
Preliminary Contamination Assessment

349 McFarlanes Road,
Berry Park, NSW

NEW21P-0170-AA
17 November 2021



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Executive Summary

Qualtest Laboratory NSW Pty Ltd (Qualtest) has carried out a Preliminary Contamination Assessment (PCA) for Terry and Dianne Lumsden C/- Perception Planning Pty Ltd (Perception Planning) for the site located at 349 McFarlanes Road, Berry Park, NSW (the Site). Refer to Figure 1, Appendix A.

The site is located in the eastern portion of Lot 44 DP1117263 and is approximately 2.95 ha in size. The majority of the site (area of proposed subdivision) is currently zoned R1 General Residential, and the western portion of the site (area of proposed detention basin) is zoned RU2 Rural Landscape.

The purpose of the PCA was to support the DA submission to Maitland City Council for the proposed subdivision.

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; and
- Data assessment and preparation of a Preliminary Contamination Assessment Report.

The site history review indicated the site was owned by private individuals from 1922 to today. The current site owners purchased the site in 1983 and have used the site for keeping and training of horses and domestic stock e.g. sheep and poultry.

The site contained a residential dwelling, carport, sheds, stables, stock shelters and paddocks/training yards. The residential dwelling was constructed in the early 1920's and was refurbished approximately 25 years ago. The stables/shed 2 was constructed in the early 1990's. A former shed was demolished prior to the construction of the stables/shed 2 in the area.

Various items/farm equipment/waste materials were observed stored in and around the site sheds and within the paddocks including, timber, metal, carpet, plastic piping and bricks, tractors, quad motor bikes, household items etc.

Three Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: Current and former buildings across the site; Storage of waste materials across the site; and; Septic tank and associated overflow/soak aways.

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

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

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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1.0 Introduction

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The site is located in the eastern portion of Lot 44 DP1117263 and is approximately 2.95 ha in size. The majority of the site (area of proposed subdivision) is currently zoned R1 General Residential, and the western portion of the site (area of proposed detention basin) is zoned RU2 Rural Landscape.

The purpose of the PCA was to support the DA submission to Maitland City Council for the proposed subdivision.

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).

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:	349 McFarlanes Road, Berry Park, NSW
Approximate site area and dimensions:	Approx. 2.95ha Approx. 160m wide by 250m long at its widest and longest points.

Title Identification Details:	Part Lot 44 DP1p Lot 21 D1117263 within the Maitland local government area, Parish of Alwick, County of Northumberland.
Current Zoning	The central and eastern portion of the site (area of proposed subdivision) is currently zoned R1 General Residential. The western portion of the site (area of proposed detention basin) is zoned RU2 Rural Landscape.
Current Ownership:	Private individual
Current Occupier:	Rural Residential – Private individual
Previous and Current Landuse:	Rural residential/farming land
Proposed Landuse:	Proposed residential subdivision
Adjoining Site Uses:	North –Rural residential properties and farming/cleared land; East – McFarlanes Road and rural residential properties; South – Residential properties; and West – Farm/cleared land and Four Mile Creek.
Site Coordinates for approx. centre of site:	32°44'19.29 S 151°38'31.97 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 approximately 10m AHD.

The highest portions of the site were observed along the eastern boundary. The general surface topography was observed to slope down to the west towards Four Mile Creek located approximately 50m to 100m to the west of the site.

Rain falling on the site would be expected to infiltrate into the site surface. Excess surface water is expected to follow the site topography, and flow to the west into Four Mile Creek located to the west of the site.

Four Mile Creek is expected to flow to the north east discharging to The Hunter River located approximately 1.6km to the north east of the site.

2.3 Regional Geology

The 1:100,000 Newcastle Coalfield Geology Map indicates that the site is underlain by Permian Aged Tomago Coal Measures, comprising siltstone, sandstone, coal, tuff and minor carbonaceous claystone.

2.4 Hydrogeology

Groundwater beneath the site is anticipated to be present in a semi-confined aquifer in residual soils and weathered rock at greater than 3m below ground surface (bgs) in the central and eastern portions of the site. A shallower unconfined aquifer maybe present in alluvium material associated with the Four Mile Creek located to the west of the site.

Groundwater flow direction is anticipated to follow surface topography and discharge to Four Mile Creek located located approximately 50m to 100m to the west of the site. Four Mile Creek flows to the north east, discharging to the Hunter River, located approximately 1.6km to the 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 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 (espad.environment.nsw.gov.au) indicates the site is located in an area of “no know occurrence” of acid sulfate soils. The western boundary of the site is located adjacent to an area of “high probability within an alluvial backswamp at depths >1m bgs”.

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 (Lot 44 DP1117263);
- A review of aerial photography from the past 65 years (1954 was earliest aerial photograph available for the site);
- A review of Section 10.7 Certificate for Lot 44 DP1117263 from the Maitland City Council;
- Search of the NSW EPA's list of contaminated sites relevant to the site and nearby properties;
- Interview with the current site owner; 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 44 DP1117263 was undertaken by Advanced Legal Searchers Pty Ltd. A list of past registered proprietors dating back to 1922 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
1983 – to date	Terry Shane Lumsden Dianne Margaret Lumsden
1978 - 1983	Rita Ellen O'Brien, married woman / executrix Patrick O'Brien, water board employee / executor Lex Errol Warby, estate
1971 - 1978	Lex Errol Warby, clerk
1964 - 1971	Veronica Mary Warby, married woman
1959 - 1964	William Patrick Doheny, Marist brother Rita Ellen O'Brien, married woman Veronica Mary Warby, married woman Mary Jane Doheny, widow / executrix Matthew Doheny, estate
1922 - 1959	Matthew Doheny, retired contractor

The historical title search indicated that the site was owned by private individuals from 1922 to today. The current site owners purchased the site in 1983.

3.2 Aerial Photograph Review

Aerial photographs of the site from 1954, 1966, 1977, 1984, 1993 and 2001 were obtained from the NSW Government Spatial Portal (<https://portal.spatial.nsw.gov.au/>), and satellite images from Google Earth for 2012 and Near Maps for 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.

Table 3.2: Aerial Photograph Review

Year	Site	Surrounding Land
1954	The site appears to be mostly cleared agricultural land. Evidence of slashed grass is present in the southern portion of the site. A residential dwelling is located in the northern portion of the site. A large shed and a smaller structure is present to the south of the residential dwelling. Vegetation/shrubs and fencing appears to be present surrounding the residence and sheds/structures in the northern portion of the site.	The surrounding land uses appear to consist of mostly cleared rural residential farming/agricultural land with scattered trees throughout. Four Mile Creek is present to the west of the site and McFarlanes Road is present to the east of the site.
1966	Some minor land disturbance appears to be present between the residential dwelling and sheds in the northern portion of the site.	The surrounding area appears relatively unchanged since the 1954 aerial photograph.

Year	Site	Surrounding Land
	The remainder of the site appears generally unchanged since the 1954 aerial photograph.	
1977	The site appears generally unchanged since the 1966 aerial photograph.	<p>Poultry farm sheds have been constructed to the south, greenhouses/farm sheds have been constructed to the south east and additional residential dwellings have been constructed to the east/north east of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 1966 aerial photograph.</p>
1984	<p>A number of smaller structures/vehicles appear to be present surrounding the residential dwelling in the northern portion of the site. The shed located to the south of the residential dwelling appears to have been removed and minor land disturbance is also present in the area.</p> <p>The remainder of the site appears generally unchanged since the 1977 aerial photograph.</p>	The surrounding area appears relatively unchanged since the 1977 aerial photograph.
1993	<p>A large shed and a number of stock paddocks with stock shelters/sheds, appear to have been constructed in the central east and south eastern portions of the site.</p> <p>The remainder of the site appears relatively unchanged from the 1984 aerial photograph.</p>	The surrounding area appears relatively unchanged since the 1984 aerial photograph.
2001	The site appears relatively unchanged from the 1993 aerial photograph.	<p>Additional residential development has occurred to the east of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 1993 aerial photograph.</p>

Year	Site	Surrounding Land
2010	<p>One stock shelter/shed appears to have been removed from a paddock in the central portion of the site and a new stock shelter/shed constructed to the west of the paddock in the central portion of the site.</p> <p>The remainder of the site appears relatively unchanged from the 2001 aerial photograph.</p>	<p>The poultry farm sheds and greenhouses/shed appear to have been removed from the south and south east of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 2001 aerial photograph.</p>
2021	<p>A number of the stock paddocks and shelters/sheds appear to have been removed from the site.</p> <p>The remainder of the site appears relatively unchanged from the previous 2010 aerial photograph.</p>	<p>A large residential subdivision has been constructed to the south of the site.</p> <p>The remaining surrounding area appears relatively unchanged since the 2010 aerial photograph.</p>

