



Tasman Extension Project  
Environmental Impact Statement

APPENDIX P

LAND CONTAMINATION  
ASSESSMENT

# ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



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## LAND CONTAMINATION ASSESSMENT

### STAGE 1 - PRELIMINARY INVESTIGATION AND LAND CONTAMINATION STATUS REVIEW

DEVELOPMENT APPLICATION AREA

TASMAN EXTENSION PROJECT

George Booth Drive

For  
Donaldson Coal Pty Limited

March 2012

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Attachment 2	Stage 1 – Preliminary Investigation – New Pit Top Area
Attachment 3	Section 149 Certificates

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## 1 Introduction

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The existing Tasman Underground Mine is located within Mining Lease (ML) 1555, approximately 20 kilometres (km) west of the Port of Newcastle in New South Wales (NSW) (**Figure 1**). The Tasman Underground Mine is owned and operated by Donaldson Coal Pty Limited (Donaldson Coal). Donaldson Coal is a wholly owned subsidiary of Gloucester Coal Ltd (GCL).

Donaldson Coal also owns and operates the Donaldson Open Cut Mine and Abel Underground Mine, which are located approximately 10 km north-east of the Tasman Underground Mine (**Figure 1**).

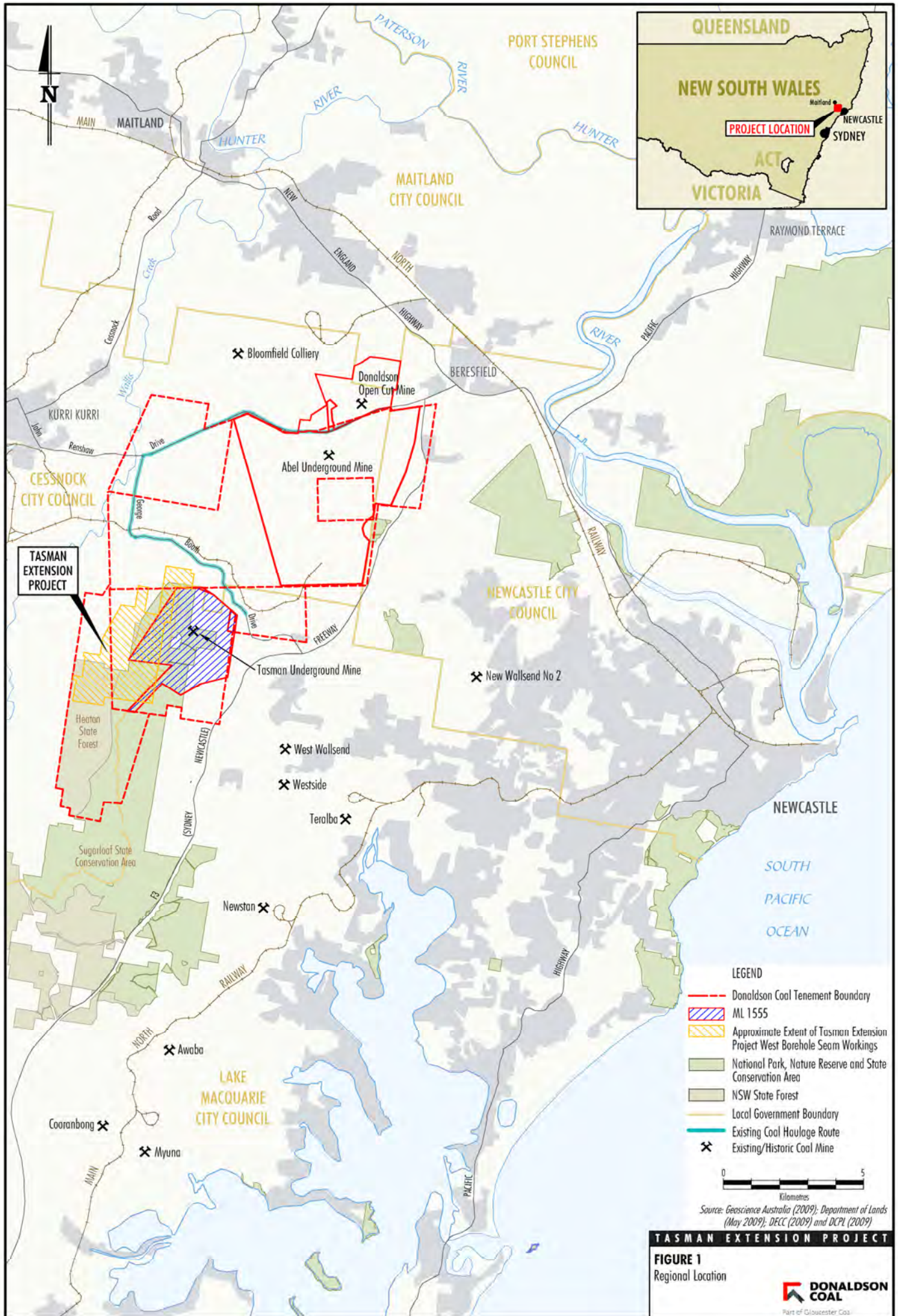
The Tasman Underground Mine commenced in May 2006, with underground mining commencing in September 2006. The Tasman Extension Project (the Project) provides for the continuation and then extension of operations at the Tasman Underground Mine and would extend the current operations by approximately 15 years.

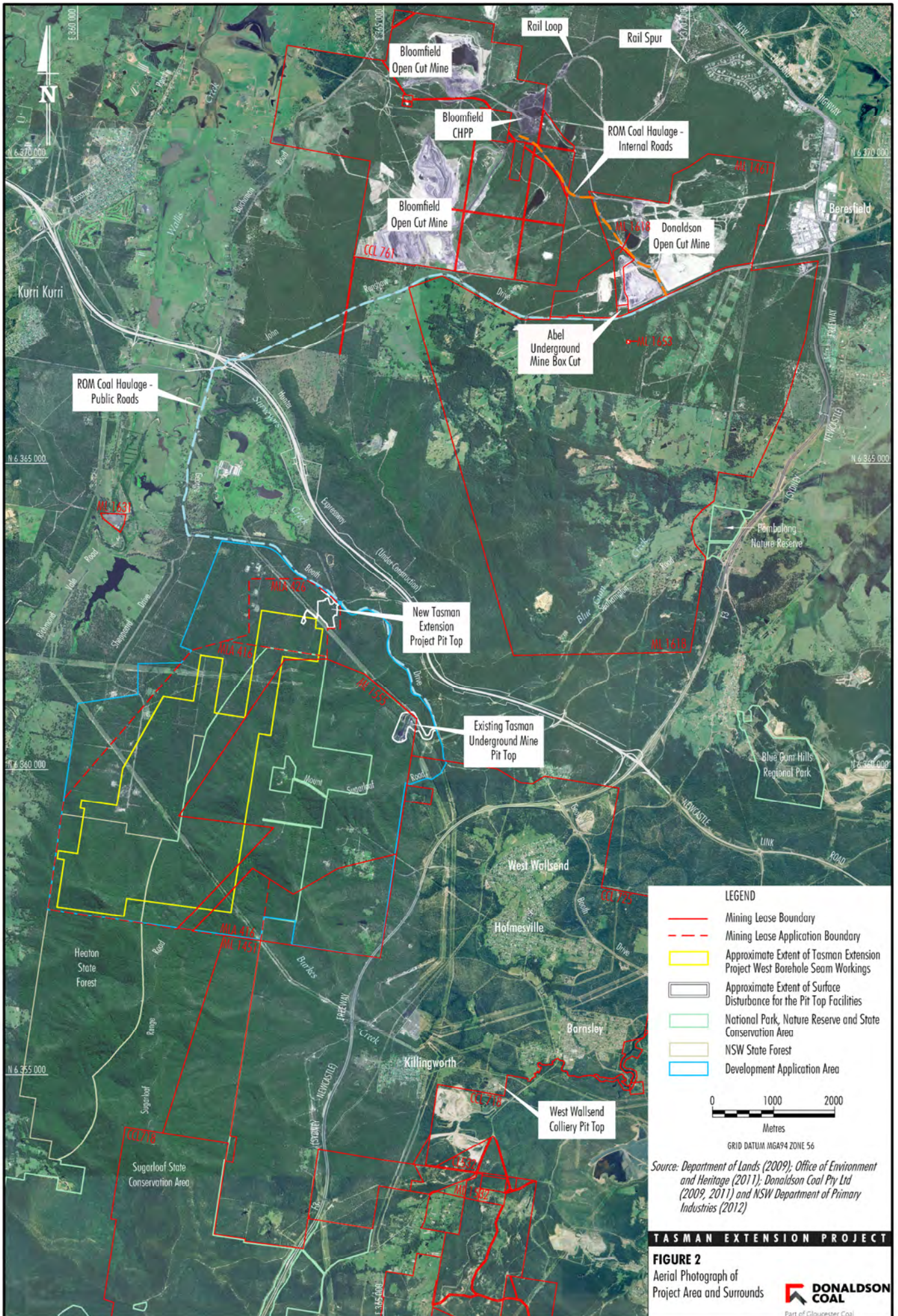
An aerial photograph of the Project area and surrounds is shown on **Figure 2**.

The Project is located within an area dominated by bushland, including the Sugarloaf State Conservation Area and Heaton State Forest, with some rural-residential areas located in the west of the Project area. Infrastructure corridors for power lines traverse the Project, and a number of transmission towers are located on the top of Mount Sugarloaf.

A detailed description of the Project is provided in Section 2 of the Main Report of the Environmental Impact Statement (EIS).

Ardill Payne and Partners (APP) has been engaged by Donaldson Coal to undertake a Land Contamination Assessment for the Project Development Application Area (DAA). **Figure 1** shows the site locality while **Figure 2** shows the proposed location of the new pit top facility within with the DAA.







The objective of this investigation is to determine if any potentially contaminating activities have occurred historically within the DAA. In order to determine the likelihood and type of contaminants that may be present on site, a desktop site history assessment was undertaken. This assessment consisted of searches of online records, reviewing historical aerial photographs and information requests to relevant local Councils.

Site inspections of the existing Tasman Underground Mine pit top area (existing pit top) and the proposed Tasman Extension Project pit top area (new pit top) (both within the DAA) were conducted to investigate the potential for, and determine the spatial extent of any contaminated land. Separate Land Contamination Assessment reports have been developed for these two areas (**Attachments 1** and **2** respectively) and these should be read in conjunction with this report.

Historically, several potentially contaminating activities have been conducted within the DAA, including:

- chemicals manufacture and formulation;
- explosives industry;
- mining and extractive industries; and
- waste disposal.

These activities are associated with:

- the Orica Richmond Vale facilities;
- the existing Tasman Underground Mine pit top area;
- historical mining waste disposal; and
- illegal dumping of waste.

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## 2 Scope of Works

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Clause 7 of the NSW State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use..., the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. ...”*

This Stage 1 – Preliminary Investigation and Land Contamination Status Review has been prepared to address these SEPP 55 requirements.

The areas of the Project site that would include a “change of use” are within Mining Lease Application (MLA) 426 and MLA 416 (**Figure 2**) and are the subject of the Stage 1 Preliminary Investigation which has been prepared in accordance with the *Managing Land Contamination Planning Guidelines* (Department of Urban Affairs and Planning [DUAP] and Environment Protection Authority [EPA], 1998) and the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage [OEH], 2011). The new pit top is located within MLA 426.

The existing Tasman Underground Mine and pit top are located within ML 1555 and this area is the subject of the Land Contamination Status Review.

This Land Contamination Assessment has:

- Described the condition of the DAA and surrounding environment.
- Provided a summary of the DAA history.
- Identified past and present potentially contaminating activities and potential contaminant types.
- Provided a preliminary assessment of the site contamination.
- Assessed the need for further investigations.
- Assessed the suitability of the DAA for the proposed use (i.e. mining operations).

Additional information to inform in the desktop DAA history was also collected and collated from the following sources:

- Review of available DAA history details.
- OEH *Protection of Environment Operations Act 1997* (POEO Act) Public Register.
- OEH's Contaminated Land – Record of Notices.
- NSW Land and Property Information (LPI) – Historic Title Search.
- Historical aerial photographs.
- Section 149 Planning Certificates for select lots.
- Cessnock City Council and Lake Macquarie City Council records.

Site inspections were conducted at two areas within the DAA, namely the existing pit top and new pit top area. These inspections were conducted to identify potential land contamination sources and the spatial distribution of any identified contaminated land. These findings are presented in **Attachments 1** and **2** and summarised in this report.

The *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 1992) has also been considered during the preparation of the Land Contamination Assessment. Relevant guidelines and references used in the preparation of this investigation are presented in **Section 10** of this report.

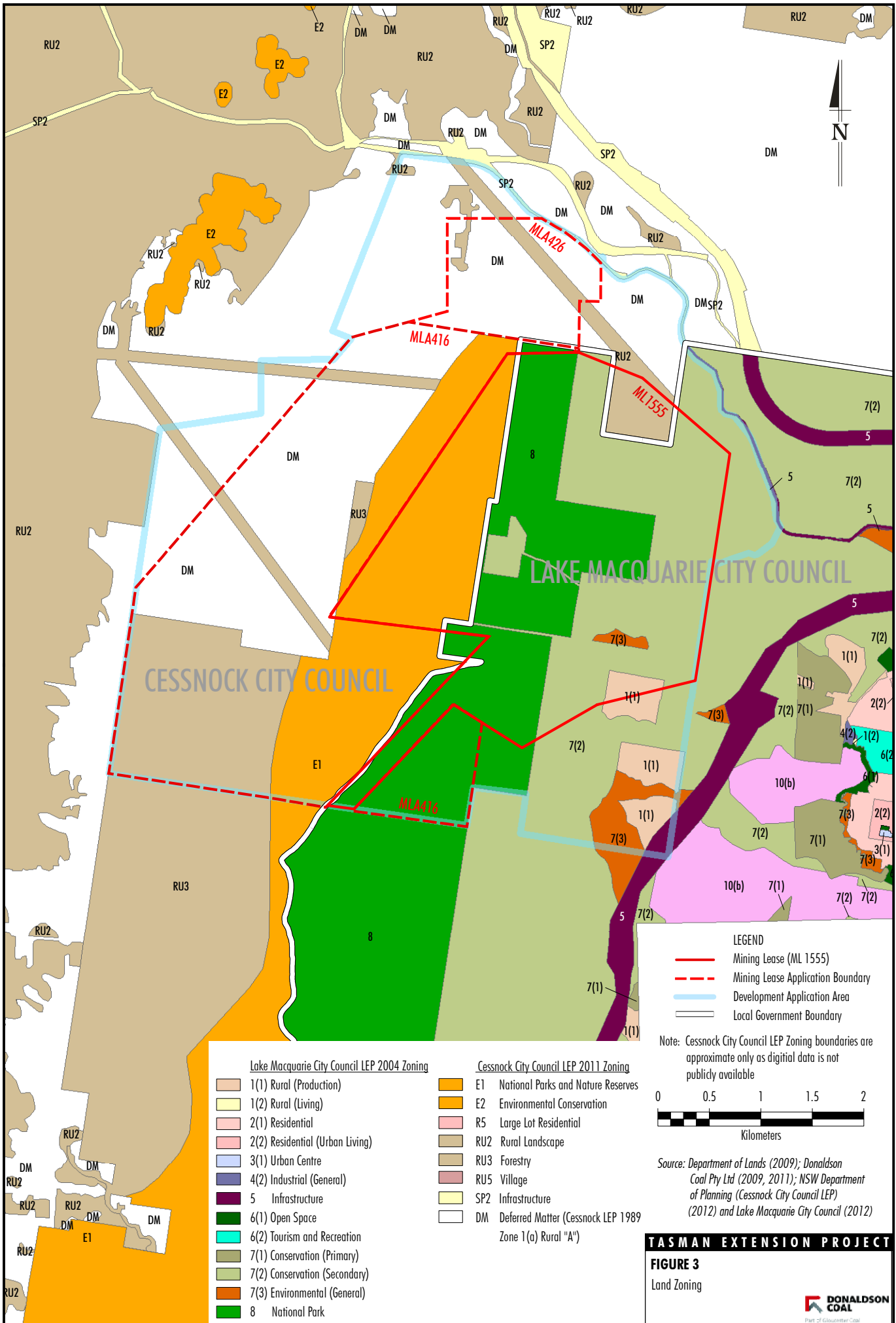
### 3 Site Identification

**Table 1** describes the DAA.

**Table 1 - DAA Details**

<b>Site Address</b>	George Booth Drive, Richmond Vale, NSW.
<b>DAA Area</b>	Approximately 2214 hectares.
<b>Title</b>	Refer <b>Figure 3</b> and <b>Table 2</b> .
<b>Local Government Area</b>	Cessnock City Council and Lake Macquarie City Council.
<b>Zoning</b>	Refer <b>Figure 3</b> .
<b>Elevation</b>	39 metres (m) – 412 m Australian Height Datum (AHD) (Mount Sugarloaf).
	Latitude 32.867 S Longitude 151.547 E
<b>Existing Land Use</b>	<ul style="list-style-type: none"> <li>▪ Vegetated areas including the Sugarloaf State Conservation Area and Heaton State Forest.</li> <li>▪ Transmission lines.</li> <li>▪ Communication infrastructure (including towers on Mount Sugarloaf and buried fibre optic cables).</li> <li>▪ Sydney Newcastle (F3) Freeway, George Booth Drive, Mount Sugarloaf Road and other minor roads.</li> <li>▪ Existing Tasman Underground Mine Pit Top Facility off George Booth Drive.</li> <li>▪ Orica Limited's Richmond Vale facilities off George Booth Drive.</li> <li>▪ The locality of O'Donnelltown and rural residential properties along Sheppeard Drive.</li> </ul>

The real property descriptions for the DAA are provided in **Table 2** and the land zoning is shown on **Figure 3**.



**Table 2 – Real Property Descriptions within the DAA**

<b>Lot Number</b>	<b>Deposited Plan Number</b>
94	755262
95	755262
104	755262
121	755262
124	755262
125	755262
126	755262
1	231108
2	231108
21	223395
22	223395
1	551917
2	551917
1	960529
4	960529
221	1034182
222	1034182
51	706484
52	706484
7022	1075973
7023	1075973
1	1050996
2	1050996
76	755244
108	755244
101	1164569
102	1164569
103	1164569
3	1061633
4	1061633
5	1061633
6	1061633
7	1061633
8	1061633
9	1061633
10	1061633
11	1061633
12	1061633
13	1061633
14	1061633
15	1061633

**Table 2 (Continued) – Real Property Descriptions within the DAA**

<b>Lot Number</b>	<b>Deposited Plan Number</b>
1	551918
7021	1075979
1	207238
1	960528
1	175522
21	624214
1	338999
1	923509
2	809377
1	960530
7	813135
1	1039968



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## 4 Site Condition and Surrounding Environment

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This section provides a general description of the DAA and surrounds. A more detailed description of the Project area is provided in Section 4 of the Main Report of the EIS.

### 4.1 Topography

The Project is situated on the north-eastern slope of the Sugarloaf Range. Within the centre of the DAA is Mount Sugarloaf which has an elevation of 412 m. Within the site boundary, the elevation ranges from 160 m in the south down to approximately 70m in the north.

### 4.2 Geology

The Project is located in the Newcastle Coalfield within the north-eastern portion of the Permo-Triassic Sydney Basin. Underground mining currently occurs at the Tasman Underground Mine in the Fassifern Seam within the Boolaroo Formation of the Newcastle Coal Measures. The Project would involve underground mining operations in the West Borehole Seam to the north and west of the approved Fassifern Seam workings. The West Borehole Seam is located within the Lambton Formation and is the basal unit of the Newcastle Coal Measures. The West Borehole Seam is located approximately 175 m below the Fassifern Seam.

### 4.3 Hydrology

The existing pit top area is situated on the ephemeral headwaters of Blue Gum Creek that flows north-east and east to Hexham Swamp via Leneghans Flat, approximately 8 km from the site.

The new pit top area is within the headwaters of Surveyors Creek, a tributary of Wallis Creek that joins the Hunter River near Maitland.

#### **4.4 Groundwater**

Aquifers in the immediate vicinity of the Tasman Project site are limited to alluvial deposits associated with existing drainage channels (such as the headwaters of Blue Gum Creek and Wallis Creek), and the deep hardrock coal measure aquifers. The alluvial aquifers in proximity to the Project area have limited storage potential and are therefore generally not used for water supply. They are recharged entirely from rainfall and local runoff and tend to deplete rapidly during dry spells.

Groundwater monitoring is completed on a regular basis.

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## 5 Site History

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A desktop site history assessment was undertaken to determine the chronological history of site uses and possible sources and locations of contamination. The findings are summarised below.

### 5.1 Site History Overview

A Non-Aboriginal Heritage Assessment has been conducted as part of the EIS. This assessment has found that historically, the site was possibly used for open range dry grazing of cattle, however much of the land is steeply undulating and would have been heavily covered in old-growth timber until perhaps the late 19th/early 20th Century. Therefore it was not particularly suited to this type of grazing.

Consequently, the principal activity on the site may well have been related to timber. Timber-getting had been a staple industry of the small West Wallsend and Ladysmith communities since the Lord family [arrived] in the 1860s-70s, [but] possibly as early as the 1850s. A particular interest was in pit-propping for the Newcastle and Wallsend mines. With the opening of the West Wallsend, Killingworth, Seahampton and Mount Sugarloaf mines from 1885, pit-propping became more concentrated for the latter 19th and first half of the 20th Century (Maxim Archaeology and Heritage, 2012).

The Non-Aboriginal Heritage Assessment results for the site, in terms of its three context elements – archaeological, historical and physical – has identified no material evidence, or suggestion of the likelihood of material evidence, the question of the cultural heritage values and technical significance [therefore] does not arise for assessment (Maxim Archaeology and Heritage, 2012).

## 5.2 POEO Act Public Register Search

The OEH's POEO Act Public Register was searched (accessed on 17 January 2012) for the area surrounding the DAA (OEH, 2012a). The licenses contained within the surrounding area are presented in **Table 3**.

Two of these sites are located within the DAA boundary.

- Orica Richmond Vale facilities.
- Tasman Underground Mine.

## 5.3 Contaminated Land Register

The OEH's Contaminated Land – Record of Notices was searched (accessed on 17 January 2012) for the area surrounding the DAA and no records were identified for the DAA or surrounding area (OEH, 2012b).

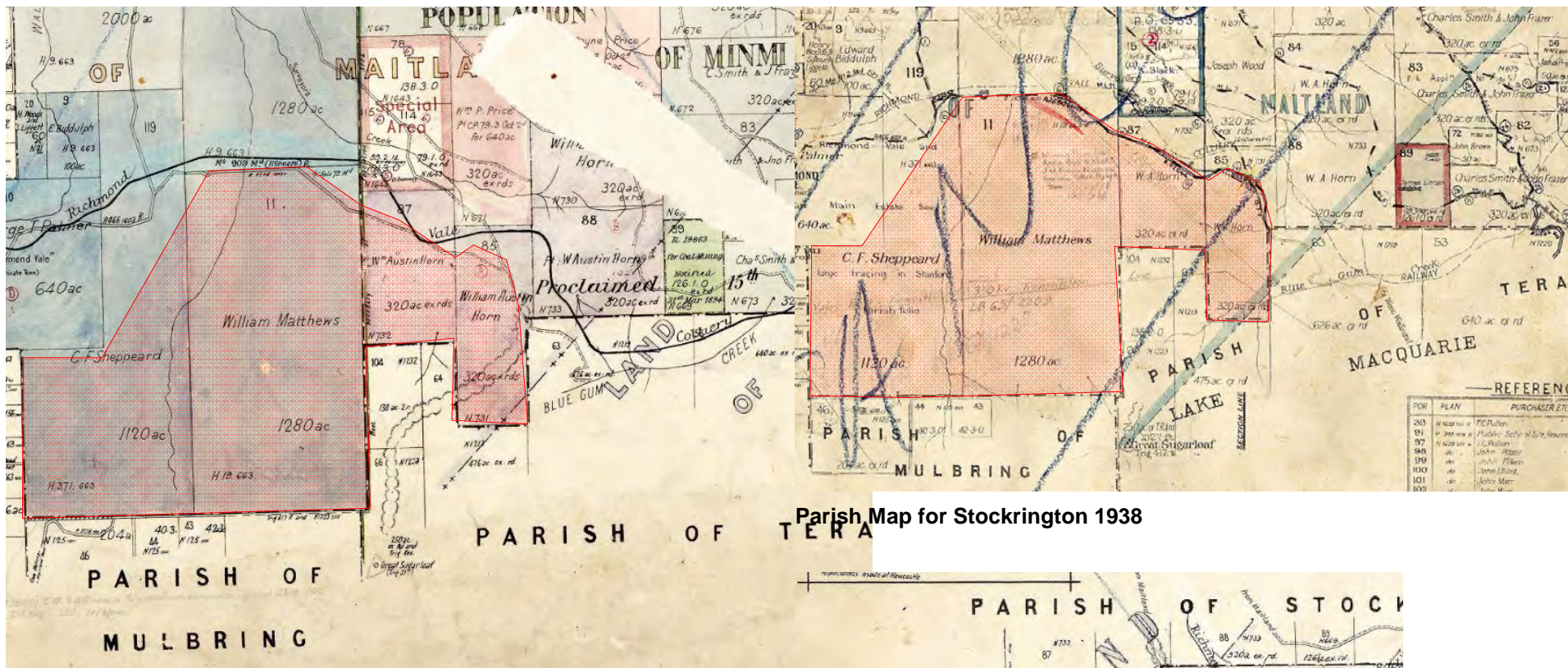
## 5.4 Historical Title Search

Historic Parish Maps for Stockrington, Teralba and Mulbring were obtained from the LPI.

A range of maps from 1896-1966 are presented in **Figure 4**. **Table 4** presents a summary of the historical information obtained from the historical Parish Maps. The red outline shows the approximate DAA boundary on the historical Parish Maps.

**Table 3 - POEO Act Public Register Search**

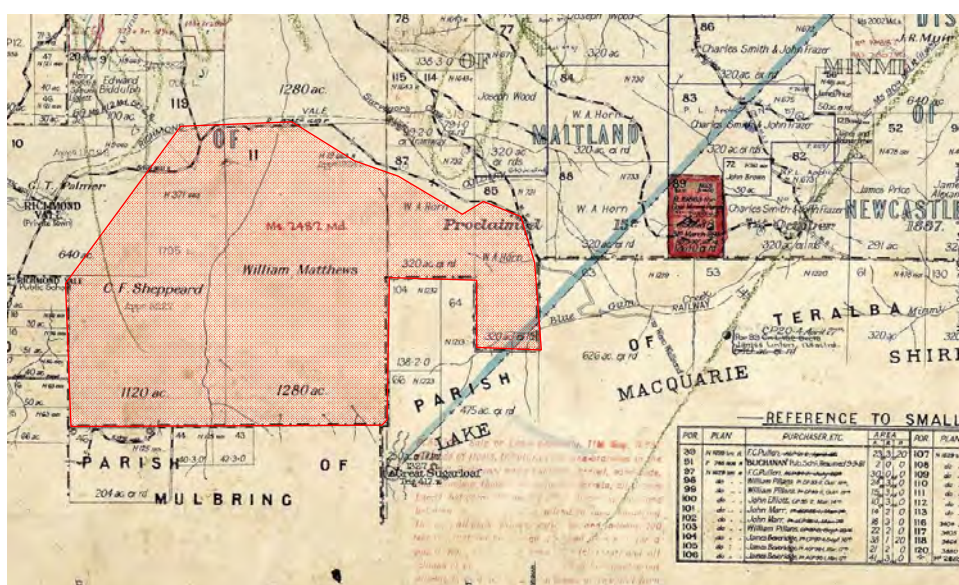
<b>SEAHAMPTON</b>					
<b>Number</b>	<b>Name</b>	<b>Location</b>	<b>Type</b>	<b>Status</b>	<b>Issued date</b>
12483	Newcastle Coal Company Pty Ltd	Tasman Underground Mine	POEO Act Licence	Issued	08 May 2006
13285	Roads and Maritime Services	Hunter Expressway Early Works	POEO Act Licence	Issued	01 Jul 2010
<b>KURRI KURRI</b>					
13013	Central Recycling Station Pty Ltd	Central Waste Station Pty Limited	POEO Act Licence	Issued	04 Mar 2010
11973	Hunter and New England Area Health Service	Kurri Kurri Hospital	POEO Act Licence	No longer in force	10 Nov 2003
1767	Hunter Water Corporation	Kurri Kurri Wastewater Treatment Works	POEO Act Licence	Issued	07 Mar 2000
12745	Infracore Energy Australia Pty Ltd	Hez Power Station	POEO Act Licence	Issued	04 Sep 2007
7667	J. R. Burnett Pty Limited	J.R. Burnett Pty Ltd	POEO Act Licence	Issued	18 Sep 2000
11234	Nationwide Oil Pty Ltd	Nationwide Oil Pty Ltd	POEO Act Licence	Surrendered	13 Dec 2000
4121	Orica Australia Pty Ltd	Orica Australia Technical Centre	POEO Act Licence	Issued	19 Sep 2000
6423	Weston Aluminium Pty Limited	Weston Aluminium Pty Ltd	POEO Act Licence	Issued	26 Apr 2000
<b>KILLINGWORTH</b>					
4033	Hunter Valley Earthmoving Co Pty Ltd	Westside Mine	POEO Act Licence	Issued	18 Sep 2000
11361	TransGrid	Newcastle 330 kV Substation	POEO Act Licence	No longer in force	05 May 2001
<b>WALLSEND</b>					
11984	Ausgrid	Energy Australia Wallsend Depot	POEO Act Licence	Issued	18 Aug 2004
1259	Hanson Construction Materials Pty Ltd	Hanson Construction Materials Pty Ltd	POEO Act Licence	No longer in force	27 Apr 2000
13059	LMS Generation Pty Ltd	Summer Hill Gas Utilisation Facility	POEO Act Licence	Issued	31 Mar 2009
5897	Newcastle City Council	Summerhill Waste Management Facility	POEO Act Licence	Issued	11 Aug 2000
10730	Nonferral Pty Limited	Nonferral Wallsend	POEO Act Licence	Surrendered	03 May 2000
10	Premier Concrete (NSW) Pty Limited	Premier Concrete (NSW) Pty Ltd	POEO Act Licence	No longer in force	19 Oct 1999
548	The Newcastle Wallsend Coal Co Pty Ltd	The Newcastle Wallsend Coal Co Pty Ltd	POEO Act Licence	Surrendered	16 Feb 2000
<b>STOCKRINGTON</b>					
5108	Buttai Gravel Pty Ltd	Stockrington Quarry	POEO Act Licence	Issued	06 Jan 2000



Parish Map for Stockington 1896



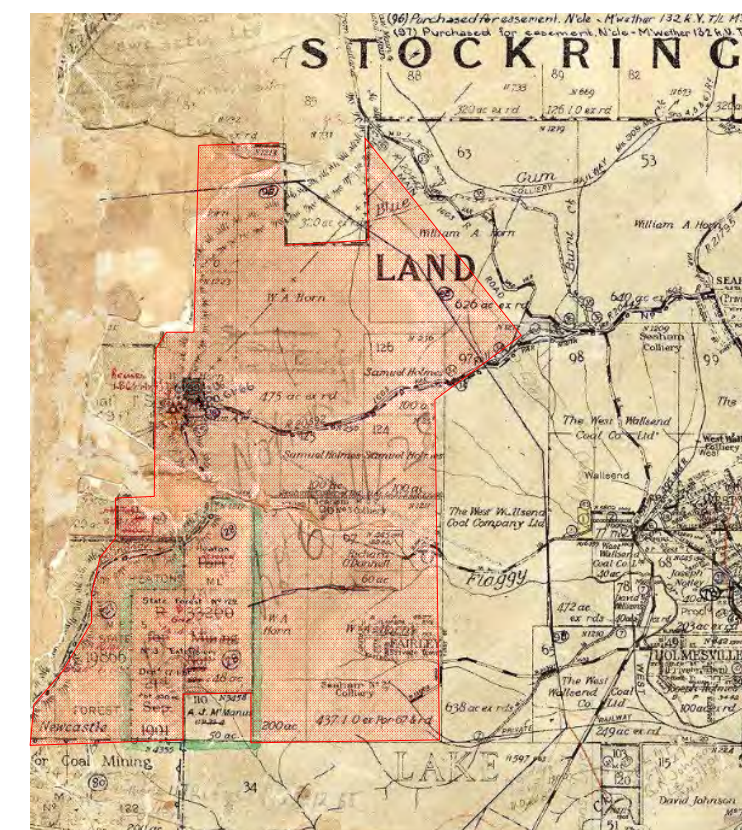
Parish Map of Teralba 1923



Parish Map for Stockington 1918

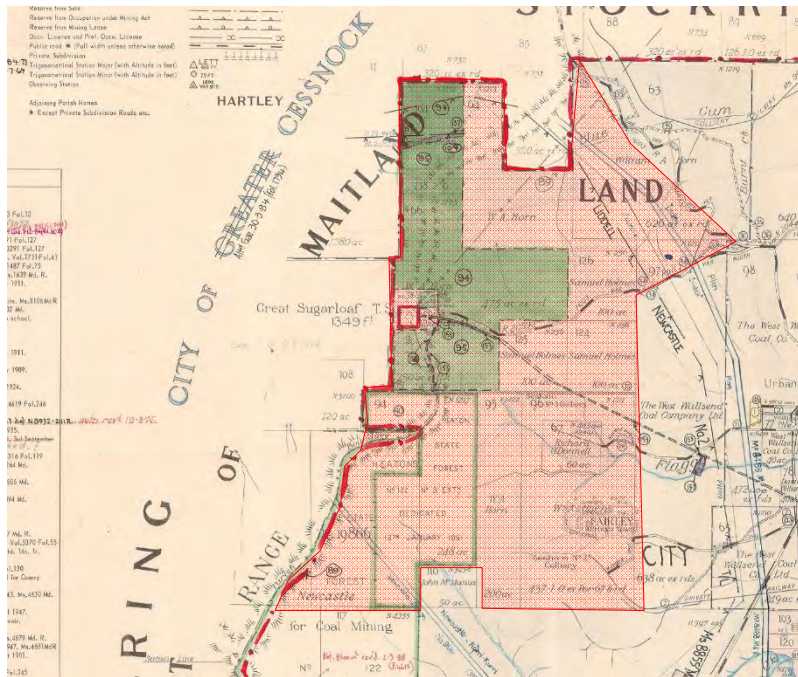


Parish Map of Teralba 1897

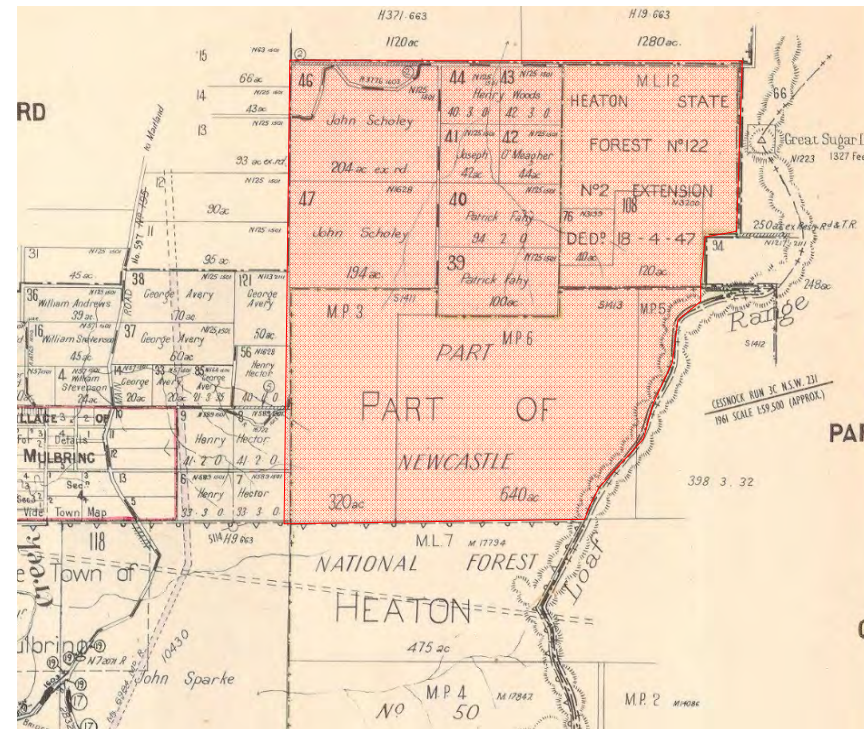


Parish Map of Teralba 1950

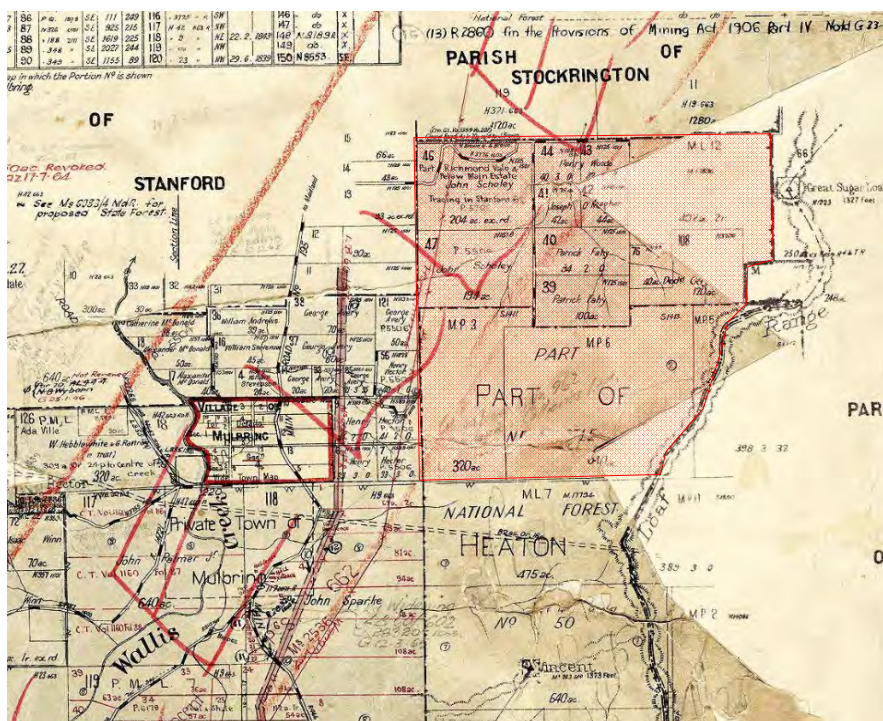
Figure 4 – Historic Parish Maps



Parish Map of Teralba 1969



Parish Map of Mulbring 1966



Parish Map of Mulbring 1942

Table 4 - Parish Map Data Summary

Year	Stockrington
1896	Map shows main features including creeks, ranges and Richmond Vale railway. George Booth Drive not shown. Great Sugarloaf trigonometric station marked.
1918	Great Sugarloaf trigonometric station (1327 feet) depicted. Alignment of George Booth Drive has changed and is marked as road.
1938	Alignment of 132 kilovolt (kV) and 330 kV transmission lines added in pencil.
Year	Teralba
1897	Great Sugarloaf trigonometric station shown along with Sugarloaf Range. West Wallsend Coal Company and mining purposes stated. WA Horn a large scale landowner in the area.
1923	Mt Sugarloaf Road Paved. Catchments of Flaggy and Blue Gum Creek are shown. O'Donnelltown area owned by Richard O'Donnell. West Wallsend and Seaham No. 2 Colliery noted.
1950	Alignment of transmission lines (132 kV shown). Area called Fairly noted along. Seaham No 2 Colliery shown. State Forest shown on west of plan.
1969	More state forest shown on dedicated 12 <sup>th</sup> Jan 1951 to the south of the Sugarloaf Range. Two transmission line easements shown in north. Newcastle to Kurri Kurri Transmission Line shown.
Year	Mulbring
1942	Newcastle National Forest shown. Note showing Richmond Vale Main Estate. Transmission line easement to the south of the DAA shown.
1966	Heaton State Forest No 122 No 2 Extension dedicated 18-4-1947 – west of the Sugarloaf Range.

