State Environmental Planning Policy(s) applying to the land is, or has been publicised the subject of community consultation or on public exhibition under the Act.

ITEM 2 – Zoning and land use under relevant planning instruments

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a State Environmental Planning Policy or proposed State Environmental Planning Policies)

Zone and Land Use Table from Local Environmental Plan

Zone MU1 Mixed Use

1 Objective of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

Home industries

3 Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home-based child care; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in

item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.

Detailed information on the land zone mapping is available at the NSW Department of Planning and Environment ePlanning Spatial Viewer website; or Maitland City Council's website.

Note: Detailed information on the local environmental plan is available at NSW Legislation – In force legislation.

Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions.

For the land zoned MU1 Mixed Use the Maitland LEP 2011 does not contain a development standard specifying the land dimensions required to permit the erection of a dwelling house on the land.

Is the land in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?

The land IS NOT identified in an area of outstanding biodiversity value under the Biodiversity Conservation Act.

Is the land within a conservation area, however described?

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

Is there an item of environmental heritage in a local environmental plan?

An item of environmental heritage is situated on the land. Clause 5.10 in the Maitland Local Environmental Plan 2011 applies. The item is listed in Schedule 5 in the Maitland Local Environmental Plan 2011 and identified on the Maitland Local Environmental Plan 2011 Heritage Map.

Note: An item of environmental heritage, namely Aboriginal heritage, listed on the Aboriginal Heritage Information Management System (AHIMS), may be

situated on the land. The Department of Planning and Environment, Biodiversity and Conservation Division.

ITEM 3 – Contribution plans

The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

- Maitland S94A Levy Contributions Plan 2006
- Maitland City Wide Section 94 Contributions Plan 2016
- Maitland S94 Contributions Plan (City Wide) 2006

If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

The land IS NOT in a special contributions area.

Note: In addition to the above developer contribution plans, Development Servicing Plans for water and sewer connection may be applicable, attracting additional contributions for the development, particularly where development will connect to water and/or sewer services.

ITEM 4 – Complying Development

If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

Complying development under the **Housing Code, Rural Housing Code, Housing Alterations Code, General Development Code, Commercial and Industrial Alterations Code, Commercial and Industrial (New Buildings and Additions) Code, Subdivisions Code, Demolition Code, Fire Safety Code, Container Recycling Facilities Code, Low Rise Medium Density Housing Code and Greenfield Housing Code** may not be carried out on the land as it is land that:

- comprises, an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located, or
- is subject to an interim heritage order under that Act or on which is located an item that is so subject, or
- is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note: Unless the development meets the requirements and standards specified in the policy and that the development:

- a) has been granted an exemption under Section 57(2) of the Heritage Act 1977, or

b) is subject to an exemption under Section 57(1A) or (3) of that Act.

Note: Despite the above provisions, if only part of a lot is subject to an exclusion or exemption under Clause 1.17A or Clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013*, complying development may be carried out on that part of the lot that is not affected by the exclusion or exemption. *The complying development may not be carried out on the land because of the following provisions of Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the Policy.*

The provisions of Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 are not identified on the land. Complying development may be undertaken in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as amended.

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. If an identification, restriction or characteristic of land referred to above is not located on or does not comprise, the whole of the relevant land, complying development may be carried out on any part of the land not so identified, restricted or characterised.

Note: Information regarding whether the property is affected by flood related development controls or is bushfire prone land is identified in other sections of this certificate. If your property is identified as being impacted by bushfire or flooding, a specific technical assessment of these issues will be required as part of any Complying Development Certificate application under the State Environment Planning Policy, or a development application for any other type of development requiring consent from Council.

Note: Despite any references above advising that Complying Development may be undertaken on the land, certain Complying Development may be precluded from occurring on the land due to requirements contained in the remainder of State Environment Planning Policy (Exempt and Complying Development Codes) 2008. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that

- (a) a restriction applies to the land, but it may not apply to all of the land,***
- (b) and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.***

If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

There are no variations to the exempt development codes within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that apply in the Maitland local government area.

For further information on complying development, please refer to the Department of Planning and Environment.

ITEM 5 – Exempt Development

If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.

If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.

If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that

- a) a restriction applies to the land, but it may not apply to all of the land, and***
- b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.***

If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.

ITEM 6 – Affected building notices and building product rectification orders

Whether the council is aware that –

The Council IS NOT aware of any affected building notice which is in force in respect of the land.

The Council is NOT aware of any building product rectification order which is in force in respect of the land and that has not been fully complied with.

The Council IS NOT aware of any notice of intention to make a building product rectification order being given in respect of the land and that is outstanding.

ITEM 7 - Land Reserved for Acquisition

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

ITEM 8 – Road widening and road realignment

Whether the land is affected by road widening or road realignment under –

- a) The land is NOT affected by road widening under Division 2 of Part 3 of the Roads Act 1993.
- b) The land is NOT affected by road widening under any environmental planning instrument
- c) The land is NOT affected by any road-widening or realignment under any resolution of the Council
- d) The land is NOT affected by road-widening or realignment under a resolution of the Council

Note: This item relates to Council's road proposals only. Other authorities, including the NSW Roads and Traffic Authority may have road widening proposals.