3.3 Site Observations

A Qualitest Environmental Scientist visited the site on 4 November 2021. Selected site photographs are presented in Appendix E. The location of site features is shown on Figure 2, Appendix A. A summary of the site features is outlined below:

- A residential dwelling was observed in the northern portion of the site. The dwelling was observed to have been constructed with vinyl cladding, brick footings and a metal roof. Garden beds and vegetation surrounded the house (see photograph 1);
- A carport was attached to the northern portion of the residential dwelling. The carport was observed to have been constructed with timber, metal roofing and earth floor. Various items were observed stored in the carport including; empty molasses feed drums (205L drums), a 20 L oil drum, timber, metal, wire, glass and plastic bottles/tins, car seats, tyres, 2 x chest freezers, large quantities of bread for stock feed and general household items (see photographs 2 to 4);
- A septic tank and soak away area was observed to the west of the residential dwelling. The soak away area was also used as a former bird aviary. The aviary was overgrown and could not be accessed but appeared to have been constructed with metal and wire. A metal shed was also observed in the area. Due to overgrown vegetation this shed could not be accessed and the contents of the shed are unknown (see photographs 5 and 6);
- A shed (Shed 1) was observed to the south east of the residential dwelling. The shed was a former horse float/trailer and was observed to have been constructed with timber and metal with timber flooring. Various items were observed stored in and around the shed included; a hot water system, metal, timber, electrical equipment, plastic tarps, buckets, tool boxes, 205L molasses feed drums and general household items (see photograph 7);
- To the south of the residential dwelling were stables, a storage shed (Shed 2), a carport and chicken coup. The stables, storage shed (Shed 2), carport and chicken coup were observed to have been constructed with timber and metal with an earth floor. Horses were observed in a number of the stables, with some vacant and/or used for storage. Various items were observed stored in Shed 2 and the disused stables. The items included: a grain mill, hay bales, two fridges used for storage of horse equipment, 205 L molasses drums, plastic buckets/crates, quad motorbikes, a tractor, metal piping and equipment, toolboxes, timber, gas bottles, horse feed, and small quantities (0.5 to 20L containers) of spray paints,

lubricants and oils stored on shelving, rolls of carpet (used as part of paddock fencing) and ladders. A walk behind loader, quad bike and various farm/household items including 205L metal drum, water piping, metal fencing and plough equipment was observed under the carport adjacent to the stables/Shed2 (see photographs 8 to 13);

- A tractor/slasher and horse float were observed to the east of the stables (see photograph 14);
- A cabin/former Broadmeadow racecourse building was observed to the east of the tractor/horse float, along the eastern boundary of the site. The racecourse building was observed to have been constructed from timber, chip board with timber flooring and a metal roof. No potential asbestos containing materials (ACM) were observed in the cladding material. The racecourse building was relatively empty and in a poor condition (see photograph 15);
- Various items were observed stored to the south of the racecourse building including; horse rugs, plastic/poly piping, plastic and mesh hazard fencing, metal and carpet (see photograph 16);
- To the south of the former racecourse building was a horse round house, used for horse training, and a former sand stockpiling area. The roundhouse was observed to have been constructed with metal and timber with rubber and carpet matting on the fence and a sand floor. The stockpiling area was constructed from metal and earth floor, used for the storage of imported sand for the horse round yard and stables (see photographs 17 and 18);
- A metal grain silo was observed to the south of the horse round house (see photograph 19);
- The central and southern portion of the site consisted of paddocks, two stock/sheep shelters. The paddock fencing was constructed from timber, wire and a painted carpet matting. The stock/sheep shelters were constructed with timber and metal sheeting. A stockpile of vegetation and timber was also observed in the south western portion of the site (see photographs 20 and 21);
- Various items/equipment were observed stored around and within the paddocks including, timber, metal, carpet, plastic piping and bricks (see photographs 22 and 23); and
- Rock outcropping was observed in the central portion of the site (see photograph 24).

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 suburb of Berry Park.

A search of sites that have been notified to NSW EPA as contaminated (as of 11 October 2021) was also carried out. The search identified no properties within the suburb of Berry Park which had been notified to the NSW EPA as being contaminated.

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 Berry Park, NSW. The search revealed there were no properties within the Berry Park suburb with an EPL.

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 Berry Park 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 Berry Park.

3.5 Anecdotal Information

An interview was held with Dianne and Terry Lumsden on 4 November 2021. Ms Lumsden has owned the property for the last 38 years. Information obtained from the Lumsdens is summarised below:

- The site was used for braking in and training horses as well as small scale keeping of sheep and poultry.
- The scale of the horse training was previously larger; however, the number of horses has been scaled back the last few years due to personal injury and purchasing a new property in close proximity to the site. The horses are being moved from the site to the new property.
- Mr and Ms Lumsden are not aware of underground or above ground fuel storage tanks and have not stored fuel on the site in large quantities.
- No weed spraying was carried out on the site.
- With the exception of sand for the horse stables/round house, no fill has been imported to the site.
- The residential dwelling has been on the site for over 100 years. The house was refurbished approximately 25 years ago.
- The sheds/stables were built by Mr Lumsden and family member approximately 30 years ago.
- The horse manure was previously bagged and sold, it is now taken to Mr and Ms Lumsden's new property.
- Due to shallow rock present across the majority of the site, no excavation was carried out on the site.

3.6 Section 10.7 Certificate

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

Table 3.6 - Summary of Section 10.7 Certificate for Lot 44 DP1117263

Zoning	E3 Environmental Conservation, R1 General Residential & RU2 Rural Landscape
Critical Habitat	No Local Environmental Plan or draft Local Environmental Plan identifies the land as including or comprising critical habitat
Heritage	The land is not located within a heritage conservation area.

Mine Subsidence	The land is not within a proclaimed or declared mine subsidence district.
Bushfire	The land is NOT identified as being bushfire prone land.
Loose-fill Asbestos Insulation	There are no premises on the subject land listed on the Loose-fill asbestos register.
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	<p>Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.</p> <p>Development consent is required for the carrying out of works described in the on land shown as being of the class specified for those works:</p> <p>Class 1 is described as "Any works".</p> <p>Class 2 is described as "<i>Works below the natural ground surface. Works by which the water table is likely to be lowered</i>".</p>

3.7 Previous Reports

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

3.8 Summary of Site History

The site history review showed:

- The site was owned by private individuals from 1922 to today. The current site owners purchased the site in 1983 and have used the site for keeping and training of horses and domestic stock grazing e.g. sheep and poultry.
- The site contained a residential dwelling, carport, sheds, stables, stock shelters and paddocks/training yards. The residential dwelling was constructed in the early 1920's and was refurbished approximately 25 years ago. The stables/shed 2 were constructed in the early 1990's. A former shed was demolished prior to the construction of the stables/shed 2 in the area.
- Various items/farm equipment/waste materials were observed stored in and around the site sheds and within the paddocks including, timber, metal, carpet, plastic piping and bricks, tractors, quad motor bikes, household items etc. Apart from sand for the horse stables and training, no other fill had been imported.

3.9 Potential Offsite Sources of Contamination

No potential offsite sources of contamination have been identified for the site.

3.10 Gaps in the Site History

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

- Activities carried out on the site prior to the 1980's are not well known; however, it is likely the site has been used for rural residential/farming (stock grazing) use for at least 100 years.
- It is not known if hazardous building materials (i.e. asbestos, lead paint) was used to construct the current and/or former buildings on site. However, based on site observations, widespread use of potential asbestos containing materials (ACM) was not observed in the buildings currently on the site.

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	Comments
<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 machinery, vehicles and oils 	Metals, Asbestos, PAHs, OCP/OPP herbicides	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 Soils Surface water Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife Offsite surface water – Four Mile Creek located 50m to 100m west 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 petroleum hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Four Mile Creek located 50m to 100m west of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for surface water in Four Mile Creek. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>3.0m bgs) and expected clay subsoils. 	Exposure pathways would be incomplete if soils are found to not be contaminated via sampling & analysis.
<p>2. Storage of equipment and waste materials on surface across the site</p> <ul style="list-style-type: none"> Stored wood, bricks and metal 	TRH, BTEX, PAH, metals, Asbestos (CoPCs dependent on waste type)	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 visitors Future construction workers & site users Soil biota/plants and transitory wildlife Offsite surface water – Four Mile Creek located 50m to 100m west 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 Inhalation of asbestos fibres, or contaminated soil (as dust) Inhalation of petroleum hydrocarbon vapours Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Four Mile Creek located 50m to 100m west of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users Potentially complete exposure pathway for ecological receptors Potentially complete exposure pathway for surface water in Four Mile Creek. Likely incomplete exposure pathway to groundwater due to depth of groundwater (>3.0m bgs) and expected clay subsoils. 	Exposure pathway (excluding aesthetics) would be incomplete if soils are found to not be contaminated via sampling & analysis. Waste needs to be removed for aesthetics.
<p>3. Septic tanks/Effluent Disposal</p> <ul style="list-style-type: none"> Septic tank overflow/soak 	Microbiological, metals	Low to medium	<ul style="list-style-type: none"> Subsurface leaks from tank Subsurface & surface leaks from 	<ul style="list-style-type: none"> Soil Surface water Sediment Groundwater 	<ul style="list-style-type: none"> Current site visitors Future construction workers & site users Soil biota/plants and transitory wildlife 	<ul style="list-style-type: none"> Direct dermal contact with contaminated soil and/or surface water Ingestion of contaminated soil and/or surface water 	<ul style="list-style-type: none"> Potentially complete exposure pathway for current site visitors, future construction workers and site users. 	Exposure pathway would be incomplete if soils and surface water are found to not be contaminated