Figure 4 (Continued) - Historic Parish Maps

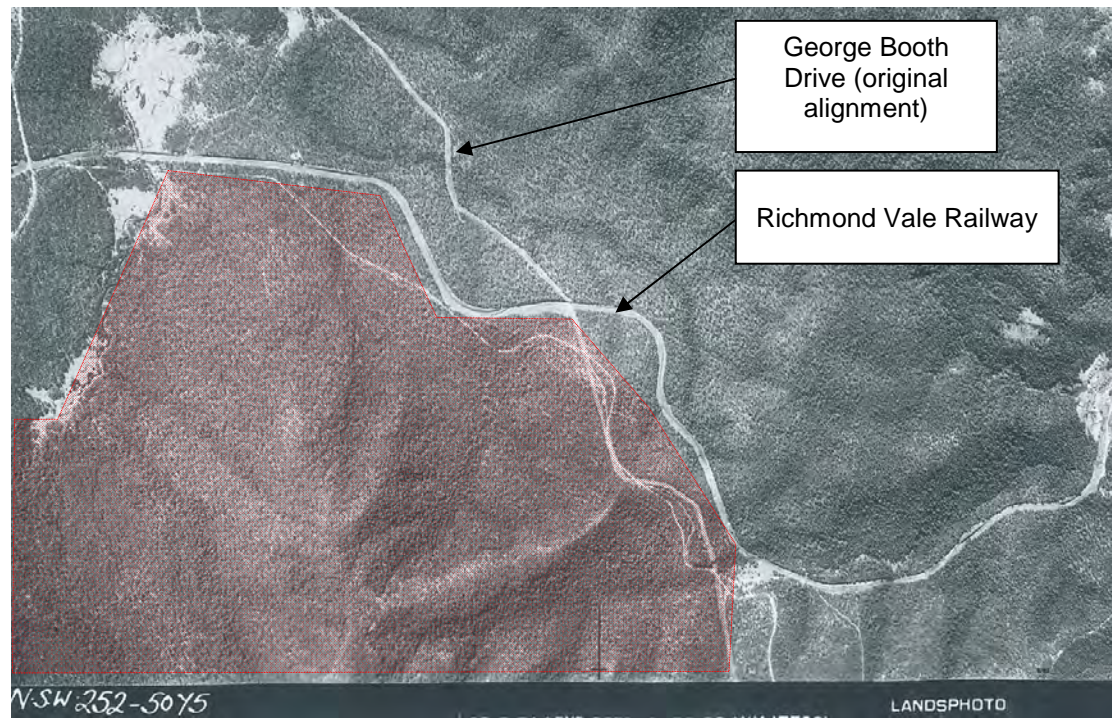
## 5.5 Historical Aerial Photographs

**Table 5** presents a summary of the review of the available historical aerial photographs relating to the site. Copies of aerial photographs are presented in **Figure 5**, with the approximate DAA extent shown for reference.

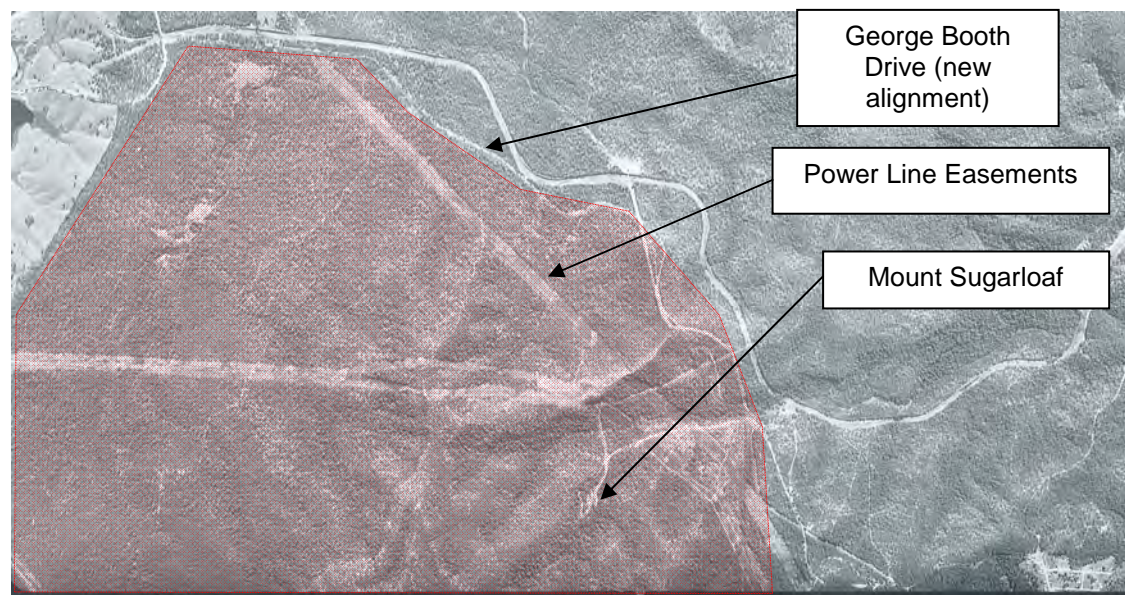
**Table 5 - Summary of Aerial Photograph Observations**

Year	Description
1954	Richmond Vale Railway, old road and George Booth Drive are evident. Vegetation on balance of site is undisturbed.
1975	Undisturbed bushland over majority of subject site. Clearing for transmission line easement is evident from the north-west and west which join and travel south on the western side of George Booth Drive alignment. Significant clearing to the west of the site for agricultural purposes. Some minor clearing evident in pockets in the north of the site. Trigonometric station and or communications towers developed on Mount Sugarloaf. Walking tracks and/or fire trails established across site.
1983	Undisturbed bushland over majority of subject site. Clearing and development apparent in adjacent property to the east with an access track to George Booth Drive. Fire trails/access tracks, transmission line easements widespread. Clearing in the north of site apparently has no buildings evident. F3 Freeway exists in the south of the site.
1993	Orica Richmond Vale facilities have been established in north of site. Power line easement in the south noted.
2004	Western lots along Sheppard Drive have been fenced/with access tracks. Additional buildings built at Orica Richmond Vale facilities.
2011	Houses have been constructed along Sheppard Drive. Houses have been constructed along O'Donnelltown Road. The existing Tasman Underground Mine Pit Top has been developed. F3 (RN1) Freeway can be seen crossing into the south of the site.

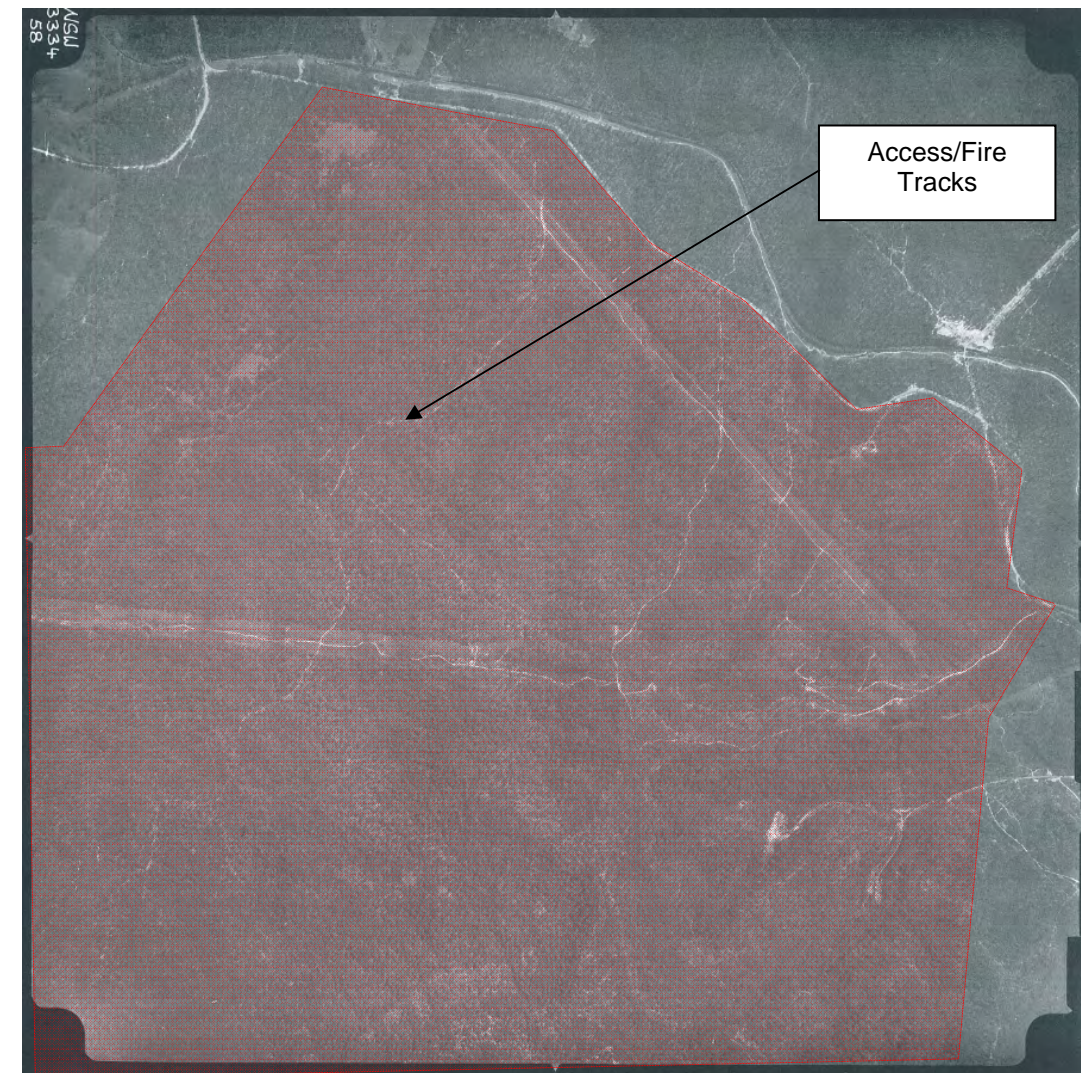




Historic Aerial Photo 1954

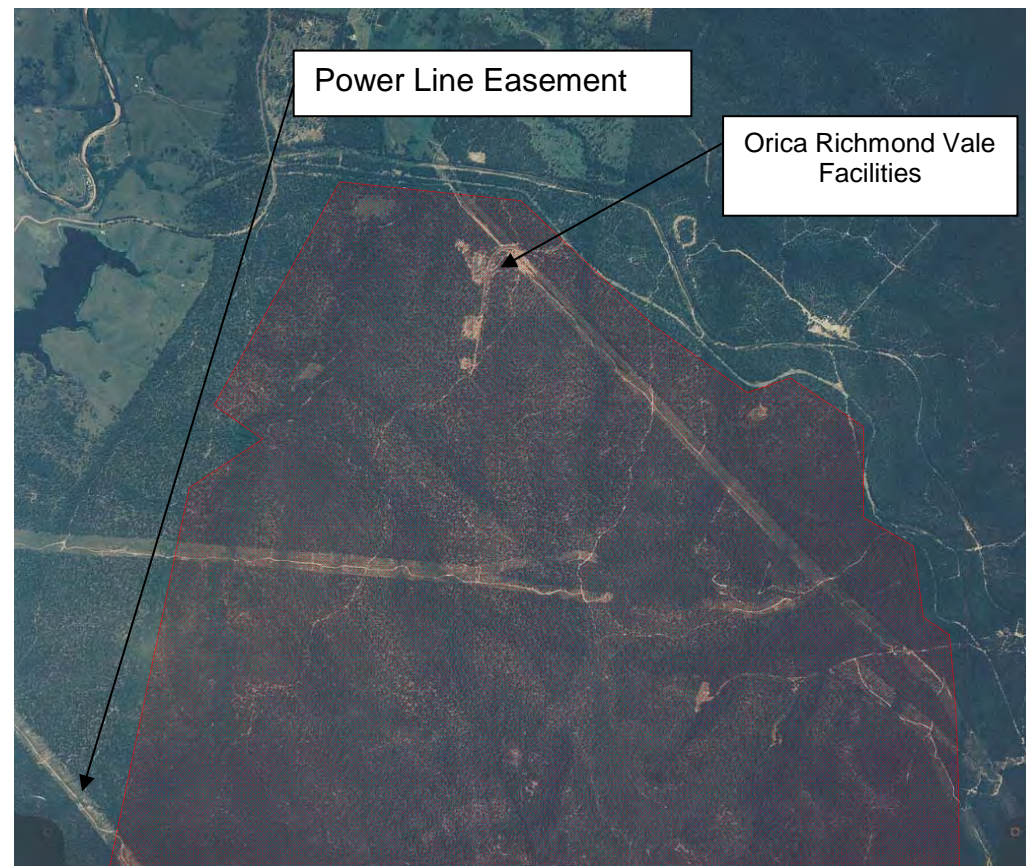


Historic Aerial Photo 1975



Historic Aerial Photo 1983

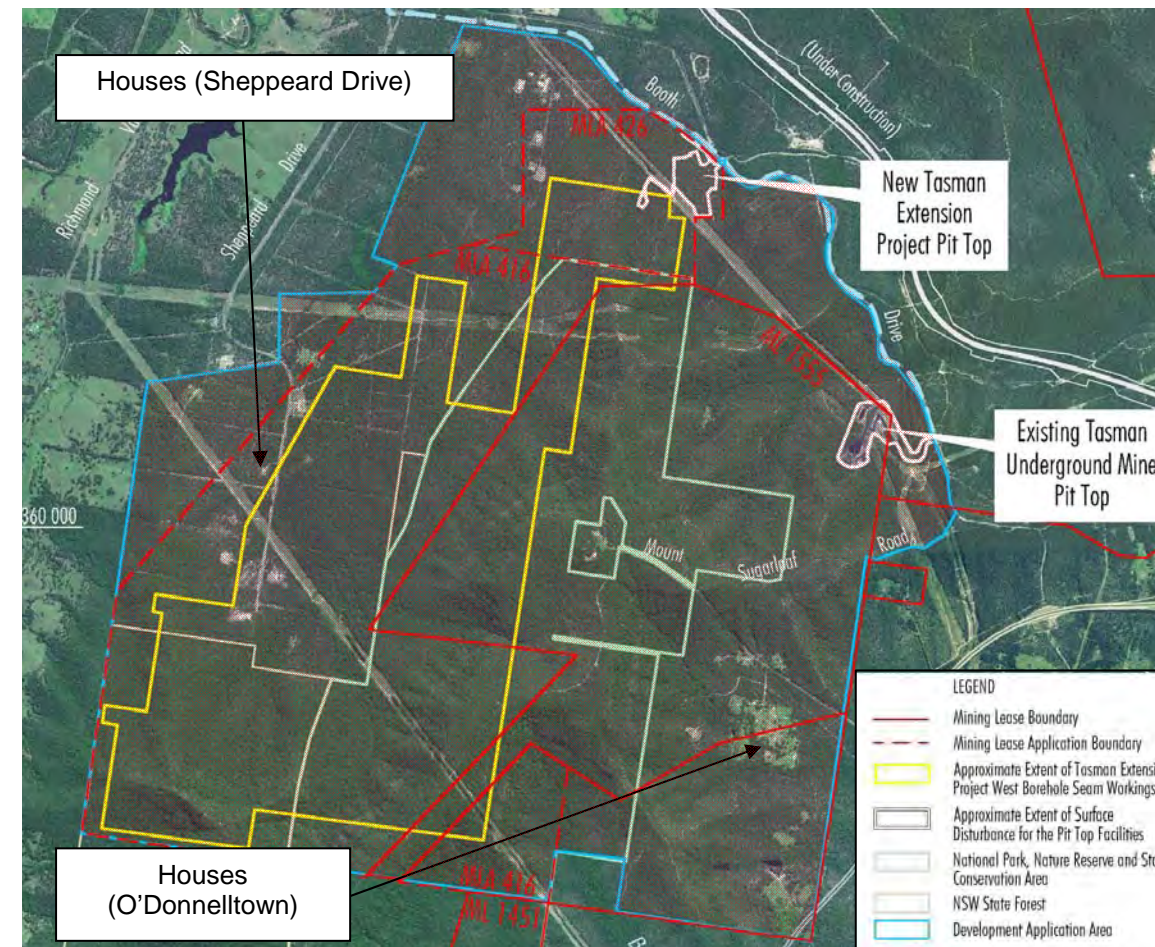
Figure 5 - Historical Aerial Photographs



Historic Aerial Photo 1993



Historic Aerial Photo 2004



Aerial Photo 2011

Figure 5 (Continued) - Historical Aerial Photographs

## 5.6 Cessnock City Council Records

A request was made to the Cessnock City Council to provide details of any identified contaminated land within the Cessnock Local Government Area (LGA) within the DAA. The Cessnock City Council advised that no lands are currently identified as contaminated within the DAA (pers. comm. Paul Taylor GIS Officer, Cessnock City Council, 23/01/2012).

## 5.7 Lake Macquarie City Council Records

A property enquiry search of all properties listed in **Table 2** within the Lake Macquarie LGA has been undertaken. The property enquiry sought information about a particular property in the LGA including:

- property description;
- property conditions;
- planning zones; and
- maps, including aerial, bushfire, geotechnical, coastal and acid sulphate soils (where available).

Only one property was identified as having a requirement for a Contamination Land Audit as part of the property's Development Conditions. This property was part of the O'Donnelltown subdivision (**Table 6**).

**Table 6 - Lake Macquarie City Council Contamination Reporting**

Lot	Deposited Plan (DP)	Property Enquiry - Main Conditions
2	1050996	Contaminated Land - Audit

Further details are presented in **Section 4.9** under O'Donnelltown Subdivision.

## 5.8 Section 149 Certificates

Following the completion of the review of council records and the desktop review, Section 149 Certificates were requested for sites which have shown potential for contamination either through having a POEO licence or site history indicating possible contamination. The results of this are presented in **(Table 7)** and discussed further in **Section 4.9**. The certificates are presented in **Attachment 3**.

**Table 7 – Section 149 Certificates**

Lot	DP	Local Government Area	Site Name	Contamination Noted?
103	1164569	Lake Macquarie City Council	Existing Tasman Pit Top	Yes
2	1050996	Lake Macquarie City Council	O'Donnelltown Subdivision	Yes
101	1164569	Cessnock City Council	Proposed Pit Top	No
2	809377	Cessnock City Council	Orica Richmond Vale Facilities	No

## 5.9 Areas of Environmental Concern

### ***Tasman Underground Mine and Existing Pit Top***

The existing Tasman Underground Mine and pit top area are located within ML 1555. Entry to the site is off George Booth Drive, 1.5 km west of Seahampton, at the existing pit top.

The underground lease area covers 952 hectares with George Booth Drive to the north, the F3 freeway to the east and Mount Sugarloaf in the centre.

The Section 149 Planning Certificate for the property is provided in **Attachment 3**. Section 7(e) of the certificate states that there is a risk that the property contains contaminated or potentially contaminated land.

A Land Contamination Status Review for the Tasman Underground Mine existing pit top area has been prepared and is included as **Attachment 1**. The assessment concluded that effective control measures exist for all potential contamination sources at the existing pit top area, which would be an ongoing operational facility.

### ***New Tasman Extension Project Pit Top***

The new pit top is located within bushland area off George Booth Drive within MLA 426 (Figure 2). A Stage 1 – Preliminary Investigation Land Contamination Assessment of the new pit top area has been prepared and is included as **Attachment 2**. The assessment concluded that although some minor land contamination associated with illegal dumping was identified, no further investigations are required and the area can be remediated to make the area suitable for the proposed use.

The Section 149 Planning Certificate for the property is provided in **Attachment 3**. There is no mention of contamination in this planning certificate.

### ***Orica Richmond Vale Facilities***

Orica Richmond Vale facilities (Lot 2 DP 809377) is located within the DAA but the buildings on this lot are located outside Donaldson Coal's ML and MLAs.

The Section 149 Planning Certificate for the property is provided in **Attachment 3**. There is no mention of contamination in this planning certificate.

The *Proposed Ammonium Nitrate Emulsion Production Facility and Continued Operation of Orica Mining Services Technology Centre* Environmental Assessment (Umwelt, 2009) states that:

*“The technology centre consists of offices, research and other support facilities and minor manufacturing facilities and employs approximately 200 people.*

*In 2009 Orica proposed to construct and operate an Ammonium Nitrate Emulsion (ANE) Production Facility at the existing Mining Services Technology Centre site. ANE is an explosive precursor that is sensitised to become explosive only at the point of use (i.e. on a mine site). The proposed ANE production facility will have the ability to produce up to 250,000 tonnes of ANE per year.”*

The following activities from the SEPP 55 Guideline at the Orica Richmond Vale facilities that may cause contamination include:

- chemicals manufacture and formulation; and
- explosives industry.

Given these activities, contamination may have occurred within the Orica Richmond Vale facilities. As this facility is located outside MLA 426 and MLA 416 and outside the predicted subsidence angle of draw (refer Appendix A of the EIS), no further consideration of this site has been given in the context of this Project.

### ***O'Donnelltown Subdivision***

The Lake Macquarie City Council identified that potential land contamination may be present within a property located in O'Donnelltown. Further enquiries into the nature and extent of the contamination on this lot confirmed that a contamination assessment was undertaken during a subdivision of Lot 5 DP 813135 during 2003 (Coffey, 2003). The Section 149 Planning Certificate for the property is provided in **Attachment 3**. The contamination assessment (Coffey, 2003) is an attachment to the Section 149 Planning Certificate.

The contamination is considered to be related to the historical disposal of mining wastes from another mining operation.

Although the lot is located within the DAA, it is outside MLA 426 and MLA 416, approximately 2 km away from the proposed underground workings and outside the predicted subsidence angle of draw (refer Appendix A of the EIS), no further consideration of this site has been given in the context of this Project.

### ***Historical Railway***

To the north of the subject site, running parallel to George Booth Drive is remnants of the heritage listed Richmond Vale Railway line. The main line running adjacent to the site was opened in 1857 and closed in 1962 (Richmond Vale Railway Museum, 2012). The route of the railway is shown in **Figure 6**.

The alignment can also be seen in the early aerial photographs presented in **Figure 5**. As the railway alignment is located outside MLA 426 and MLA 416 and outside the predicted subsidence angle of draw (refer Appendix A of the EIS), no further consideration of this site has been given in the context of this assessment.

### ***Other Mining Operations***

Other mines in the vicinity of the DAA are presented in **Figure 1**. Apart from the existing Tasman Underground Mine, the closest mines to the DAA include:

- West Wallsend Colliery, approximately 5 km south-east;
- Westside Colliery, approximately 6 km south-east;
- Abel Underground Mine, approximately 10 km north-east;
- Donaldson Open Cut Mine, approximately 10 km north-east; and
- Bloomfield Colliery, approximately 10 km north-northeast.

The above mining operations are located outside the DAA and as such, no further consideration of them has been given in the context of this assessment.

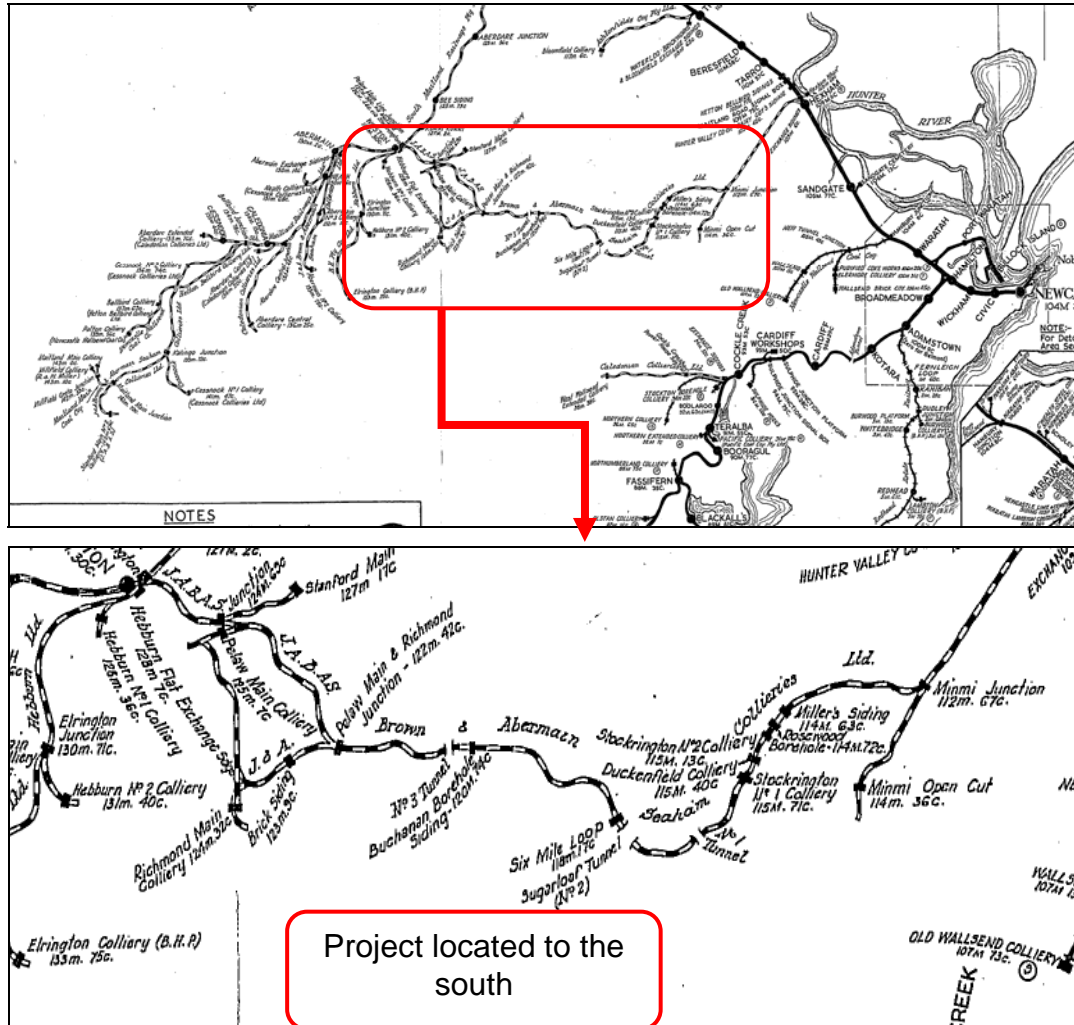


Figure 6 - NSW Railway Map Showing the Approximate Project Location

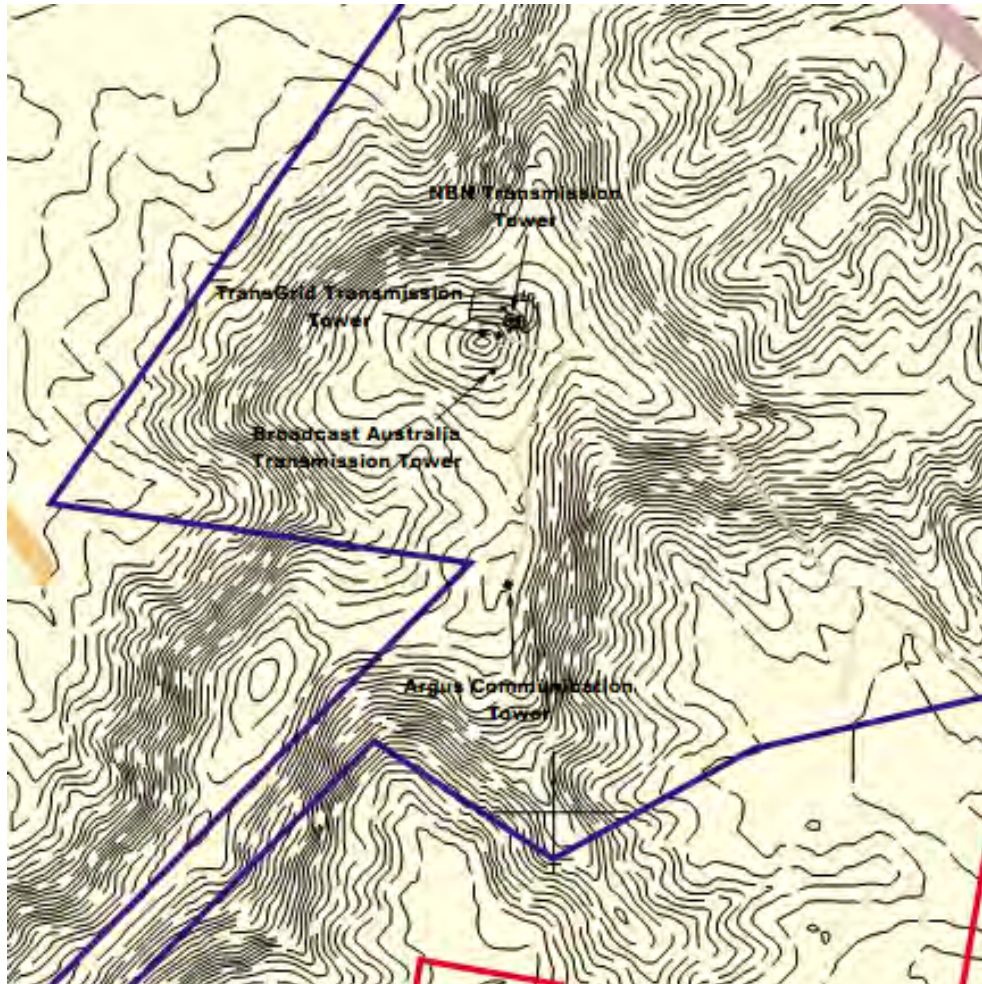
### **Mount Sugarloaf Trigonometric Station/Transmission Towers**

Mount Sugarloaf has an elevation of 412 m AHD and has historically been used as a trigonometric station. It also contains a number of radio/TV/phone/microwave transmission towers including:

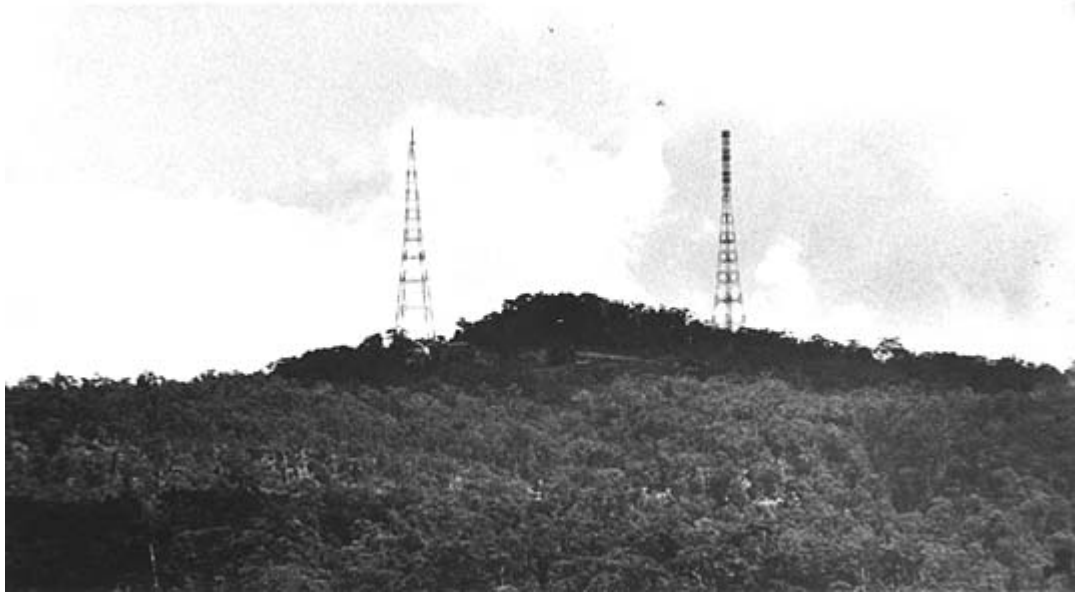
- NBN Transmission Tower.
- TransGrid Transmission Tower.
- Broadcast Australia Transmission Tower.
- Argus Communications Tower.



The location of these towers is shown on **Figures 7** and **8** below. This infrastructure is located within the DAA. The activities undertaken at Mount Sugarloaf are not considered to have potential to cause contamination.



**Figure 7 - Mount Sugarloaf Towers**



**Figure 8 - Historical photograph of Mount Sugarloaf (Courtesy Lake Macquarie City Council)**

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## 6 Site Inspection

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Site inspections of the existing pit top and new pit top areas were conducted to obtain further information about the potentially contaminating activities identified during the desktop site history assessment and to identify any additional land contamination issues.

### 6.1 Existing Pit Top

The site inspection of the existing pit top identified the potential sources of contamination and the control measures to manage contamination risk. The control measures were identified to have been implemented to effectively mitigate the potential for contamination from the site. A detailed description of the site inspection and conclusions is presented in **Attachment 1**.

### 6.2 New Pit Top

A site inspection of the lot where the majority of the surface infrastructure is proposed to be located for the Tasman Extension Project identified illegally dumped waste in various sites across the investigation area.

Some small pieces of fibrous sheeting left over from the previous removal of larger areas of illegally dumped material were identified. The sampling and analysis of this site is described in **Section 6** and **Attachment 2**.

No other contamination issues were identified during the site inspection of the new pit top.

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## 7 Sampling and Analysis

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Based on the site inspection of the new pit top, it was considered that the two areas where small amounts of fibrous sheeting were identified required further investigation.

Section 2.1 of the Contaminated Sites Sampling Design Guidelines (EPA, 1995) states that a preliminary sampling and analysis program may be required where investigations indicate possible sources of contamination. Given the above, sampling and analysis have been undertaken at the new pit top, as described in **Attachment 2**.

Sampling of these sites confirmed the presence of a small amount of asbestos contamination within remnant pieces of larger areas of illegally dumped material which have been removed from the area (**Attachment 2**).

---

## 8 Remediation

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### 8.1 Existing Pit Top

Based on the outcomes of the Land Contamination Status Review and site inspection of the existing pit top area, it is considered that no remediation of the existing pit top would be required for the Project, as described in **Attachment 1**.

### 8.2 New Pit Top

Based on the outcomes of the Stage 1 – Preliminary Investigation for the new pit top area, it is considered that the small areas of asbestos contamination could be successfully remediated to make the new pit top area suitable for the intended use, as described in **Attachment 2**.

---

## 9 Conclusions/Recommendations

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The objective of this Land Contamination Assessment was to determine if any potentially contaminating activities have occurred within the DAA. In order to determine the likelihood and type of contaminants that may be present on site, a desktop site history assessment was undertaken. This assessment consisted of searches of on-line records; reviewing historical aerial photographs and information requests to relevant local Councils.

This Land Contamination Assessment has:

- Described the existing DAA condition and surrounding environment, including the existing pit top and new pit top areas.
- Provided a summary of the DAA history.
- Identified past and present potentially contaminating activities and potential contaminant types.
- Provided a preliminary assessment of the site contamination.
- Assessed soil sample analysis results against relevant criteria.
- Assessed the need for further investigations.
- Assessed the suitability of the DAA for the proposed use (i.e. mining operations).

A desktop site history assessment of the DAA and site inspections of the existing pit top and new pit top have been conducted as part of the Land Contamination Assessment. The desktop site history assessment encompassed the DAA. Information used to assist in the site history was collected and collated from the following sources:

- Review of available site history details.
- LPI – Historic Title Search.
- Historical aerial photographs.
- OEH's POEO Act Public Register.
- OEH's Contaminated Land – Record of Notices.
- Cessnock and Lake Macquarie City Council records.
- Section 149 Planning Certificates.

The site inspections included:

- An inspection of the existing pit top and new pit top areas to identify potential areas of contamination; and
- Preliminary soil sampling at areas identified as potentially contaminated during the site inspections.

Based on the desktop site history assessment and the site inspections, it was considered that two locations where potential asbestos contamination was identified within the new pit top area required further investigation (**Section 6**). Given this, a judgmental sampling and analysis plan was undertaken (**Section 6**).

### 9.1 MLA 426 and MLA 416 Area

A small amount of asbestos contamination was identified within the new pit top area within some fibrous sheeting scraps that had been left behind from the removal of larger areas of illegally dumped material. It is considered that the small areas of contamination can be remediated, and no further investigation is required (**Section 8.2**).

Based on the Stage 1 – Preliminary Investigation for the MLA areas in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998), there is no evidence that the area within MLA 426 and MLA 416 is contaminated outside of the minor areas identified in the new pit top area.

Based on the above assessment it is considered that further investigation is **not required** and **the area within MLA 426 and MLA 416 is suitable** for the proposed development (i.e. the Project) once the small area of contamination described above is remediated.

## 9.2 ML 1555 Area

A number of potentially contaminating activities associated with the existing mining operations were identified within the existing pit top area. However, it was also observed that a number of management measures to control the potential impact of these potentially contaminating activities are implemented.