ITEM 9 – Flood related development controls

The land or part of the land IS within the flood planning area and subject to flood related development controls.

The land or part of the land IS between the flood planning area and the probable maximum flood and subject to flood related development controls.

The Maitland LEP 2011 identifies the flood planning level (FPL) as the level of a 1:100 ARI flood event plus 0.5m freeboard. The probable maximum flood has the same meaning as the Floodplain Development Manual.

Note in this section – **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 00) published by the NSW Government in April 2005. **probable maximum flood** has the same meaning as in Floodplain Development Manual

Note: The information provided in item 9 is based on the data and information presently available to the Council and on development controls in force as at the date of this certificate. The identification of land as not being subject to flood related development controls does not mean that the land is not, or may not be, subject to flooding or that the land will not in the future be subject to flood related development controls, as additional data and information regarding the land become available.

ITEM 10 – Council and other public authority policies on hazard risk restrictions

Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

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

The Council has adopted by resolution a policy on contaminated land which may restrict the development of the land to which this certificate relates. This policy is implemented when zoning or land use changes are proposed on lands which:

- are considered to be contaminated; or
- which have previously been used for certain purposes; or
- which have previously been used for certain purposes but Council's records do not have sufficient information about previous use of the land to determine whether the land is contaminated; or
- have been remediated for a specific use.

Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.

Note in this section –

adopted policy means a policy adopted –

- a) by the council, or
- b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by council.

ITEM – 11 Bush fire prone land

If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.

The land is NOT identified as being bushfire prone land.

Note – In accordance with the *Environmental Planning and Assessment Act 1979*, bush fire prone land, in relation to area, means land recorded for the time being as bush fire prone on a bush fire prone land map for the area. This mapping is subject to periodic review.

Note – The identification of land as not being bushfire prone does not mean that the land is not, or may not be affected by bushfire or that the land will not in the future be subject to bushfire related development controls, as additional data and information regarding the land become available.

ITEM – 12 Loose-fill asbestos insulation

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

There are no premises on the subject land listed on the register.

ITEM – 13 Mine subsidence

Whether the land is declared to be a mine subsidence district, within the meaning of the Coal Mine Subsidence Compensation Act 2017.

The land has NOT been proclaimed to be within a Mine Subsidence District under the meaning of section 20 of the Coal Mine Subsidence Compensation Act 2017.

ITEM – 14 Paper subdivision information

There is no development plan that applies to the:

- 1) Land or that is proposed to be subject to a consent ballot
- 2) There is no subdivision order that applies to the land.

ITEM – 15 Property vegetation plans

If the land in relation to which a property vegetation plan is approved and in force under the Native Vegetation Act 2003, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

The Council has not received any notification from Hunter Local Land Services that this land is affected by a property vegetation plan under Part 4 of the Native Vegetation Act 2003 (and that continues in force).

ITEM – 16 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the biodiversity Conservation Trust.

The Council is not aware if 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 the *Threatened Species Conservation Act 1995*, Part 7A that are taken to be biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016*, Part 5.

ITEM 17 – Biodiversity certified land

If the land is biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8, a statement to that effect.

The land is not biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

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

ITEM 18 – Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, but only if the council has been notified of the order.

Council has NOT received notification from the Land and Environment Court of NSW that the land is affected by an Order under Trees – (Disputes Between Neighbours) Act 2006.

ITEM 19 – Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

If the *Coastal Management Act 2016* applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject

to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

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 (within the meaning of section 553B of that Act).

Note - In this section existing coastal protection works has the same meaning as in the *Local Government Act 1993*, section 553B.

Note – Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011

ITEM 20 – Western Sydney Aerotropolis

The State Environmental Planning Policy (Precincts – Western Parkland City) 2021 does not apply to land within the Maitland City Council local government area.

ITEM 21 – Development consent conditions for seniors housing

If State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

Clause 88(2) of the *State Environmental Planning Policy (Housing) 2021* restricts occupation of development approved for seniors housing to:

- a) Seniors or people who have a disability
- b) People who live in the same household with seniors or people who have a disability,
- c) Staff employed to assist in the administration and provision of services to housing provided under this Part.

ITEM 22 – Site compatibility certificates and development consent conditions for affordable rental housing

Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate –

- a) the period for which the certificate is current, and
- b) that a copy may be obtained from the Department.

If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

Any conditions of a development consent in relation to land that are kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

Note - No Seniors Housing development consent conditions apply to this land.

Note - In this section – Former site compatibility certificate means a site

compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Council is unaware if a Site Compatibility Certificate (Affordable Rental Housing) has been issued in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009.

Note. 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.

Contaminated Land

- a) The land to which this certificate relates is NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
 - b) The land to which this certificate relates is NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.
 - c) The land to which this certificate relates is NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.
 - d) The land to which this certificate relates is NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.
 - e) Council has NOT been provided with a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for the land to which this Certificate relates.
-

Jeff Smith
General Manager