AEC	COPC	Likelihood of Contamination	Mechanism of Contamination	Potentially Affected Media	Human & Ecological Receptors	Potential mechanisms of exposure	Potential & Complete Exposure Pathways	Comments
always, potential leaks of effluent			overflow/ soak aways		<ul style="list-style-type: none"> Offsite surface water – Four Mile Creek located 50m to 100m west of the site 	<ul style="list-style-type: none"> Leaching of soil contaminants to surface water and/or groundwater Surface water and groundwater discharge to Four Mile Creek located 50m to 100m west of the site 	<ul style="list-style-type: none"> Potentially complete exposure pathway for ecological receptors. Potentially complete exposure pathway for surface water in Four Mile Creek. Potentially complete exposure pathway to groundwater due to age of septic tank and potential leaks. 	via sampling & analysis.

5.0 Conclusions and Recommendations

The site history review indicated the site was owned by private individuals from 1922 to today. The current site owners purchased the site in 1983 and have used the site for keeping and training of horses and domestic stock eg sheep and poultry.

The site contained a residential dwelling, carport, sheds, stables, stock shelters and paddocks/training yards. The residential dwelling was constructed in the early 1920's and was refurbished approximately 25 years ago. The stables/shed 2 was constructed in the early 1990's. A former shed was demolished prior to the construction of the stables/shed 2 in the area.

Various items/farm equipment/waste materials were observed stored in and around the site sheds and within the paddocks including, timber, metal, carpet, plastic piping and bricks, tractors, quad motor bikes, household items etc.

Three Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AECs related to: Current and former buildings across the site; Storage of waste materials across the site; and; Septic tank and associated overflow/soak aways.

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

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

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 Terry and Dianne Lumsden C/- Perception 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 5 November 2021.

NSW Land and Property Information, Spatial Information eXchange (SIX) Maps - Topographic Map, accessed from <https://maps.six.nsw.gov.au/>, accessed on 3 November 2021.

NSW and Department of Planning, Industry and Environment, 2021, accessed from espade.environment.nsw.gov.au, accessed on 5 November 2021.

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



LEGEND:

 Approx. Site Location



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PTY LTD	Drawing No:	FIGURE 1
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0170
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	Scale:	N.T.S.
Title:	SITE LOCATION PLAN	Date:	10 NOVEMBER 2021

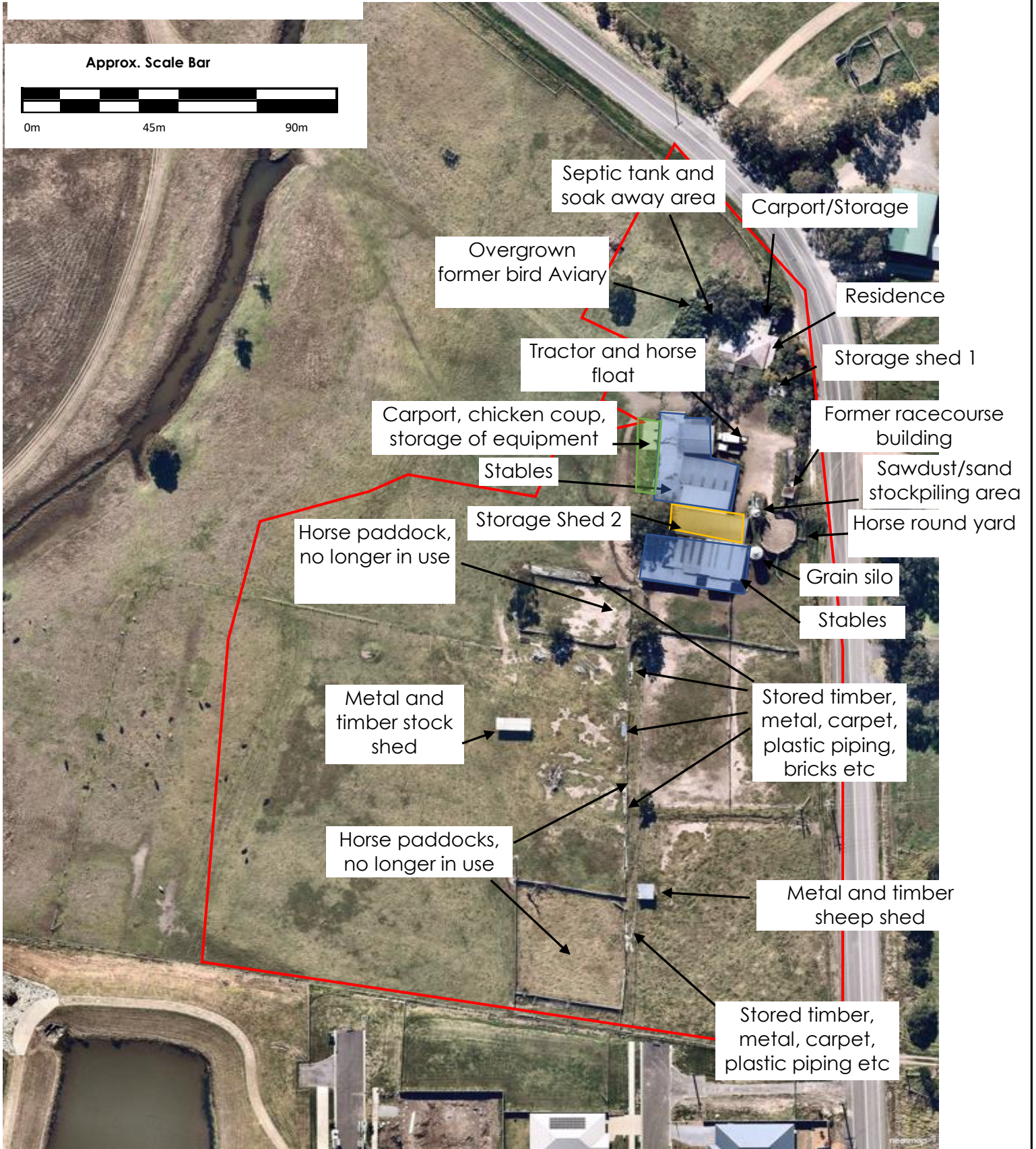
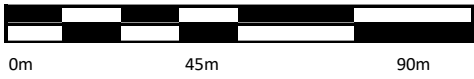
LEGEND:



Site boundary



Approx. Scale Bar



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PTY LTD	Drawing No:	FIGURE 2
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Project No:	NEW21P-0170
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	Scale:	AS SHOWN
Title:	SITE FEATURES PLAN	Date:	10 NOVEMBER 2021

APPENDIX B:

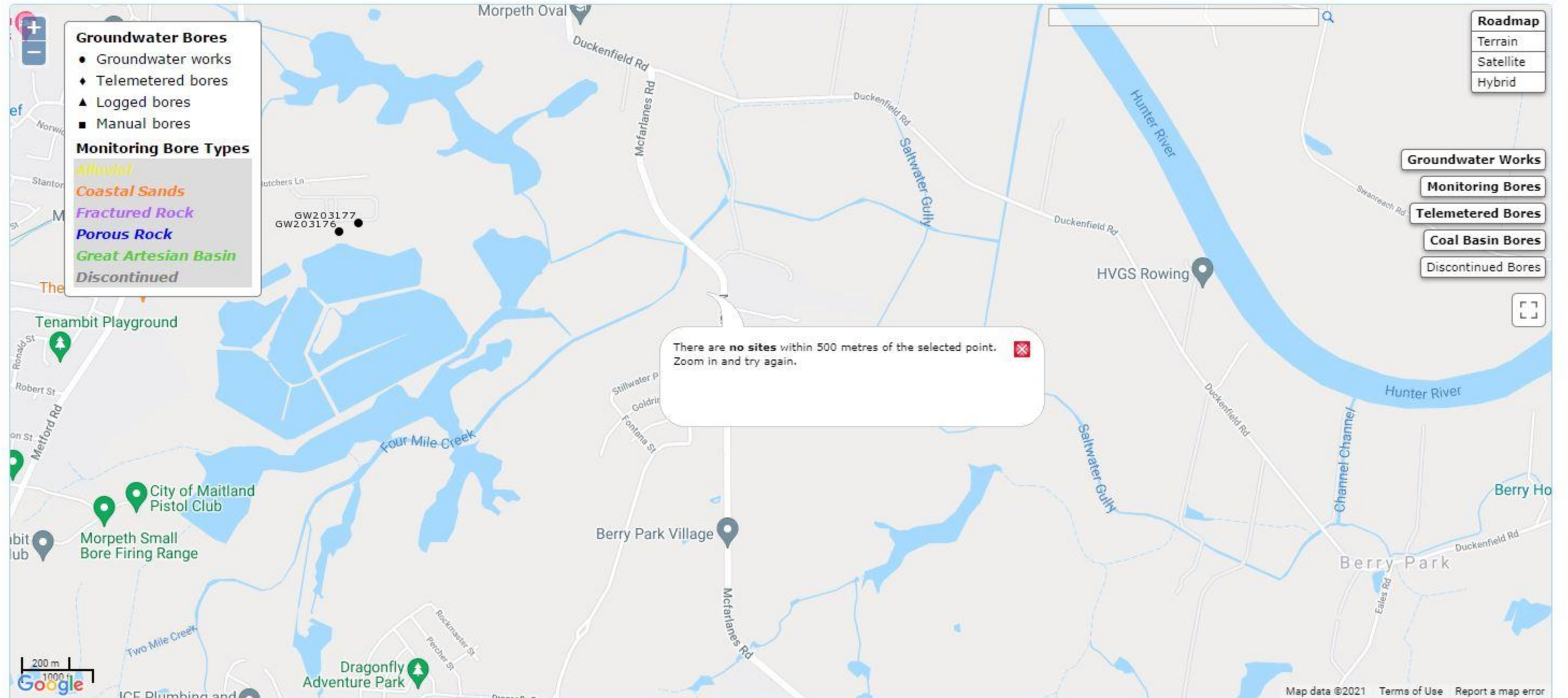
Groundwater Bore Search

ALL GROUNDWATER MAP

[bookmark this page](#)

All data times are Eastern Standard Time

Map Info



Scale = 1 : 14K

166021, 0, 31

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

03rd November, 2021

QUALTEST LABORATORY (NSW) PTY LTD

2 Murray Dwyer Circuit,
MAYFIELD WEST NSW 2304

Attention: Libby Betz,

RE:

**349 McFarlanes Road,
Berry Park
PO NEW21P-0170**

Current Search

Folio Identifier 44/1117263 (title attached)

DP 1117263 (plan attached)

Dated 03rd November, 2021

Registered Proprietor:

TERRY SHANE LUMSDEN

DIANNE MARGARET LUMSDEN

Title Tree
Lot 44 DP 1117263

Folio Identifier 44/1117263

CA 101536

Conveyance Book 3563 No 604

Acknowledgement Book 3001 No 768

Conveyance Book 2726 No 240

Conveyance Book 1260 No 839

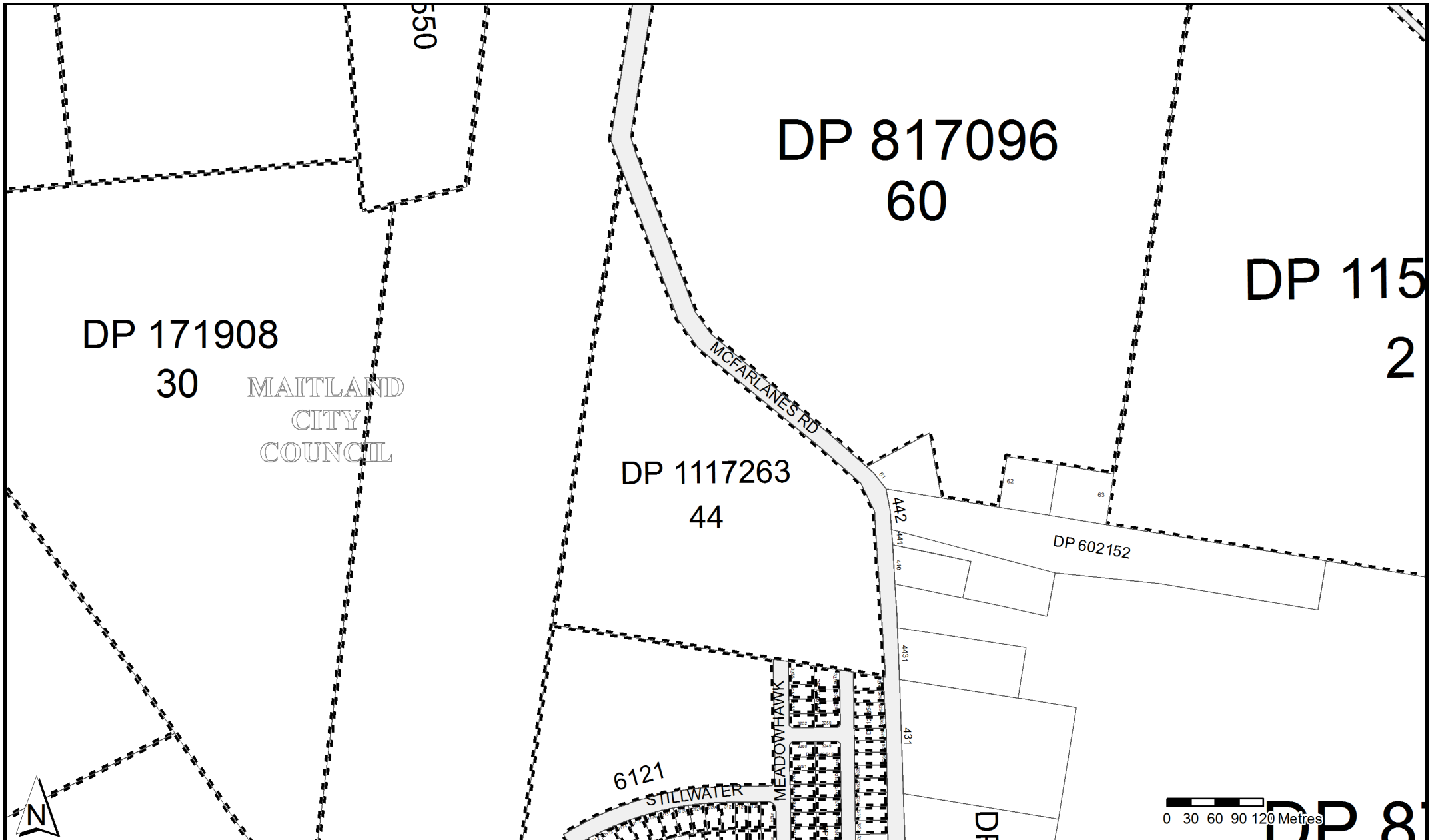
Index




























Con – Conveyance

Ack – Acknowledgement

Summary of proprietor(s) Lot 44 DP 1117263

Year	Proprietor(s)	
	(Lot 44 DP 1117263)	
28 Jul 2007 – todate	Terry Shane Lumsden Dianne Margaret Lumsden	
	(Farm Eight of Alfred Ernest Eales first subdivision of Brisbanefields Estate – Area 34 Acres 3 Roods 19 ¾ Perches – Conv Bk 3563 No 604)	
14 Oct 1983	Terry Shane Lumsden, stockman Dianne Margaret Lumsden, his wife	Con
15 Nov 1978	Rita Ellen O'Brien, married woman / executrix Patrick O'Brien, water board employee / executor Lex Errol Warby, estate	
	(Farm Eight of Alfred Ernest Eales first subdivision of Brisbanefields Estate – Area 34 Acres 3 Roods 19 ¾ Perches – Ack Bk 3001 No 768)	
05 Feb 1971	Lex Errol Warby, clerk	Ack
05 Feb 1971	Public Trustee Veronica Mary Warby, estate	
	(Farm Eight of Alfred Ernest Eales first subdivision of Brisbanefields Estate – Area 34 Acres 3 Roods 19 ¾ Perches – Conv Bk 2726 No 240)	
24 Oct 1964	Veronica Mary Warby, married woman	Con
07 Apr 1959	William Patrick Doheny, Marist brother Rita Ellen O'Brien, married woman / executrix Veronica Mary Warby, married woman / executrix Mary Jane Doheny, estate Matthew Doheny, estate	
08 Dec 1941	William Patrick Doheny, Marist brother Rita Ellen O'Brien, married woman Veronica Mary Warby, married woman Mary Jane Doheny, widow / executrix Matthew Doheny, estate	
	(Farm Eight of Alfred Ernest Eales first subdivision of Brisbanefields Estate – Area 34 Acres 3 Roods 19 ¾ Perches – Conv Bk 1260 No 839)	
15 May 1922	Matthew Doheny, retired contractor	Con