Based on the above assessment it is considered that further investigation is **not required** at this time and that **the area within ML 1555 is suitable** for the proposed development (i.e. the continuation of underground mining and the continued use of the existing pit top for the Project).

As part of the decommissioning phase of the Project, land contamination investigations within the exiting pit top area (e.g. Stage 1 – Preliminary Investigation and Stage 2 – Detailed Land Contamination Assessment) and any subsequent remediation (if required) would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).

Notwithstanding the above, in the event an area of potential land contamination is identified during the Project, the unexpected contamination would be assessed by a suitably qualified person and if necessary remediation strategies put in place to manage this contamination after approval by the appropriate authority.

The land contamination assessment would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).



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## 10 Scope of Engagement

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This report has been prepared by APP at the request of Donaldson Coal for the purpose of preliminarily assessing the potential for contamination on the subject site and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

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## 11 References

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- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council (1992). Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites. Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 57 p.*
- Coffey (2003) Proposed Subdivision Lot 5 in DP and Secs A to H in DP 4977, O'Donnelltown, Additional Contamination Assessment.*
- Department of Urban Affairs and Planning and the Environmental Protection Authority (1998) Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land.*
- Environmental Protection Authority (1995) Contaminated Sites Sampling Design Guidelines.*
- Maxim Archaeology and Heritage (2012) The Archaeology of the Tasman Extension Project Area, near West Wallsend, NSW.*
- Office of Environment and Heritage (2011) Guidelines for Consultants Reporting on Contaminated Sites.*
- Office of Environment and Heritage (2012a) POEO Act Public Register.*  
Website: <<http://www.environment.nsw.gov.au/prclmapp/searchregister.aspx>>  
Accessed: 17 January 2012.
- Office of Environment and Heritage (2012b) Contaminated Land: Record of Notices.*  
Website: <<http://www.environment.nsw.gov.au/prpoeoapp/>>  
Accessed: 17 January 2012.
- Richmond Vale Railway Museum: History.*  
Website: <<http://www.richmondvalerailwaymuseum.org/history/index.html>>  
Accessed: 19 January 2012.
- Umwelt (2009) Proposed Ammonium Nitrate Emulsion Production Facility and Continued Operation of Orica Mining Services Technology Centre, Richmond Vale, NSW. Prepared for Orica Australia Pty Limited.*

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## 12 Glossary

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Below is a list of commonly used abbreviations in the report:

AHD – Australian Height Datum

ANE – Ammonium Nitrate Emulsion

APP – Ardill Payne and Partners

DAA – Development Application Area

DP – Deposited Plan

EIS – Environmental Impact Statement

EPA – Environment Protection Authority (now known as Department of Environment & Climate Change and / or the Office of Environment & Heritage)

km - kilometres

LGA – Local Government Area

LPI – Land and Property Information (NSW Department of)

m - metres

ML - Mining Lease

MLA – Mining Lease Application

NSW – New South Wales

OEH – Office of Environment & Heritage

POEO – Protection of Environment Operations

SEPP 55 - State Environmental Planning Policy No. 55 – Remediation of Land

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**13 Attachments**

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- Attachment 1      Land Contamination Status Review – Existing Pit Top Area
- Attachment 2      Stage 1 – Preliminary Investigation – New Pit Top Area
- Attachment 3      Section 149 Certificates

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**ATTACHMENT 1**

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**Attachment 1**  
Land Contamination Status  
Review – Existing Pit Top  
Area

# ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



---

## **ATTACHMENT 1**

### **LAND CONTAMINATION ASSESSMENT**

### **LAND CONTAMINATION STATUS REVIEW**

EXISTING PIT TOP AREA

TASMAN EXTENSION PROJECT

George Booth Drive

For  
Donaldson Coal Pty Limited

March 2012

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**Document Control Sheet**

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## 1 Introduction

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The existing Tasman Underground Mine is located within Mining Lease (ML) 1555, approximately 20 kilometres (km) west of the Port of Newcastle in New South Wales (NSW) (**Figure 1**). The Tasman Underground Mine is owned and operated by Donaldson Coal Pty Limited (Donaldson Coal). Donaldson Coal is a wholly owned subsidiary of Gloucester Coal Ltd (GCL).

Donaldson Coal also owns and operates the Donaldson Open Cut Mine and Abel Underground Mine, which are located approximately 10 km north-east of the Tasman Underground Mine (**Figure 1**).

The Tasman Underground Mine commenced in May 2006, with underground mining commencing in September 2006. The Tasman Extension Project (the Project) provides for the continuation and then extension of operations at the Tasman Underground Mine and would extend the current operations by approximately 15 years.

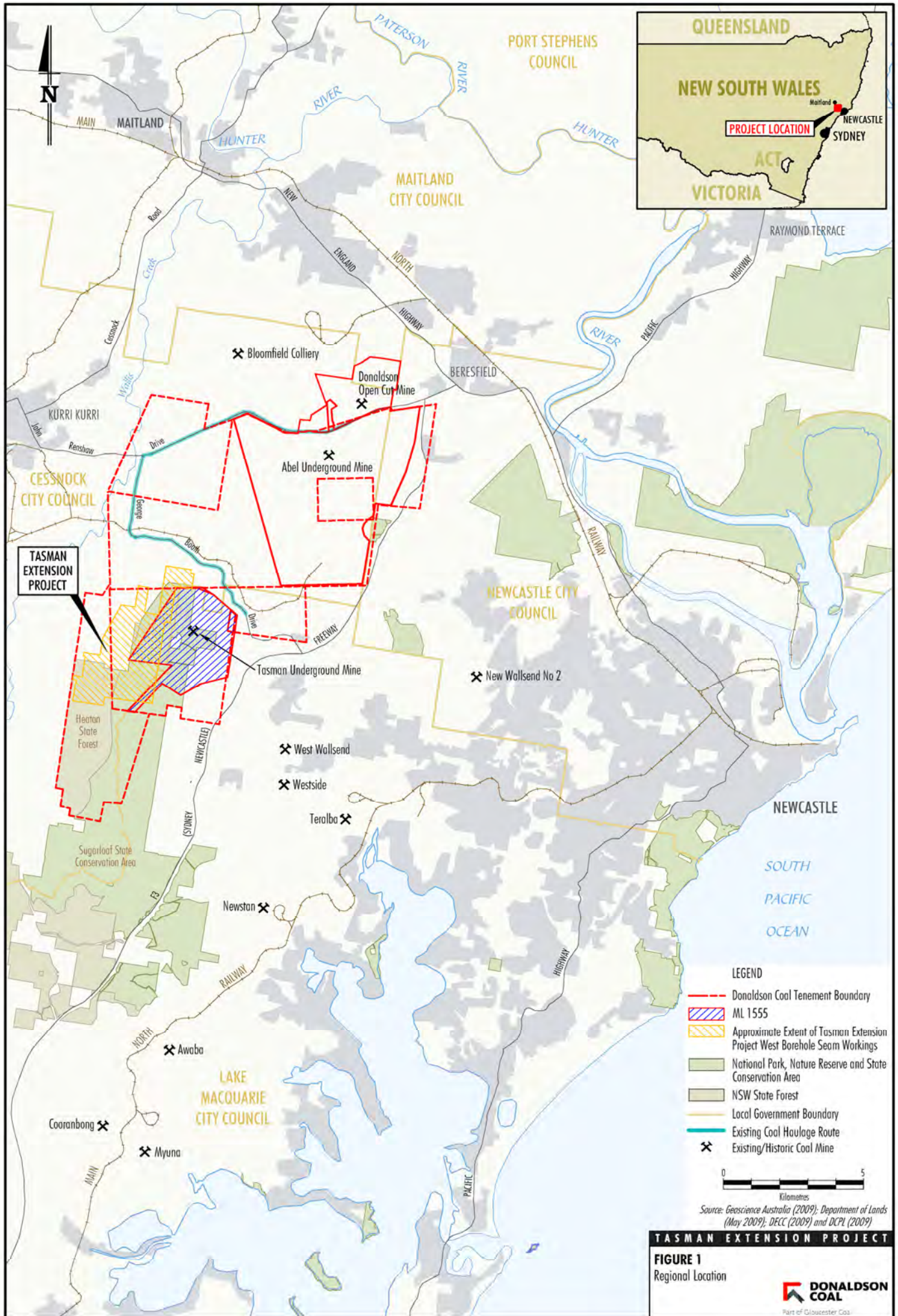
An aerial photograph of the Project Area and surrounds is shown on **Figure 2**.

A detailed description of the Project is provided in Section 2 of the Main Report of the Environmental Impact Statement (EIS).

Ardill Payne and Partners (APP) has been engaged by Donaldson Coal to undertake a Land Contamination Assessment for the existing Tasman Underground Mine pit top (existing pit top). This infrastructure is located on Lot 103 DP 1164569, George Booth Drive, Seahampton.

Separate Land Contamination Assessments have been prepared for:

- the wider Tasman Extension Project Development Application Area (DAA) (APP, 2012a); and
- the proposed Tasman Extension Project pit top area (APP, 2012b).



- LEGEND
- Donaldson Coal Tenement Boundary
  - ML 1555
  - Approximate Extent of Tasman Extension Project West Borehole Seam Workings
  - National Park, Nature Reserve and State Conservation Area
  - NSW State Forest
  - Local Government Boundary
  - Existing Coal Haulage Route
  - ✕ Existing/Historic Coal Mine

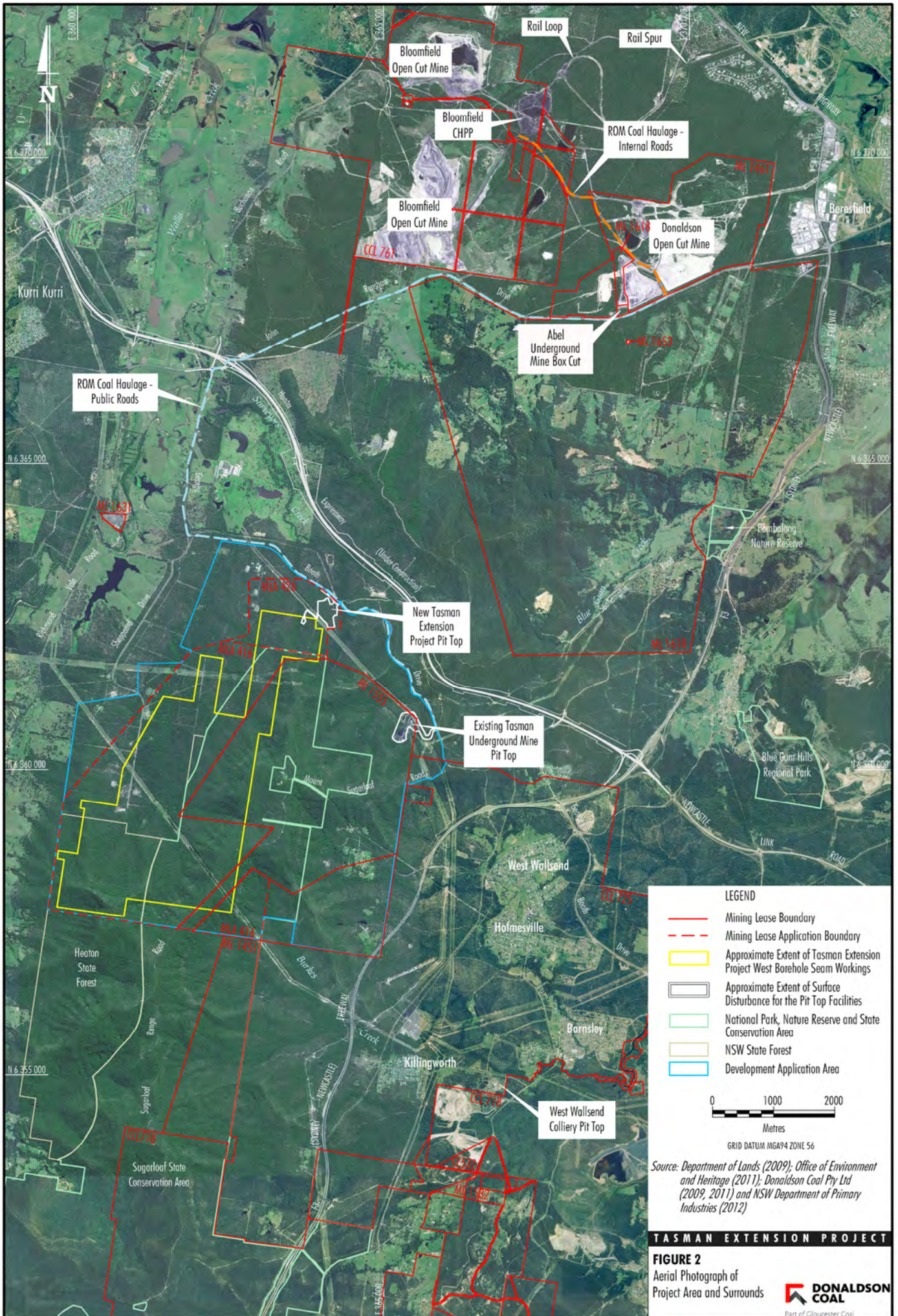


Source: Geoscience Australia (2009); Department of Lands (May 2009); DECC (2009) and DCPL (2009)

**TASMAN EXTENSION PROJECT**

**FIGURE 1**  
 Regional Location





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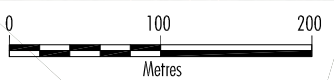
## 2 Scope of Works

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Clause 7 of the NSW State Environment Planning Policy No. 55 – Remediation of Land (SEPP 55) states that:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use..., the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. ...”*

This Land Contamination Status Review has been prepared to address these SEPP 55 requirements (NSW Department of Urban Affairs and Planning and NSW Environmental Protection Authority, 1998). The existing pit top is located within ML 1555 (**Figure 3**) where no change of use is proposed as a result of the Project (i.e. mining operations would continue).



Source: Department of Lands, 1998; MSEC, 2009 and Donaldson Coal Pty Ltd, 2009

**TASMAN EXTENSION PROJECT**

**FIGURE 3**  
Tasman Underground Mine  
Pit Top General Arrangement



This investigation has:

- Described the existing pit top condition and surrounding environment.
- Provided a summary of the existing pit top history.
- Identified past and present potentially contaminating activities and potential contaminant types.
- Provided a preliminary assessment of the site contamination.
- Assessed the need for further investigations.
- Assessed the suitability of the existing pit top for the proposed use (i.e. mining operations).

A desktop site history assessment for the existing pit top and surrounds was conducted using information collected and collated from the following sources:

- Review of available existing pit top history details.
- NSW Office of Environment and Heritage (OEH) *Protection of Environment Operations Act 1997* (POEO Act) Public Register.
- OEH's Contaminated Land – Record of Notices.
- NSW Land and Property Information (LPI) – Historic Title Search.
- Historical aerial photographs.
- Section 149 Planning Certificate.
- Lake Macquarie City Council records.

A site inspection of the existing pit top was conducted to obtain further information about potential contaminated land identified during the desktop site history assessment and to identify any additional contaminated land within the existing pit top.

The *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 1992) has also been considered during the preparation of the Land Contamination Assessment. Relevant guidelines and references used in the preparation of this investigation are presented in **Section 8** of this report.



### 3 Site Identification

**Table 1** describes the existing pit top with the location and general arrangement shown on **Figure 3**.

**Table 1 Existing Pit Top Details**

<b>Site Address</b>	160 George Booth Drive, Seahampton, NSW.
<b>Site Area</b>	Approximately 81 hectares.
<b>Title</b>	Lot 103 DP 1164569
<b>Local Government Area (LGA)</b>	Lake Macquarie City Council.
<b>Zoning</b>	<ul style="list-style-type: none"> <li>▪ 5 Infrastructure; and</li> <li>▪ 7(2) Conservation (Secondary).</li> </ul>
<b>Elevation</b>	70 – 160 m Australian Height Datum.
<b>Site Location Co-ordinates</b>	Latitude 32.884 S Longitude 151.561 E
<b>Existing Land Use</b>	<ul style="list-style-type: none"> <li>▪ Existing Tasman Underground Mine pit top;</li> <li>▪ 132 kV transmission lines; and</li> <li>▪ Vegetated areas.</li> </ul>

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## 4 Site History

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A desk-top site history assessment was undertaken to determine the chronological history of site uses and possible sources and locations of contamination. The findings are summarised below.

### 4.1 Site History Overview

A Non-Aboriginal Heritage Assessment for the Project has been prepared by Maxim Archaeology and Heritage (2012) and is included as part of the EIS (Appendix L in the EIS). A summary of the Non-Aboriginal Heritage Assessment is provided in the Land Contamination Assessment for the Project DAA (APP, 2012a).

### 4.2 POEO Act Public Register Search

The OEH's POEO Act Public Register was searched for the existing pit top and surrounds and only one licence associated with the Tasman Underground Mine was found. The license relating to the Tasman Underground Mine is presented in **Table 2**.

**Table 2 POEO Act Public Register Search**

Number	Name	Location	Type	Issued Date
12483	Newcastle Coal Company Pty Ltd	Tasman Underground Mine	POEO Act Licence	8/5/2006

### 4.3 Contaminated Land – Record of Notices Search

The OEH's Contaminated Land – Record of Notices was searched (accessed on 30<sup>th</sup> January 2012) for the area surrounding the existing pit top and no records were identified for the existing pit top or surrounding area.

#### 4.4 Historical Title Search

**Table 3** presents a summary of the available historical aerial photographs relating to the site. Copies of aerial photographs are presented in **Figures 4 to 7**, with the approximate location of the existing pit top shown for reference.

The historic Parish Maps show the location and provide details of the history of the Richmond Vale Railway (north of the existing pit top), George Booth Drive (adjacent to the existing pit top) and transmission line easements (through the existing pit top). It is considered that due to the nature and position of these assets none have potential implications for contamination of the existing pit top.

#### 4.5 Historical Aerial Photographs

Historical aerial photographs were obtained for the subject site from LPI. Historical aerial photographs provide a record of the changes in land use over time. In this case 6 photographs from 1954 to 2011 were analysed.

Copies of aerial photographs are presented in **Figures 8 to 13**, with the approximate location of the existing pit top shown for reference. **Table 4** presents a summary of the review of historical aerial photographs relating to the site.



Figure 4 – Historic Parish of Teralba Map 1897



Figure 6 - Historic Parish of Teralba Map 1950



Figure 5 - Historic Parish of Teralba Map 1923

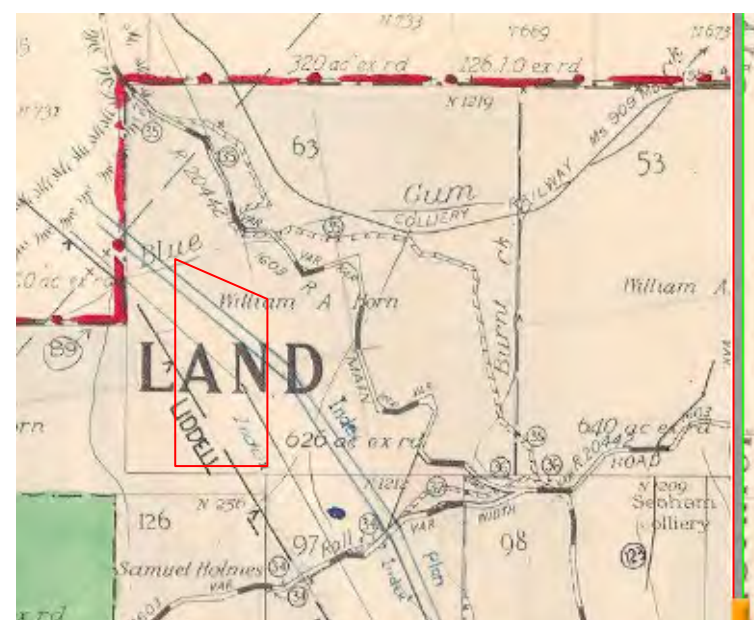


Figure 7- Historic Parish of Teralba Map 1969

Table 3 Parish Map Data Summary

Year	Description
1897	Richmond Vale colliery train line shown to the north of site. George Booth drive track shown. Land owned by W. Austin Horn.
1923	Alignment of Richmond Vale colliery railway has moved (probably due to new survey rather than any physical realignment). George Booth Drive shown as Road. New alignment shown in pencil.
1950	Alignment of George Booth Drive has moved. Existing alignment still shown in places. Railway alignment moved again. Transmission lines easement shown in pencil.
1969	Alignment of George Booth Drive similar to 1950. Transmission line easements shown.



Figure 8 - Historic Aerial Photo 1954

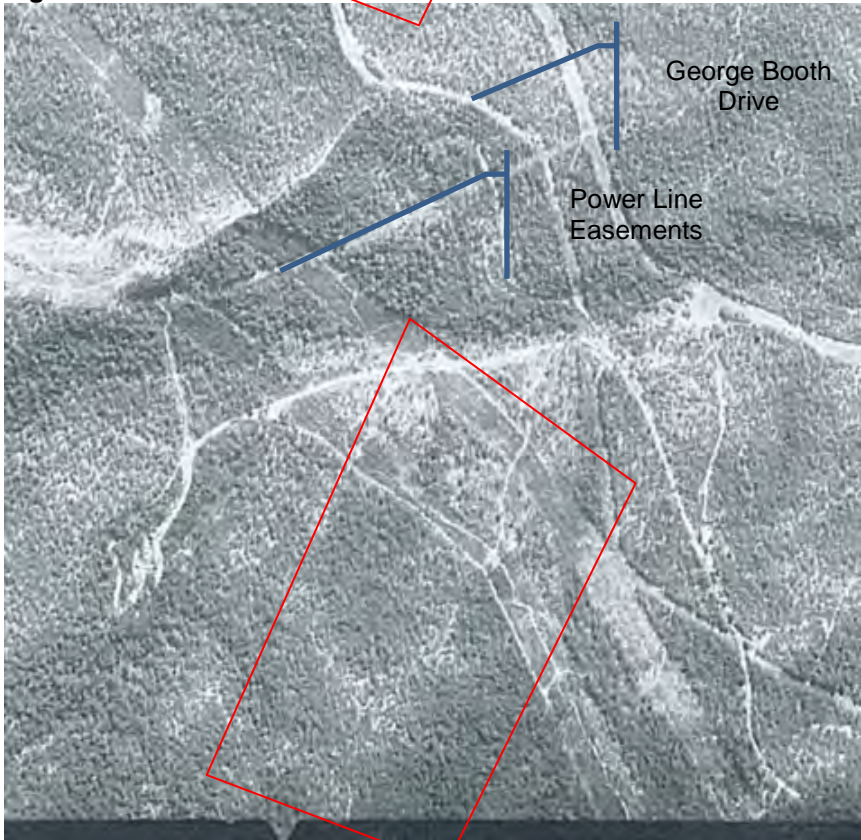
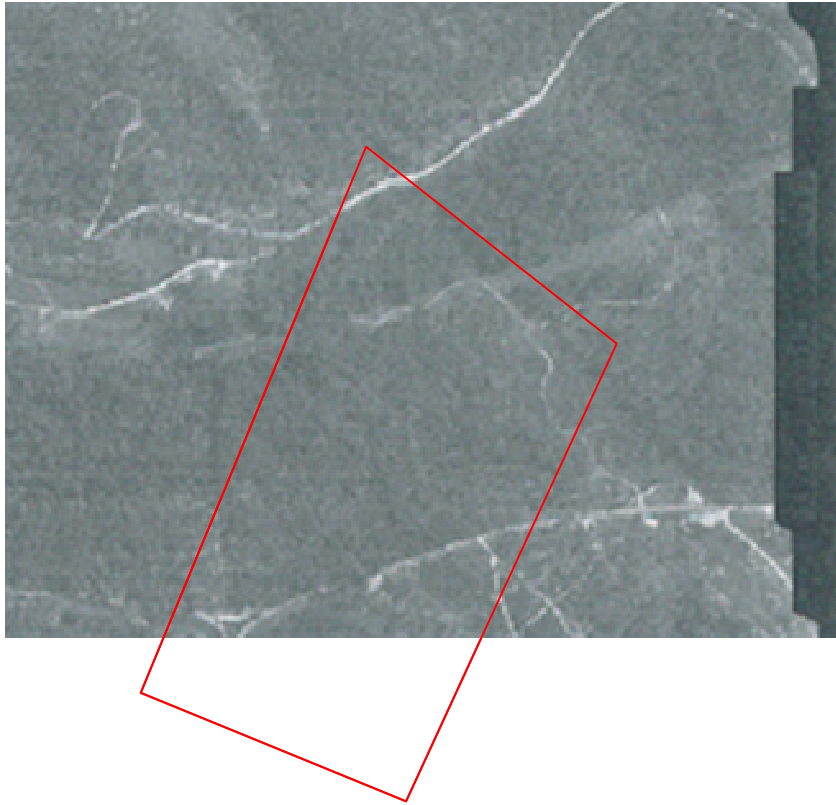


Figure 9 - Historic Aerial Photo 1975



**Figure 10 - Historic Aerial Photo 1983**



**Figure 11 - Historic Aerial Photo 1993**



**Figure 12 - Historic Aerial Photo 2004**

**Table 4 Summary of Aerial Photograph Observations**

Year	Description
1954	Site is forested. A roadway (George Booth Drive) is shown.
1975	Easements for transmission lines have been created and cleared. Tracks can be seen over site. George Booth Drive has been developed closer to its current alignment.
1983	Photo quality makes it difficult to note any changes.
1993	Transmission line easements are clearly visible. Access tracks are clearly visible. George Booth Drive alignment. Richmond Vale railway becoming overgrown with vegetation.
2004	Further vegetation removal within easements. Roads/access tracks clearly discernible.
2011	The existing pit top has been constructed including access road off George Booth Drive, mechanical workshop, office buildings, coal stockpile area, dams, laydown area and mine drifts. Power line easements clearly delineated.

#### **4.6 Section 149 Planning Certificate**

The Section 149 Planning Certificate for the property is provided in Attachment 4 to the DAA Land Contamination Assessment. In Section 7(e) of the certificate it states that there is a risk that the property is on contaminated or potentially contaminated land.

No details as to the nature of the contamination area given in this certificate. It states:

*Council does not hold sufficient information about previous use of the land to determine whether the land is contaminated. Consideration of Council's adopted policy located in DCP No. 1 (section 2.1.12 Contaminated Land), and the application of provisions under relevant State legislation is recommended.*



#### 4.7 Lake Macquarie City Council Records

A property enquiry search of the existing pit top area (Lot 103 DP1164569) which is situated within the Lake Macquarie LGA has been undertaken. The search result did not provide any indication of land contamination within the lot.

#### 4.8 Historical Railway

To the north of the subject site, running parallel to George Booth Drive is remnants of the heritage listed Richmond Vale railway line. The main line ran adjacent to the site was opened in 1857 and closed in 1962. The route and main features of the railway are presented in **Figure 13**.

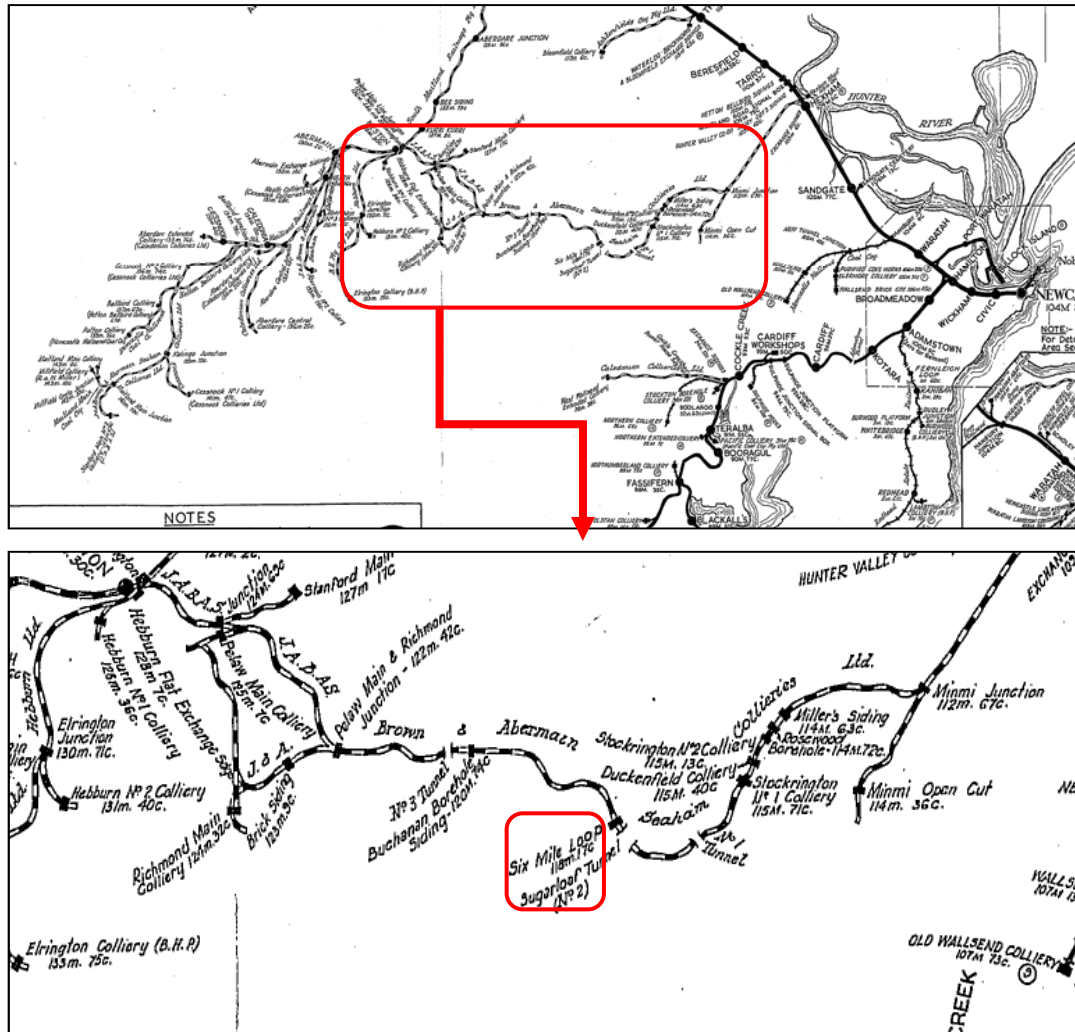


Figure 13 – NSW Railway Map Showing the Approximate Site Location

The alignment can also be seen in the early aerial photographs presented in **Figures 8 to 12.**

As the railway alignment was not on the subject land and is located down gradient of the site, there are no contamination impacts likely on the site from the historic railway.

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## 5 Site Inspection

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An inspection of the existing pit top was conducted by James Foster, APP Environmental Engineer on the 29th November 2011. The purpose of the site inspection was to obtain further information about the potential areas of land contamination identified during the desktop site history assessment and to identify any additional contaminated land at the existing pit top. A summary of the site inspection is provided below.

### 5.1 Existing Mining Activities

Three adits have been cut into the hill-side and a hard-stand area has been created for laying down materials and spares for the underground operation. A conveyor system exits the western most drift and feeds a run-of-mine (ROM) stockpile and truck loading area. This truck loading area has a wheel wash for removing dirt off truck wheels prior to travelling on public roads. A water quality dam is located adjacent to the stockpile area which receives runoff from the ROM area and wheel wash.

Downslope, an effluent irrigation area is located within an easement containing a high voltage transmission line. The existing pit top also contains a mine services area comprising of water tanks, electrical sub-boards, switchgear, water, compressed air and fire fighting services. Adjoining this area is an undercover mechanical workshop, equipment wash bay (including water treatment area) and asphalt parking area. Below this area lies a water storage dam for process water.

To the east lies the bathhouse washrooms, first aid and administration offices.

**Plates 1 to 11** show photographs of the existing pit top.

No explosives are stored at the existing pit top but are used periodically underground for mining activities.



**Plate 1 - Laydown area**



**Plate 2 – Mine entrance adit**



**Plate 3 - Laydown area and ventilation adit**



**Plate 4 - Coal conveyor**



**Plate 5 - Stockpile area**



**Plate 6 – Pollution control dam and haul truck**



**Plate 7 - Laydown area for materials**



**Plate 8 - Mine services area - pumps, air compressors and electrical equipment**



**Plate 9 - Workshop facilities**



**Plate 10 - Wash-down area capture and treatment system**





**Plate 11 - Parking area with bathhouse washrooms and administration buildings**

## **5.2 Run-off Control**

Strict controls for the separation and control of run-off from disturbed areas are in place at the existing pit top to prevent off-site pollution during rain events. Two pollution control dams collect stormwater runoff from the pit top area which is used for dust suppression. Excess water from the pollution control dams is permanently stored in abandoned underground workings to prevent off-site release.

## **5.3 Contamination Sources and Control Measures**

Sources of, and control measures for, potential contaminants within the existing pit top are presented in **Table 5**, and locations are shown in **Figure 14**.



Source: Department of Lands, 1998; MSEC, 2009 and Donaldson Coal Pty Ltd, 2009

**TASMAN EXTENSION PROJECT**

**FIGURE 14**  
Location of Potential Contamination Sources



**Table 5 Locations and Control Measures for Potential Contaminant Sources**

No <sup>1</sup>	Potential Contaminant Source	Contaminants of Concern	Control Measures
1	Runoff from water storage dams	Hydrocarbons, metals, BTEX, PAH	Water quality testing, disposal to abandoned underground workings
2	Fuel storage area	Hydrocarbons, metals, BTEX, PAH	Bunding
3	Workshop consumables	Hydrocarbons, metals, BTEX, PAH	Bunding
4	ROM coal stockpile	Hydrocarbons	Runoff capture
5	Bathhouse/ bathroom facilities effluent irrigation area	Nutrients, Pathogens	Effective treatment and disinfection/effluent water quality testing
6	Workshop washbay	Hydrocarbons, metals, BTEX, PAH	Capture and treatment of wash-water
7	ROM coal stockpile wheel wash	Hydrocarbons, metals, BTEX, PAH	Capture of wash-water

<sup>1</sup> Refer Figure 14

BTEX = benzene, toluene, ethylbenzene, xylenes

PAH = polycyclic aromatic hydrocarbons

In accordance with the Tasman Underground Mine Environmental Management System, a number of Emergency Response and Preparedness Plans have been developed to manage potential risks associated with the use of hazardous materials.

The control measures described above have been implemented to effectively mitigate the potential for contamination from the site.

A number of consumables are used at the existing pit top have the potential to contaminate the land if incorrectly handled. The Material Safety Data Sheets (MSDS) for these consumables are managed in an online database through ChemAlert and access to the current MSDS information is available to Donaldson Coal at all times.

MSDS for all substances carried are provided in Attachment A-1.

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## 6 Conclusions/Recommendations

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The objective of this Land Contamination Assessment was to determine if any potentially contaminating activities have occurred within the existing pit top. In order to determine the likelihood and type of contaminants that may be present on site, a desktop site history assessment was undertaken. This assessment consisted of searches of on-line records; reviewing historical aerial photographs and information requests to the Lake Macquarie Council. The historical information revealed no potential for contamination from historical activities, however the existing pit top was identified as a source of potential contamination.

A number of potentially contaminating activities associated with the existing mining operations were identified within the existing pit top facility. However, it was also observed that a number of management measures to control the potential impact of these potentially contaminating activities are implemented.

Based on the above assessment it is considered that further investigation is **not required** at this time and that **the existing pit top is suitable** for the proposed development (i.e. the continuation of underground mining and the continued use of the existing pit top for the Project).

As part of the decommissioning phase of the Project, land contamination investigations within the exiting pit top area (e.g. Stage 1 – Preliminary Investigation and Stage 2 – Detailed Land Contamination Assessment) and any subsequent remediation (if required) would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).

Notwithstanding the above, in the event that an area of potential land contamination is identified during the Project, work in that immediate area would cease and the area made safe. The unexpected contamination would be assessed by a suitably qualified person and remediation strategies put in place to manage this contamination if necessary after approval by the appropriate authority.

The land contamination assessment would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).

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## 7 Scope of Engagement

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This report has been prepared by APP at the request of Donaldson Coal for the purpose of preliminarily assessing the potential for contamination on the subject site and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

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## 8 References

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- Ardill Payne and Partners (2012a). *Land Contamination Assessment Stage 1 – Preliminary Investigation and Land Contamination Status Review Development Application Area – Tasman Extension Project.*
- Ardill Payne and Partners (2012b). *Land Contamination Assessment Stage 1 – Preliminary Investigation and Land Contamination Status Review New Pit Top Area.*
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council (1992). *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites. Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 57 p.*
- Department of Environment and Climate Change (2009). *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997.*
- Department of Urban Affairs and Planning and the Environmental Protection Authority (1998). *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land.*
- Maxim Archaeology and Heritage (2012). *Historical Archaeology – Tasman Underground Mine: Tasman Extension Project.*

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**9**    **Glossary**

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APP – Ardill Payne and Partners

DAA – Development Application Area

DP – Deposited Plan

EIS – Environmental Impact Statement

EPA – Environment Protection Authority (now known as Department of Environment & Climate Change and / or the Office of Environment & Heritage)

km – kilometres

LGA – Local Government Area

LPI – Land and Property Information (NSW Department of)

ML - Mining Lease

NSW – New South Wales

OEH – Office of Environment & Heritage

POEO – Protection of Environment Operations

ROM – Run-of-mine

SEPP 55 - State Environmental Planning Policy No. 55 – Remediation of Land



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**10 Attachments**

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Attachment A-1 MSDS Information

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ATTACHMENT A-1

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**Attachment 1**  
MSDS Information

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS</b>							
303	TITAN ULTRALUBE 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Feb 2009
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ ADMIN OFFICE STATIONERY ROOM</b>							
99	INVERTIBLE SPRAYDUSTER H K WENTWORTH PTY LIMITED	200 Millilitre	2.2	Non Hazardous	No	None	15 Nov 2007
108	VISTA WHITEBOARD CLEANER VISTA VISUALS AUSTRALIA	500 Millilitre	N/A	Non Hazardous	No	None	01 Jul 2008
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ CLEANERS STOREROOM</b>							
165	CREME WASH, 500ML - COLES SMART COLES	500 Millilitre	N/A	Non Hazardous	No	None	01 Sep 2008
146	DEB AZURE FOAM WASH DEB AUSTRALIA PTY LTD	1 Litre	N/A	Non Hazardous	No	None	07 Jan 2010
166	DEB PURE WASH DEB AUSTRALIA PTY LTD	4 Litre	N/A	Non Hazardous	No	None	03 May 2010
49	DEB SUN PROTECT DEB AUSTRALIA PTY LTD	2 Litre	N/A	Non Hazardous	No	None	03 May 2010
167	DEB UNIVERSAL PROTECT DEB AUSTRALIA PTY LTD	3 Litre	N/A	Non Hazardous	No	None	03 May 2010

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
215	GENESIS HAMMERSLEY PRODUCTS (AUST) PTY LTD	20 Litre	N/A	Hazardous	No	None	01 Jul 2007
143	GUMPTION MULTI PURPOSE CLEANSER CLOROX AUSTRALIA PTY LIMITED	500 Gram	N/A	Non Hazardous	No	None	01 Dec 2008
169	HOME BRAND SPRAY SURFACE LOW IRR 250G WOOLWORTH SAFEWAY	250 Gram	2.1	Hazardous	No	None	17 Aug 2010
148	HYDROSOLV HAMMERSLEY PRODUCTS (AUST) PTY LTD	40 Litre	N/A	Hazardous	No	None	01 Feb 2007
209	INSTANT FOAM HAND SANITISER DEB AUSTRALIA PTY LTD	9 Litre	3	Hazardous	No	None	12 Feb 2009
140	JOHNNY WIPE GLASS CLEANER JOHNNY WIPE ENTERPRISES PTY LTD	20 Litre	N/A	Non Hazardous	No	None	01 Feb 2007
216	SC239 HAMMERSLEY PRODUCTS (AUST) PTY LTD	20 Litre	N/A	Hazardous	No	None	01 Aug 2007
145	SUPREGA BLUE DEB AUSTRALIA PTY LTD	20 Litre	N/A	Non Hazardous	No	None	27 Jan 2009
55	SUPREGA PLUS DEB AUSTRALIA PTY LTD	12 Litre	N/A	Non Hazardous	No	None	27 Jan 2009

## Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ DRY STORE

31	MASTERFLOW 870 BASF AUSTRALIA LIMITED	600 Kilogram	N/A	Hazardous	No	None	27 Mar 2011
27	SAP FINES (HPF) POLYMER INNOVATIONS PTY LTD	576 Kilogram	N/A	Non Hazardous	No	None	01 Jan 2010

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
10	SIKA GUNITE GP SIKA AUSTRALIA PTY LTD	1120 Kilogram	N/A	Hazardous	No	None	23 Sep 2008
16	SPILL-SORB OPEC SYSTEMS PTY LTD	504 Kilogram	N/A	Non Hazardous	No	None	17 Sep 2010
30	STRATABINDER HS/STRATABINDER HS SLOWSET MINOVA AUSTRALIA PTY LTD	2800 Kilogram	N/A	Hazardous	No	None	01 Dec 2007
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ ELECTRICAL STORAGE IN WORKSHOP</b>							
139	ALVANIA GREASE (R3) TYCO ELECTRONICS ENERGY DIVISION	225 Gram	N/A	Hazardous	No	None	10 Sep 2007
46	NF CONTACT CLEANER 2017 CRC INDUSTRIES (AUST) PTY LIMITED	400 Gram	2.2	Hazardous	No	None	31 May 2011
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ FIRST AID ROOM</b>							
229	0.9% SODIUM CHLORIDE IRRIGATION SOLUTION BAXTER HEALTHCARE CORPORATION	1500 Millilitre	N/A	Non Hazardous	No	None	15 Oct 2009
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	350 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
171	ESSENTIALS BARRIER CREAM SANOFI-AVENTIS CONSUMER HEATHCARE	375 Gram	N/A	Non Hazardous	No	None	14 Jun 2007
196	INOVA METSAL CREAM INOVA PHARMACEUTICALS (AUSTRALIA) PTY LIMITED	300 Gram	9	Hazardous	No	None	24 Jul 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
203	INSTANT ICE PACK DRYPAC	2 Litre	N/A	Non Hazardous	No	None	03 Apr 2009
234	METHOXYFLURANE INHALATION ANALGESIC MEDICAL DEVELOPMENTS AUSTRALIA	12 Millilitre	N/A	Hazardous	No	None	01 May 2009
205	MICROSHIELD 2 CHLORHEXIDINE SKIN CLEANSER JOHNSON & JOHNSON MEDICAL PTY LTD	3 Litre	N/A	Non Hazardous	No	None	09 Jul 2007
202	MYCIL HEALTHY FEET TINEA POWDER RECKITT BENCKISER (AUSTRALIA) PTY LTD	1650 Gram	N/A	Non Hazardous	No	None	06 May 2006
200	POVIDONE IODINE PADS AND SWABSTICKS PDI - PROFESSIONAL DISPOSABLES INC (NICE-PAK PRODUCTS)	250 Gram	N/A	Non Hazardous	No	None	27 Feb 2009
198	RAPAID CREAM RYE PHARMACEUTICALS PTY LTD	250 Gram	N/A	Non Hazardous	No	None	01 Mar 2008
170	RAPAID POWDER RYE PHARMACEUTICALS PTY LTD	600 Gram	N/A	Non Hazardous	No	Approved	01 Mar 2008
227	REFRESH (ALLERGAN) ALLERGAN AUSTRALIA PTY LTD	40 Millilitre	N/A	Non Hazardous	No	None	21 May 2008
199	SKIN-PREP WIPES (WITH CETRIMIDE) SMITH AND NEPHEW PTY LTD	250 Gram	N/A	Non Hazardous	No	None	03 Apr 2008
226	SODIUM CHLORIDE 0.9% IRRIGATION PFIZER AUSTRALIA PTY LTD	1500 Millilitre	N/A	Non Hazardous	No	None	01 Dec 2007

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
197	VENTOLIN HFA GLAXOSMITHKLINE AUSTRALIA, ENV. HEALTH & SAFETY	0 None	2.2	Hazardous	No	None	16 Apr 2009
204	VIRACLEAN WHITELEY INDUSTRIAL	3 Litre	N/A	Non Hazardous	No	None	19 Sep 2008
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ OIL STORE</b>							
12	FOSFOCENT 600 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	220 Litre	9	Non Hazardous	No	None	01 Jul 2007
183	FYREX CI FLEETPOWER AUSTRALASIA PTY LTD	120 Litre	N/A	Hazardous	No	None	01 Mar 2005
6	PLANTO DRILLSAFE 100 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	185 Litre	N/A	Non Hazardous	No	None	30 Nov 2011
235	PLANTOFLUX AT-S (ISO VG 46 - 68) FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	640 Litre	N/A	Non Hazardous	No	None	01 Dec 2007
119	RENOLIN B PLUS SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	800 Litre	N/A	Non Hazardous	No	None	31 Aug 2010
5	RENOLIN CLP SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	5340 Kilogram	N/A	Non Hazardous	No	None	01 Nov 2009
4	RENOLIT MOREPLEX 2 HV FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	240 Kilogram	N/A	Non Hazardous	No	None	01 Nov 2009
150	RENOLIT POLIPLEX 1 GREASE FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	140 Kilogram	N/A	Non Hazardous	No	None	01 Jun 2007

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
11	TITAN GEAR LS 90 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	1160 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
14	TITAN HDD PREMIX COOLANT FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	40 Litre	N/A	Hazardous	No	None	01 Jan 2009
9	TITAN UNIVERSAL MF 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	1240 Litre	N/A	Non Hazardous	No	None	Obsolete [01 Oct 2006]
195	TITAN UTTO FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	260 Litre	N/A	Non Hazardous	No	None	01 Jul 2009

## Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ OPERATIONS OFFICE

26	AEROGARD TROPICAL STRENGTH INSECT REPELLENT AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	150 Gram	2.1	Hazardous	No	None	07 May 2009
25	MORTEIN FAST KNOCKDOWN FLY AND INSECT KILLER AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	300 Gram	2.1	Hazardous	No	None	15 Mar 2010

## Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ UPSTAIRS STORAGE AREA

45	3-IN-ONE MOTOR OIL WD-40 COMPANY. USA	4 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
26	AEROGARD TROPICAL STRENGTH INSECT REPELLENT AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	0 None	2.1	Hazardous	No	None	07 May 2009
49	DEB SUN PROTECT DEB AUSTRALIA PTY LTD	625 Millilitre	N/A	Non Hazardous	No	None	03 May 2010



# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
24	DEVCON STOP SEIZE NICKEL ITW POLYMERS & FLUIDS PTY LTD	2000 Gram	N/A	Hazardous	No	None	20 Sep 2007
35	DOW CORNING 732 MULTI-PURPOSE SEALANT CLEAR DOW CORNING AUSTRALIA PTY LTD	2790 Gram	N/A	Non Hazardous	No	None	14 Apr 2009
18	DOW CORNING 732 MULTI-PURPOSE SEALANT CLEAR DOW CORNING AUSTRALIA PTY LTD	695 Millilitre	N/A	Non Hazardous	No	None	14 Apr 2009
50	EPIREZ ACID RESISTANT EPOXY MORTAR BINDER (133AR) ITW POLYMERS & FLUIDS PTY LTD	16 Litre	9	Hazardous	No	None	10 Mar 2011
23	FLUID FILM LIQUID AR STOTT INDUSTRIAL SUPPLIES (SUPPLIER FOR EUREKA CHEMICAL CO)	3000 Millilitre	N/A	Non Hazardous	No	None	18 Feb 2009
21	GENERAL PURPOSE LIQUID LANOLIN LANOTEC AUSTRALIA PTY LTD	6750 Millilitre	N/A	Hazardous	No	None	05 Mar 2010
54	GLISTEN (HAMMERSLEY) HAMMERSLEY PRODUCTS (AUST) PTY LTD	5 Litre	N/A	Non Hazardous	No	None	01 Feb 2007
110	LOCTITE 2 GASKET SEALANT NON-HARDENING PLIABLE SEALANT HENKEL CORPORATION. USA	100 Millilitre	N/A	Hazardous	No	None	25 Oct 2006
39	LOCTITE 222 THREADLOCKER 50ML HENKEL AUSTRALIA PTY LTD	300 Millilitre	N/A	Hazardous	No	None	19 Oct 2010
40	LOCTITE 406 PRISM INSTANT ADHESIVE HENKEL AUSTRALIA PTY LTD	175 Millilitre	N/A	Hazardous	No	None	11 Mar 2010
41	LOCTITE 510 FLANGE SEALANT GASKET ELIMINATOR HIGH TEMP.	200 Millilitre	N/A	Hazardous	No	None	28 Apr 2011

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
42	HENKEL AUSTRALIA PTY LTD LOCTITE 55 PIPE SEALING CORD HENKEL AUSTRALIA PTY LTD	300 Millilitre	N/A	Non Hazardous	No	None	30 May 2011
19	HENKEL AUSTRALIA PTY LTD LOCTITE 577 THREAD SEALANT HENKEL AUSTRALIA PTY LTD	50 Millilitre	N/A	Hazardous	No	None	17 Aug 2010
43	DOW CORNING AUSTRALIA PTY LTD MOLYKOTE 111 COMPOUND DOW CORNING AUSTRALIA PTY LTD	500 Millilitre	N/A	Non Hazardous	No	None	30 Jun 2008
25	RECKITT BENCKISER (AUSTRALIA) PTY LTD MORTEIN FAST KNOCKDOWN FLY AND INSECT KILLER AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	0 None	2.1	Hazardous	No	None	15 Mar 2010
46	CRC INDUSTRIES (AUST) PTY LIMITED NF CONTACT CLEANER 2017 CRC INDUSTRIES (AUST) PTY LIMITED	9200 Gram	2.2	Hazardous	No	None	31 May 2011
44	QUICK SMART PRODUCTS PENETRENE BULK QUICK SMART PRODUCTS	9500 Millilitre	N/A	Hazardous	No	None	01 Jul 2009
53	ITW POLYMERS & FLUIDS PTY LTD ROCOL RTD METAL CUTTING COMPOUND ITW POLYMERS & FLUIDS PTY LTD	1000 Gram	N/A	Non Hazardous	No	None	29 Apr 2009
36	SWAGELOK (SUPPLIER NSW VALVE & FITTING) SNOOP SWAGELOK (SUPPLIER NSW VALVE & FITTING)	1652 Millilitre	N/A	Non Hazardous	No	None	01 Jan 2009
55	DEB AUSTRALIA PTY LTD SUPREGA PLUS DEB AUSTRALIA PTY LTD	8 Litre	N/A	Non Hazardous	No	None	27 Jan 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL SURFACE/ WORKSHOP</b>							
163	BP AUTOMOTIVE DIESEL FUEL BP AUSTRALIA LIMITED	3000 BP Size Cylinder	N/A	Hazardous	No	None	19 Aug 2010
24	DEVCON STOP SEIZE NICKEL ITW POLYMERS & FLUIDS PTY LTD	500 Gram	N/A	Hazardous	No	None	20 Sep 2007
18	DOW CORNING 732 MULTI-PURPOSE SEALANT CLEAR DOW CORNING AUSTRALIA PTY LTD	139 Millilitre	N/A	Non Hazardous	No	None	14 Apr 2009
23	FLUID FILM LIQUID AR STOTT INDUSTRIAL SUPPLIES (SUPPLIER FOR EUREKA CHEMICAL CO)	250 Millilitre	N/A	Non Hazardous	No	None	18 Feb 2009
17	GALMET DURAGAL AEROSOL ITW POLYMERS & FLUIDS PTY LTD	350 Gram	2.1	Hazardous	No	None	04 May 2007
21	GENERAL PURPOSE LIQUID LANOLIN LANOTEC AUSTRALIA PTY LTD	750 Millilitre	N/A	Hazardous	No	None	05 Mar 2010
19	LOCTITE 577 THREAD SEALANT HENKEL AUSTRALIA PTY LTD	50 Millilitre	N/A	Hazardous	No	None	17 Aug 2010
123	MOLYBOND PIN & BUSH GREASE ITW POLYMERS & FLUIDS PTY LTD	0 None	N/A	Hazardous	No	None	21 Jan 2011
119	RENOLIN B PLUS SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	31 Aug 2010
5	RENOLIN CLP SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Kilogram	N/A	Non Hazardous	No	None	01 Nov 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
2	RENOLIT HD-CE 2 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	2250 Gram	N/A	Non Hazardous	No	None	01 Nov 2009
150	RENOLIT POLIPLEX 1 GREASE FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Jun 2007
22	ROCOL RTD SPRAY ITW POLYMERS & FLUIDS PTY LTD	300 Gram	2.1	Hazardous	No	None	27 Aug 2010
15	SCRUBBER HARDY MANUFACTURING PTY LTD	20 Litre	N/A	Non Hazardous	No	None	08 Sep 2009
16	SPILL-SORB OPEC SYSTEMS PTY LTD	0 Kilogram	N/A	Non Hazardous	No	None	17 Sep 2010
7	TITAN GEAR HTB 85140 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
11	TITAN GEAR LS 90 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
14	TITAN HDD PREMIX COOLANT FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Hazardous	No	None	01 Jan 2009
8	TITAN TO-410 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	30 Sep 2011
9	TITAN UNIVERSAL MF 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	Obsolete [01 Oct 2006]

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
195	TITAN UTTO FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 Kilogram	N/A	Non Hazardous	No	None	01 Jul 2009
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ ABEL UNDERGROUND/ UNDERGROUND</b>							
230	ADHESIVE FOR PVC COATED FABRICS TISSAGE ET ENDUCTION SERGE FERRARI SA	1 Litre	3	Hazardous	No	None	27 Oct 2006
214	CALCIUM CARBONATE (GROUND LIMESTONE) OMYA AUSTRALIA PTY LIMITED	240 Kilogram	N/A	Non Hazardous	No	None	07 Apr 2010
125	CALCIUM CHLORIDE ANHYDROUS REDOX CHEMICALS PTY LTD	4000 Gram	N/A	Hazardous	No	None	01 Sep 2008
124	DSI RESIN ANCHORS DYWIDAG-SYSTEMS INTERNATIONAL PTY LIMITED	400 Kilogram	N/A	Non Hazardous	No	None	22 Apr 2008
298	DUSTPRO WETDOWN DUSTPRO PTY LTD	1000 Litre	N/A	Non Hazardous	No	None	25 Mar 2010
192	DY-MARK SAFEMARK NON FLAMMABLE AEROSOL FLUROESCENT COLOURS DY-MARK AUSTRALIA	0 Gram	2.2	Hazardous	No	None	04 Sep 2009
160	LOKSET RESIN CAPSULE MINOVA AUSTRALIA PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Jul 2008
6	PLANTO DRILLSAFE 100 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	10 Litre	N/A	Non Hazardous	No	None	30 Nov 2011
235	PLANTOFLUX AT-S (ISO VG 46 - 68) FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	120 Litre	N/A	Non Hazardous	No	None	01 Dec 2007

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
153	PLASTI-BOND - PART A SELLEYS PTY LIMITED	450 Gram	3	Hazardous	No	None	20 Oct 2009
154	PLASTI-BOND - PART B SELLEYS PTY LIMITED	20 Gram	N/A	Hazardous	No	None	20 Oct 2009
119	RENOLIN B PLUS SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	760 Litre	N/A	Non Hazardous	No	None	31 Aug 2010
5	RENOLIN CLP SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	240 Litre	N/A	Non Hazardous	No	None	01 Nov 2009
2	RENOLIT HD-CE 2 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	5400 Gram	N/A	Non Hazardous	No	None	01 Nov 2009
150	RENOLIT POLIPLEX 1 GREASE FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Jun 2007
135	SHOTPATCH 20 BASF CONSTRUCTION CHEMICALS AUSTRALIA PTY LTD	400 Kilogram	N/A	Hazardous	No	None	16 Jul 2010
10	SIKA GUNITE GP SIKA AUSTRALIA PTY LTD	960 Kilogram	N/A	Hazardous	No	None	23 Sep 2008
11	TITAN GEAR LS 90 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	260 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
14	TITAN HDD PREMIX COOLANT FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	40 Litre	N/A	Hazardous	No	None	01 Jan 2009
8	TITAN TO-410 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	30 Sep 2011

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
9	TITAN UNIVERSAL MF 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	40 Litre	N/A	Non Hazardous	No	None	Obsolete [01 Oct 2006]
32	ULTRACOLOR NON-FLAMMABLE AEROSOL MARKING PAINT - NON FLUORO COLOUR RANGE ZEUS CHEMICAL PRODUCTS (ALSO TRADING AS ULTRACOLOR PRODUCTS)	0 None	2.2	Hazardous	No	None	21 Jan 2009
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ ADMINISTRATION OFFICE</b>							
59	300GM ANCHORBOND SPRAY PAINT CAMPBELLS WHOLESALE	600 Gram	2.1	Hazardous	No	None	01 Jan 2009
207	BUSHMAN PLUS - WATER RESISTANT INSECT REPELLENT NORTH QUEENSLAND LABORATORIES PTY LTD	350 Gram	N/A	Hazardous	No	None	22 Sep 2008
99	INVERTIBLE SPRAYDUSTER H K WENTWORTH PTY LIMITED	342 Millilitre	2.2	Non Hazardous	No	None	15 Nov 2007
25	MORTEIN FAST KNOCKDOWN FLY AND INSECT KILLER AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	300 Gram	2.1	Hazardous	No	None	15 Mar 2010
86	MR SHEEN TRIGGER RECKITT BENCKISER (AUSTRALIA) PTY LTD	300 Millilitre	N/A	Non Hazardous	No	None	24 May 2011
92	PINE O CLEEN COMPLETE CLEAN MULTI PURPOSE CLEANER RECKITT BENCKISER (AUSTRALIA) PTY LTD	500 Millilitre	N/A	Non Hazardous	No	None	17 Aug 2010
108	VISTA WHITEBOARD CLEANER VISTA VISUALS AUSTRALIA	500 Millilitre	N/A	Non Hazardous	No	None	01 Jul 2008

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ BATHHOUSE</b>							
166	DEB PURE WASH DEB AUSTRALIA PTY LTD	4 Litre	N/A	Non Hazardous	No	Approved	03 May 2010
49	DEB SUN PROTECT DEB AUSTRALIA PTY LTD	1 Litre	N/A	Non Hazardous	No	None	03 May 2010
167	DEB UNIVERSAL PROTECT DEB AUSTRALIA PTY LTD	2 Litre	N/A	Non Hazardous	No	Approved	03 May 2010
202	MYCIL HEALTHY FEET TINEA POWDER RECKITT BENCKISER (AUSTRALIA) PTY LTD	220 Gram	N/A	Non Hazardous	No	None	06 May 2006
170	RAPAIID POWDER RYE PHARMACEUTICALS PTY LTD	600 Gram	N/A	Non Hazardous	No	Approved	01 Mar 2008
145	SUPREGA BLUE DEB AUSTRALIA PTY LTD	72 Litre	N/A	Non Hazardous	No	None	27 Jan 2009
55	SUPREGA PLUS DEB AUSTRALIA PTY LTD	24 Litre	N/A	Non Hazardous	No	None	27 Jan 2009
225	TOLNAFTATE (SCIENCELAB) SCIENCELAB.COM, INC	600 Gram	N/A	Non Hazardous	No	None	06 Nov 2008



# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ CLEANERS STORE IN BATHHOUSE</b>							
185	BLEACH 4% RAPIDCLEAN	40 Litre	N/A	Non Hazardous	No	None	01 Mar 2009
62	BLOCKETTES SEPTONE PRODUCTS PTY LTD	4 Kilogram	N/A	Hazardous	No	None	01 Apr 2010
166	DEB PURE WASH DEB AUSTRALIA PTY LTD	4 Litre	N/A	Non Hazardous	No	Approved	03 May 2010
171	ESSENTIALS BARRIER CREAM SANOFI-AVENTIS CONSUMER HEATHCARE	375 Gram	N/A	Non Hazardous	No	Approved	14 Jun 2007
148	HYDROSOLV HAMMERSLEY PRODUCTS (AUST) PTY LTD	41 None	N/A	Hazardous	No	None	01 Feb 2007
66	JOHNNY WIPE DISINFECTANT JOHNNY WIPE ENTERPRISES PTY LTD	25 Litre	N/A	Non Hazardous	No	None	01 Oct 2006
73	JOHNNY WIPE GOLDSTREAM JOHNNY WIPE ENTERPRISES PTY LTD	25 Litre	8	Hazardous	No	None	01 Aug 2007
170	RAPID POWDER RYE PHARMACEUTICALS PTY LTD	200 Gram	N/A	Non Hazardous	No	Approved	01 Mar 2008
314	REFLECTION SEPTONE PRODUCTS PTY LTD	15 Litre	N/A	Non Hazardous	No	None	01 Jun 2007
145	SUPREGA BLUE DEB AUSTRALIA PTY LTD	52 Litre	N/A	Non Hazardous	No	None	27 Jan 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
55	SUPREGA PLUS DEB AUSTRALIA PTY LTD	16 Litre	N/A	Non Hazardous	No	None	27 Jan 2009
107	URILOCK URIDAN A/S	5 Litre	N/A	Non Hazardous	No	None	11 Jan 2005
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ FIRST AID ROOM</b>							
229	0.9% SODIUM CHLORIDE IRRIGATION SOLUTION BAXTER HEALTHCARE CORPORATION	2500 Millilitre	N/A	Non Hazardous	No	None	15 Oct 2009
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	140 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	245 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	450 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	1440 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
228	BURNAID GEL 3.5G SACHETS, 25G, 50G TUBES, STERILE DRESSINGS, SPRAY GEL - BOTTLES, SQUEEZE BOTTLES RYE PHARMACEUTICALS PTY LTD	750 Gram	N/A	Non Hazardous	No	None	28 Feb 2011
146	DEB AZURE FOAM WASH DEB AUSTRALIA PTY LTD	0 None	N/A	Non Hazardous	No	None	07 Jan 2010

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
201	EDP ANTISEPTIC FIRST AID POWDER RECKITT BENCKISER (AUSTRALIA) PTY LTD	240 Gram	N/A	Non Hazardous	No	None	06 May 2006
171	ESSENTIALS BARRIER CREAM SANOFI-AVENTIS CONSUMER HEATHCARE	2250 Gram	N/A	Non Hazardous	No	Approved	14 Jun 2007
196	INOVA METSAL CREAM INOVA PHARMACEUTICALS (AUSTRALIA) PTY LIMITED	100 Gram	9	Hazardous	No	None	24 Jul 2009
203	INSTANT ICE PACK DRYPAC	0 None	N/A	Non Hazardous	No	None	03 Apr 2009
205	MICROSHIELD 2 CHLORHEXIDINE SKIN CLEANSER JOHNSON & JOHNSON MEDICAL PTY LTD	500 Millilitre	N/A	Non Hazardous	No	None	09 Jul 2007
202	MYCIL HEALTHY FEET TINEA POWDER RECKITT BENCKISER (AUSTRALIA) PTY LTD	660 Gram	N/A	Non Hazardous	No	None	06 May 2006
200	POVIDONE IODINE PADS AND SWABSTICKS PDI - PROFESSIONAL DISPOSABLES INC (NICE-PAK PRODUCTS)	0 None	N/A	Non Hazardous	No	None	27 Feb 2009
198	RAPAIID CREAM RYE PHARMACEUTICALS PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Mar 2008
170	RAPAIID POWDER RYE PHARMACEUTICALS PTY LTD	1000 Gram	N/A	Non Hazardous	No	Approved	01 Mar 2008
227	REFRESH (ALLERGAN) ALLERGAN AUSTRALIA PTY LTD	0.64 Millilitre	N/A	Non Hazardous	No	None	21 May 2008

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
199	SKIN-PREP WIPES (WITH CETRIMIDE) SMITH AND NEPHEW PTY LTD	0 None	N/A	Non Hazardous	No	None	03 Apr 2008
226	SODIUM CHLORIDE 0.9% IRRIGATION PFIZER AUSTRALIA PTY LTD	2400 Millilitre	N/A	Non Hazardous	No	None	01 Dec 2007
225	TOLNAFTATE (SCIENCELAB) SCIENCELAB.COM, INC	1200 Gram	N/A	Non Hazardous	No	None	06 Nov 2008
197	VENTOLIN HFA GLAXOSMITHKLINE AUSTRALIA, ENV. HEALTH & SAFETY	0 None	2.2	Hazardous	No	None	16 Apr 2009
204	VIRACLEAN WHITELEY INDUSTRIAL	500 Millilitre	N/A	Non Hazardous	No	None	19 Sep 2008

## Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ FITTERS CUPBOARD

126	CIGWELD COMWELD COPPER AND BRASS FLUX CIGWELD PTY LTD	250 Gram	N/A	Hazardous	No	None	07 Oct 2011
128	CIGWELD COMWELD SILVER BRAZING FLUX NO. 2 CIGWELD PTY LTD	200 Gram	8 / 6.1	Hazardous	No	None	20 Oct 2011
127	COMWELD BRONZE TINNING FLUX CIGWELD PTY LTD	375 Gram	6.1	Hazardous	No	None	Obsolete [02 Oct 2006]
129	EZI-WELD 801 DYNAWELD INDUSTRIAL SUPPLIES PTY LTD	250 Millilitre	8	Hazardous	No	None	01 Jan 2009
130	REGULAR SOLDERING FLUX PASTE LA-CO INDUSTRIES INC, MARKAL COMPANY	226 Gram	N/A	Hazardous	No	None	04 Mar 2008
121	SPATTERSTOP THE LINCOLN ELECTRIC CO. (AUSTRALIA) PTY LTD	500 Gram	2.2	Hazardous	No	None	31 Aug 2011

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
174	STAG JOINTING PASTE ITW POLYMERS & FLUIDS PTY LTD	400 Gram	3	Hazardous	No	None	25 Jun 2007
180	ZINC IT CRC INDUSTRIES (AUST) PTY LIMITED	350 Gram	2.1	Hazardous	No	None	31 May 2011
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ KITCHEN</b>							
146	DEB AZURE FOAM WASH DEB AUSTRALIA PTY LTD	1 Litre	N/A	Non Hazardous	No	None	07 Jan 2010
184	PALMOLIVE REGULAR DISHWASHING LIQUID COLGATE-PALMOLIVE PTY LTD	750 Millilitre	N/A	Non Hazardous	No	None	01 Aug 2009
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ LUBRICANT STORE</b>							
163	BP AUTOMOTIVE DIESEL FUEL BP AUSTRALIA LIMITED	3000 BP Size Cylinder	N/A	Hazardous	No	None	19 Aug 2010
182	CONCRETE (BORAL CEMENT) BORAL CEMENT	240 Kilogram	N/A	Hazardous	No	None	30 Jul 2010
12	FOSFOCENT 600 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	60 Litre	9	Non Hazardous	No	None	01 Jul 2007
183	FYREX CI FLEETPOWER AUSTRALASIA PTY LTD	80 Litre	N/A	Hazardous	No	None	01 Mar 2005
84	MOLYBOND MOLYGEAR 460 ITW POLYMERS & FLUIDS PTY LTD	80 Litre	N/A	Non Hazardous	No	None	21 Jan 2011

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
85	MOLYBOND MOLYGEAR 85W140 ITW POLYMERS & FLUIDS PTY LTD	80 Litre	N/A	Non Hazardous	No	None	21 Jan 2011
6	PLANTO DRILLSAFE 100 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	105 Litre	N/A	Non Hazardous	No	None	30 Nov 2011
235	PLANTOFLUX AT-S (ISO VG 46 - 68) FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	640 Litre	N/A	Non Hazardous	No	None	01 Dec 2007
300	QUINTOLUBRIC A822-320 QUAKER CHEMICAL (AUSTRALASIA) PTY LTD	20 Litre	N/A	Non Hazardous	No	None	01 Jul 2010
119	RENOLIN B PLUS SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	1820 Litre	N/A	Non Hazardous	No	None	31 Aug 2010
5	RENOLIN CLP SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	280 Litre	N/A	Non Hazardous	No	None	01 Nov 2009
4	RENOLIT MOREPLEX 2 HV FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	27000 Gram	N/A	Non Hazardous	No	None	01 Nov 2009
100	SHELL STAMINA GREASE RL 2 SHELL COMPANY OF AUSTRALIA LTD	16200 Gram	N/A	Non Hazardous	No	None	25 Mar 2011
103	SHELL TELLUS S2 M 32 SHELL COMPANY OF AUSTRALIA LTD	100 Litre	N/A	Non Hazardous	No	None	01 Sep 2010
55	SUPREGA PLUS DEB AUSTRALIA PTY LTD	5 Litre	N/A	Non Hazardous	No	None	27 Jan 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
11	TITAN GEAR LS 90 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	200 Litre	N/A	Non Hazardous	No	None	01 Feb 2008
14	TITAN HDD PREMIX COOLANT FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	40 Litre	N/A	Hazardous	No	None	01 Jan 2009
8	TITAN TO-410 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	240 Litre	N/A	Non Hazardous	No	None	30 Sep 2011
9	TITAN UNIVERSAL MF 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	600 Litre	N/A	Non Hazardous	No	None	Obsolete [01 Oct 2006]
96	URETHYN MP2 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	10350 Gram	N/A	Non Hazardous	No	None	01 May 2007

## Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ WASHDOWN AREA

163	BP AUTOMOTIVE DIESEL FUEL BP AUSTRALIA LIMITED	15 BP Size Cylinder	N/A	Hazardous	No	None	19 Aug 2010
64	CHLOR 12 CASTLE CHEMICALS PTY LTD	275 Litre	8	Hazardous	No	None	01 Mar 2008
301	NINJA CASTLE CHEMICALS PTY LTD	125 Litre	N/A	Hazardous	No	None	01 Nov 2007
15	SCRUBBER HARDY MANUFACTURING PTY LTD	140 Litre	N/A	Non Hazardous	No	None	08 Sep 2009
106	ULTRION 8588 NALCO AUSTRALIA PTY LTD	1200 Kilogram	8	Hazardous	No	None	11 Jun 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN SURFACE/ WORKSHOP STORE &amp; SAFE-T-STORE CUPBOARD</b>							
186	5-MINUTE EPOXY HARDENER ITW DEVCON	270 Gram	N/A	Hazardous	No	None	15 Jan 2011
187	5-MINUTE EPOXY RESIN ITW DEVCON	480 Gram	N/A	Hazardous	No	None	15 Jan 2011
157	A-COMPONENT FOR TWO-COMPONENT POLYURETHANE FOAM SYSTEM FOMO PRODUCTS, INC	27 Kilogram	2.2	Hazardous	No	None	04 Jan 2010
26	AEROGARD TROPICAL STRENGTH INSECT REPELLENT AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	1050 Gram	2.1	Hazardous	No	None	07 May 2009
122	ANTI FOAM CASTLE CHEMICALS PTY LTD	6500 Millilitre	N/A	Non Hazardous	No	None	01 Jun 2008
158	B-COMPONENT FOR TWO-COMPONENT POLYURETHANE FOAM SYSTEM FOMO PRODUCTS, INC	27 Kilogram	2.2	Hazardous	No	None	05 Jan 2010
62	BLOCKETTES SEPTONE PRODUCTS PTY LTD	6 Kilogram	N/A	Hazardous	No	None	01 Apr 2010
191	BOSTIK NEVER SEEZ PURE NICKEL SPECIAL BOSTIK AUSTRALIA PTY LTD (FORMERLY BOSTIK FINDLEY)	1500 Gram	N/A	Hazardous	No	None	20 May 2009
315	CARBOMINE INJECT KOMP. A MINOVA AUSTRALIA PTY LTD	51.3 Kilogram	8	Hazardous	No	None	28 Feb 2010
316	CARBOMINE INJECT KOMP. B MINOVA AUSTRALIA PTY LTD	51.3 Kilogram	N/A	Non Hazardous	No	None	28 Feb 2010



# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
65	COLORPAK AEROSOL PAINTS FORMULA MARKETING LTD	1500 Gram	2.1	Hazardous	No	None	25 Oct 2007
87	CRC CONTACT CLEANER - AEROSOL CRC INDUSTRIES EUROPE	2800 Gram	2.1	Hazardous	No	None	31 Oct 2007
146	DEB AZURE FOAM WASH DEB AUSTRALIA PTY LTD	15 Litre	N/A	Non Hazardous	No	None	07 Jan 2010
49	DEB SUN PROTECT DEB AUSTRALIA PTY LTD	625 Millilitre	N/A	Non Hazardous	No	None	03 May 2010
178	DERMEX 7A HAMILTON PHARMACEUTICAL PTY LTD (FORMERLY HAMILTON LABS)	0 None	N/A	Non Hazardous	No	None	11 Jan 2007
24	DEVCON STOP SEIZE NICKEL ITW POLYMERS & FLUIDS PTY LTD	2000 Gram	N/A	Hazardous	No	None	20 Sep 2007
18	DOW CORNING 732 MULTI-PURPOSE SEALANT CLEAR DOW CORNING AUSTRALIA PTY LTD	695 Millilitre	N/A	Non Hazardous	No	None	14 Apr 2009
192	DY-MARK SAFEMARK NON FLAMMABLE AEROSOL FLUORESCENT COLOURS DY-MARK AUSTRALIA	14400 Gram	2.2	Hazardous	No	None	04 Sep 2009
50	EPIREZ ACID RESISTANT EPOXY MORTAR BINDER (133AR) ITW POLYMERS & FLUIDS PTY LTD	8 Litre	9	Hazardous	No	None	10 Mar 2011
51	EPIREZ GENERAL PURPOSE EPOXY MORTAR BINDER [133] HARDENER ITW POLYMERS & FLUIDS PTY LTD	2 Litre	8	Hazardous	No	None	25 Jun 2007
67	FLUID FILM LIQUID A STOTT INDUSTRIAL SUPPLIES (SUPPLIER FOR EUREKA	1500 Millilitre	N/A	Non Hazardous	No	None	18 Feb 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
	CHEMICAL CO)						
317	FOMO SILENT SEAL PART A (PRESSURISED) ERA POLYMERS PTY LTD	32 Kilogram	2.2	Hazardous	No	None	30 Nov 2010
318	FOMO SILENT SEAL PART B (PRESSURISED) ERA POLYMERS PTY LTD	32 Kilogram	2.2	Non Hazardous	No	None	04 Nov 2010
70	GALMET COLD GALVANIZING AEROSOL ITW POLYMERS & FLUIDS PTY LTD	3150 Gram	2.1	Hazardous	No	None	31 Jul 2007
188	GALMET SPRAYPAINT PRIMER AEROSOL ITW POLYMERS & FLUIDS PTY LTD	1750 Gram	2.1	Hazardous	No	None	21 Dec 2007
21	GENERAL PURPOSE LIQUID LANOLIN LANOTEC AUSTRALIA PTY LTD	11250 Millilitre	N/A	Hazardous	No	None	05 Mar 2010
54	GLISTEN (HAMMERSLEY) HAMMERSLEY PRODUCTS (AUST) PTY LTD	2 Litre	N/A	Non Hazardous	No	None	01 Feb 2007
177	HEAVY DUTY LIQUID LANOLIN LANOTEC AUSTRALIA PTY LTD	5250 Gram	N/A	Hazardous	No	None	05 Mar 2010
111	KWIK GRIP SELLEYS PTY LIMITED	0 None	3	Hazardous	No	None	25 Mar 2010
181	LECTRA CLEAN (AEROSOL) (POST FEBRUARY 2001) CRC INDUSTRIES (AUST) PTY LIMITED	2000 Gram	2.2	Hazardous	No	None	31 May 2011
110	LOCTITE 2 GASKET SEALANT NON-HARDENING PLIABLE SEALANT HENKEL CORPORATION. USA	100 Millilitre	N/A	Hazardous	No	None	25 Oct 2006
39	LOCTITE 222 THREADLOCKER 50ML HENKEL AUSTRALIA PTY LTD	200 Millilitre	N/A	Hazardous	No	None	19 Oct 2010