	Status	Surv/Comp	Purpose
DP133550 Lot(s): 1			
 DP1177428	REGISTERED	COMPILATION	EASEMENT
DP171908 Lot(s): 30			
 DP1031847	REGISTERED	SURVEY	EASEMENT
 DP1116031	REGISTERED	COMPILATION	EASEMENT
DP546000 Lot(s): 3			
 DP1021831	REGISTERED	SURVEY	EASEMENT
 DP1214650	REGISTERED	SURVEY	EASEMENT
DP703704 Lot(s): 23			
 DP1177428	REGISTERED	COMPILATION	EASEMENT
DP734271 Lot(s): 112			
 DP1031847	REGISTERED	SURVEY	EASEMENT
 DP1123634	REGISTERED	SURVEY	EASEMENT
 DP1246543	REGISTERED	SURVEY	SUBDIVISION
DP817096 Lot(s): 60			
 DP269452	REGISTERED	SURVEY	EASEMENT
 DP1031847	REGISTERED	SURVEY	EASEMENT
DP829150 Lot(s): 7			
 DP1177428	REGISTERED	COMPILATION	EASEMENT
DP1117263 Lot(s): 44			
 CA101536 - LOT 44 DP1117263			
DP1130141 Lot(s): 1			
 CA104437 - LOT 1 DP1130141			
DP1155264 Lot(s): 2			
 DP998302	HISTORICAL	COMPILATION	DEPARTMENTAL
DP1246288 Lot(s): 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3141, 3142, 3143, 3144, 3145			
 DP1009594	HISTORICAL	COMPILATION	DEPARTMENTAL
DP1246290 Lot(s): 3172, 3173, 3174, 3175, 3176			
 DP1009594	HISTORICAL	COMPILATION	DEPARTMENTAL
 DP1246288	HISTORICAL	SURVEY	SUBDIVISION
DP1246544 Lot(s): 3232, 3233, 3234, 3235, 3236, 3243, 3244, 3245, 3246, 3247			
 DP1009594	HISTORICAL	COMPILATION	DEPARTMENTAL
 DP1246288	HISTORICAL	SURVEY	SUBDIVISION
 DP1246290	HISTORICAL	SURVEY	SUBDIVISION
 DP1246543	HISTORICAL	SURVEY	SUBDIVISION
DP1246545 Lot(s): 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266			
 DP1009594	HISTORICAL	COMPILATION	DEPARTMENTAL
 DP1246288	HISTORICAL	SURVEY	SUBDIVISION
 DP1246290	HISTORICAL	SURVEY	SUBDIVISION
 DP1246543	HISTORICAL	SURVEY	SUBDIVISION
 DP1246544	HISTORICAL	SURVEY	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.

DP1268036

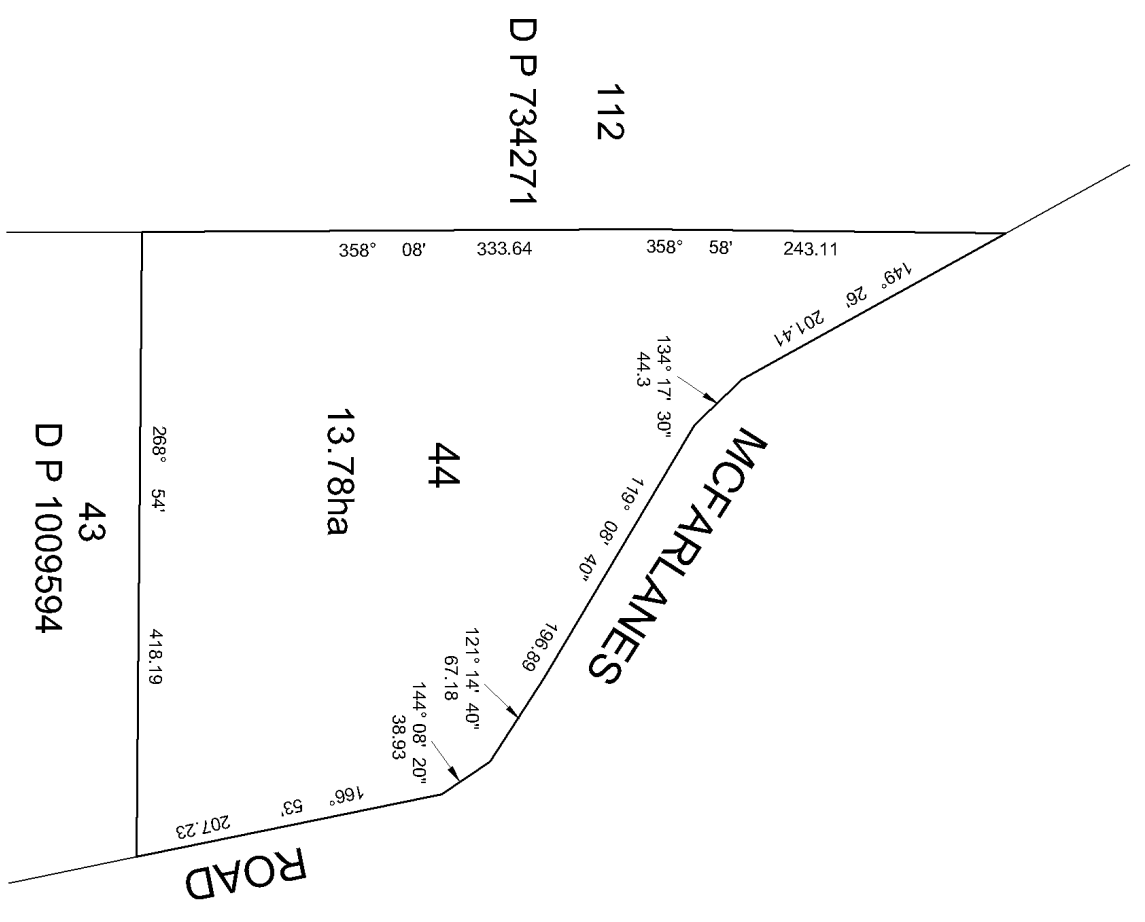
Lot(s): 6121

	Status	Surv/Comp	Purpose
 DP1009594	HISTORICAL	COMPILATION	DEPARTMENTAL
 DP1246288	HISTORICAL	SURVEY	SUBDIVISION
 DP1246290	HISTORICAL	SURVEY	SUBDIVISION
 DP1246543	HISTORICAL	SURVEY	SUBDIVISION
 DP1246544	HISTORICAL	SURVEY	SUBDIVISION
 DP1246545	HISTORICAL	SURVEY	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
DP133550	COMPILATION	DEPARTMENTAL
DP171908	SURVEY	UNRESEARCHED
DP546000	SURVEY	SUBDIVISION
DP602152	SURVEY	SUBDIVISION
DP703704	SURVEY	SUBDIVISION
DP734271	SURVEY	SUBDIVISION
DP736648	SURVEY	SUBDIVISION
DP817096	SURVEY	SUBDIVISION
DP829150	SURVEY	SUBDIVISION
DP879201	SURVEY	SUBDIVISION
DP1117263	COMPILATION	LIMITED FOLIO CREATION
DP1130141	COMPILATION	LIMITED FOLIO CREATION
DP1155264	COMPILATION	SUBDIVISION
DP1246288	UNRESEARCHED	SUBDIVISION
DP1246288	SURVEY	SUBDIVISION
DP1246288	SURVEY	SUBDIVISION
DP1246290	SURVEY	SUBDIVISION
DP1246290	SURVEY	SUBDIVISION
DP1246290	UNRESEARCHED	SUBDIVISION
DP1246544	UNRESEARCHED	SUBDIVISION
DP1246544	SURVEY	SUBDIVISION
DP1246544	SURVEY	SUBDIVISION
DP1246545	UNRESEARCHED	SUBDIVISION
DP1246545	SURVEY	SUBDIVISION
DP1246545	SURVEY	SUBDIVISION
DP1246545	SURVEY	SUBDIVISION
DP1268036	SURVEY	SUBDIVISION
DP1268036	SURVEY	SUBDIVISION
DP1268036	UNRESEARCHED	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.



e-departmental

DP 1117263

Registered:  28.8.2007

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref. Map: U5472-6 & U5472-52

Last Plan: _____

C.A. 101536

PLAN OF LAND COMPRISED IN

DEED BK. 3563 NO. 604
 BEING THE RESIDUE OF PART LOT 44
 IN DP755205 AFTER ROAD ACTION
 IN DP726247

Lengths are in metres. Reduction Ratio - NTS

Sheet 1 of 1 sheets

L.G.A.: MAITLAND

LOCALITY: BERRY PARK

PARISH: ALNWICK

COUNTY: NORTHUMBERLAND

THIS PLAN WAS PREPARED SOLELY TO
 IDENTIFY THE LAND IN THE ABOVE DEED
 AND THE BOUNDARIES HAVE NOT BEEN
 INVESTIGATED BY THE REGISTRAR GENERAL
 THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF
 S.7A CONVEYANCING ACT 1919.