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
76	LOCTITE 243/243-SG THREADLOCKER HENKEL AUSTRALIA PTY LTD	100 Millilitre	N/A	Hazardous	No	None	29 Jan 2010
77	LOCTITE 277 HIGH STRENGTH THREADLOCKER HENKEL AUSTRALIA PTY LTD	150 Millilitre	N/A	Hazardous	No	None	16 Aug 2007
40	LOCTITE 406 PRISM INSTANT ADHESIVE HENKEL AUSTRALIA PTY LTD	125 Millilitre	N/A	Hazardous	No	None	11 Mar 2010
41	LOCTITE 510 FLANGE SEALANT GASKET ELIMINATOR HIGH TEMP. HENKEL AUSTRALIA PTY LTD	100 Millilitre	N/A	Hazardous	No	None	28 Apr 2011
80	LOCTITE 518 FLANGE SEALANT MASTER GASKET HENKEL AUSTRALIA PTY LTD	100 Millilitre	N/A	Hazardous	No	None	21 Jul 2009
42	LOCTITE 55 PIPE SEALING CORD HENKEL AUSTRALIA PTY LTD	300 Millilitre	N/A	Non Hazardous	No	None	30 May 2011
19	LOCTITE 577 THREAD SEALANT HENKEL AUSTRALIA PTY LTD	150 Millilitre	N/A	Hazardous	No	None	17 Aug 2010
112	LOCTITE 641 RC 250ML AU EN HENKEL AUSTRALIA PTY LTD	1000 Millilitre	N/A	Hazardous	No	None	24 Sep 2010
113	LOCTITE FREEZE AND RELEASE (AEROSOL) HENKEL AUSTRALIA PTY LTD	2790 Gram	2.1	Hazardous	No	None	18 Oct 2011
179	METHYLATED SPIRITS RECOCHEM INC (FORMERLY DIGGERS)	2 Litre	3	Hazardous	No	None	23 Apr 2010
123	MOLYBOND PIN & BUSH GREASE ITW POLYMERS & FLUIDS PTY LTD	8100 Gram	N/A	Hazardous	No	None	21 Jan 2011
43	MOLYKOTE 111 COMPOUND DOW CORNING AUSTRALIA PTY LTD	400 Gram	N/A	Non Hazardous	No	None	30 Jun 2008

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
25	MORTEIN FAST KNOCKDOWN FLY AND INSECT KILLER AEROSOL RECKITT BENCKISER (AUSTRALIA) PTY LTD	3900 Gram	2.1	Hazardous	No	None	15 Mar 2010
46	NF CONTACT CLEANER 2017 CRC INDUSTRIES (AUST) PTY LIMITED	2800 Gram	2.2	Hazardous	No	None	31 May 2011
95	RENOCLEAN QBD PLUS 65 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	40 Litre	N/A	Hazardous	No	None	30 Sep 2011
97	ROCOL FLAW FINDER CLEANER SPRAY NO.1 ITW POLYMERS & FLUIDS PTY LTD	2700 Gram	2.1	Hazardous	No	None	25 Aug 2010
98	ROCOL FLAW FINDER DEVELOPER SPRAY ITW POLYMERS & FLUIDS PTY LTD	2400 Gram	2.1	Hazardous	No	None	25 Aug 2010
53	ROCOL RTD METAL CUTTING COMPOUND ITW POLYMERS & FLUIDS PTY LTD	1000 Gram	N/A	Non Hazardous	No	None	29 Apr 2009
22	ROCOL RTD SPRAY ITW POLYMERS & FLUIDS PTY LTD	600 Gram	2.1	Hazardous	No	None	27 Aug 2010
236	SLQ SERIES TLCS PT TECH INC.	0 None	N/A	Non Hazardous	No	None	06 Jul 2010
36	SNOOP SWAGELOK (SUPPLIER NSW VALVE & FITTING)	944 Millilitre	N/A	Non Hazardous	No	None	01 Jan 2009
313	SOLO AEROSOL SMOKE DETECTOR TESTER NO CLIMB PRODUCTS LTD	2500 Millilitre	2.2	Hazardous	No	None	22 May 2008
193	SOLVENT CEMENT TYPE N BLUE ATHERTON CHEMICALS PTY LIMITED	1000 Millilitre	3	Hazardous	No	None	04 Dec 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
174	STAG JOINTING PASTE ITW POLYMERS & FLUIDS PTY LTD	800 Gram	3	Hazardous	No	None	25 Jun 2007
55	SUPREGA PLUS DEB AUSTRALIA PTY LTD	8 Litre	N/A	Non Hazardous	No	None	27 Jan 2009
102	TECTYL 506 (AEROSOL) VALVOLINE (AUSTRALIA) PTY LTD	800 Gram	2.1	Hazardous	No	None	01 Jan 2007
105	ULTRACOLOR AEROSOL SPRAY PAINT - COLOUR RANGE ZEUS CHEMICAL PRODUCTS (ALSO TRADING AS ULTRACOLOR PRODUCTS)	1050 Gram	2.1	Hazardous	No	None	25 Sep 2009
299	UNICK SILICONE HEAT TRANSFER COMPOUND DICK SMITH ELECTRONICS PTY LTD	450 Gram	N/A	Non Hazardous	No	None	01 May 2007
109	WATTYL KILLRUST GLOSS ENAMEL AEROSOL (MCRLF) WATTYL (AUSTRALIA) PTY LTD	52 Litre	2.1	Hazardous	No	None	11 Sep 2008
189	WATTYL SIGMACOVER CM COATING MCRLF PART A WATTYL (AUSTRALIA) PTY LTD	15.1 Litre	3	Hazardous	No	None	06 Oct 2008
190	WATTYL SIGMACOVER CM PART B WATTYL (AUSTRALIA) PTY LTD	3.3 Litre	3	Hazardous	No	None	06 Oct 2008
176	WD40 BULK WD-40 COMPANY LIMITED	12 Litre	3	Hazardous	No	None	01 Sep 2007
218	WOOLUBE GREASE WOOLUBE LABORATORIES PTY LTD	5 Litre	N/A	Non Hazardous	No	None	01 Jun 2008
180	ZINC IT CRC INDUSTRIES (AUST) PTY LIMITED	2450 Gram	2.1	Hazardous	No	None	31 May 2011

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
<b>Site: DONALDSON UNDERGROUND OPERATIONS/ TASMAN UNDERGROUND</b>							
163	BP AUTOMOTIVE DIESEL FUEL BP AUSTRALIA LIMITED	80 BP Size Cylinder	N/A	Hazardous	No	None	19 Aug 2010
214	CALCIUM CARBONATE (GROUND LIMESTONE) OMYA AUSTRALIA PTY LIMITED	20 Tonne	N/A	Non Hazardous	No	None	07 Apr 2010
125	CALCIUM CHLORIDE ANHYDROUS REDOX CHEMICALS PTY LTD	1000 Kilogram	N/A	Hazardous	No	None	01 Sep 2008
192	DY-MARK SAFEMARK NON FLAMMABLE AEROSOL FLUROESCENT COLOURS DY-MARK AUSTRALIA	0 Gram	2.2	Hazardous	No	None	04 Sep 2009
304	EXPANDOL KIDDE AUSTRALIA	0 Litre	N/A	Hazardous	No	Approved	09 Mar 2007
302	FALCON MINE PLASTER FALCON MINING PTY LTD	0 Kilogram	N/A	Non Hazardous	No	None	26 Jul 2010
311	LOCTITE 569 THREAD SEALANT 50ML HENKEL CORPORATION. USA	0 Millilitre	N/A	Hazardous	No	None	11 Mar 2009
308	LOCTITE 577 THREAD SEALANT MEDIUM STRENGTH HENKEL CORPORATION. USA	0 Gram	N/A	Hazardous	No	None	09 Feb 2007
160	LOKSET RESIN CAPSULE MINOVA AUSTRALIA PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Jul 2008
237	MAXI-POINT NUTECH PAINT PTY LTD	50 Kilogram	N/A	Non Hazardous	No	None	01 Jun 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
123	MOLYBOND PIN & BUSH GREASE ITW POLYMERS & FLUIDS PTY LTD	0 None	N/A	Hazardous	No	None	21 Jan 2011
6	PLANTO DRILLSAFE 100 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	30 Nov 2011
235	PLANTOFLUX AT-S (ISO VG 46 - 68) FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	200 Litre	N/A	Non Hazardous	No	None	01 Dec 2007
119	RENOLIN B PLUS SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	31 Aug 2010
5	RENOLIN CLP SERIES FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 Kilogram	N/A	Non Hazardous	No	None	01 Nov 2009
4	RENOLIT MOREPLEX 2 HV FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 Kilogram	N/A	Non Hazardous	No	None	01 Nov 2009
236	SLQ SERIES TLCS PT TECH INC.	0 None	N/A	Non Hazardous	No	None	06 Jul 2010
30	STRATABINDER HS/STRATABINDER HS SLOWSET MINOVA AUSTRALIA PTY LTD	1000 Kilogram	N/A	Hazardous	No	None	01 Dec 2007
11	TITAN GEAR LS 90 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 None	N/A	Non Hazardous	No	None	01 Feb 2008
14	TITAN HDD PREMIX COOLANT FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 Litre	N/A	Hazardous	No	None	01 Jan 2009

# Stock Holding By Site

(Site Name: DONALDSON UNDERGROUND OPERATIONS, Child Sites Included)

Sort By: Product Name, Filter By: None

Stock Number	Product Name Manufacturer/Supplier	Quantity	DG	Haz	Risk	Status	SDS Date
303	TITAN ULTRALUBE 1540 FUCHS LUBRICANTS (AUSTRALASIA) PTY LTD	0 Litre	N/A	Non Hazardous	No	None	01 Feb 2009



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**ATTACHMENT 2**

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**Attachment 2**  
Stage 1 – Preliminary  
Investigation- New Pit Top  
Area

# ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



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## ATTACHMENT 2

### LAND CONTAMINATION ASSESSMENT

### STAGE 1 - PRELIMINARY INVESTIGATION

TASMAN EXTENSION PROJECT  
NEW PIT TOP AREA

TASMAN EXTENSION PROJECT

George Booth Drive

For  
Donaldson Coal Pty Limited

March 2012

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**Document Control Sheet**

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## 1 Introduction

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The existing Tasman Underground Mine is located within Mining Lease (ML) 1555, approximately 20 kilometres (km) west of the Port of Newcastle in New South Wales (NSW) (**Figure 1**). The Tasman Underground Mine is owned and operated by Donaldson Coal Pty Limited (Donaldson Coal). Donaldson Coal is a wholly owned subsidiary of Gloucester Coal Ltd (GCL).

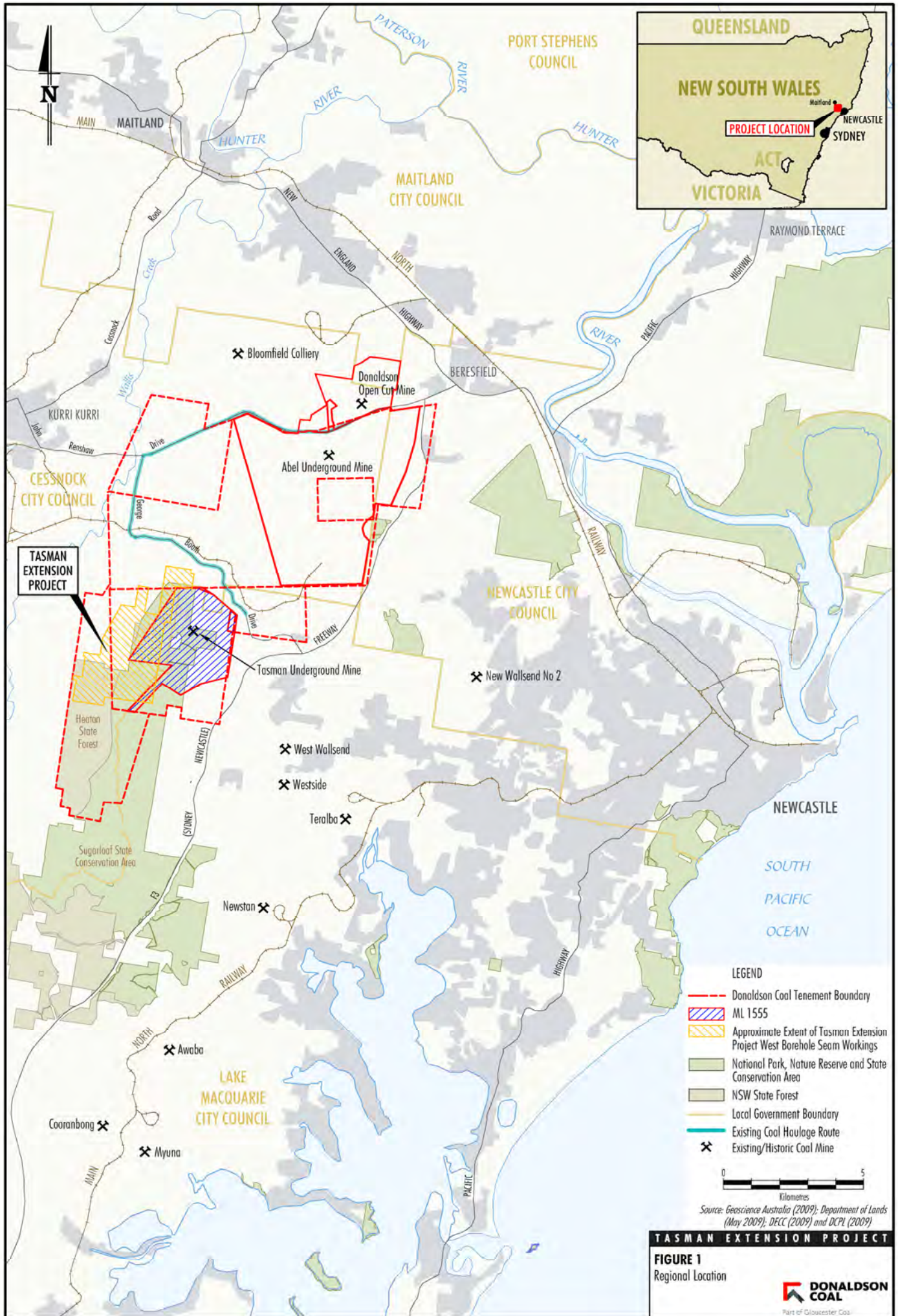
Donaldson Coal also owns and operates the Donaldson Open Cut Mine and Abel Underground Mine, which are located approximately 10 km north-east of the Tasman Underground Mine (**Figure 1**).

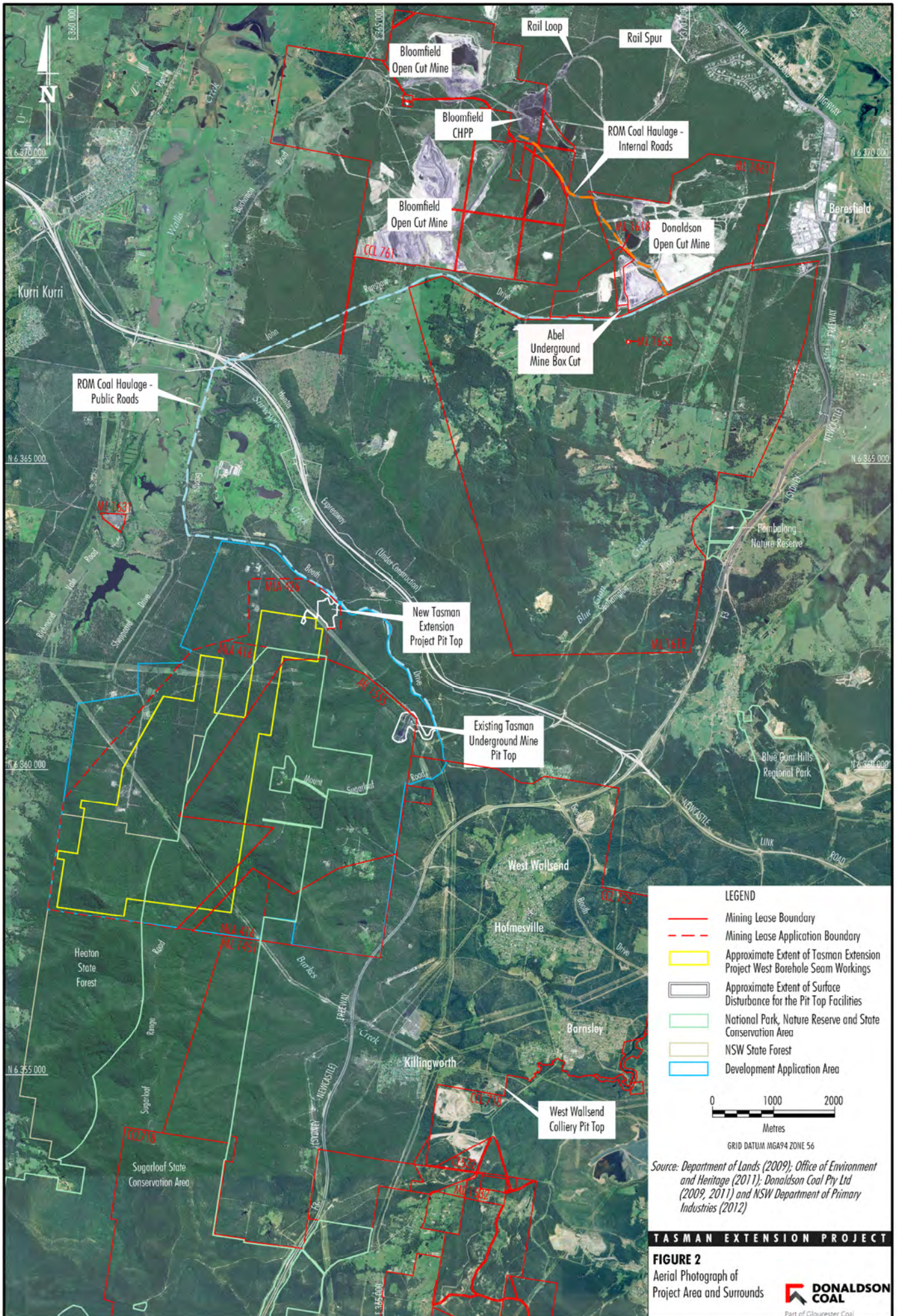
The Tasman Underground Mine commenced in May 2006, with underground mining commencing in September 2006. The Tasman Extension Project (the Project) provides for the continuation and then extension of operations at the Tasman Underground Mine and would extend the current operations by approximately 15 years.

An aerial photograph of the Project Area and surrounds is shown on **Figure 2**.

A detailed description of the Project is provided in Section 2 of the Main Report of the Environmental Impact Statement (EIS).

The Project would involve the development of a new pit top facility to provide access to the West Borehole Seam and associated surface facilities required for underground coal mining and run-of-mine (ROM) coal handling. The new pit top facility would comprise ROM coal handling infrastructure, administration facilities, worker amenities and stores buildings, workshop compound, bunded fuel tank area, electricity reticulation, water management equipment and structures and other associated infrastructure. An indicative general arrangement of the new pit top facility is provided in **Figure 3**.









Source: Donaldson Coal (2012) and Ardill Payne & Partners (2012)

TASMAN EXTENSION PROJECT

**FIGURE 3**  
Indicative Arrangement of the New Pit Top



Ardill Payne and Partners (APP) have been engaged by Donaldson Coal to undertake a Stage 1 Preliminary Investigation for the new pit top area. The new pit top would be located within Lot 101 Deposited Plan (DP) 1164569, George Booth Drive, Richmond Vale.

Separate Land Contamination Assessments have been prepared for:

- the wider Tasman Extension Project Development Application Area (DAA) (APP, 2012a); and
- the existing Tasman Underground Mine pit top area (APP, 2012b).

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## 2 Scope of Works

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Clause 7 of the NSW State Environment Planning Policy No. 55 – Remediation of Land (SEPP 55) states that:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use..., the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. ...”*

This Stage 1 – Preliminary Investigation Land Contamination Assessment has been prepared to address these SEPP 55 requirements. The areas of the Project site that would include a “change of use” are within Mining Lease Application (MLA) 426 and MLA 416. The new pit top is located within MLA 426 (**Figure 2**).

This Stage 1 – Preliminary Investigation has:

- Described the site condition and surrounding environment;
- Provided a summary of the site history;
- Identified past and present potentially contaminating activities and potential contaminant types;
- Provided a preliminary assessment of the site contamination;

- Assessed the need for further investigations; and
- Assessed the suitability of the site for the proposed use (i.e. mining operations).

A desktop site history assessment for the new pit top and surrounds was conducted using information collected from the following sources:

- Review of available existing pit top history details;
- NSW Office of Environment and Heritage (OEH) *Protection of Environment Operations Act 1997* (POEO Act) Public Register;
- OEH's Contaminated Land – Record of Notices;
- NSW Land and Property Information (LPI) – Historic Title Search;
- Historical aerial photographs;
- Section 149 Planning Certificates; and
- Cessnock City Council records.

A site inspection of the new pit top area was conducted to obtain further information about potential contaminated land identified during the desktop site history assessment and to identify any additional contaminated land within the new pit top area.

The *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 1992) has also been considered during the preparation of the Land Contamination Assessment. Relevant guidelines and references used in the preparation of this investigation are presented in **Section 9** of this report.

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### 3 Site Identification

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**Table 1** describes the new pit top area with the location and indicative general arrangement shown on **Figure 3**.

**Table 1 - New Pit Top Area Details**

<b>Site Address</b>	George Booth Drive, Richmond Vale, NSW.
<b>Site Area (ha)</b>	Approximately 24 hectares.
<b>Title</b>	Lot 101 DP 1164569
<b>Local Government Area</b>	Cessnock City Council.
<b>Zoning</b>	<p>RU2 (Rural Landscape) and DM (Deferred Matter) as described in the Cessnock City Council Local Environmental Plan (LEP), 2011.</p> <p>Land zoned as DM refers back to the land zoning under the previous Cessnock City Council LEP 1989. The 1989 LEP describes the land zoned as DM as 1(a) (Rural "A").</p>
<b>Elevation</b>	38 – 68 m Australian Height Datum.
<b>Site Location Co-ordinates</b>	Latitude 32.867 S Longitude 151.547 E
<b>Existing Land Use</b>	Vegetated area.
<b>Surrounding Environment</b>	Vegetated areas, power lines, fire trails.

---

## 4 Site History

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A desktop site history assessment was undertaken to determine the chronological history of site uses and possible sources and locations of contamination. The findings are summarised below.

### **4.1 Site History Overview**

A Non-Aboriginal Heritage Assessment for the Project has been prepared by Maxim Archaeology and Heritage (2012) and is included as part of the EIS (Appendix L in the EIS). A summary of the Non-Aboriginal Heritage Assessment is provided in the Land Contamination Assessment for the Project DAA (APP, 2012a).

### **4.2 POEO Act Public Register and Contaminated Land – Record of Notices Search**

The OEH's POEO Act Public Register and Contaminated Land – Record of Notices were searched for the new pit top area and surrounds. No records were identified for the new pit top or surrounding area which indicated potential land contamination issues.

### **4.3 Section 149 Planning Certificate**

The Section 149 Planning Certificate for the property is provided in Attachment 4 to the DAA Land Contamination Assessment. There is no mention of contamination in this Planning Certificate.

#### 4.4 Historical Aerial Photographs

**Table 2** presents a summary of the review of historical aerial photographs relating to the site. Copies of aerial photographs are presented in **Figure 4**, with the approximate extent of the new pit top area shown for reference.

**Table 2 - Summary of Aerial Photograph Observations**

Year	Description
1954	Richmond Vale Railway, old road and George Booth Drive are evident. Site is undisturbed.
1965	Railway line prominent, George Booth Drive apparent. Undisturbed bush land on subject site.
1975	Undisturbed bush land over majority of subject site. Clearing for transmission lines is evident along south-western portion of site. Walking tracks or fire trails established across site. Railway line less prominent while George Booth Drive more apparent.
1983	Undisturbed bush land over majority of subject site. Clearing and development apparent in adjacent property to the east.
1993	Undisturbed bush land over majority of subject site.
2004	Undisturbed bush land over majority of subject site.

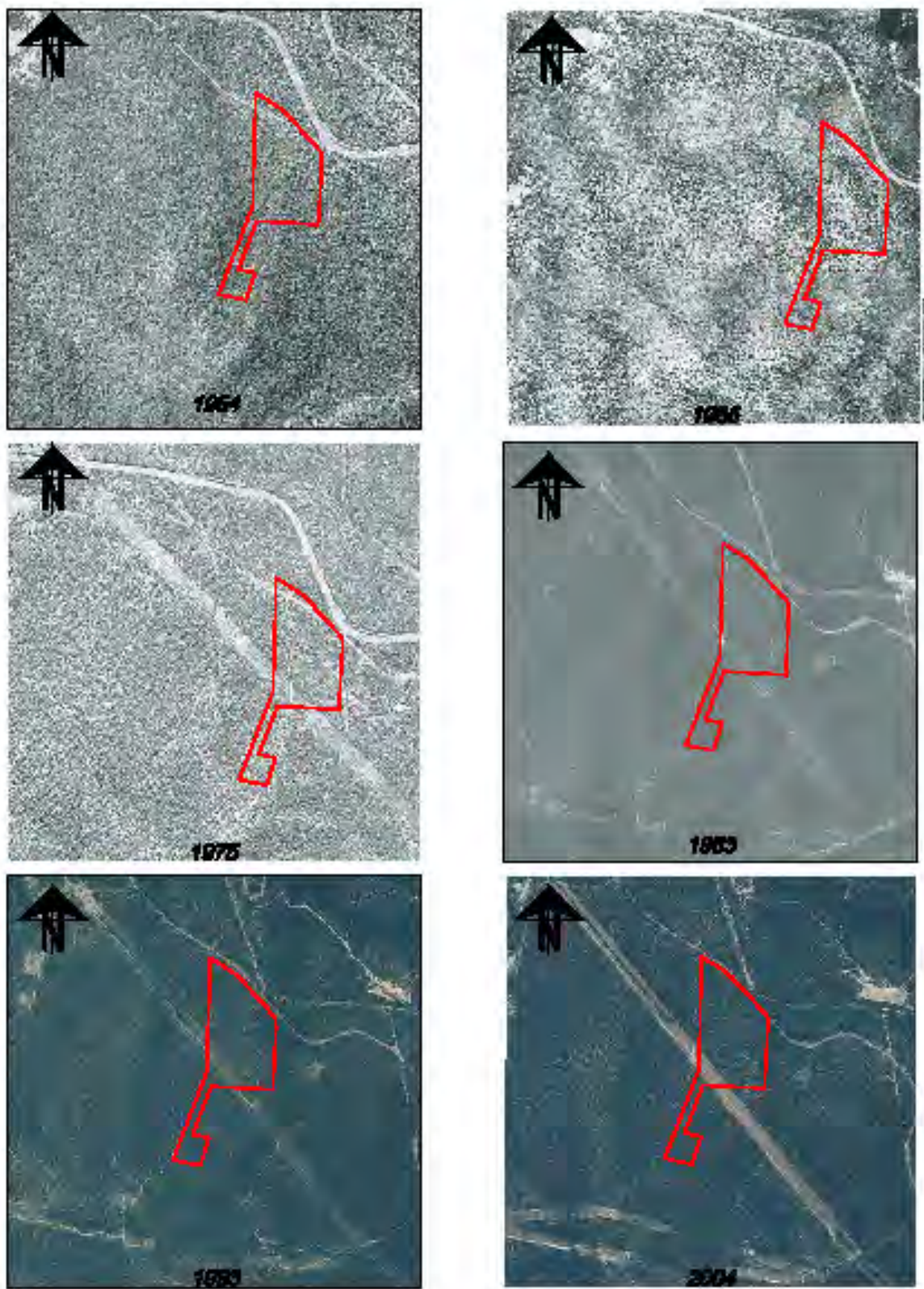


Figure 4 - Historical Aerial Photographs

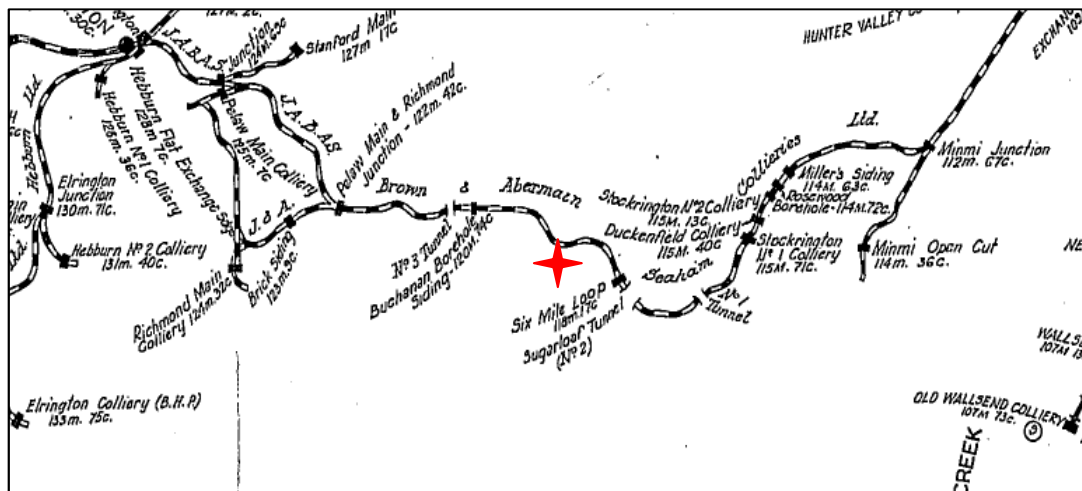


#### 4.5 Cessnock and Lake Macquarie City Council Records

The subject lot was created on 3rd December, 2010. Its prior title fell under both Cessnock and Lake Macquarie City Council jurisdiction. Efforts were made to obtain historical information from both the Cessnock and Lake Macquarie City Councils however neither Council had any historical information available for the subject site.

#### 4.6 Historical Railway

To the north of the new pit top, running parallel to George Booth Drive lays remnants of the heritage listed Richmond Vale Railway line. The main line running adjacent to the site was opened in 1857 and closed in 1962. The route of the railway is shown in **Figure 5** below.



**Figure 5 - NSW Railway Map showing the approximate site location**

The alignment can also be seen in the early aerial photographs presented in **Figure 4**. As the railway alignment was not on the subject land and is located down gradient there are no contamination impacts likely on the site from the historic railway.

#### 4.7 Desktop History Summary

Throughout the 20<sup>th</sup> Century, the new pit top area has been owned or leased by various collieries; however the surface has yet to be impacted by mining works. Land has been compulsorily acquired by the state for the construction of George Booth Drive. Easements were granted for the construction of a transmission line in the 1970s and for a pipeline in the late 1980s.

**Figure 6** shows transmission lines constructed across the site.



**Figure 6 - High Voltage Transmission Line Easement on the Site**

No transformers are apparent on transmission lines, thus eliminating the potential contamination risk posed by polychlorinated biphenyls.

No records have been found or site evidence exists to suggest that any pipework has been installed on the site in association with the above referenced pipeline easement.

The desktop site history assessment and nature of the works constructed on the site suggests that no contaminating activities have been conducted within the new pit top area.

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## 5 Site Inspection

---

### 5.1 Site Inspection

Evan Elford, Principal at APP, undertook a site inspection on 8 August 2011. A summary of the site inspection observations presented in **Table 3**.

**Table 3 - Summary of Site Inspection Observations**

<b>Topography</b>	The site slopes to the north-east and east from a ridge along the western boundary. Slopes are moderately steep, particularly in the western corner where they are approximately 10%.
<b>Surface water</b>	Surveyors Creek along the eastern boundary of the site.
<b>Observations</b>	Building and household rubbish including tyres, a hot water system, discarded furniture, sheet plastic, plastic bottles, and concrete scattered in localised areas. The site is predominated by sclerophyll forest.

### 5.2 Access Tracks

A number of access tracks cross the site. These tracks have been used for construction and maintenance activities on the power lines and for fire control activities. These access tracks have also provided access to the site for illegal dumping of rubbish on the site.

### 5.3 Pipelines

An easement for a water pipeline was identified during the desktop historical search. However, due to the fact that no other records have been provided that indicate a pipeline was physically constructed within the property and due to the lack of any relevant surface features normally associated with pipelines being observed during the site inspection it is concluded that the water pipeline was not constructed within the subject lot.

## 5.4 Illegal Dumping

Illegal dumping of building material and household rubbish including furniture, tyres, wood, concrete and builder's rubble and inert waste<sup>1</sup> has occurred within the new pit top area.

The locations of illegally dumped rubbish are shown on **Figure 7** and the nature of the material is illustrated on **Figures 8 to 13**.

Recommendations in regard to the management of illegally dumped rubbish are provided in **Section 6**.

## 5.5 Asbestos

Some small pieces of fibrous sheeting left over from the previous removal of larger areas of illegally dumped waste were identified at two locations within the new pit top area (**Figure 7**). Based on these observations it was considered that the two locations required further investigation.

Section 2.1 of the Sampling Design Guidelines (EPA, 1995) states that a preliminary sampling and analysis program may be required where investigations indicate possible sources of contamination. Given the above, sampling and analysis of the two sites where the fibrous sheeting remnants were identified was conducted.

Sampling of these sites confirmed the presence of a small amount of asbestos contamination as described in **Table 4**.

Chrysotile fibers are curly as opposed to fibers from amosite, crocidolite, tremolite, actinolite, and anthophyllite which are needle-like. These are all types of white or serpentine asbestos which was often used in fibrous cement sheeting.

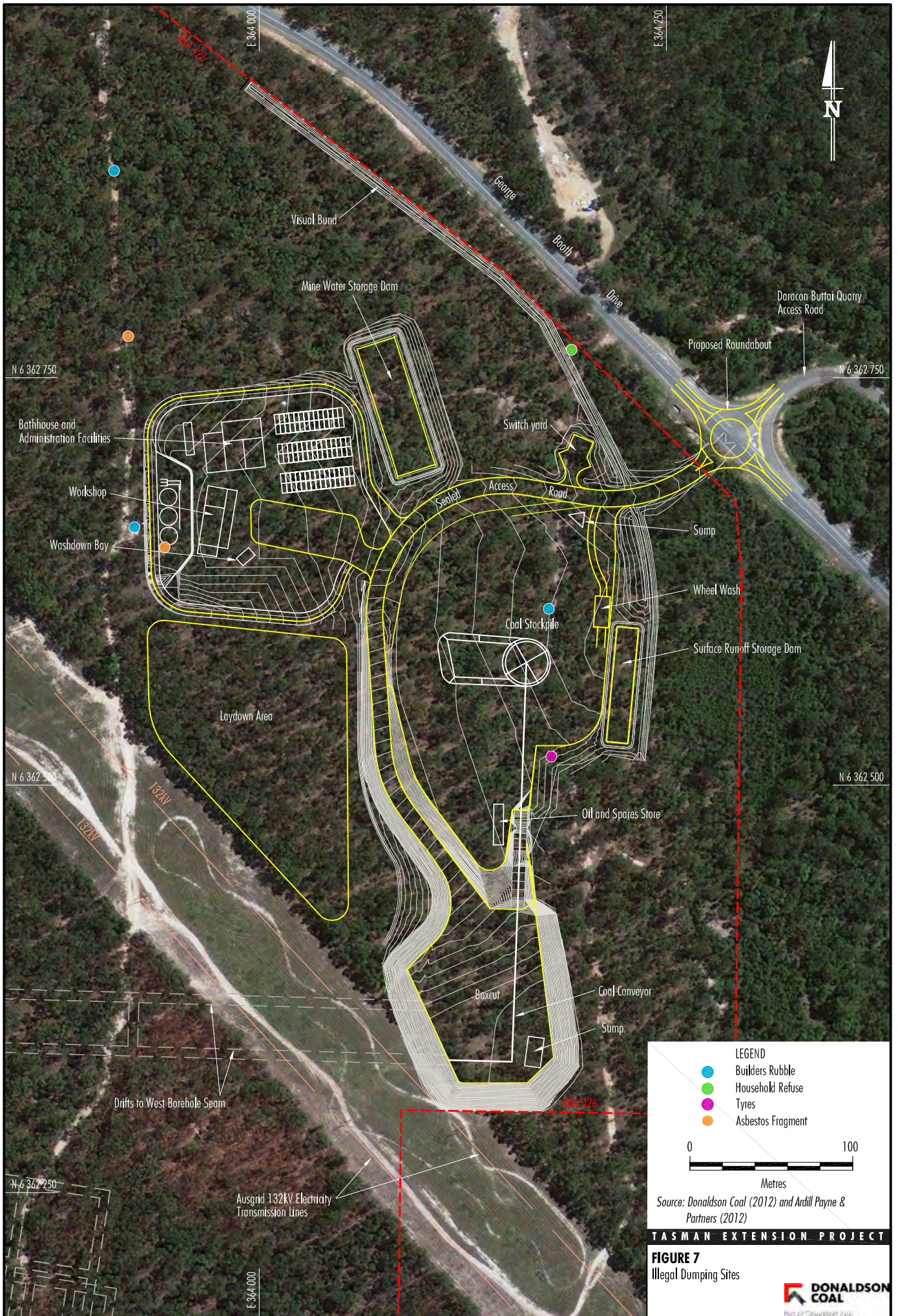
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<sup>1</sup> *inert*—this non-liquid waste type is the least likely to undergo environmentally significant transformations; therefore, it should not release significant quantities of greenhouse gases or leachates contaminated with nutrients and/or chemicals. NSW EPA, 1999.

**Table 4 - Asbestos Sample Analysis Results**

Sample Identification	Sample Description	Asbestos Identification
Site 1	Fragment of a fibre cement material	Chrysotile, Crocidolite and Amosite asbestos detected
Site 2	Fragment of a fibro plaster cement material containing organic fibres	Chrysotile and Amosite asbestos detected

A complete ban on asbestos bearing material was introduced in 1991. Asbestos in soil is a risk to health if fibres can become airborne so they may be inhaled. The risk may be increased depending on the type and amount of asbestos material in the soil, and if there is potential for it to become disturbed or airborne. Exposure to asbestos can cause mesothelioma, asbestosis and lung cancer. Recommendations for the management of asbestos fragments identified within the new pit top area are provided in **Section 6**.





**Figure 8 - Dumped Hot Water System**



**Figure 9 - Dumped Furniture**





**Figure 10 - Dumped Tyres and Wood**



**Figure 11 - Dumped Concrete and Rubble**



**Figure 12 - Inert Waste**



**Figure 13 - Plastic Waste**

## 5.6 Fire

There is visual evidence that the site has at some time in the past been impacted by bush fire as shown in **Figure 14**. Land impacted by bush fire is not deemed to be "Contaminated land" as the *Contaminated Land Management Act, 1997* refers to contaminated land as land where a substance is present at a concentration higher than is normally found on land in the same area, where that substance presents a risk of harm to human health or the environment. Fires are a natural phenomenon impacting all land in the area. The concentration of fire by-products on this land would not be any higher than the surrounding area.



**Figure 14 - Evidence of Bush Fire**

## **5.7 Surrounding Land Use**

The subject land is situated in bushland and is bisected by existing overhead transmission lines and their associated easements. The broader locality is predominantly bushland and various mining operations including underground mining.

As a consequence of the natural bushland buffers between the site and other land use activities it is not expected that any contamination of the site has occurred as a consequence of previous mining or industrial activity in the area.

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## 6 Remediation

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### 6.1 Remediation of Illegal Dumping

Two sites containing asbestos were identified during the site inspection (**Figure 7**) with the balance of the waste identified as inert solid waste.