LPI Ref.: TCB9150



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

3/11/2021 9:53AM

FOLIO: 44/1117263

First Title(s): OLD SYSTEM
Prior Title(s): BK 3563 NO 604

<u>Recorded</u>	<u>Number</u>	<u>Type of Instrument</u>	<u>C.T. Issue</u>
28/8/2007	DP1117263	DEPOSITED PLAN	FOLIO CREATED CT NOT ISSUED
28/8/2007	CA101536	CONVERSION ACTION	
10/12/2007	AD625674	DEPARTMENTAL DEALING	EDITION 1
28/1/2020	AP862536	DEPARTMENTAL DEALING	

*** END OF SEARCH ***



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 44/1117263

SEARCH DATE	TIME	EDITION NO	DATE
3/11/2021	9:53 AM	1	10/12/2007

LAND

LOT 44 IN DEPOSITED PLAN 1117263
AT BERRY PARK
LOCAL GOVERNMENT AREA MAITLAND
PARISH OF ALNWICK COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1117263

FIRST SCHEDULE

TERRY SHANE LUMSDEN
DIANNE MARGARET LUMSDEN
AS JOINT TENANTS (CA101536)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

advlegs

PRINTED ON 3/11/2021

APPENDIX D:

Aerial Photographs

2021



2012



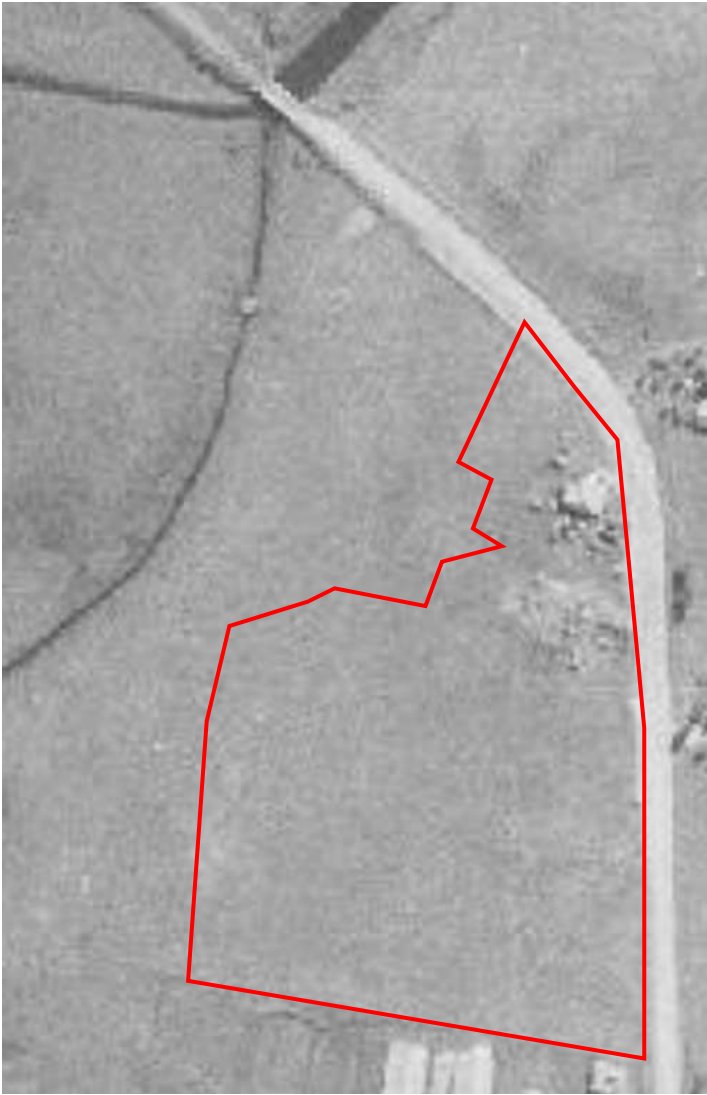
2001



1993



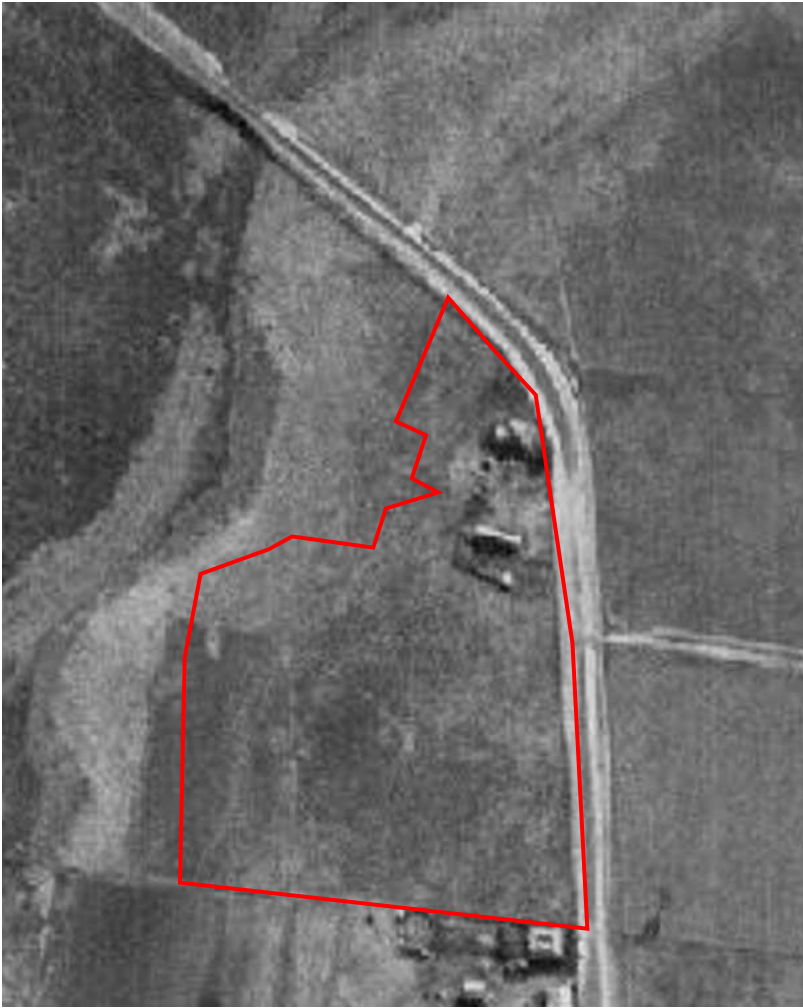
1984



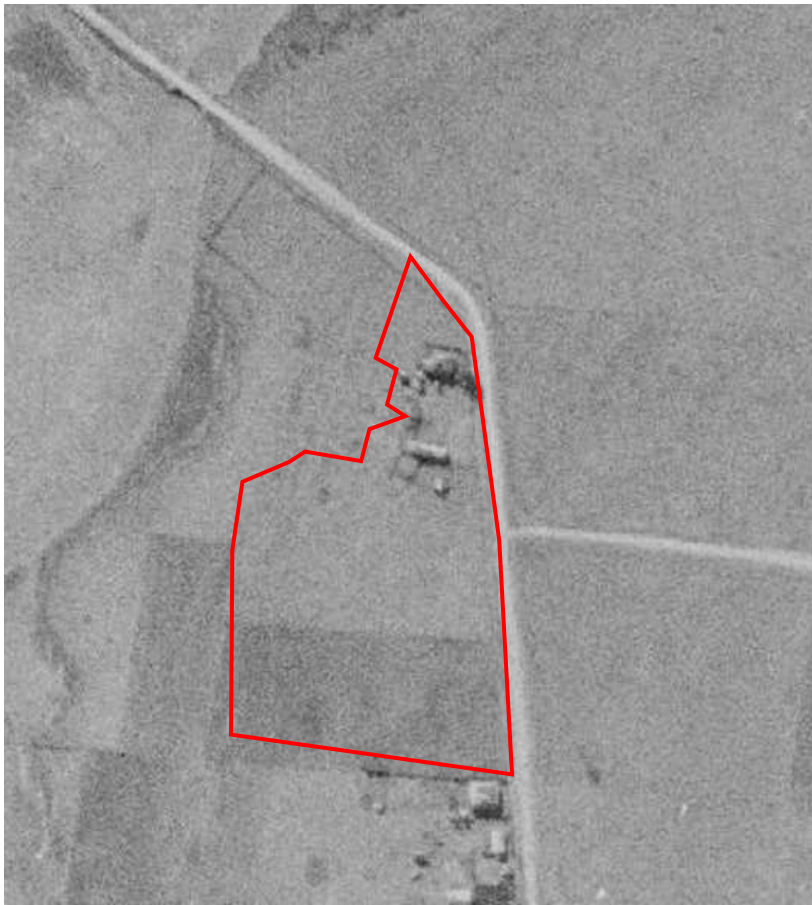
1977



1966



1954



APPENDIX E:

Site Photographs



Photograph 1 - Residential dwelling - northern portion of the site



Photograph 2 - Showing carport - north of residential dwelling



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	1 and 2
Title:	SITE PHOTOGRAPHS		



Photograph 3 - Showing carport - north of residential dwelling



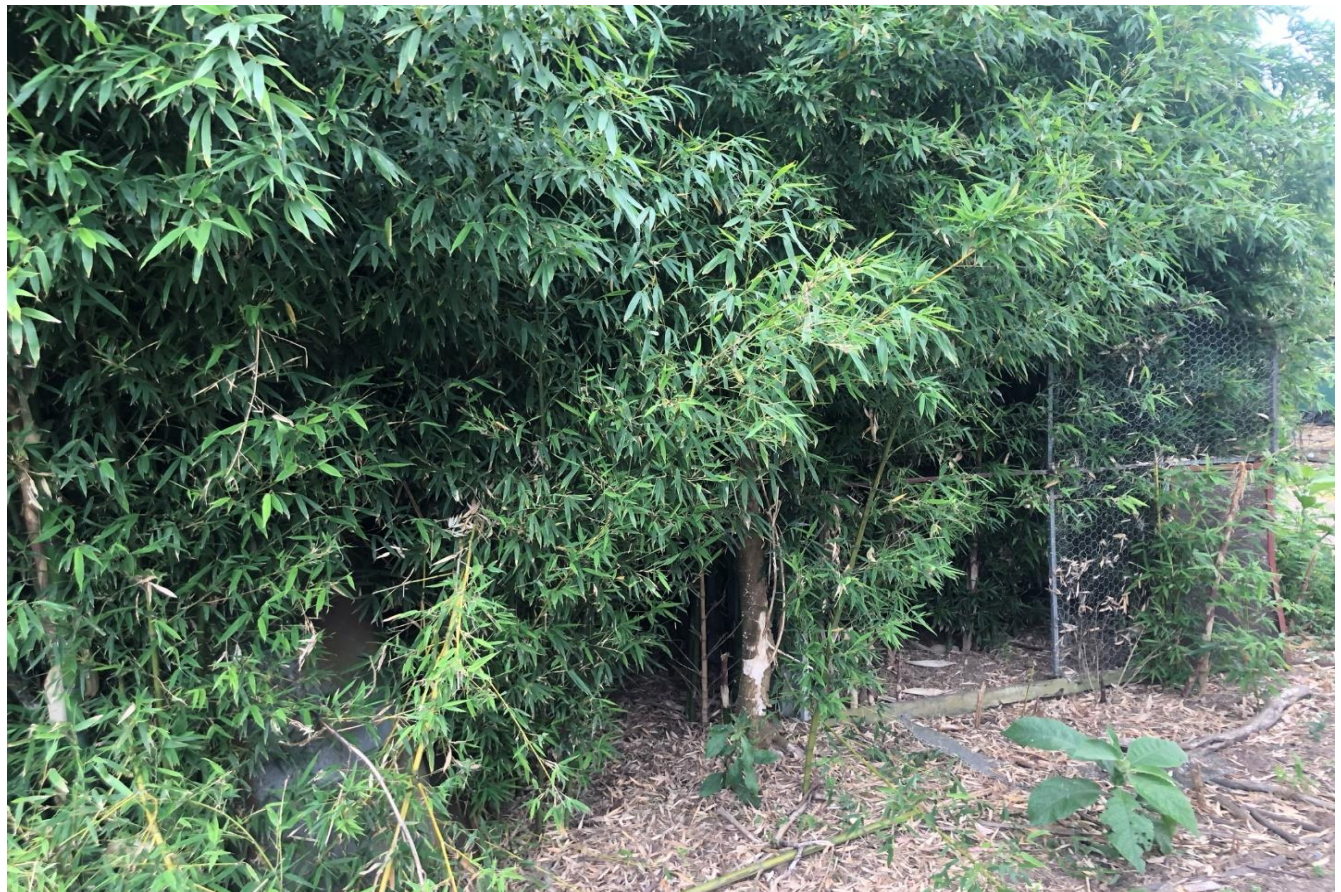
Photograph 4 - Showing carport - north of residential dwelling



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	3 and 4
Title:	SITE PHOTOGRAPHS		



Photograph 5 - Showing septic tank and overgrown soakaway area



Photograph 6 - Showing area of metal shed and former aviary



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	5 and 6
Title:	SITE PHOTOGRAPHS		



Photograph 7 - Shed 1 - South east of residence



Photograph 8 - Shed 2 - hay bales, quad motorbike, plastic, metal etc



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	7 and 8
Title:	SITE PHOTOGRAPHS		



Photograph 9 - Shed 2 - grain mill, molasses drums, horse feed etc



Photograph 10 - Shed 2 - tractor, metal



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	9 and 10
Title:	SITE PHOTOGRAPHS		



Photograph 11 - Shed 2 - storage of small quantities of oils, lubricant etc



Photograph 12 - Empty horse stables




Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	11 and 12
Title:	SITE PHOTOGRAPHS		



Photograph 13 - Carport, storage of equipment, chicken coup



Photograph 14 - Former Racecourse building

	Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
	Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
	Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	13 and 14
	Title:	SITE PHOTOGRAPHS		



Photograph 15 - Former Racecourse building



Photograph 16 - Stored items, along eastern boundary of site



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	15 and 16
Title:	SITE PHOTOGRAPHS		



Photograph 17 - Horse Round House



Photograph 18 - Former sand stockpiling area



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	17 and 18
Title:	SITE PHOTOGRAPHS		



Photograph 19 - Metal grain silo



Photograph 20 - Paddocks and Stock (sheep) shelter



Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	19 and 20
Title:	SITE PHOTOGRAPHS		



Photograph 21 - Stockpile of vegetation/timber and stock shelter



Photograph 22 - Timber, metal, carpet, plastic observed along paddocks in the southern portion of the site




Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	21 and 22
Title:	SITE PHOTOGRAPHS		



Photograph 23 - Timber, metal, carpet, plastic observed along paddocks in the central portion of the site



Photograph 24 - Residual soil and rock outcropping

	Client:	TERRY AND DIANNE LUMSDEN C/O PERCEPTION PLANNING PT	Project No:	NEW21P-0170-AA
	Project:	PRELIMINARY CONTAMINATION ASSESSMENT	Date:	11/11/2021
	Location:	349 MCFARLANES ROAD, BERRY PARK, NSW	No:	23 and 24
	Title:	SITE PHOTOGRAPHS		

APPENDIX F:

NSW EPA Records

Public registers

+ POEO Public Register

- Contaminated land record of notices

[About the record of notices](#)

[List of notified sites](#)

[Tips for searching](#)

[Disclaimer](#)

[Dangerous goods licences](#)

[Pesticide licences](#)

[Radiation licences](#)

[Home](#) [Public registers](#) [Contaminated land record of notices](#)

Search results

Your search for: LGA: MAITLAND CITY COUNCIL

Matched 4 notices relating to 2 sites.

[Search Again](#)

[Refine Search](#)

Suburb	Address	Site Name	Notices related to this site
EAST MAITLAND	Corner Melbourne Street and Brisbane STREET	Former Gasworks Site	2 former
MAITLAND	Charles STREET	Maitland Gasworks	2 current

Page 1 of 1

3 November 2021

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
BEROWRA	Caltex Berowra Service Station	12-14 Berowra Waters ROAD	Service Station	Regulation under CLM Act not required	-33.6233827	151.1505554
BEROWRA	7-Eleven Berowra Service Station	965-969 Pacific (Cnr Waratah Rd) HIGHWAY	Service Station	Regulation under CLM Act not required	-33.62673163	151.1479171
BEROWRA	Shell Coles Express Berowra	955 Pacific (Cnr Yallambee Rd) HIGHWAY	Service Station	Regulation under CLM Act not required	-33.62818015	151.1475736
BEROWRA	42 Berowra Waters Road	42 Berowra Waters ROAD	Unclassified	Regulation under CLM Act not required	-33.6203823	151.1481246
BERRIGAN	Caltex Service Station Berrigan	155-165 Chanter STREET	Service Station	Regulation under CLM Act not required	-35.6557616	145.8015557
BERRY	Berry Service Centre - Shell Branded	88 Queen STREET	Service Station	Regulation under CLM Act not required	-34.77571634	150.6961713
BERRY	BP branded service station Berry (Formerly Shell)	75 Queen STREET	Service Station	Contamination currently regulated under POEO Act	-34.77500516	150.695167
BEXLEY	7-Eleven Bexley	474 Forest ROAD	Service Station	Regulation under CLM Act not required	-33.95160096	151.1252355
BEXLEY	7-Eleven (former Mobil) Service Station Bexley	613 Forest ROAD	Service Station	Regulation under CLM Act not required	-33.95539246	151.118447
BILAMBIL HEIGHTS	Former Banana Plantation Land	38 McAllisters ROAD	Other Industry	Regulation under CLM Act not required	-28.21218056	153.4778762
BILLINUDGEL	CSR Readymix	Mogo PLACE	Other Industry	Regulation under CLM Act not required	-28.50210255	153.5278161
BILLINUDGEL	Billinudgel General Store	2A Wilfred STREET	Service Station	Under assessment	-28.50210255	153.5278161
BLACKMANS FLAT	Mount Piper Extension Development Site	2847 Boulder ROAD	Other Industry	Regulation under CLM Act not required	-28.504304	153.527032
BLACKMANS FLAT	Western Coal Services (former Lamberts Gully Mine)	Castlereagh HIGHWAY	Other Industry	Regulation under CLM Act not required	-33.36713827	150.0483236
BLACKTOWN	Former Caltex Service Station	131 Richmond ROAD	Service Station	Regulation under CLM Act not required	-33.75866104	150.8962614