The source of this refuse is considered to be illegal dumping by unknown parties. The degree and extent is principally located adjacent to tracks which transect the site. Some of the refuse appears to have been in place for a number of years. The refuse is unsightly and should be removed prior to development of the site, however does not preclude the use of the land for the proposed purposes. It is not deemed a threat to neighbouring properties as it cannot migrate off site. This material should be removed by a suitable contractor to an approved landfill location.

Asbestos was the only contaminant of concern identified with potential to harm humans and/or the environment. However, due to the small amount of material located (as the majority of the waste has already been removed) there is a low risk of exposure to asbestos fibres on site.

### 6.2 Duty to Report Contamination

The *Contaminated Land Management Act, 1997* requires people to notify the Environment Protection Authority (EPA) of land which is contaminated. The obligation only arises if:

- the contamination might enter neighboring land, the atmosphere, groundwater or surface water; and
- the level of contamination is likely to be above the level prescribed in the Guidelines.

The *Guideline on Investigation Levels for Soil and Groundwater* (Schedule B(1) to the NEPM) does not specify a numeric Health Investigation Level for asbestos in soils because it is difficult to establish a relationship between soil levels and airborne levels of asbestos. However, Schedule (7a) of the NEPM, which provides information on the derivation of the Health Investigation Levels, concludes that for asbestos “appropriate site-specific measures at a site are warranted if there are sufficient concerns based on site conditions and the nature of the asbestos.”

Five jurisdictions (South Australia, NSW, Victoria, Northern Territory and Queensland) use the Health Investigation Levels specified in the NEPM to at least some extent to determine whether or not a site is considered to be contaminated and hence whether reporting and remediation requirements apply. As there is no numeric Health Investigation Level for asbestos, the obligation to report asbestos contamination in these jurisdictions has to be decided on a case by case basis, taking into account the type and amount of asbestos.

It is considered that due to the nature and extent and the ease of containment and clean-up of the asbestos fragments, it is not necessary to report the contamination to the EPA.

### **6.3 Category 2 Remediation Requirements**

The *Contaminated Land Management Act, 1997* refers to remediation as the process of addressing contamination by removing, dispersing, destroying, reducing or mitigating the contamination of a piece of land.

SEPP 55 provides remediation options for various land contamination situations. It is considered that the Category 2 remediation work defined in SEPP 55 may be conducted without consent, provided the relevant conditions are met, to remediate the identified asbestos contaminated land within the new pit top area.

In this regard, the small amount of asbestos contamination identified at the new pit top area should be remediated in accordance with the SEPP 55 Category 2 remediation work, i.e. the council should be given notice in writing that the waste material is to be removed from the site by a licensed demolition/refuse contractor and be disposed of in a licensed landfill.

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## 7 Conclusions

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The objective of this Land Contamination Assessment was to determine if the new pit top area has been contaminated from current or past land usage. To determine the type of contaminants that may have been present on site, a desktop site history assessment and site inspection were undertaken.

The use proposed for the subject land is surface workings for an underground extractive industry.

The property has been shaped by the provision of infrastructure to nearby towns from power lines and roads bounding the site. No contaminating activities were identified from the provision of infrastructure or easements.

No contaminating activities were identified during the desktop assessment.

During a site inspection, various pockets of illegally dumped material were identified and mapped on the site. Small fragments of fibrous sheeting material were located at two sites within the new pit top area (evidently part of larger waste dumps which have been removed from the site), with laboratory analysis confirming the presence of Chrysotile, Crocidolite and Amosite asbestos. It is considered that these two small areas of contamination can be remediated, and no further investigation is required.

Based on the Stage 1 – Preliminary Investigation for the Project in accordance with the *Managing Land Contamination Planning Guidelines* (DUAP and EPA, 1998), there is no evidence that the area within MLA 426 is contaminated outside of the small area of asbestos contamination identified during the site inspection.



Based on the above assessment it is considered that further investigation is **not required** and **the new pit top area within MLA 426 is suitable** for the proposed development (i.e. the Project) once the small area of contamination described above is remediated.

Notwithstanding the above, in the event that an area of potential land contamination is identified during the Project work in that immediate area would cease and the area made safe. The unexpected contamination would be assessed by a suitably qualified person and remediation strategies put in place to manage this contamination if necessary after approval by the appropriate authority.

The land contamination assessment would be undertaken in accordance with the relevant guidelines (including guidelines under section 145C of the NSW *Environmental Planning and Assessment Act, 1979* and the NSW *Contaminated Land Management Act, 1997*).

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## 8 Scope of Engagement

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This report has been prepared by APP at the request of Donaldson Coal for the purpose of preliminarily assessing the potential for contamination on the subject site and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

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## 9 References

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Ardill Payne and Partners (2012a). *Land Contamination Assessment Stage 1 – Preliminary Investigation and Land Contamination Status Review Development Application Area – Tasman Extension Project.*

Ardill Payne and Partners (2012b). *Land Contamination Assessment Stage 1 – Preliminary Investigation and Land Contamination Status Review Existing Pit Top Area.*

Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council (1992). *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites. Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council, 57 p.*

Cessnock City Council. *Local Environment Plan 1989.*

Cessnock City Council. *Local Environment Plan 2011.*

Department of Urban Affairs and Planning and the Environmental Protection Authority (1998). *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land.*

Environmental Protection Authority (1995) *Contaminated Sites Sampling Design Guidelines.*

Environmental Protection Authority (1999) *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes.*

Maxim Archaeology and Heritage (2012) *Historical Archaeology – Tasman Underground Mine: Tasman Extension Project.*

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## 10 Glossary

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APP – Ardill Payne and Partners

DAA – Development Application Area

DP – Deposited Plan

EIS – Environmental Impact Statement

EPA – Environment Protection Authority (now known as Department of Environment & Climate Change and / or the Office of Environment & Heritage)

km - kilometres

LPI – Land and Property Information (NSW Department of)

ML - Mining Lease

MLA – Mining Lease Application

NSW – New South Wales

OEH – Office of Environment & Heritage

POEO – Protection of Environment Operations

ROM – Run-of-mine

SEPP 55 - State Environmental Planning Policy No. 55 – Remediation of Land

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**ATTACHMENT 3**

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**Attachment 3**  
Section 149 Certificates

27 February 2012

ARDILL PAYNE AND PARTNERS  
79 Tamar St  
BALLINA NSW 2478

Our Ref:70384  
Your Ref: 7247:4684  
ABN 81 065 027 868


**SECTION 149 PLANNING CERTIFICATE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 133.00  
Receipt No: 6841367  
Receipt Date: 24 February 2012

**DESCRIPTION OF LAND**

**Address:** 1 First Street, WEST WALLSEND NSW 2286  
**Lot Details:** Lot 2 DP 1050996  
**Parish:** Teralba  
**County:** Northumberland

For: BRIAN BELL  
GENERAL MANAGER



**ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)**

**1 Names of Relevant Planning Instruments and Development Control Plans**

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Temporary Structures) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 15 – Rural Landsharing Communities

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 30 – Intensive Agriculture

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Draft State Environmental Planning Policy No. 1 - Development Standards  
(Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft State Environmental Planning Policy (Application of Development Standard) 2004

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

## **2 Zoning and land use under relevant Local Environmental Plans**

- (1) The following answers (a) to (h) relate to the instrument (see 1(1) above).

- (a) The identity of the zone applying to the land.

1(1) Rural (Production)

7(2) Conservation (Secondary)

7(3) Environment (General)

- (b) The purposes for which the Instrument provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

- (c) The purposes for which the Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A



- (d) The purposes for which the Instrument provides that development is prohibited within the zone.

Specified in Attachment A

**NOTE: The advice in sections (b), (c), and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.**

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

Specified in Attachment C - Schedule 2.

- (f) Whether the land includes or comprises critical habitat.

No

- (g) Whether the land is in a conservation area (however described).

Yes

- (h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment D - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Instrument (see 1(2) above).

- (a) The identity of the zone applying to the land.

Nil

- (b) The purposes for which the Draft Instrument provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

- (c) The purposes for which the Draft Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument provides that development is prohibited within the zone.

Specified in Attachment A

**NOTE:** The advice in sections (b), (c), and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

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

Specified in Attachment C - Schedule 2.

- (f) Whether the land includes or comprises critical habitat.

No

- (g) Whether the land is in a conservation area (however described).

No

- (h) Whether an item of environmental heritage (however described) is situated on the land.

No

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

### 3 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land because the land is affected by specific land exemptions.

**Note:** If the land is only affected by the “heritage conservation area” exemption, then complying development under the General Housing Code MAY be carried out on the land if the development is a detached outbuilding or swimming pool.

The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

The land is excluded land being land identified by an environmental planning instrument as being environmentally sensitive or within an ecologically sensitive area.

### **Housing Alterations Code**

Complying development under the Housing Internal Alterations Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

### **General Commercial and Industrial Code**

Complying development under the General Commercial and Industrial Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

### **Subdivisions Code**

Complying development under the Subdivisions Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

### **Rural Housing Code**

Complying development under the Rural Housing Code MAY NOT be carried out on the land unless complying development is carried out on the part of the lot to which clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.

**Note:** If the land is only affected by the “heritage conservation area” exemption, then complying development under the Rural Housing Code MAY be carried out on the land if the development is a detached outbuilding or swimming pool.

The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

The land is excluded land being land identified by an environmental planning instrument as being environmentally sensitive or within an ecologically sensitive area.

#### **General Development Code**

Complying development under the General Development Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

#### **Demolition Code**

Complying development under the Demolition Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land contains a heritage item or a draft heritage item.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

#### **4 Coastal Protection**

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

#### **4A Information relating to beaches and coasts**

- 1 Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

Nil

- 2 (a) Whether the council has been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

Nil

- (b) If works have been so placed — whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Nil

- 3 such information (if any) as is required by the regulations under section 56B of the Coastal Protection Act 1979 to be included in the planning certificate and of which the council has been notified pursuant to those regulations.

Nil

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

Whether the owner (or any previous owner) of the land has 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).

Nil

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

**5 Mine subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current, or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information, mine subsidence, and advise whether existing structures comply with the requirements of the *Act*.

**6 Road widening and road realignment**

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

## **7 Council and other public authority policies on hazard risk restrictions**

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or  
(ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is divided into geotechnical zones, and section 2.1.9 Sloping Land and Soils, in DCP No.1, applies when development of land is proposed. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0333.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

Yes, as outlined below:

**Contaminated or potentially contaminated land that has undergone some form of remediation or abatement**

The land is listed in Council's Register of Contaminated or Potentially Contaminated land and Council records indicate that some form of remediation or abatement has occurred on the land. Council has adopted a policy on contaminated land. Consideration of Council's adopted Policy located in DCP No.1 (section 2.1.13 Contaminated Land), and the application of provisions under relevant State legislation is recommended.

**NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.**

**7A Flood related development controls information**

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

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**ADVICE:** Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions Plans**

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide - Glendale Catchment (2004) as amended

**10 Biobanking Agreements**

This land is not subject to a Biobanking agreement entered under Part 7A of the Threatened Species Conservation Act 1995.

**11 Bush Fire Prone Land**

ALL of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

**12 Property Vegetation Plans**

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advice provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Has an order 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).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

**14 Directions under Part 3A**

If there is a direction by the Minister in force 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 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil



**15 Site compatibility certificates and conditions for seniors housing**

- (a) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

**16 Site compatibility certificates for infrastructure**

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

**17 Site compatibility certificates and conditions for affordable rental housing**

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (2) Any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

**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:

**Matters arising under the Contaminated Land Management Act 1997 (s59 (2))**

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

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,  
No
- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,  
No
- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,  
No
- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.  
Yes

**NOTE:** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of the Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

**Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

Council has not been provided with an exemption or authorisation by the Co-ordinator General under the Act.

**ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)**

**NOTE:** SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

**18 Clearing and lopping of trees**

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

**19 Easements**

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

**20 Outstanding Notices**

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

**21 Earthquake**

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

**22 Lifestyle 2020**

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

**23 New South Wales Government Coastal Policy, 1997.**

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

**24 Sustainable Water Cycle Management.**

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

**25 Voluntary Planning Agreement**

The land is not affected by a Voluntary Planning Agreement.

**26 Natural Watercourse**

The land is affected by a natural watercourse.

**ATTACHMENTS:**

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Site Audit Statement
- F Lake Macquarie Local Environmental Plan, 2004 – Zoning map

**ATTACHMENT A**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Zone 1 (1) Rural (Production) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide for economic and employment-generating agricultural activities, and
- (b) provide for a range of compatible land uses that maintain and enhance the rural environment of the locality, and
- (c) ensure development is carried out in a manner that improves the quality of the environment, including quality of design, and is within the servicing capacity of the locality, and
- (d) encourage development and management practices that are sustainable, and
- (e) encourage the development of good quality agricultural land for agriculture (other than intensive agriculture) to the greatest extent possible, and
- (f) encourage the development of low quality agricultural land for intensive agriculture, and
- (g) provide for sustainable forestry practices, and
- (h) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and
- (i) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

Development for the purpose of agriculture (other than intensive agriculture).

**3 Only with development consent**

Development for the purpose of:

- airline terminals
- airports
- animal establishments
- aquaculture
- bed and breakfast accommodation
- bulk stores
- cemeteries and crematoriums
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- energy generation works

- environmental facilities
- extractive industries
- farm stay accommodation
- forestry
- helipads
- heliports
- home businesses
- home industries
- intensive agriculture
- mines
- retail plant nurseries
- roads
- roadside stalls
- rural industries
- sawmills
- signs
- stormwater management facilities
- sustainable generating works
- telecommunications facilities
- transport terminals
- utility installations
- veterinary hospitals
- wholesale plant nurseries

**4 Prohibited**

Development not listed in item 2 or 3.

**Proposed Amendments:** Nil

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Zone 7 (2) Conservation (Secondary) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) protect, conserve and enhance land that is environmentally important, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) enable development where it can be demonstrated that the development will not compromise the ecological, hydrological, scenic or scientific attributes of the land or adjacent land in Zone 7 (1), and
- (d) ensure that development proposals result in rehabilitation and conservation of environmentally important land, and
- (e) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

- bed and breakfast accommodation
- community facilities
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities

- emergency services facilities
- environmental facilities
- home businesses
- home industries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Proposed Amendments:** Nil

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Zone 7 (3) Environmental (General) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) maintain and enhance biodiversity, scenic quality and native riparian vegetation and habitat, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) ensure that development and land management practices do not have an adverse effect on water quality, land surface conditions and important ecosystems such as waterbodies, waterways, wetlands and rainforests, and
- (d) protect and enhance natural, rural and heritage landscapes, and
- (e) provide for sustainable water cycle management, and
- (f) encourage rehabilitation and conservation of environmentally important land.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

- agriculture (other than intensive agriculture)
- bed and breakfast accommodation
- community facilities
- drainage
- dual occupancies—attached
- dwelling houses

- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- environmental facilities
- forestry
- home businesses
- home industries
- places of public worship
- retail plant nurseries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Proposed Amendments:** Nil

**ATTACHMENT B**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 15 June 2011

**Schedule 1 Exempt development** (Clause 8)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy.

The Policy has State-wide application. Schedule 1 contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

**1 What is exempt development?**

- (1) Development is exempt development if:
- (a) it is described in Column 1 of the Table to this Schedule, and
  - (b) it is carried out within a zone specified for the development in Column 2 of that Table, and
  - (c) it complies with the criteria specified for the development in Column 2 of that Table.
- (2) However, development is not exempt development if:
- (a) it is prohibited by this plan, or
  - (b) it is not of minimal environmental impact, or
  - (c) it is carried out on land described in clause 2 of this Schedule, or
  - (d) it does not comply with any of the relevant general criteria for exempt development specified in clause 3 of this Schedule.
- (3) In measuring heights and maximum areas specified in the Table to this Schedule:
- (a) height is measured from natural ground level, and
  - (b) a maximum area for a structure is the total of all areas occupied by the type of structure, unless otherwise stated.

**2 Land on which there is no exempt development**

- (1) Development is not exempt development if it is carried out on land that:
- (a) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
  - (b) is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
  - (c) is land below the 1 in 100 year flood level if it involves the erection or use of a structure with a habitable room, or land below the 1 in 20 year flood level if it involves the erection or use of a structure with rooms none of which is habitable, except where otherwise indicated in the Table to this Schedule, or
  - (d) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or

- (e) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (f) is identified as an Aboriginal place or known Aboriginal relic on a register kept by the National Parks and Wildlife Service, or is dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
- (g) (Repealed)
- (h) is land with a slope greater than 15 degrees, or
- (i) is identified as potential acid sulfate soil Class 1 or 2 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, except where the proposed development does not involve the movement of soils on the site, or
- (j) is identified as potential acid sulfate soil Class 3 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 500mm, or
- (k) is identified as potential acid sulfate soil Class 4 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 1.5 metres, or
- (l) is within a mine subsidence area, unless the proposed development has been formally approved, prior to commencement, by the relevant Mine Subsidence Board, or
- (m) is land on which a tree or native vegetation exists, where the proposed development involves clearing for which consent is required by clause 34, or
- (n) is the site of a heritage item or an item proposed by a draft environmental planning instrument to be a heritage item, or
- (o) is subject to an order under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979* or Division 1 of Part 2 of Chapter 7 of the *Local Government Act 1993*, other than an order to demolish, that has not been complied with, or
- (p) is between a foreshore building line and the water body to which that line relates, or
- (q) is within 40 metres of a watercourse, river, stream, creek or lake—where excavation of the land (not including footings for minor structures) is proposed, or
- (r) is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

**3 Criteria that must be satisfied by all exempt development**

Development is exempt development only if it complies with all of the following general criteria relevant to the form of development:

- (a) all structures comply with the *Building Code of Australia*, including the standards identified in that code,
- (b) all structures and activities comply with the Council's adopted building lines and setbacks, unless otherwise specified in the Table to this Schedule,
- (c) the development complies with all relevant development control plans and policies approved by the Council,
- (d) no existing condition of development consent or building approval affecting a site is contravened or compromised,
- (e) no structure is built over a sewer main, easement or natural watercourse and adequate clearance is provided to all sewer junction shafts, surcharge gullies, hot water service overflow pipes, and waste outlet pipes unless prior written agreement has been obtained



- from the Council or the local water and sewerage authority or supplier, as the case may require,
- (f) the development does not require the installation or alteration of a sewage management facility,
  - (g) all structures have clearance from power lines in accordance with the relevant electricity authority or supplier,
  - (h) all structures are built with new materials or second-hand materials which retain the structural adequacy and integrity of the material when new,
  - (i) all structures are built with materials which match the design and appearance of any existing buildings on the site of the proposed development or in the immediate vicinity,
  - (j) no structure or activity obstructs vehicular or human access,
  - (k) no structure is located within the curtilage of a swimming pool which compromises the effectiveness of the swimming pool safety barrier or fence,
  - (l) all structures and activities comply with relevant legislation affecting their use and with statutory and other requirements of the Council and any other relevant public authorities.

**Table**

Column 1	Column 2
Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
Amusement devices (being a small amusement device as defined in the <i>Local Government (General) Regulation 2005</i> ) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Exempt only in Zones 3 (1), 3 (2), B4, 6 (1) and 6 (2). Must be installed and used for one day or weekend events only. Must be erected on level ground of sufficient bearing capacity to support the device. Must be registered under the <i>Occupational Health and Safety Regulation 2001</i> . Must be erected in accordance with all the conditions set out in its certificate of registration. Must have a current logbook within the meaning of the <i>Occupational Health and Safety Regulation 2001</i> . Must be subject to a contract of insurance or indemnity to an unlimited amount or no less than \$10,000,000 for each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability. Must meet the operational requirements of the WorkCover Authority.

Arcade amusement devices (eg pinball machines, virtual reality games etc)	Exempt only in Zones 3 (1), 3 (2), B4 and 6 (2). Must be located wholly within the subject premises. Maximum 5 devices installed in total.
Awnings over trade waste disposal points	Exempt only in Zones 4 (1), 4 (2) and 9. Maximum size 30m <sup>2</sup> . Maximum height 2.7m. Must facilitate maintenance of the trade waste device and enable all weather use. Must be constructed of materials that match or complement the design and appearance of existing buildings. Must not be located within front building setback.
Charity bins or clothing and recycling bins	Exempt only in Zones 3 (1), 3 (2), B4, 4 (1), 4 (2) and 4 (3). Must not result in more than 3 bins in any one location. Must be located wholly on private property and not in a public place.
Demolition	Exempt in all Zones. Demolition only of development that would be exempt development under this plan if it were being constructed or installed. Council must have issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . Demolition must be carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i> .
Earthworks (rural)	Exempt only in Zone 1 (1). Must not be for domestic purposes. Must constitute one or more of the following: (a) levelling of land to a maximum of 300mm, (b) maintenance of drainage works, (c) backfilling of dams with not more than 5 megalitres storage capacity, (d) desilting of dams, (e) maintenance of existing access roads within property boundaries.

Fuel tanks—used in conjunction with agricultural activities or home business for which consent has been granted	Exempt only in Zones 1 (1), 1 (2), 7 (2), 7 (3), 7 (5) and 9. Maximum size 5,000 litres. Must be located wholly within the boundaries of the property. Must be bunded with capacity to contain at least 125% of the capacity of the fuel tank. Must be constructed of prefabricated metal, be free-standing and not rely on other structures for support. Must be operated and maintained in accordance with Australian Standard AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i> . Must not be erected within 30m of a creek or boundary to the street or within 5m of a side or rear boundary. Minimum setback 20m from adjoining dwellings.
Hail protection	Exempt only in Zones 1 (1) and 1 (2). Must be ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).
Retaining walls	Exempt in all Zones. Must not be for domestic purposes. Maximum height 600mm (including the height of any batters) above existing ground level. Must have adequate drainage lines behind it. Must not redirect the flow of surface water onto an adjoining property. Must cause surface water to be disposed of without causing a nuisance to adjoining owners. Timber walls must comply with the following Australian Standards: (a) AS 1720.2—2006, <i>Timber structures—Timber properties</i> , (b) AS 1720.4—2006, <i>Timber structures—Fire resistance for structural adequacy of timber members</i> .
Shade structures (bird nets and the like)	Exempt only in Zone 1 (1). Must be ancillary to agriculture.
Signs (see below for additional requirements for particular sign types)	Exempt in all Zones (except where otherwise specified below for particular sign types).
<b>Note.</b>	General criteria: (a) maximum area 2m <sup>2</sup> in Zone 4 (1), 4 (2) or 4

The replacement of existing building identification signs and business identification signs (within the meaning of the standard instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> ) is exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	(3), except as otherwise specified elsewhere in this Table in relation to particular sign types, and (b) maximum area 1m <sup>2</sup> in all other Zones, except as otherwise specified elsewhere in this Table in relation to particular sign types, and (c) must not cover mechanical ventilation inlet or outlet vents, and (d) over a public road, must be at least 600mm from kerb or roadway edge, and (e) must not be illuminated or use flashing lights or similar devices for illumination, and (f) must not be mounted on vehicles, trailers, or shipping containers that stand continuously for the purpose of advertising on either public or private land, and (g) on public land, must not be mounted on trees or telegraph poles, and (h) must be located so as not to cause or create a traffic hazard including obscuring views of vehicles, pedestrians, or potentially hazardous road features, and (i) must not emit excessive glare or cause excessive reflection, and (j) must not resemble traffic warning signs, and (k) if located on bush fire prone land, must be of non-combustible material.
Signs used for display of the following:	
(a) Business identification signs in residential areas	Only exempt in Zones 2 (1) and 2 (2). Must satisfy general criteria above. Maximum area 1m <sup>2</sup> . Must be located and erected on the site to which they relate. Maximum one sign per street frontage. If over a public road, must be erected at a height no less than 2.6m above ground level.
(b) Business identification signs in commercial areas	Only exempt in Zones 3 (1) and 3 (2). Suspended under awning signs: (a) must satisfy general criteria above, and (b) must be securely fixed by metal supports, and (c) must not affect the structural integrity of the awning or building, and (d) must be located and erected on the site to

	<p>which they relate, and</p> <p>(e) maximum one sign per street frontage, and</p> <p>(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(g) maximum area 2.5m<sup>2</sup>.</p> <p>Vertical or horizontal projecting wall signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed by metal supports, and</p> <p>(c) must not affect the structural integrity of the awning or building, and</p> <p>(d) must be located and erected on the site to which they relate, and</p> <p>(e) maximum one sign per street frontage, and</p> <p>(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(g) maximum area 2.5m<sup>2</sup>.</p> <p>Flush wall signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed, and</p> <p>(c) must be located and erected on the site to which they relate, and</p> <p>(d) maximum one sign per street frontage, and</p> <p>(e) maximum area 2.5m<sup>2</sup>.</p> <p>Top hamper signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed, and</p> <p>(c) must be located and erected on the site to which they relate, and</p> <p>(d) maximum one sign per street frontage, and</p> <p>(e) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(f) maximum area 2.5m<sup>2</sup>.</p>
(c) Business identification signs in industrial areas	<p>Only exempt in Zones 4 (1), 4 (2), 4 (3) and 9. Must satisfy general criteria above. Must be securely fixed by metal supports. If located over a public road, must be erected at a height of no less than 2.6m above ground level.</p> <p>Must be located and erected on the site to which</p>

	<p>they relate.</p> <p>Maximum one sign per street frontage.</p> <p>Maximum area 2.5m<sup>2</sup>.</p>
(d) Real estate signs (advertising premises or land for sale or rent) in rural, residential and environmental protection areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5). Must satisfy general criteria above. Maximum area 2.5m<sup>2</sup>. Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage. Must be located and erected on the site to which they relate. Maximum 2 signs per street frontage.</p>
(e) Real estate signs (advertising premises or land for sale or rent) in residential (urban living) areas	<p>Only exempt in Zone 2 (2). Must satisfy general criteria above. Maximum area 4.5m<sup>2</sup>. Must be freestanding or attached to an existing approved structure eg fence. Must be located and erected on the site to which they relate. Must not detract from the amenity of adjoining and adjacent land owners. Maximum 2 signs per street frontage.</p>
(e1) Real estate signs (advertising premises or land for "open house" or "auction today") in all areas	<p>Exempt in all zones. Maximum area 1.2m<sup>2</sup>. Must be erected only on the day the premises or land is open for open house or on the auction day. Must be removed immediately after the open house has finished or the auction has been completed. Maximum one sign at street frontage. Maximum of one sign at each of the nearest 2 intersections. Must not interfere with traffic visibility or pedestrian access. Must not be attached to balloons or similar items. Must not be illuminated or use flashing lights or similar devices for illumination.</p>
(f) Real estate signs (advertising approved premises or land for sale or rent) in commercial, industrial, infrastructure and tourist areas	<p>Only exempt in Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5 and 6 (2). Must satisfy general criteria above. Maximum area 10m<sup>2</sup>. Must have structural certification. Must be located and erected on the site to which</p>

	<p>they relate.                  Maximum 2 signs per street frontage.                  Must not be displayed after 100% of the premises or land is sold or leased.</p>
(g) Directional real estate signs (advertising approved subdivisions) in rural, residential, commercial, industrial, infrastructure, tourist, natural resource and investigation areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10.                  Must satisfy general criteria above.                  In Zones 1 (1), 1 (2), 2 (1) and 2 (2), maximum area 4.5m<sup>2</sup>.                  In Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10, maximum area 6m<sup>2</sup>.                  Two sign boards joined together (eg on a corner site) are treated as 2 separate signs.                  Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage.</p> <p>Must be located within a 3km radius of the approved subdivisions to which the signs relate.                  Maximum of 4 signs within the 3km radius.                  If the nearest major arterial road or freeway is located outside the 3km radius, 2 additional signs are permitted outside the 3km radius to allow directions to be provided to the premises or land.                  Must not be displayed after 100% of land is sold.                  Must relate to approved subdivisions as a whole, not to individual lots.</p>
Silos	<p>Only exempt in Zone 1 (1).                  Maximum capacity 120 tonnes.                  Maximum height 9m.                  Must be constructed of prefabricated metal.                  Must be freestanding and not rely on other structures for support.                  Must be erected in accordance with the manufacturer's specifications or an engineer's certification.                  Minimum setback to property boundary must be equivalent to height of silo plus 1m.                  Minimum front setback 30m.</p>
Temporary structures—tents used for short term accommodation	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 6 (2), 7 (1), 7 (2), 7 (3), 7 (4), 7 (5) and 10.                  Must be erected on private land (excluding caravan parks, camping grounds and manufactured home estates the operation of which is governed by the <i>Local Government (Manufactured Home Estates, Caravan Parks,</i></p>

	<p><i>Camping Grounds and Moveable Dwellings) Regulation 2005).</i>                  Must be erected in accordance with the manufacturer's specifications and requirements.                  Must not be erected for a period exceeding 21 consecutive days.                  Stormwater runoff must not cause a nuisance to adjoining properties.                  Siting of tents must not create any noise nuisance arising from the use of the tent.                  Must be setback a minimum 1.5m from all boundaries.</p>
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**ATTACHMENT C**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Schedule 2 Subdivision standards**

(Clause 24)

**Part 1 Preliminary**

**1 Definitions**

- (1) In this Schedule:

**building area** means the area of the site capable of supporting development. It does not include:

- (a) front, side and rear setbacks, or  
(b) the access handle of a battle-axe lot.

**community association, community development lot, community parcel, community property** and **community scheme** have the same meaning as they have in the Community Land Development Act 1989.

**irregular lot** means a lot that is not a standard lot.

**neighbourhood scheme** has the same meaning as it has in the Community Land Development Act 1989

**standard lot** means a rectangular lot (and includes a rectangular corner lot).

**width** means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.

- (2) In this Schedule, the minimum area specified for battle-axe lots excludes the battle-axe access handle.  
(3) The subdivision standards in this Schedule do not apply to strata subdivision.  
(4) A heading to a clause in this Schedule is taken to be part of this Schedule.

**Part 2 Zone 1 (1) Rural (Production)**

**2 All types of subdivision**

Minimum area—20ha.

**Part 3 Zone 1 (2) Rural (Living)**

**3 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

Minimum area—1ha.

**4 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—5ha.
- (2) Community development lots:  
(a) minimum area—1,000m<sup>2</sup>,  
(b) maximum area—1,500m<sup>2</sup>,  
(c) maximum density (excluding community property)—1.6 lots per ha,  
(d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve the natural quality of the land and the rural character of the area. All remaining land must be community property under the control of the community association,  
(e) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 4 Zone 2 (1) Residential**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

**5 Any type of subdivision of approved dual occupancy**

Minimum area—250m<sup>2</sup>.

**6 Any type of subdivision of approved small lot housing**

- (1) Must create at least 3 small lot housing lots.
- (2) Each lot must:  
(a) be not less than 300m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,  
(b) have direct frontage to a public road, or an access way established as part of a community scheme.

**7 Subdivisions (other than of approved dual occupancy or approved small lot housing)**

- (1) Standard lot:  
(a) standard corner lot:  
(i) minimum area—600m<sup>2</sup>,  
(ii) minimum width—18m,  
(b) other standard lot:  
(i) minimum area—450m<sup>2</sup>,

- (ii) minimum width—14m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m,
  - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—4m, or 2 battle-axe lots—5m,
  - (iv) maximum number of battle-axe lots sharing a single access handle—2,
- (b) irregular corner lot:
  - (i) minimum area—600m<sup>2</sup>,
  - (ii) minimum width—18m,
- (c) other irregular lot:
  - (i) minimum area—450m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m.

**8 Subdivisions (other than of approved dual occupancy or approved small lot housing) that create 10 or more lots**

At least 10%, but no more than 50%, of lots must be small lot housing lots.

**Part 5 Zone 2 (2) Residential (Urban Living)**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

**9 Any type of subdivision of approved small lot housing**

- (1) Must create at least 4 small lot housing lots.
- (2) Each lot must:
  - (a) be not less than 200m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,
  - (b) have direct frontage to a public road, or an access way established as part of a community scheme.

**10 Subdivisions (other than of approved small lot housing)**

- (1) Standard lot:
  - (a) standard corner lot:
    - (i) minimum area—1,200m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
  - (b) other standard lot:
    - (i) minimum area—900m<sup>2</sup>,
    - (ii) minimum width—25m.
- (2) Irregular lot:

- (a) battle-axe lot:
  - (i) minimum area—1,500m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
  - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—8m,
  - (iv) maximum number of battle-axe lots sharing a single access handle—2,
- (b) irregular corner lot:
  - (i) minimum area—1,200m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
- (c) other irregular lot:
  - (i) minimum area—900m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m.

**Part 6 Zone 3 (1) Urban Centre (Core)**

**11 All types of subdivision**

No numeric standards.

**Part 7 Zone 3 (2) Urban Centre (Support)**

**12 All types of subdivision**

No numeric standards.

**Part 8 Zone 4 (1) Industrial (Core)**

**13 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—4,000m<sup>2</sup>,
  - (b) minimum width—40m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m,
    - (iii) minimum width of battle-axe access handle—12m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m.

**Part 9 Zone 4 (2) Industrial (General)**

**14 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

**Part 10 Zone 4 (3) Industrial (Urban Services)**

**15 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

**Part 11 Zone 5 Infrastructure**

**16 All types of subdivision**

No numeric standards.

**Part 12 Zone 6 (1) Open Space**

**17 All types of subdivision**

No numeric standards.

**Part 13 Zone 6 (2) Tourism and Recreation**

**18 All types of subdivision**

No numeric standards.

**Part 14 Zone 7 (1) Conservation (Primary)**

**19 All types of subdivision**

- (1) Minimum area for land within South Wallarah Peninsula (being land east of the Pacific Highway and south of the land to Lake Macquarie Local Environmental Plan 2000 – North Wallarah Peninsula applies)—100ha.
- (2) Minimum area for all other land within Zone 7 (1)—40ha.

**Part 15 Zone 7 (2) Conservation (Secondary)**

**20 All types of subdivision**

Minimum area—40ha.

**Part 16 Zone 7 (3) Environmental (General)**

**21 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—40ha.
- (2) Must have a square building area that has:
  - (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**22 Subdivisions for purpose of community scheme**

- (1) Community parcel:
  - minimum area—40ha.
- (2) Community development lots:
  - (a) minimum area—1,000m<sup>2</sup>,
  - (b) maximum area—2,500m<sup>2</sup>,
  - (c) maximum density (excluding community property)—1 lot per 10ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,

- (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 17 Zone 7 (4) Environmental (Coastline)**

**23 All types of subdivision**

No numeric standards.

**Part 18 Zone 7 (5) Environmental (Living)**

**24 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—2ha.
- (2) Must have a square building area that has:
  - (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**25 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—10ha.
- (2) Community development lots:
  - (a) minimum area—600m<sup>2</sup>,
  - (b) maximum area—1,200m<sup>2</sup>,
  - (c) maximum density (excluding common property)—1 lot per ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,
  - (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 19 Zone 8 National Park**

**26 All types of subdivision**

No numeric standards.

**Part 20 Zone 9 Natural Resources**

**27 All types of subdivision**

No numeric standards.

**Part 21 Zone 10 Investigation**

**28 All types of subdivision**

Subdivision prohibited.

**24 Subdivision**

- (1) Despite any other provision of this plan, subdivision of land, other than that identified in subclause (9), may be carried out only with development consent.
- (2) Land in any zone may be subdivided only if the consent authority is satisfied:
  - (a) that the resulting lots will conform to the requirements in Schedule 2 (Subdivision standards) applicable to subdivision in that zone, and
  - (b) the resulting lots can be developed in accordance with this plan.
- (3) To avoid doubt State Environmental Planning Policy No 1 – Development Standards applies to a requirement referred to in subclause (2) (a) in the same way as it applies to a development standard.
- (4) Consent must not be granted to a subdivision of land in Zone 2 (1) or 2 (2) for the purpose of small lot housing unless consent has been or is also given to the erection on the land of dwellings that will comprise small lot housing.
- (5) Consent must not be granted for a subdivision of land in Zone 2 (1) for the purpose of dual occupancy-attached or dual occupancy-detached unless consent has been or is also granted for the erection on the land of dwellings comprising that form of dual occupancy.
- (6) (Repealed)
- (7) The subdivision of land in Zone 2 (1) or 2 (2) for small lot housing is prohibited if it would result in the creation of any battle-axe lots.
- (8) The subdivision of land in Zone 10 is prohibited.
- (9) Consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size provided for by this plan in relation to the land concerned,



- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

**27 Dwelling houses, small lot housing and dual occupancies in Zone 1(2), 2(1), 2(2) or 7(5)**

- (1) This clause applies to land in Zone 1 (2), 2 (1), 2 (2) or 7 (5).
- (2) In this clause:  

**dwelling lot** means a lot that:

  - (a) was a lawfully created lot at the commencement of this plan, or
  - (b) is a lot lawfully created after that commencement under a development consent granted before or after that commencement, or
  - (c) complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of:
  - (a) a dwelling house on a dwelling lot in Zone 2 (2), or
  - (b) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (2) or 7 (5), or
- (c) a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot in Zone 2 (1).
- (5) Consent must not be granted for the erection or creation of a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot if its erection or creation would mean:
  - (a) if the lot is in Zone 1 (2), 2 (1), 2 (2) or 7 (5)—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or

- (b) if the lot is in Zone 1 (2), 2 (1) or 7 (5)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 1 (2) or 7 (5).
- (7) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a battle-axe lot in Zone 2 (1).
- (8) Consent must not be granted for the erection or creation of small lot housing in Zone 2 (1) or 2 (2):
  - (a) on a battle-axe lot, or
  - (b) on a lot less than 1,000 square metres in area.
- (9) Consent must not be granted to the erection or creation in Zone 2 (1) of:
  - (a) a dual occupancy-attached on a lot less than 500 square metres in area, or
  - (b) a dual occupancy-detached on a lot less than 600 square metres in area.

**28A Residential flat buildings and multiple dwelling housing in Zone 2(2)**

- (1) Consent must not be granted to the erection or creation of a residential flat building on:
  - (a) an irregular or standard corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 2,000 square metres and the battle-axe access handle has a minimum width of 8 metres, or
- (c) any other irregular allotment or standard allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres.
- (2) Consent must not be granted to the erection or creation of multiple dwelling housing on:
  - (a) a corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and the battle-axe access handle has a minimum width of 8 metres, or
- (c) any other allotment in Zone 2 (2) unless the allotment has a minimum area of 900 square metres and a minimum width of 25 metres.
- (3) In this clause:  

**width** means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.

**ATTACHMENT D**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 15 June 2011

**Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites**

(Clause 51 and Dictionary)

**Part 1 Heritage items other than of indigenous origins**

In this Schedule, for the purpose of listing property descriptions, the symbol **S** means identified as of State significance, **R** means identified as of regional significance, **L** means identified as of local significance, **PO** means Permissive Occupancy, **MS** means miscellaneous, **MD** means Maitland and **SP** means strata plan.