Public registers

– POEO Public Register

Licences, applications and notices search

Penalty notices search

Enforceable undertakings search

Enforceable undertakings media releases

Exemptions and approvals search

Prosecutions or civil proceedings search

Terms of use: POEO public register

Licensing FAQs

List of licences

Unlicensed premises regulated by the EPA

+ Contaminated land record of

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

Search results

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

Suburb - Berry Park

returned 0 result

[Search Again](#)

APPENDIX G:

Section 10.7 Certificate

Certificate No.: PC/2021/3692

Certificate Date: 02/11/2021

Fee Paid: \$133.00

Receipt No.: 1129048

Your Reference: NEW21-0170

SECTION 10.7 PLANNING CERTIFICATE

Environmental Planning and Assessment Act, 1979 as amended

APPLICANT:	Qualtest Laboratory NSW Pty Ltd libbybetz@qualtest.com.au
PROPERTY DESCRIPTION:	349 Mcfarlanes Road BERRY PARK NSW 2321
PARCEL NUMBER:	28772
LEGAL DESCRIPTION:	Lot 44 DP 1117263

IMPORTANT: Please read this Certificate carefully.

This Certificate contains important information about the land described above.

Please check for any item, which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, please contact Council by phoning (02) 4934 9700, or personally at Council's Administration Building at 285-287 High Street, Maitland.

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

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

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

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

Copies of Maitland City Council's Local Environmental Planning Instrument, Development Control Plans and Policies are available from Council's [website](#).

PART 1: MATTERS PROVIDED PURSUANT TO SECTION 10.7 (2)

1. Local Environmental Plan (LEP)

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

Exhibited draft Local Environmental Plans

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

Development Control Plan prepared by Council

Maitland Development Control Plan 2011 applies to the land.

Development Control Plan prepared by the Director General

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

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:

- SEPP21 Caravan Parks
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (State and Regional Development) 2011
- SEPP33 Hazardous and Offensive Development
- SEPP36 Manufactured Home Estates
- SEPP (Koala Habitat Protection) 2019
- SEPP50 Canal Estate Development
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP55 Remediation of Land
- SEPP Affordable Rental Housing 2009
- SEPP Building Sustainability Index: BASIX 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SEPP64 Advertising and Signage
- SEPP Primary Production and Rural Development 2019
- SEPP65 Design Quality of Residential Apartment Development
- SEPP70 Affordable Housing (Revised Schemes)
- SEPP (Concurrences and Consents) 2018
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Coastal Management) 2018

Draft State Environmental Planning Policies

The following draft State Environmental Planning Policy(s) applying to the land is, or has been, the subject of community consultation or on public exhibition under the Act:

Housekeeping Amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed amendments to this SEPP are housekeeping amendment to the Codes SEPP to simplify and improve the policy, clarify definitions and standards, and address other minor technical matters raised. The proposed housekeeping amendment to the Codes SEPP will simplify and improve the policy, clarify definitions and standards, and address other minor technical matters.

2. Zoning and land use under relevant LEPs

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

E2 Environmental Conservation, R1 General Residential, RU2 Rural Landscape

The following development information gives the objectives of the zone, the description of the zone and identifies development allowed or prohibited in each zone. Development consent where required, must be obtained from the Council.

RU2 Rural Landscape

a) Purpose/Objective

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- To maintain the rural landscape character of the land
- To provide for a range of compatible land uses, including extensive agriculture
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised

b) Permitted with Consent

Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems

c) Permitted without Consent

Extensive agriculture; Home occupations; Intensive plant agriculture

d) Prohibited

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3.

R1 General Residential**a) Purpose/Objective**

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

b) Permitted with Consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

c) Permitted without Consent

Home occupations

d) Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies.

E2 Environmental Conservation

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a) Purpose/Objective

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values
- To ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters
- To permit limited extensive agricultural uses where such uses do not compromise the ecological values of the wetland

b) Permitted with Consent

Environmental facilities; Environmental protection works; Extensive agriculture; Oyster Aquaculture; Water reticulation systems

c) Permitted without Consent

Nil

d) Prohibited

Business premises; Dairies (pasture-based); Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based Aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based Aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

e) Land dimensions to permit the erection of a dwelling house on the land

For the land zoned RU2 Rural Landscape Clause 4.2A in the Maitland Local Environmental Plan 2011 applies to the land. This clause fixes a minimum lot size for the erection of a dwelling-house that is identified on the Maitland Local Environmental Plan 2011 Lot Size Map as 40 hectares. For the land zoned R1 General Residential and E2 Environmental Conservation 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.

f) Critical Habitat

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

g) Conservation Area

The land IS NOT in a Heritage Conservation Area.

h) Item of Environmental Heritage

The land does NOT contain an item of Environmental Heritage.

3. Complying Development

Complying development under the **Housing Code** may not be carried out on the

land as it is:

Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Land identified under an environmental planning instrument as an ecologically sensitive area.

Complying development under the **Low Rise Medium Density Housing Code and Greenfield Housing Code** may not be carried out on the land as it is:

Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Land identified under an environmental planning instrument as an ecologically sensitive area.

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

Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Land identified under an environmental planning instrument as an ecologically sensitive area.

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

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

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

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

Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Land identified under an environmental planning instrument as an ecologically sensitive area.

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

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

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

Complying development under the **Container Recycling Facilities Code** may not be carried out on the land.

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

4B. Annual charges under Local Government Act 1993 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).

5. 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.

6. Road widening and road realignment

- 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 any environmental planning instrument
- c) The land is NOT affected by any road-widening or realignment under any resolution of the Council

The information above relates to Council's road proposals only. Other authorities, including Roads and Maritime Services, may have proposals, which have not been set out.

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

All land within the Maitland Local Government Area has the potential to contain acid sulfate soils. Clause 7.1 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 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.

7A. 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.

8. Land Reserved for Acquisition

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

9. Contribution Plans

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

- Maitland S94A Levy Contributions Plan 2006
- Thornton North S94 Contribution Plan 2008
- Maitland City Wide Section 94 Contributions Plan 2016
- Maitland S94 Contributions Plan (City Wide) 2006

Contributions Plans may be viewed on Council's website or inspected and purchased at Council's Customer Service Centre.

9A. Biodiversity Certified Land

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

10. Biodiversity Stewardship Sites

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*.

10A. Native Vegetation clearing set asides

The Council is not aware if the land contains a set aside area under 60ZC of the *Local Land Services Act 2013*.

11. Bushfire Prone Land

The land is NOT identified as being bushfire prone land.

12. Property vegetation plans

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).

13. Order under Trees (Disputes between Neighbours) Act 2006

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.

14. Directions under Part 3A

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

15. Site Compatibility Certificate and Conditions for Seniors Housing

a) Site Compatibility Certificate

Council is unaware of whether a current Site Compatibility Certificate issued under Clause 25 of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 has been issued for the land.

b) Conditions of Development Consent since 11 October 2007

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

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

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

17. Site compatibility certificates and conditions for affordable rental housing

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.

18. 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.

19. Site verification certificates

Council is not aware of any current site verification certificate in respect of the land.

20. Loose-fill asbestos insulation

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

21. Affected building notices and building product rectification orders

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.

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.

PART 2: ADDITIONAL MATTERS PROVIDED PURSUANT TO SECTION 10.7 (5)

The following information is provided in accordance with section 10.7(5) of the Environmental Planning and Assessment Act 1979. Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5). If this information is to be relied upon, it should be independently checked.

1. Development Consent

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

2. Draft Development Control Plan

No draft Development Control Plans apply to the land.

3. Suspension of Covenants

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

4. Filling of Land

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

5. Development in the Vicinity of Heritage Items

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

6. Other Matters

There are no other specific matters.

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