Item No	Significance	Item	Address	Property description
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**Argenton**

AG-01	L	Newcastle Mines Rescue Station	533 Lake Rd	Lot 2, DP 599235
AG-02	L	Former Cockle Creek Railway Bridge	2 (over) Cockle Creek (also see RT-09)	
AG-03	L	Cockle Creek Railway Bridge	3 (over) Cockle Creek (also see RT-03)	
AG-05	L	Church Hall and Anglican Church	477 Lake Rd	Lot 1, DP 125686
AG-06	L	Speers Point Tram Route	Frederick St (also see RT-02)	Lot 2, DP 125686

**Awaba**

AW-03	L	Former Awaba Union Church	20 Gosford St	Lot 1, Section 8, DP758041
AW-05	L	Gatekeeper's Cottage	1 Wilton Rd	Lot 1, DP 817297

**Barnsley**

BY-02	L	Johnston Family Cemetery	14A Taylor Ave	Lot 100, DP 630296
BY-03	L	Former Barnsley	91 Appletree Rd	Lot 2, DP 1001812

**Public School**

**Belmont**

BM-01	L	House "Yarragee"	23 Bellevue Rd	Lot 1, DP 881605
BM-04	L	Captain Bain's House	15 George St	Lot 2, DP 13715
BM-05	L	House "The Bennals"	45 Walter St	Lot D, DP 402085
BM-08	L	Former Ferry Wharf	55 Brooks Pde	Belmont Wharf

**Belmont North**

BN-01	L	Former John Darling Colliery	14 John Darling Ave 65 John Fisher Rd 85 John Fisher Rd 75 John Fisher Rd	Lot 100, DP 1136505 Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551
BN-04	L	Former Staff Houses, Colliery Row	3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl	Lot 12, DP 848941 Lot 14, DP 848941 Lot 15, DP 848941 Lot 120, DP 853391

**Belmont South**

BS-02	L	Tank traps	Cold Tea Creek, 690A Pacific Hwy	Lot 7024, DP 1057186
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**Blackalls Park**

BK-02	L	Railway Bridges	2 (over) Mudd Creek and 2 (over) Stony Creek (also see RT-11)	
BK-03	L	Railway Station	26 South Pde (also see RT-11)	

**Boolaroo**

BR-01	L	Group of 4 Cottages	8 Creek Reserve Rd	Lot 11, DP 616785 Lot 1, DP 301687
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		10 Creek Reserve Rd	Lot 3, DP 8704	CF-09 L	House	309 Main Rd	Pt Lot 34, DP 755233
		12 Creek Reserve Rd	Lot 4, DP 8704	CF-15 L	St Kevin's Cottage	230 Main Rd	Lot 1, DP 1015805
		14 Creek Reserve Rd		CF-16 L	St Kevin's Church	226 Main Rd	Lot 3, Section A, DP 4143
BR-02 L	Former Boolaroo Post Office	91 Main Rd	Lot 2, DP 809177	CF-17 L	Former Miner's Cottage	251 Main Rd	Lot 1, DP 303203
BR-04 L	Former Motor Garage	19 Main Rd	Lot 1, DP 125272	<b>Cardiff South</b>			
BR-05 L	Commercial Hotel	2 Main Rd	Lot 1, Section A, DP 3494, Lot 2, Section A, DP 3494	CS-01 L	Former Colliery Tramway	14a Almora Cl 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
BR-06 L	House "Alida"	Lakeview Rd	Lot 4, Section M, DP 3494	<b>Catherine Hill Bay</b>			
BR-16 L	Former Laboratory building on the former Pasmenco site	Part of 13A Main Rd	Part of Lot 2, DP 1127713	CH-03 L	Police Station and Lock Up	23-27 Clarke St	Lot 1, Section F, DP 163, Lot 3, Section F, DP 163, Lot 5, Section F, DP 163
<b>Booragul</b>				CH-04 L	Wallarah Hotel	24 Clarke St	Lot 1, Section D, DP 163
BU-01 L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667	CH-05 L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717
BU-02 L	House "Awaba Park"	18 Marmong St 2b First St	Lot 120, DP 855520 Lot 33, DP 1133743	CH-06 L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
BU-03 L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186	CH-07 L	Cottage	17 Clarke St	Lot 80, DP 222717
<b>Cams Wharf</b>				CH-08 L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CW-01 L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354	CH-10 L	Cottage	3 Lindsley St	Lot 54, DP 222717
<b>Cardiff</b>				CH-12 L	Cottage	11 Lindsley St	Lot 58, DP 222717
CF-01 L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989	CH-14 L	Coal Loader Jetty	Southern end of the beach	Lot 104, DP 1129872
CF-02 L	Brick Shops	281 Main Rd	Lot 4, DP 10789	CH-17 L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CF-04 L	Former Doctor's Surgery	8 Michael St	Lot 2, DP 214463	CH-19 L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CF-05 L	House	6 Michael St	Lot 1, DP 214463	CH-21 L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943
CF-08 L	Cardiff Masonic Hall	4 Margaret St	Lot 12, Section B, DP 8186				

		35 Flowers Dr	Lot 18, DP 222943	CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
		37 Flowers Dr	Lot 19, DP 222943	CB-07	L	House	85 Kings Rd	Lot 1, DP 798409
		42 Flowers Dr	Lot 41, DP 222943	CB-08	L	North	200 Martinsville Rd	Lot 7300, DP 1145113
		44 Flowers Dr	Lot 42, DP 222943			Corrumbung		Lot 1, DP 1095988
		46 Flowers Dr	Lot 43, DP 222943			Cemetery		
		48 Flowers Dr	Lot 44, DP 222943	CB-09	L	Suspension	Off Victory St—	
		50 Flowers Dr	Lot 45, DP 222943			Footbridge	Crosses Dora	
		54 Flowers Dr	Lot 47, DP 222943				Creek	
		56 Flowers Dr	Lot 48, DP 222943	CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
CH-22	L	Hall	1 Northwood Rd	CB-18	L	Bethel Hall	50 Central Rd	Lot 18, DP 129134
CH-24	L	House	26 Flowers Dr	CB-21	L	College Hall	50 Central Rd	Lot 18, DP 129134
CH-27	L	House	38 Flowers Dr	CB-22	L	Science Hall	50 Central Rd	Lot 18, DP 129134
			(off Colliery Rd)	CB-23	L	House “The	50 Central Rd	Lot 18, DP 129134
CH-32	L	Cemetery	8 Northwood Rd			Laurels”		
CH-34	S	Former WWII	145 Mine Camp	CB-24	L	Auditorium	50 Central Rd	Lot 9, Section 7, DP
		RAAF Radar	Rd					3533
		Station 208	Lot 3, DP 1016670	CB-26	L	Sanitarium	70 Central Rd	Lots 6, 7 and 8, Section
						Health Foods	70 Central Rd	1, DP 3533
						Factory	50 Central Rd	Lot 1, DP 938761
							50 Central Rd	Lot 18, DP 129134
<b>Charlestown</b>				CB-27	L	Sanitarium Dairy	15 Central Rd	Lots 18 to 23, Section 3,
CT-01	L	Miners’ Cottages	300 Charlestown			Farm		DP 3533
			Rd					
			Lot 2, DP 33470	CB-28	L	House “Three	597 Freemans Dr	Lot 201, DP 1059478
			Lot 4, DP 33470			Bells”		
			Lot 5, DP 33470	CB-29	L	Cottage	661 Freemans Dr	Lot A, DP 416525
			Lot 6, DP 33470	CB-31	L	House	27 Avondale Rd	Lot 2, DP 204207
						“Sunnyside”		
CT-03	L	Cottage	32 Smith St					
CT-04	L	Brick Cottage	36 Smith St					
			Lot 1, DP 213865					
			SP 43904					
<b>Coal Point</b>				<b>Dora Creek</b>				
CP-01	L	Threlkeld’s Mine	359 Coal Point	DC-02	L	House	16 Dora St	Lot 11, DP 533825
			Rd	DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
			Lot 172, DP 1037893	DC-04	L	Former St Paul’s	26 Coorumbung	Lot 101, DP 840020
						Anglican Church	Rd	
<b>Cooranbong</b>				<b>Dudley</b>				
CB-01	L	Grave “Frost’s	154 Mannings Rd	DL-01	L	Cast Iron	147 Ocean St	Lot 1, 446723
		Rest”	Lot 1, DP 919600			Reservoir		
CB-02	L	Catholic Church	6 Martinsville Rd	DL-02	L	Dudley	Corner of	Lot 189, DP 755233
		and Cemetery	Lot 1, DP 197852			Monument	Redhead Rd and	
CB-03	L	Former Post	41 Martinsville				Ocean St	
		Office	Rd					
			Lot 120, DP 755223					

DL-03	L	Two Miner's Cottages	125 and 127 Ocean St	Lots 1, 2 and 3, Section D, DP 2657
DL-04	L	Dudley Public School	124 Ocean St	Lot 145, DP 755233
DL-06	L	Pensioners Hall	98 Ocean St	Lot 1, DP 931771
DL-07	L	Ocean View Hotel	85 Ocean St	Lot 20, Section A, DP 2304
DL-08	L	Royal Crown Hotel	94 Ocean St	Lot 18, Section B, DP 2304
DL-09	L	Former Miner's Cottage	31 Thomas St	Lot 9, Section D, DP 2657
DL-10	L	Former Miner's Cottage	29 Thomas St	Lot 11, Section D, DP 2657

**Edgeworth**

EW-07	L	School Teacher's Residence	7 Minmi Rd	Lot 106, DP 755262
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**Eraring**

ER-01	L	Eraring Power Station	268 Rocky Point Rd, Eraring 294 Rocky Point Rd, Eraring 115 Construction Rd, Myuna Bay 215 Construction Rd, Myuna Bay 235 Construction Rd, Myuna Bay 260 Construction Rd, Myuna Bay	Lot 11, DP 1050120 Lot 10, DP 1050120 Lot 50, DP 840671 Lot 20, DP 840668 Lot 211, DP 840670 Lot 51, DP 840671
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**Fassifern**

FF-01	L	Fassifern Railway Cottage	Wallsend Rd	Lot 1, DP 854050
FF-02	L	Toronto Railway Overbridge	(over) Fassifern Rd (also see RT-11)	
FF-03	L	Fassifern Railway Station	29 Fassifern Rd	

**Freemans Waterhole**

FW-01	L	Headframe Former Mining Museum	890A Freemans Dr	Lot 80, DP 610602
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**Glendale**

GD-01	L	Cardiff Railway Workshops	460 Main Rd	Lot 100, DP 1100258
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**Holmesville**

HV-04	L	Brick House	47 Appletree Rd	Lot 3, Section B, DP 4479
HV-06	L	Brick House	54 Appletree Rd	Lot 22, DP 740832
HV-07	L	House	20 William St	Lot 14, Section E, DP 5432
HV-08	L	Former Police Station	20 Charlotte St	Lot 15, Section E, DP 5432
HV-09	L	Post Office Store	18 George St	Lot 1, Section L, DP 3442
HV-11	L	Holmesville Hotel	21 George St	Lot 20, Section M, DP 3442
HV-20	L	House	32 Seaham St	Lot 42, Section B, DP 4479
HV-24	L	Railway Station	Killingworth Rd (also see RT-09)	
HV-25	L	Former Uniting Church	29 Helens St	Lot 16, Section N, DP 3442

**Kahibah**

KH-01	S L	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
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**Killingworth**

KW-02	L	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513 Lot 2, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 13, Section E, DP 4339
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 1, Section D, DP 4339

**Kotara South**

KS-01 L South Waratah Colliery 31 Kirkdale Dr (also see RT-06) Lot 132, DP 243393

**Little Pelican**

LP-01 L Little Pelican cottages and site Lot 7036, DP 1030788

**Marks Point**

MK-01 L House 15 Haddon Cr Lot 1, DP 124241

**Martinsville**

MV-01 L Public School 495 Martinsville Rd Lot 157, DP 823773

MV-02 L House "Woodside" 32 Wilkinson Rd Lot 1, DP 741192

MV-03 L Dora Creek Bridge Owens Rd

MV-04 L Farm House "Wonga Hill" 324 Owens Rd Lot 63, DP 661760

MV-08 L Former Union Church 447 Martinsville Rd Lot A, DP 4329

**Morrisset**

MS-01 L Stationmaster's House 58 Dora St Pt Lot 1, DP 1002965

MS-02 L Community Hall 77 Dora St Lot 2, DP 590896

MS-04 L Mullard Chambers building 71 Dora St Lot 1, DP 215590

MS-08 L Morisset High School 33 Bridge St Lot 3, Section 40, DP 758707

MS-10 L Tree—Morisset's Campsite 147 Macquarie St Lot 7045, DP 93593

MS-12 S Morisset Hospital Wards 5 and 6 84 Bridge Street, Morisset Lot 1, DP 880557

MS-13 S Morisset Hospital Ward 9, Clinical Dept 84 Bridge Street, Morisset Lot 1, DP 880557

MS-14 S Morisset Hospital Ward 10 84 Bridge Street, Morisset Lot 1, DP 880557

MS-15 S Morisset Hospital The Chapel 84 Bridge Street, Morisset Lot 1, DP 880557

MS-16 S Morisset Hospital Recreation Hall 84 Bridge Street, Morisset Lot 1, DP 880557

MS-17 S Morisset Hospital The Main Store 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-19 S Morisset Hospital Residence No 1 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-20 S Morisset Hospital Ward 17, General Psychiatry 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-23 S Morisset Hospital Ward 12 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-24 S Morisset Hospital Residence No 3 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-25 S Morisset Hospital Maximum Security Division 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-26 S Morisset Hospital Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

MS-29 S Morisset Hospital Water Supply Dam—Pourmalong Creek 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

**Nords Wharf**

NW-01 L Former Guesthouse "Kurrawilla" 127 Marine Pde Lot 4 to 9, DP 23483

NW-02 L "Nords Wharf" 43c Nords Wharf Rd PO 1970/126

**Pelican**

PF-01 L Cabbage Trees 5 Soldiers Rd Pt Lot 135, DP 755233  
25 Soldiers Rd Lot 103, DP 755233

		35 Soldiers Rd	Lot 102, DP 755233			Railway	Seahampton with branches to Fairley and Killingworth	
<b>Railways and tramways</b>								
RT-01	L	West Wallsend Steam Tram Line	West Wallsend to Newcastle via Wallsend, Holmesville, Estelville, Edgeworth and Glendale	RT-10	L	Rhondda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend	RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee	RT-14	L	Wyee Coal Conveyor Railway Loop	North of Wyee to Vales Point Power Station	
RT-04	L	Belmont Railway	Adamstown to Belmont, the New Redhead Estate and Coal Company Railway	RT-15	L	Cardiff South Colliery Tramway	Macquarie Rd, Cardiff South	
RT-05	L	Branch Lines from the Belmont Railway	Burwood No 3 Colliery, Whitebridge, Dudley Colliery, Dudley, Lambton Colliery, Redhead, John Darling Colliery, Belmont North, Belmont Colliery Sidings, Belmont	<b>Rathmines</b>				
				RM-00	S	Rathmines Park (former RAAF Seaplane Base)	Area bounded by Lake Macquarie, The Circler, Rosemary Row and Overhill Rd	Lots 37-49, Pt Lot 50 and Pt Lot 51, DP 11537 Lot 4, DP 704472 Lot 1, DP 226530 Lot 1, DP 226531 Lot 1, DP 226532 Lot 1, DP 226533 Lot 1, DP 226534 Lot 7, DP 516152 Lot 60, DP 584602 Lots 62-64, DP 596913 Lots 648 and 654, DP 806611
RT-06	L	Raspberry Gully Line Railway	Opposite Dalpura Lane to the Main Northern Railway Line, near Adamstown along Styx Creek	RM-01	L	Catalina Memorial Nursing Home	171 Dorrington Rd	Lot 2, DP 226531
RT-09	L	Seaham, West Wallsend, Fairley and Killingworth	Cockle Creek to Seaham No 1 Colliery at	RM-02	L	Community Hall	1 Overhill Rd	Lot 64, DP 596913
				RM-03	L	Catamaran Club	1 Overhill Rd	Lot 64, DP 596913

RM-04	L	Christadelphian School	2 Stilling St	Lot 5, DP 226534	SP-19	L	House	302 The Esplanade	Lot 32, DP 564214
RM-05	L	Flying Boat Ramps	1 Overhill Rd	Lot 64, DP 596913	SP-23	L	House	282 The Esplanade	Lot 145, DP 558308
RM-06	L	Rathmines Bowling Club	1 Stilling St	Lot 4, DP 226533	SP-25	L	Former Lake Macquarie Council Chambers	143 Main Rd	Lot 13, DP 810700
RM-07	L	Catalina War Memorial	1 Overhill Rd	Lot 64, DP 596913	SP-26	L	House	141 Main Rd	Lot 1, DP 368588
RM-08	L	Rathmines Holiday Camp	3 Stilling St	Lot 1, DP 226530	SP-29	L	Speers Point Garage	155 Main Rd	Lot 12, Section A, DP 4063
RM-09	L	Brick Store	1 Overhill Rd	Lot 64, DP 596913	SP-30	L	House "Shangrila"	157 Main Rd	Lot 11, Section A, DP 4063
RM-10	L	Boat Slip	1 Overhill Rd	Lot 64, DP 596913	SP-31	L	House	159 Main Rd	Lot 10, Section A, DP 4063
RM-12A	L	Emergency Radio Bunkers	115 Wangi Rd	Lot 446, DP 1138964	SP-34	L	Lakeview Street Theatre	81 Lakeview St	Lot 14, Section B, DP 4063
<b>Redhead</b>					SP-36	L	Shelter Shed	15 Park Rd	Lot 1, DP 998238
RH-01	L	Lambton Colliery	1 Geraldton Dr	Lot 68, DP 878840	SP-37	L	Minenwerfer (or German Mortar)	15 Park Rd	Lot 1, DP 998238
RH-03	L	Under-Manager's House	17 Geraldton Dr	Lot 7, DP 878840	<b>Swansea</b>				
RH-04	L	"The Gables"	87 Redhead Rd	Lot 4, DP 737493	SS-02	L	The Swansea Hotel	196 Pacific Hwy	Lot 12, DP 1101804
RH-07	L	Mine Manager's House	21 Elsdon St	Lot 100, DP 609787	<b>Swansea Heads</b>				
RH-08	L	Shark Tower	2A Beach Rd	Lot 1412, DP 755233	SD-02	L	Coast Guard Station	3a Lambton Pde	Lot 548, DP 39981
<b>Speers Point</b>					SD-03	L	Reid's Mistake, Head and Channel	7a Lambton Pde	Pt Reserve 88033
SP-03	L	House	10 Council St	Lot 1, DP 518527	<b>Teralba</b>				
SP-04	L	House	8 Council St	Lot 1, DP 521920	TA-03	L	Shop	10 Anzac Pde	Lot 1, DP 999965
SP-08	L	House	18 Alley St	Lot 11, DP 525378	TA-08	L	House "Moria"	59 York St	Lot 17, DP 816302
SP-09	L	House	37 Alley St	Lot 1, DP 587774	TA-09	L	Teralba Public School	57 York St	Lot 2, DP 795123
SP-10	L	Cottage	64 Speers St	Lot 1, DP 348879	TA-10	L	Great Northern Hotel	2 Anzac Pde	Lot 7, Section A, DP 447469
SP-11	L	House	66 Speers St	Lot 3, DP 562487	TA-11	L	House "AS"	101 Railway St	Lot 261, DP 554269
SP-12	L	House	41 Albert St	Lot 1, DP 962726					
SP-13	L	House	74 Speers St	Pt Lot 1, DP 956798					
SP-14	L	House	214 The Esplanade	Lot 1, DP 108865					
SP-16	L	House "The Knoll"	374 The Esplanade	Lot 3, DP 786053					
SP-17	L	House	332 The Esplanade	Lot 4, DP 350608					



TA-12	L	Station Master's Cottage	150 Railway St	Lot 3, DP 831957				
TA-13	L	Teralba Cemetery Billygoat Hill	20 Pitt St	Lot 31, DP 858667	TT-22	L	"Burnbrae" Station Master's Cottage	98 Brighton Ave Lot 1, DP 125979
TA-16	L	Gartlee Mine	159 Railway St	Lot 1, DP 780614	TT-23	L	House "McGeachie's"	109 Brighton Ave Lot 2, DP 515029
TA-17	L	Rhondda Colliery	282 Rhondda Rd 284 Rhondda Rd	Lot 101, DP 1073163 Lot 76, DP 755262	TT-29	L	Convent of Mercy	26 Renwick St Lot 2122, DP 1116609
TA-18	L	Former Co-operative Store	75 York St	Lot 18, DP 1158353	TT-30	L	House	23 Renwick St Lot 2, DP 350492
TA-25	L	St Hilda's Church	16 York St	Lot 4, DP 1128610	TT-38	L	Cottage	6 Renwick St Lot 21, Section 7, DP 4236
<b>Toronto</b>					TT-42	L	House	16 Hunter St Lot 111, DP 596414
TT-01	L	House "Manuka"	182 Excelsior Pde	Lot 461, DP 589541	TT-43	L	Winn's House	19 Hunter St Lot 100, DP 717511
TT-06	L	House "The Moorings"	2 Jarrett St	Lot 1, DP 1108227	<b>Wangi Wangi</b>			
TT-08	L	Toronto Cemetery	354 Awaba Rd	Lots 7044 to 7046, DP 1052029 and Lot 7058, DP 1052031	WG-01	S L	Wangi Power Station	80 Donnelly Rd Lot 101, DP 880089
TT-09	L	Toronto Hotel	74 Victory Pde	Lot 201, DP 549239	WG-04	L	House "Dobell House"	47 Dobell Dr Lot 13, DP 8840
TT-11	L	Former Railway Station	16 Victory Row	Lot 220, DP 1021925	WG-06A	L	Gun emplacements	24 Reserve Rd Lot 526, DP 662836
TT-12	L	Frith's Store	66 The Boulevarde	Lot B, DP 390795	<b>Warners Bay</b>			
TT-15	L	Building Restaurant	24 Victory Pde	Lot 1, DP 301366	WB-01	L	House "Ali's Palace"	6 Fairfax Rd Lot 2, DP 20222, Lot 34, DP 20222, Pt Lot 1, DP 20222
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286	WB-02	L	First Orange Orchard	The slope with north eastern aspect falling from crest of hill at corner Beryl and Mills Sts down to creek and tramway (WB-03)
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503	WB-03	L	Mine Pithead and Coal Tramway to Lake	Follows creek from below Barbara St, to Lake between Howard and James Sts
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464	WB-04A	L	Cottage	17 Daydawn Ave Lot 10, DP 651218
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60				
TT-20	L	House	4 Arnott Ave	Lot 1, DP 950464				
TT-21	L	House	32 Renwick St	Lot 1, DP 122786				

**West Wallsend**

Ref	Category	Property Name	Address	DP	Ref	Category	Property Name	Address	DP
WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411	WW-31	L	West Wallsend Public School	49a Wallace St	2252, Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, Section J, DP 2252, Lot 8, Section J, DP 2252, Lot 9, Section J, DP 2252, Lot 10, Section J, DP 2252, Lot 11, Section J, DP 2252, Lot 12, Section J, DP 2252, Lot 1, DP 415746, Lot 1, DP 103681, Lot 1, DP 203314, Lot 1, DP 418805
WW-02	L	West Wallsend (No 1) Colliery	off Wilson St	Pt Lot 106, DP 1000408					
WW-05	L	Cottage	12 Carrington St	Lot 6, Section Z, DP 3809					
WW-06	L	Cottage	15 Carrington St	Lot 15, Section D, DP 2252					
WW-08	L	House "Earsdon Cottage"	20 Carrington St	Lot A, DP 370073					
WW-10	L	Former Shop and Doctors surgery	47 Carrington St	Lot 16, Section C, DP 2252	WW-32	L	Miners' Memorial	49a Wallace St	Lot 8, Section J, DP 2252
WW-11	L	House	47 Carrington St	Lot 16, Section C, DP 2252	WW-33	L	Presbyterian Church	48a Wallace St	Lot 1, Section O, DP 2253
WW-12	L	Former Shop and House	52 Carrington St	Lot 2, Section G, DP 2252	WW-35	L	Baptist Church	49 Wallace St	Lot 15, Section K, DP 2252
WW-13	L	Post Office and Residence	54 Carrington St	Lot 1, Section G, DP 2252	WW-38	L	Former Northumberland Hotel	1 Hyndes St	Lot 11, DP 565278
WW-14	L	Catholic Church and Convent	5 Hyndes St	Lot 15, Section G, DP 2255, Lot 16, Section G, DP 2252, Lot 1, DP 500232, Lot 2, DP 500232	WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-15	L	Soldiers' Memorial and Park	49 Carrington St	Lot 1, DP 301342	WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636
WW-16	L	Workers' Club	51 Carrington St	Lot 11, DP 863266	WW-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-18	L	Clyde Inn Hotel	57 Carrington St	Lot 12, Section B, DP 2252	WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	Lot 1, DP 231108, Lot 2, DP 231108, Lot 21, DP 223395, Lot 1, DP 207238, Lot 1, DP 338999, Lot 121, DP 755262
WW-19	L	House	59 Carrington St	Lot A, DP 382915					
WW-23	L	Former School of Arts	65 Carrington St	Lot 21, DP 875161	WW-47	L	Mt Sugarloaf No 1 Colliery	Mt Sugarloaf Rd	Lot 7, DP 813135
WW-26	L	West Wallsend Co-Op	76a Carrington St, 6 Withers St, 8 Withers St	Lot 7, Section E, DP 2252, Lot 8, Section E, DP 2252, Lot 9, Section E, DP 2252	WW-50	L	West Wallsend Cemetery	Cemetery Rd	Lots 980 and 981, DP 589701
					WW-52	L	West Wallsend Valve House and Underground	30a George Booth Dr, Estelville	Lot 1, DP 923587

WW- L Reservoir  
 58 Anglican Church 11 Wallsend Rd Lot 81, DP 1143907

**Whitebridge**

WH-01 L Whitebridge Cemetery 132a Dudley Rd Lots 1697, 1698 and 1731, DP 755233  
 WH-02 L House 105 Burwood Rd Lot 7, DP 800730  
 WH-08 L Railway Cutting and Bridge Old Dudley Rd (also see RT-04)  
 WH-09 L Captain Bulls Garden 76 Bulls Garden Rd Lot 10, DP 220823

**Wyee**

WY-02 L Wyee Channel Extending north, from the Wyee Dam, passing under Summerhayes Rd

AW-08 L Railway Station cottage 34 Brisbane St, Awaba  
 BN-01 L Former John Darling Colliery John Fisher Rd, Siloam Dr, John Fallins Cl, John Darling Ave Lots 2-8, DP 1038830 and 16-18, DP 270530 Lots 201-223, 225 and 226, DP 1136649 Lots 1 and 2, DP 1153652 Lots 301-330, DP 1148102 Lots 501-505, DP 1156100

**Part 2 Potential archaeological sites other than of indigenous origins**

Item No	Significance	Item	Address	Property description
1		Wharf	Middle Camp Beach, Catherine Hill Bay	
2		Wallarah East Pit	Flowers Dr, Catherine Hill Bay	
3		Newstan Colliery	Fassifern Rd, Fassifern	
4		Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5		Arnos Bros, Quarry	Teralba	
6		North Burwood Colliery	Burwood Rd, Whitebridge	
7	L	Former mine site	180 Ross St, Green Point Reserve	Lot 2, DP 845516

**Schedule 5 Natural heritage items**

(Dictionary)

**Part 1 Items relating to fossils**

Item No	Significance	Item	Address	Property description
<b>Blackalls Park</b>				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
<b>Swansea Heads</b>				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
<b>Tingira Heights</b>				
TH-01	S L	Nature Reserve and being permian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permian Fossil Horizon Belmont—Warners Bay</i> 1949 (Records of the Australian Museum 1950)

**Part 2 Landmark of Aboriginal and European heritage significance supporting tree groups and individual trees**

Item No	Significance	Item	Address	Property description
LM-01	L	Pulbah Island		

**Schedule 6 Places or potential places of Aboriginal heritage significance**

(Clause 50 and Dictionary)

**Part 1 Places of Aboriginal heritage significance**

Item No	Significance	Item	Address	Property description
	Various	All sites identified in the last edition of the National Parks and Wildlife Service's Aboriginal Sites Register available at the office of the Council		All property identified as an Aboriginal site in that Register

**Part 2 Potential places of Aboriginal heritage significance**

Item No	Significance	Item	Address	Property description
	Various	All sites, localities and landscapes identified in the <i>Lake Macquarie Aboriginal Heritage Study Report</i> available at the office of the Council		All properties identified as an Aboriginal site, locality or landscape as held in the records of Lake Macquarie City Council

**ATTACHMENT E:**

N08591/01-AE                    DDM:DDM  
17 June 2003

Pulver Cooper & Blackley Pty Ltd  
31 Darby Street  
Newcastle NSW 2300

Attention:    David England

Dear Sir

**RE:    PROPOSED SUBDIVISION  
      LOT 5 IN DP813135 AND SECS A TO H IN DP4977, O'DONNELLTOWN  
      ADDITIONAL CONTAMINATION ASSESSMENT**

Please find enclosed a report describing a contamination assessment carried out on the above site.  
If you have any questions regarding this matter, please contact Arthur Love or the undersigned

**For and on behalf of  
COFFEY GEOSCIENCES PTY LTD**



**STEVE MORTON**

Distribution:	Original	Held by Coffey Geosciences Pty Ltd
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Important information about your Coffey Report

**APPENDICES:**

- A Results of Laboratory Testing
- B Combustibility Test Results

**DRAWING:**

- N08591/01-1 Site Plan
- N08591-01-2 Site Plan – Sample Locations



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## 1. INTRODUCTION

This report presents the results of a contamination assessment carried out by Coffey Geosciences Pty Ltd (Coffey) for the proposed subdivision of Lot 5 in DP813135, and SECS A to H in DP4977, in O'Donnelltown.

Coffey Partners International (CPI) had previously undertaken a Geotechnical Urban Land Capability Assessment (Ref N6137/1-AD) in May 1997. The previous work found some contamination in the form of elevated hydrocarbon concentrations in an area of dumped coal mine spoil. As a result, Lake Macquarie City Council (LMCC) requested further testing be undertaken to assess the suitability of the site for the proposed development on the basis of contamination.

David England of Pulver Cooper & Blackley Pty Ltd (PCB) commissioned the further testing of materials at the site by letter (Dated 28 April 2003, Ref 96/31)

The purpose of the current investigation was to undertake further testing in the area that was previously identified as containing elevated hydrocarbon concentrations. The work was aimed at characterising the contamination, and checking for potential impacts on site users, the environment, and the possibility of combustion.

The proposed development involves subdividing the site into four large lots of about 40 hectares each.

A drawing of the proposed layout of the four lots was supplied by the client.

## 2. BACKGROUND

### 2.1 Previous Work

CPI have previously undertaken a Geotechnical Urban Land Capability Assessment in May 1997 (Ref No: N6137/1-AD). The report described the location and regional setting of the site and should be referred to for such details.

The following work was carried out as part of the May 1997 assessment:

- A desk top study reviewing aerial photographs, geological maps, topographical maps, mining records, and a land titles search;
- Discussions with Mine Subsidence Board of NSW;
- Site Surface Mapping by a Senior Engineering Geologist.

With regards to contamination on the above site the work revealed that Coal & Allied Operations Pty Ltd once owned the entire site. After a review of aerial photographs held within Coffey's archives it was considered that potential contaminating activities associated with past land uses at the site would be restricted to areas associated with the former Seaham No. 2 and No. 3 Collieries. These areas contained fill consisting of mine spoil, ash, coal waste and chitter. For the extent of these areas, reference should be made to the previous report (Ref N6137/1-AD).

A Contamination Assessment was undertaken by CPI in June 1997 (Ref N6137/1-AE), following the findings of the previous investigation. This investigation for contamination was carried out in the areas identified as areas of possible contamination in the previous report (ie the former mine spoil dump areas). A summary of the site history and background was given in the above report. Field work consisted of the excavation of 17 test pits excavated by a rubber tyred backhoe, in areas that were suspected of containing contaminated fill material.

A description of the site conditions and surrounding land uses is given in the previous two reports. Observation of the site in May 2003 indicates that no obvious changes to the site have taken place since the previous work.



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## 2.2 Change in Development

A previous development proposal for the site at O'Donnelltown involved subdivision into approximately 90 residential allotments. However due to restriction from Lake Macquarie City Council (LMCC), the site is now proposed to be redeveloped into four large allotments of approximately 40 hectares each.

Further investigation of the site, undertaken on 7 April 2003 revealed that the area of fill associated with Seaham No 2 Colliery, in the south eastern corner of the site, is within the boundary of the area proposed to be developed, however, much of the area is contained within a buffer zone adjacent to the F3 Freeway. The area affected by filling that is within the available development area is approximately three hectares. An area of fill previously identified in the north western corner of the site has been found to be actually outside the boundary of the proposed subdivision and has therefore not been further addressed.

The area for concern for contamination is limited to proposed Lot 4 as shown on Drawing No N08591/01-2.

## 2.3 Council Requirements

Discussion with Chris Baker of Lake Macquarie City Council and correspondence from Council indicates the following is required to allow evaluation of the subdivision application:

- Coffey to visit the site and check whether the site has been significantly altered since the 1997 investigations;
- Conduct sufficient sampling and analysis to provide satisfaction that contamination is within appropriate levels for the proposed development;
- Provide an assessment of the combustibility of the coal and coal-derived materials remaining on the site;
- Provide an assessment of the leachability of contaminants within the fill and whether they are likely to leach to an extent that could be harmful to the environment.

## 3. METHODOLOGY

On the basis of previous investigations, and an additional walkover of the site, it was concluded that the area of concern for development with regard to possible contamination was the area of Lot 4 affected by past filling with mine related spoil and coal waste. This area is delineated on Drawing No N08591/01-2, and occupies approximately three hectares.

The NSW Environment Protection Authority's Sampling Design Guidelines, 1995 (Ref 1), indicate that for assessment of a site of three hectares, sampling should be undertaken on a systematic grid of 40 locations. However, such grid based sampling is based on an approach that involves identifying hot spots of a certain diameter within an areas with the potential to contain contamination.

The filled area occupies three hectares within a 40 hectare lot on which a single household will be constructed, thereby leaving a further 37 hectares available for development. Further, as the fill is deep and was placed without engineering control or proper compaction, it is geotechnically unsuitable for support of residential slabs and footings without extensive engineering works. Dwellings would therefore not be constructed on this part of the site for geotechnical reasons. The approach of identifying localised hot spots within the fill therefore seems inappropriate and an alternative approach was adopted aimed at addressing the issues more likely to impact the development as proposed. The methodology is outlined as follows:





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- i. Accept that the filled area contains contamination at levels that exceed guidelines for residential development;
- ii. On the basis of the above, and the presence of deep uncontrolled fill, recognise that dwellings would not be erected on that part of the site due to the extensive and prohibitively costly foundation engineering works that would be required;
- iii. Design an investigation that characterises the fill and addresses the issues arising due to the presence of the contamination. Steps in the procedure are outlined below;
- iv. Obtain ten samples of fill material and test for a broad suite of contaminants;
- v. Conduct speciation testing and specialist trace testing on samples returning elevated concentrations of hydrocarbons to see whether the hydrocarbons are a product of the coal contained within the fill, or more likely to be derived from an external source such as a fuel spill;
- vi. Assess the potential for contaminants to leach and thereby impact the surrounding environment;
- vii. Assess the potential for the coal-related spoil to combust;
- viii. From the above, make an assessment of the potential impact of the contamination within the fill on the proposed development and the surrounding environment.



#### 4. FIELD AND LABORATORY WORK

##### 4.1 Initial Testing

A site visit was made on 7 April 2003 by Peter Fennell, the Coffey Engineer who undertook the site works in 1997. Based on observations made on 7 April 2003, no visible changes had occurred that were considered significant, or have the potential to incur contamination not present in 1997. The previous assessment was therefore considered to still be representative of the site.

On 29 April 2003, Coffey were commissioned to undertake further sampling and analysis of the coal reject and mine spoil material. The samples was undertaken on 30 April 2003 using hand augers and hand tools. Sampling was conducted in accordance with industry protocols and procedures. Sample locations are shown on Drawing No N08591/01-2.

The samples obtained were submitted to ALS Environmental, a specialist NATA registered chemical laboratory, for the following analyses:

- Heavy Metals – Copper, lead, zinc, cadmium, chromium, arsenic, nickel and mercury;
- Total Recoverable Hydrocarbons (TRH);
- Polycyclic Aromatic Hydrocarbons (PAH);
- Organochlorine and Organophosphorus Pesticides (OCP, OPP).

The results of the analysis are attached in Appendix A and summarised in Table 1.

##### 4.2 Comparison with Acceptable Criteria

The results of the analysis were compared to the following criteria:

- NSW EPA Site Auditor Guidelines (Ref 2) (1998) for "standard" residential sites;
- NEPM Guidelines (Ref 3) Ecological Soil Investigation Levels.

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The criteria and results are compared in Table 1. From Table 1 the following points are noted:

- Concentration of Total Recoverable Hydrocarbon (TRH) exceeded the NSW EPA criteria for sensitive land use (1000mg/kg) in three of the ten samples analysed. Concentrations ranged from 206mg/kg to 4408mg/kg, with an average concentration of 1299mg/kg. The 95% Upper Confidence Limit of the Arithmetic Average Concentration was 1967mg/kg. For the purposes of such assessments sensitive land use is generally taken as being residential developments with accessible soils, less than 10% of household food intake derived from home grown vegetables, and no raising of poultry;
- Concentrations of PAH, OCP, OPP and heavy metals were within the health based guideline levels for residential development and also below ecological guideline levels.

Based on the above it appears the fill is generally free from contamination other than elevated levels of C<sub>15</sub> – C<sub>40</sub> hydrocarbons. This is consistent with the findings of the previous investigations.

#### 4.3 Subsequent Analysis

Coffey have had past experience on rehabilitation of former coal mine sites for residential development in which similar results for hydrocarbons were obtained from fill with a high proportion of coal fragments. Therefore, there was considered to be a strong possibility that the hydrocarbons revealed by the analysis were naturally present in coal within the fill.

As residential structures would not be sited on the filled area for geotechnical reasons, the issues raised by the presence of the hydrocarbons were:

- Is the hydrocarbon presence due to coal components within the fill or is it due to external sources such as fuel or oil?
- Is the hydrocarbon likely to leach and impact on the surrounding environment?

Further analyses were undertaken to address these issues. Firstly, ALS Environmental compared the hydrocarbon to results derived from known "clean" coal fragments. Although not an exact match with the bulk fill samples, the coal samples did reveal characteristics typical of petroleum products and strong similarities to the results obtained from the fill samples. The results were sufficiently similar to provide a strong indication that the presence of coal within the fill could be contributing significantly to the hydrocarbon results overall.

Potential impacts on the surrounding environment are dependent on the leachability of the hydrocarbon in its environment. To simulate the leaching of hydrocarbon by rainwater infiltrating the fill, the sample showing the highest concentration of hydrocarbon was tested by leaching with distilled water. The result, attached in Appendix A, revealed leachate concentrations less than the practical quantifiable limit of the analysis, indicating that the material has a low likelihood of impacting the surrounding environment by way of leaching.

#### 5. COMBUSTIBILITY

Due to the presence of coal and carbonaceous stone within the fill, the potential for the fill to combust needed to be addressed. A bulk sample of the material was therefore submitted to ACIRL Coal Technology for combustion analysis. The results are presented in Appendix B. Analysis and results included:

- Air dried moisture content – 4.9%;
- Ash content – 45.2%;
- Volatile matter – 22.2%;
- Total Sulfur – 0.29%;



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- Fixed Carbon – 27.7%;
- Specific Energy – 14.54MJ/kg;
- Adiabatic self heating test.

A comparison with typical values for coals provided by ACIRL, indicates that the sample had a combustion propensity below the “Low Propensity” range.

On the basis of the results, spontaneous combustion of the fill material would not be expected to occur. Combustion from an external ignition source such as a bushfire is possible but unlikely to be sustainable.

## 6. SUMMARY AND CONCLUSION

The site contains an area of uncontrolled fill of variable depth, and with an unknown degree of compaction. The filled area occupies three hectares of the allotted 40 hectares of proposed Lot 4. For geotechnical reasons, dwellings should not be constructed in this area due to the extensive earthworks or foundation engineering works that would be involved.

Lake Macquarie City Council required an assessment of several issues, as outlined in Section 2.3, to assist in appraisal of the subdivision application. The following points are noted with regard to those requirements:

- A site visit was made by the Coffey Engineer who undertook the site works in 1997. Based on observations, the previous assessment was considered to still be representative of the site;
- Additional sampling and analysis was undertaken to further assess contaminant levels within the fill. Based on the results it appears the fill is generally free from contamination other than elevated levels of C<sub>15</sub> – C<sub>40</sub> hydrocarbons. This is consistent with the findings of the previous investigations;
- The hydrocarbon concentration exceeded guidelines for residential development, however, as the fill occupies only a small proportion of the 40 hectare lot there is sufficient remaining area (approximately 37 hectares) available for construction of a dwelling;
- Analysis was undertaken to provide an indication of the origin of the hydrocarbons. The results were not conclusive, but were sufficiently similar to known samples of coal derived hydrocarbon to provide a strong indication that the presence of coal within the fill could be contributing significantly to the hydrocarbon results overall;
- To simulate the leaching of hydrocarbon by rainwater infiltrating the fill, the sample showing the highest concentration of hydrocarbon was tested by leaching with distilled water. The result indicated that the material has a low likelihood of impacting the surrounding environment by way of leaching;
- On the basis of the results of combustibility testing, spontaneous combustion of the fill material would not be expected to occur. Combustion from an external ignition source such as a bushfire is possible but unlikely to be sustainable.

Based on the findings of this assessment it is considered that the presence of hydrocarbons within the fill is not likely to impact on site users or the surrounding environment and the site is suitable for the proposed development.



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**REFERENCES:**

1. NSW Environmental Protection Authority, Contaminated Sites Sampling Design Guidelines, September 1995.
2. NSW Environment Protection Authority, Guidelines for the NSW Site Auditor Scheme, June 1998.
3. National Environment Protection (Assessment of Contamination) Measure, Schedule B1, Guideline on Investigation Levels for Soil and Groundwater, December 1999.



For and on behalf of

**COFFEY GEOSCIENCES PTY LTD**

A handwritten signature in black ink, appearing to read "SM" followed by a flourish.

**STEVE MORTON**

ATTACHMENT F:



LAKE MACQUARIE CITY COUNCIL  
LOCAL ENVIRONMENTAL PLAN 2004-Zoning Map

149 Cert. No.: 70384



Copyright Lake Macquarie City Council and  
Land and Property Information NSW

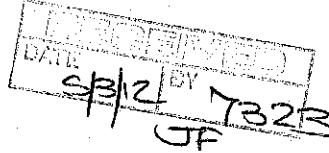
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29 February 2012

ARDILL PAYNE AND PARTNERS  
PO Box 20  
BALLINA NSW 2478



Our Ref:70459  
Your Ref: 7323  
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE**  
**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 133.00  
Receipt No: 6867382  
Receipt Date: 29 February 2012

**DESCRIPTION OF LAND**

**Address:** Tasman Colliery, 160 George Booth Drive, SEAHAMPTON NSW 2286  
**Lot Details:** Lot 103 DP 1164569  
**Parish:** Teralba  
**County:** Northumberland

For: BRIAN BELL  
GENERAL MANAGER

**ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)**

**1 Names of Relevant Planning Instruments and Development Control Plans**

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Temporary Structures) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Draft State Environmental Planning Policy No. 1 - Development Standards  
(Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft State Environmental Planning Policy (Application of Development Standard) 2004

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

## **2 Zoning and land use under relevant Local Environmental Plans**

- (1) The following answers (a) to (h) relate to the instrument (see 1(1) above).

- (a) The identity of the zone applying to the land.

5 Infrastructure

7(2) Conservation (Secondary)

- (b) The purposes for which the Instrument provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

- (c) The purposes for which the Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A



- (d) The purposes for which the Instrument provides that development is prohibited within the zone.

Specified in Attachment A

**NOTE: The advice in sections (b), (c), and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.**

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

Specified in Attachment C - Schedule 2.

- (f) Whether the land includes or comprises critical habitat.

No

- (g) Whether the land is in a conservation area (however described).

Yes

- (h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment D - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Instrument (see 1(2) above).

- (a) The identity of the zone applying to the land.

Nil

- (b) The purposes for which the Draft Instrument provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

- (c) The purposes for which the Draft Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument provides that development is prohibited within the zone.

Specified in Attachment A

**NOTE: The advice in sections (b), (c), and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.**

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

Specified in Attachment C - Schedule 2.

- (f) Whether the land includes or comprises critical habitat.

No

- (g) Whether the land is in a conservation area (however described).

No

- (h) Whether an item of environmental heritage (however described) is situated on the land.

No

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

### 3 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land because the land is affected by specific land exemptions.

**Note:** If the land is only affected by the "heritage conservation area" exemption, then complying development under the General Housing Code MAY be carried out on the land if the development is a detached outbuilding or swimming pool.

The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

The land is excluded land being land identified by an environmental planning instrument as being environmentally sensitive or within an ecologically sensitive area.

**Housing Alterations Code**

Complying development under the Housing Internal Alterations Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

**General Commercial and Industrial Code**

Complying development under the General Commercial and Industrial Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

**Subdivisions Code**

Complying development under the Subdivisions Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

**Rural Housing Code**

Complying development under the Rural Housing Code MAY NOT be carried out on the land unless complying development is carried out on the part of the lot to which clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.

**Note:** If the land is only affected by the "heritage conservation area" exemption, then complying development under the Rural Housing Code MAY be carried out on the land if the development is a detached outbuilding or swimming pool.

The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

The land is excluded land being land identified by an environmental planning instrument as being environmentally sensitive or within an ecologically sensitive area.

**General Development Code**

Complying development under the General Development Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

**Demolition Code**

Complying development under the Demolition Code MAY NOT be carried out on the land. The land is affected by the following specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

**4 Coastal Protection**

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

**4A Information relating to beaches and coasts**

1 Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

Nil

2 (a) Whether the council has been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

Nil

(b) If works have been so placed — whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Nil

3 such information (if any) as is required by the regulations under section 56B of the Coastal Protection Act 1979 to be included in the planning certificate and of which the council has been notified pursuant to those regulations.

Nil

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

Whether the owner (or any previous owner) of the land has 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).

Nil

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

**5 Mine subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current, or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information, mine subsidence, and advise whether existing structures comply with the requirements of the Act.

**6 Road widening and road realignment**

Whether the land is affected by any road widening or realignment under:

(a) Division 2 of Part 3 of the Roads Act 1993.

No

(b) any environmental planning instrument.

Yes

(c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

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

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is divided into geotechnical zones, and section 2.1.9 Sloping Land and Soils, in DCP No.1, applies when development of land is proposed. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0333.

- (b) bushfire

No

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

Yes, as outlined below:

**Contaminated or potentially contaminated land**

Council has adopted by resolution, a policy on contaminated or potentially contaminated land. Council does not hold sufficient information about previous use of the land to determine whether the land is contaminated. Consideration of Council's adopted Policy located in DCP No. 1 (section 2.1.13 Contaminated Land), and the application of provisions under relevant State legislation is recommended.

**NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.**

**7A Flood related development controls information**

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

No

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

No

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

**9 Contributions Plans**

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide - Glendale Catchment (2004) as amended

**10 Biobanking Agreements**

This land is not subject to a Biobanking agreement entered under Part 7A of the Threatened Species Conservation Act 1995.

**11 Bush Fire Prone Land**

NONE of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

**12 Property Vegetation Plans**

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advice provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

**13 Orders under Trees (Disputes Between Neighbours) Act 2006**

Has an order 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).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

**14 Directions under Part 3A**

If there is a direction by the Minister in force 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 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

**15 Site compatibility certificates and conditions for seniors housing**

- (a) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil



**16 Site compatibility certificates for infrastructure**

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

**17 Site compatibility certificates and conditions for affordable rental housing**

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (2) Any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

**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:**

**Matters arising under the Contaminated Land Management Act 1997 (s59 (2))**

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

No

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

No

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

No

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

No

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

No

**NOTE: Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of the Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.**

**Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

Council has not been provided with an exemption or authorisation by the Co-ordinator General under the Act.

**ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)**

**NOTE:** SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

**18 Clearing and lopping of trees**

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

**19 Easements**

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

**20 Outstanding Notices**

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

**21 Earthquake**

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

**22 Lifestyle 2020**

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

**23 New South Wales Government Coastal Policy, 1997.**

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

**24 Sustainable Water Cycle Management.**

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

**25 Voluntary Planning Agreement**

The land is not affected by a Voluntary Planning Agreement.

**ATTACHMENTS:**

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Lake Macquarie Local Environmental Plan, 2004 – Zoning map

**ATTACHMENT A**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Zone 7 (2) Conservation (Secondary) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) protect, conserve and enhance land that is environmentally important, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) enable development where it can be demonstrated that the development will not compromise the ecological, hydrological, scenic or scientific attributes of the land or adjacent land in Zone 7 (1), and
- (d) ensure that development proposals result in rehabilitation and conservation of environmentally important land, and
- (e) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

- bed and breakfast accommodation
- community facilities
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks

- eco-tourism facilities
- emergency services facilities
- environmental facilities
- home businesses
- home industries
- roads
- roadside stalls
- signs
- stormwater management facilities
- telecommunications facilities
- utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Proposed Amendments:** Nil

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Zone 5 Infrastructure Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide land for future infrastructure needs such as roads, drainage and other utilities, and
- (b) provide land required for the expansion of existing community facilities or the development of new community facilities, and
- (c) provide for limited development within the zone where it can be demonstrated that the development will not prejudice or have the potential to prejudice the intended future infrastructure development of that land, and
- (d) ensure that development on adjacent or adjoining land zoned infrastructure does not prejudice future infrastructure development within that zone, and
- (e) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

- agriculture (other than intensive agriculture)
- airline terminals
- airports
- bus stations
- car parking facilities
- cemeteries and crematoriums
- child care centres
- community facilities
- drainage
- earthworks

- educational establishments
- emergency services facilities
- energy generation works
- entertainment facilities
- environmental facilities
- helipads
- heliports
- hospitals
- hotel or motel accommodation
- medical centres
- places of public worship
- rail lines
- restaurants
- roads
- signs
- stormwater management facilities
- telecommunications facilities
- transport terminals
- utility installations
- veterinary hospitals

**4 Prohibited**

Development not listed in item 2 or 3.

**Proposed Amendments:** Nil

**ATTACHMENT B**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 15 June 2011

**Schedule 1 Exempt development** (Clause 8)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy.

The Policy has State-wide application. Schedule 1 contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

**1 What is exempt development?**

- (1) Development is exempt development if:
  - (a) it is described in Column 1 of the Table to this Schedule, and
  - (b) it is carried out within a zone specified for the development in Column 2 of that Table, and
  - (c) it complies with the criteria specified for the development in Column 2 of that Table.
- (2) However, development is not exempt development if:
  - (a) it is prohibited by this plan, or
  - (b) it is not of minimal environmental impact, or
  - (c) it is carried out on land described in clause 2 of this Schedule, or
  - (d) it does not comply with any of the relevant general criteria for exempt development specified in clause 3 of this Schedule.
- (3) In measuring heights and maximum areas specified in the Table to this Schedule:
  - (a) height is measured from natural ground level, and
  - (b) a maximum area for a structure is the total of all areas occupied by the type of structure, unless otherwise stated.

**2 Land on which there is no exempt development**

- (1) Development is not exempt development if it is carried out on land that:
  - (a) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
  - (b) is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
  - (c) is land below the 1 in 100 year flood level if it involves the erection or use of a structure with a habitable room, or land below the 1 in 20 year flood level if it involves the erection or use of a structure with rooms none of which is habitable, except where otherwise indicated in the Table to this Schedule, or
  - (d) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or

- (e) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (f) is identified as an Aboriginal place or known Aboriginal relic on a register kept by the National Parks and Wildlife Service, or is dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
- (g) (Repealed)
- (h) is land with a slope greater than 15 degrees, or
- (i) is identified as potential acid sulfate soil Class 1 or 2 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, except where the proposed development does not involve the movement of soils on the site, or
- (j) is identified as potential acid sulfate soil Class 3 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 500mm, or
- (k) is identified as potential acid sulfate soil Class 4 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 1.5 metres, or
- (l) is within a mine subsidence area, unless the proposed development has been formally approved, prior to commencement, by the relevant Mine Subsidence Board, or
- (m) is land on which a tree or native vegetation exists, where the proposed development involves clearing for which consent is required by clause 34, or
- (n) is the site of a heritage item or an item proposed by a draft environmental planning instrument to be a heritage item, or
- (o) is subject to an order under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979* or Division 1 of Part 2 of Chapter 7 of the *Local Government Act 1993*, other than an order to demolish, that has not been complied with, or
- (p) is between a foreshore building line and the water body to which that line relates, or
- (q) is within 40 metres of a watercourse, river, stream, creek or lake—where excavation of the land (not including footings for minor structures) is proposed, or
- (r) is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

**3 Criteria that must be satisfied by all exempt development**

Development is exempt development only if it complies with all of the following general criteria relevant to the form of development:

- (a) all structures comply with the *Building Code of Australia*, including the standards identified in that code,
- (b) all structures and activities comply with the Council's adopted building lines and setbacks, unless otherwise specified in the Table to this Schedule,
- (c) the development complies with all relevant development control plans and policies approved by the Council,
- (d) no existing condition of development consent or building approval affecting a site is contravened or compromised,
- (e) no structure is built over a sewer main, easement or natural watercourse and adequate clearance is provided to all sewer junction shafts, surcharge gullies, hot water service overflow pipes, and waste outlet pipes unless prior written agreement has been obtained

- from the Council or the local water and sewerage authority or supplier, as the case may require,
- (f) the development does not require the installation or alteration of a sewage management facility,
  - (g) all structures have clearance from power lines in accordance with the relevant electricity authority or supplier,
  - (h) all structures are built with new materials or second-hand materials which retain the structural adequacy and integrity of the material when new,
  - (i) all structures are built with materials which match the design and appearance of any existing buildings on the site of the proposed development or in the immediate vicinity,
  - (j) no structure or activity obstructs vehicular or human access,
  - (k) no structure is located within the curtilage of a swimming pool which compromises the effectiveness of the swimming pool safety barrier or fence,
  - (l) all structures and activities comply with relevant legislation affecting their use and with statutory and other requirements of the Council and any other relevant public authorities.

Table

Column 1	Column 2
<b>Erection (or installation) and use, or carrying out, of the following:</b>	<b>Circumstances where exempt</b>
Amusement devices (being a small amusement device as defined in the <i>Local Government (General) Regulation 2005</i> ) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Exempt only in Zones 3 (1), 3 (2), B4, 6 (1) and 6 (2). Must be installed and used for one day or weekend events only. Must be erected on level ground of sufficient bearing capacity to support the device. Must be registered under the <i>Occupational Health and Safety Regulation 2001</i> . Must be erected in accordance with all the conditions set out in its certificate of registration. Must have a current logbook within the meaning of the <i>Occupational Health and Safety Regulation 2001</i> . Must be subject to a contract of insurance or indemnity to an unlimited amount or no less than \$10,000,000 for each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability. Must meet the operational requirements of the WorkCover Authority.

Arcade amusement devices (eg pinball machines, virtual reality games etc)	Exempt only in Zones 3 (1), 3 (2), B4 and 6 (2). Must be located wholly within the subject premises. Maximum 5 devices installed in total.
Awnings over trade waste disposal points	Exempt only in Zones 4 (1), 4 (2) and 9. Maximum size 30m <sup>2</sup> . Maximum height 2.7m. Must facilitate maintenance of the trade waste device and enable all weather use. Must be constructed of materials that match or complement the design and appearance of existing buildings. Must not be located within front building setback.
Charity bins or clothing and recycling bins	Exempt only in Zones 3 (1), 3 (2), B4, 4 (1), 4 (2) and 4 (3). Must not result in more than 3 bins in any one location. Must be located wholly on private property and not in a public place.
Demolition	Exempt in all Zones. Demolition only of development that would be exempt development under this plan if it were being constructed or installed. Council must have issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . Demolition must be carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i> .
Earthworks (rural)	Exempt only in Zone 1 (1). Must not be for domestic purposes. Must constitute one or more of the following: (a) levelling of land to a maximum of 300mm, (b) maintenance of drainage works, (c) backfilling of dams with not more than 5 megalitres storage capacity, (d) desilting of dams, (e) maintenance of existing access roads within property boundaries.



Fuel tanks—used in conjunction with agricultural activities or home business for which consent has been granted	Exempt only in Zones 1 (1), 1 (2), 7 (2), 7 (3), 7 (5) and 9. Maximum size 5,000 litres. Must be located wholly within the boundaries of the property. Must be bunded with capacity to contain at least 125% of the capacity of the fuel tank. Must be constructed of prefabricated metal, be free-standing and not rely on other structures for support. Must be operated and maintained in accordance with Australian Standard AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i> . Must not be erected within 30m of a creek or boundary to the street or within 5m of a side or rear boundary. Minimum setback 20m from adjoining dwellings.
Hail protection	Exempt only in Zones 1 (1) and 1 (2). Must be ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).
Retaining walls	Exempt in all Zones. Must not be for domestic purposes. Maximum height 600mm (including the height of any batters) above existing ground level. Must have adequate drainage lines behind it. Must not redirect the flow of surface water onto an adjoining property. Must cause surface water to be disposed of without causing a nuisance to adjoining owners. Timber walls must comply with the following Australian Standards: (a) AS 1720.2—2006, <i>Timber structures—Timber properties</i> , (b) AS 1720.4—2006, <i>Timber structures—Fire resistance for structural adequacy of timber members</i> .
Shade structures (bird nets and the like)	Exempt only in Zone 1 (1). Must be ancillary to agriculture.
Signs (see below for additional requirements for particular sign types)	Exempt in all Zones (except where otherwise specified below for particular sign types).
<b>Note.</b>	General criteria: (a) maximum area 2m <sup>2</sup> in Zone 4 (1), 4 (2) or 4

The replacement of existing building identification signs and business identification signs (within the meaning of the standard instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> ) is exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	(3), except as otherwise specified elsewhere in this Table in relation to particular sign types, and (b) maximum area 1m <sup>2</sup> in all other Zones, except as otherwise specified elsewhere in this Table in relation to particular sign types, and (c) must not cover mechanical ventilation inlet or outlet vents, and (d) over a public road, must be at least 600mm from kerb or roadway edge, and (e) must not be illuminated or use flashing lights or similar devices for illumination, and (f) must not be mounted on vehicles, trailers, or shipping containers that stand continuously for the purpose of advertising on either public or private land, and (g) on public land, must not be mounted on trees or telegraph poles, and (h) must be located so as not to cause or create a traffic hazard including obscuring views of vehicles, pedestrians, or potentially hazardous road features, and (i) must not emit excessive glare or cause excessive reflection, and (j) must not resemble traffic warning signs, and (k) if located on bush fire prone land, must be of non-combustible material.
Signs used for display of the following:	
(a) Business identification signs in residential areas	Only exempt in Zones 2 (1) and 2 (2). Must satisfy general criteria above. Maximum area 1m <sup>2</sup> . Must be located and erected on the site to which they relate. Maximum one sign per street frontage. If over a public road, must be erected at a height no less than 2.6m above ground level.
(b) Business identification signs in commercial areas	Only exempt in Zones 3 (1) and 3 (2). Suspended under awning signs: (a) must satisfy general criteria above, and (b) must be securely fixed by metal supports, and (c) must not affect the structural integrity of the awning or building, and  (d) must be located and erected on the site to

	<p>which they relate, and</p> <p>(e) maximum one sign per street frontage, and</p> <p>(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(g) maximum area 2.5m<sup>2</sup>.</p> <p>Vertical or horizontal projecting wall signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed by metal supports, and</p> <p>(c) must not affect the structural integrity of the awning or building, and</p> <p>(d) must be located and erected on the site to which they relate, and</p> <p>(e) maximum one sign per street frontage, and</p> <p>(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(g) maximum area 2.5m<sup>2</sup>.</p> <p>Flush wall signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed, and</p> <p>(c) must be located and erected on the site to which they relate, and</p> <p>(d) maximum one sign per street frontage, and</p> <p>(e) maximum area 2.5m<sup>2</sup>.</p> <p>Top hamper signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed, and</p> <p>(c) must be located and erected on the site to which they relate, and</p> <p>(d) maximum one sign per street frontage, and</p> <p>(e) if over a public road, must be erected at a height no less than 2.6m above ground level, and</p> <p>(f) maximum area 2.5m<sup>2</sup>.</p>
(c) Business identification signs in industrial areas	<p>Only exempt in Zones 4 (1), 4 (2), 4 (3) and 9.</p> <p>Must satisfy general criteria above.</p> <p>Must be securely fixed by metal supports.</p> <p>If located over a public road, must be erected at a height of no less than 2.6m above ground level.</p> <p>Must be located and erected on the site to which</p>

	<p>they relate.</p> <p>Maximum one sign per street frontage.</p> <p>Maximum area 2.5m<sup>2</sup>.</p>
(d) Real estate signs (advertising premises or land for sale or rent) in rural, residential and environmental protection areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5).</p> <p>Must satisfy general criteria above.</p> <p>Maximum area 2.5m<sup>2</sup>.</p> <p>Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage.</p> <p>Must be located and erected on the site to which they relate.</p> <p>Maximum 2 signs per street frontage.</p>
(e) Real estate signs (advertising premises or land for sale or rent) in residential (urban living) areas	<p>Only exempt in Zone 2 (2).</p> <p>Must satisfy general criteria above.</p> <p>Maximum area 4.5m<sup>2</sup>.</p> <p>Must be freestanding or attached to an existing approved structure eg fence.</p> <p>Must be located and erected on the site to which they relate.</p> <p>Must not detract from the amenity of adjoining and adjacent land owners.</p> <p>Maximum 2 signs per street frontage.</p>
(e1) Real estate signs (advertising premises or land for "open house" or "auction today") in all areas	<p>Exempt in all zones.</p> <p>Maximum area 1.2m<sup>2</sup>.</p> <p>Must be erected only on the day the premises or land is open for open house or on the auction day.</p> <p>Must be removed immediately after the open house has finished or the auction has been completed.</p> <p>Maximum one sign at street frontage.</p> <p>Maximum of one sign at each of the nearest 2 intersections.</p> <p>Must not interfere with traffic visibility or pedestrian access.</p> <p>Must not be attached to balloons or similar items.</p> <p>Must not be illuminated or use flashing lights or similar devices for illumination.</p>
(f) Real estate signs (advertising approved premises or land for sale or rent) in commercial, industrial, infrastructure and tourist areas	<p>Only exempt in Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5 and 6 (2).</p> <p>Must satisfy general criteria above.</p> <p>Maximum area 10m<sup>2</sup>.</p> <p>Must have structural certification.</p> <p>Must be located and erected on the site to which</p>

	<p>they relate.                  Maximum 2 signs per street frontage.                  Must not be displayed after 100% of the premises or land is sold or leased.</p>
(g) Directional real estate signs (advertising approved subdivisions) in rural, residential, commercial, industrial, infrastructure, tourist, natural resource and investigation areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10.                  Must satisfy general criteria above.                  In Zones 1 (1), 1 (2), 2 (1) and 2 (2), maximum area 4.5m<sup>2</sup>.                  In Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10, maximum area 6m<sup>2</sup>.                  Two sign boards joined together (eg on a corner site) are treated as 2 separate signs.                  Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage.</p> <p>Must be located within a 3km radius of the approved subdivisions to which the signs relate.                  Maximum of 4 signs within the 3km radius.                  If the nearest major arterial road or freeway is located outside the 3km radius, 2 additional signs are permitted outside the 3km radius to allow directions to be provided to the premises or land.                  Must not be displayed after 100% of land is sold.                  Must relate to approved subdivisions as a whole, not to individual lots.</p>
Silos	<p>Only exempt in Zone 1 (1).                  Maximum capacity 120 tonnes.                  Maximum height 9m.                  Must be constructed of prefabricated metal.                  Must be freestanding and not rely on other structures for support.                  Must be erected in accordance with the manufacturer's specifications or an engineer's certification.                  Minimum setback to property boundary must be equivalent to height of silo plus 1m.                  Minimum front setback 30m.</p>
Temporary structures—tents used for short term accommodation	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 6 (2), 7 (1), 7 (2), 7 (3), 7 (4), 7 (5) and 10.                  Must be erected on private land (excluding caravan parks, camping grounds and manufactured home estates the operation of which is governed by the <i>Local Government (Manufactured Home Estates, Caravan Parks,</i></p>

	<p><i>Camping Grounds and Moveable Dwellings) Regulation 2005).</i>                  Must be erected in accordance with the manufacturer's specifications and requirements.                  Must not be erected for a period exceeding 21 consecutive days.                  Stormwater runoff must not cause a nuisance to adjoining properties.                  Siting of tents must not create any noise nuisance arising from the use of the tent.                  Must be setback a minimum 1.5m from all boundaries.</p>
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**ATTACHMENT C**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 1 June 2010

**Schedule 2 Subdivision standards**

(Clause 24)

**Part 1 Preliminary**

**1 Definitions**

- (1) In this Schedule:

**building area** means the area of the site capable of supporting development. It does not include:

- (a) front, side and rear setbacks, or
- (b) the access handle of a battle-axe lot.

**community association, community development lot, community parcel, community property** and **community scheme** have the same meaning as they have in the Community Land Development Act 1989.

**irregular lot** means a lot that is not a standard lot.

**neighbourhood scheme** has the same meaning as it has in the Community Land Development Act 1989

**standard lot** means a rectangular lot (and includes a rectangular corner lot).

**width** means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.

- (2) In this Schedule, the minimum area specified for battle-axe lots excludes the battle-axe access handle.
- (3) The subdivision standards in this Schedule do not apply to strata subdivision.
- (4) A heading to a clause in this Schedule is taken to be part of this Schedule.

**Part 2 Zone 1 (1) Rural (Production)**

**2 All types of subdivision**

Minimum area—20ha.

**Part 3 Zone 1 (2) Rural (Living)**

**3 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

Minimum area—1ha.

**4 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—5ha.
- (2) Community development lots:
  - (a) minimum area—1,000m<sup>2</sup>,
  - (b) maximum area—1,500m<sup>2</sup>,
  - (c) maximum density (excluding community property)—1.6 lots per ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve the natural quality of the land and the rural character of the area. All remaining land must be community property under the control of the community association,
  - (e) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 4 Zone 2 (1) Residential**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

**5 Any type of subdivision of approved dual occupancy**

Minimum area—250m<sup>2</sup>.

**6 Any type of subdivision of approved small lot housing**

- (1) Must create at least 3 small lot housing lots.
- (2) Each lot must:
  - (a) be not less than 300m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,
  - (b) have direct frontage to a public road, or an access way established as part of a community scheme.

**7 Subdivisions (other than of approved dual occupancy or approved small lot housing)**

- (1) Standard lot:
  - (a) standard corner lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) minimum width—18m,
  - (b) other standard lot:
    - (i) minimum area—450m<sup>2</sup>,

- (ii) minimum width—14m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m,
    - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—4m, or 2 battle-axe lots—5m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) irregular corner lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) minimum width—18m,
  - (c) other irregular lot:
    - (i) minimum area—450m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m.

**8 Subdivisions (other than of approved dual occupancy or approved small lot housing) that create 10 or more lots**

At least 10%, but no more than 50%, of lots must be small lot housing lots.

**Part 5 Zone 2 (2) Residential (Urban Living)**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

**9 Any type of subdivision of approved small lot housing**

- (1) Must create at least 4 small lot housing lots.
- (2) Each lot must:
  - (a) be not less than 200m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,
  - (b) have direct frontage to a public road, or an access way established as part of a community scheme.

**10 Subdivisions (other than of approved small lot housing)**

- (1) Standard lot:
  - (a) standard corner lot:
    - (i) minimum area—1,200m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
  - (b) other standard lot:
    - (i) minimum area—900m<sup>2</sup>,
    - (ii) minimum width—25m.
- (2) Irregular lot:

- (a) battle-axe lot:
  - (i) minimum area—1,500m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
  - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—8m,
  - (iv) maximum number of battle-axe lots sharing a single access handle—2,
- (b) irregular corner lot:
  - (i) minimum area—1,200m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
- (c) other irregular lot:
  - (i) minimum area—900m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m.

**Part 6 Zone 3 (1) Urban Centre (Core)**

**11 All types of subdivision**

No numeric standards.

**Part 7 Zone 3 (2) Urban Centre (Support)**

**12 All types of subdivision**

No numeric standards.

**Part 8 Zone 4 (1) Industrial (Core)**

**13 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—4,000m<sup>2</sup>,
  - (b) minimum width—40m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m,
    - (iii) minimum width of battle-axe access handle—12m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m.

**Part 9 Zone 4 (2) Industrial (General)**

**14 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

**Part 10 Zone 4 (3) Industrial (Urban Services)**

**15 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

**Part 11 Zone 5 Infrastructure**

**16 All types of subdivision**

No numeric standards.

**Part 12 Zone 6 (1) Open Space**

**17 All types of subdivision**

No numeric standards.

**Part 13 Zone 6 (2) Tourism and Recreation**

**18 All types of subdivision**

No numeric standards.

**Part 14 Zone 7 (1) Conservation (Primary)**

**19 All types of subdivision**

- (1) Minimum area for land within South Wallarah Peninsula (being land east of the Pacific Highway and south of the land to Lake Macquarie Local Environmental Plan 2000 – North Wallarah Peninsula applies)—100ha.
- (2) Minimum area for all other land within Zone 7 (1)—40ha.

**Part 15 Zone 7 (2) Conservation (Secondary)**

**20 All types of subdivision**

Minimum area—40ha.

**Part 16 Zone 7 (3) Environmental (General)**

**21 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—40ha.
- (2) Must have a square building area that has:
  - (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**22 Subdivisions for purpose of community scheme**

- (1) Community parcel:
  - minimum area—40ha.
- (2) Community development lots:
  - (a) minimum area—1,000m<sup>2</sup>,
  - (b) maximum area—2,500m<sup>2</sup>,
  - (c) maximum density (excluding community property)—1 lot per 10ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,

- (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 17 Zone 7 (4) Environmental (Coastline)**

**23 All types of subdivision**

No numeric standards.

**Part 18 Zone 7 (5) Environmental (Living)**

**24 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—2ha.
- (2) Must have a square building area that has:
- (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**25 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—10ha.
- (2) Community development lots:
- (a) minimum area—600m<sup>2</sup>,
  - (b) maximum area—1,200m<sup>2</sup>,
  - (c) maximum density (excluding common property)—1 lot per ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,
  - (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 19 Zone 8 National Park**

**26 All types of subdivision**

No numeric standards.

**Part 20 Zone 9 Natural Resources**

**27 All types of subdivision**

No numeric standards.

**Part 21 Zone 10 Investigation**

**28 All types of subdivision**

Subdivision prohibited.

**24 Subdivision**

- (1) Despite any other provision of this plan, subdivision of land, other than that identified in subclause (9), may be carried out only with development consent.
- (2) Land in any zone may be subdivided only if the consent authority is satisfied:
- (a) that the resulting lots will conform to the requirements in Schedule 2 (Subdivision standards) applicable to subdivision in that zone, and
  - (b) the resulting lots can be developed in accordance with this plan.
- (3) To avoid doubt State Environmental Planning Policy No 1 – Development Standards applies to a requirement referred to in subclause (2) (a) in the same way as it applies to a development standard.
- (4) Consent must not be granted to a subdivision of land in Zone 2 (1) or 2 (2) for the purpose of small lot housing unless consent has been or is also given to the erection on the land of dwellings that will comprise small lot housing.
- (5) Consent must not be granted for a subdivision of land in Zone 2 (1) for the purpose of dual occupancy-attached or dual occupancy-detached unless consent has been or is also granted for the erection on the land of dwellings comprising that form of dual occupancy.
- (6) (Repealed)
- (7) The subdivision of land in Zone 2 (1) or 2 (2) for small lot housing is prohibited if it would result in the creation of any battle-axe lots.
- (8) The subdivision of land in Zone 10 is prohibited.
- (9) Consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size provided for by this plan in relation to the land concerned,

- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

**27 Dwelling houses, small lot housing and dual occupancies in Zone 1(2), 2(1), 2(2) or 7(5)**

- (1) This clause applies to land in Zone 1 (2), 2 (1), 2 (2) or 7 (5).
- (2) In this clause:  
*dwelling lot* means a lot that:
  - (a) was a lawfully created lot at the commencement of this plan, or
  - (b) is a lot lawfully created after that commencement under a development consent granted before or after that commencement, or
  - (c) complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of:
  - (a) a dwelling house on a dwelling lot in Zone 2 (2), or
  - (b) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (2) or 7 (5), or
- (c) a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot in Zone 2 (1).
- (5) Consent must not be granted for the erection or creation of a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot if its erection or creation would mean:
  - (a) if the lot is in Zone 1 (2), 2 (1), 2 (2) or 7 (5)—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or

- (b) if the lot is in Zone 1 (2), 2 (1) or 7 (5)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 1 (2) or 7 (5).
- (7) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a battle-axe lot in Zone 2 (1).
- (8) Consent must not be granted for the erection or creation of small lot housing in Zone 2 (1) or 2 (2):
  - (a) on a battle-axe lot, or
  - (b) on a lot less than 1,000 square metres in area.
- (9) Consent must not be granted to the erection or creation in Zone 2 (1) of:
  - (a) a dual occupancy-attached on a lot less than 500 square metres in area, or
  - (b) a dual occupancy-detached on a lot less than 600 square metres in area.

**28A Residential flat buildings and multiple dwelling housing in Zone 2(2)**

- (1) Consent must not be granted to the erection or creation of a residential flat building on:
  - (a) an irregular or standard corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 2,000 square metres and the battle-axe access handle has a minimum width of 8 metres, or
- (c) any other irregular allotment or standard allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres.
- (2) Consent must not be granted to the erection or creation of multiple dwelling housing on:
  - (a) a corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and the battle-axe access handle has a minimum width of 8 metres, or
- (c) any other allotment in Zone 2 (2) unless the allotment has a minimum area of 900 square metres and a minimum width of 25 metres.
- (3) In this clause:  
*width* means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.



**ATTACHMENT D**

Extract from Lake Macquarie Local Environmental Plan, 2004 as at 15 June 2011

**Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites**

(Clause 51 and Dictionary)

**Part 1 Heritage items other than of indigenous origins**

In this Schedule, for the purpose of listing property descriptions, the symbol **S** means identified as of State significance, **R** means identified as of regional significance, **L** means identified as of local significance, **PO** means Permissive Occupancy, **MS** means miscellaneous, **MD** means Maitland and **SP** means strata plan.

Item No	Significance	Item	Address	Property description
<b>Argenton</b>				
AG-01	L	Newcastle Mines Rescue Station	533 Lake Rd	Lot 2, DP 599235
AG-02	L	Former Cockle Creek Railway Bridge	2 (over) Cockle Creek (also see RT-09)	
AG-03	L	Cockle Creek Railway Bridge	3 (over) Cockle Creek (also see RT-03)	
AG-05	L	Church Hall and Anglican Church	477 Lake Rd 475 Lake Rd	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L	Speers Point Tram Route	Frederick St (also see RT-02)	
<b>Awaba</b>				
AW-03	L	Former Awaba Union Church	20 Gosford St	Lot 1, Section 8, DP758041
AW-05	L	Gatekeeper's Cottage	1 Wilton Rd	Lot 1, DP 817297
<b>Barnsley</b>				
BY-02	L	Johnston Family Cemetery	14A Taylor Ave	Lot 100, DP 630296
BY-03	L	Former Barnsley	91 Appletree Rd	Lot 2, DP 1001812

		Public School		
<b>Belmont</b>				
BM-01	L	House "Yarragee"	23 Bellevue Rd	Lot 1, DP 881605
BM-04	L	Captain Bain's House	15 George St	Lot 2, DP 13715
BM-05	L	House "The Bennals"	45 Walter St	Lot D, DP 402085
BM-08	L	Former Ferry Wharf	55 Brooks Pde	Belmont Wharf
<b>Belmont North</b>				
BN-01	L	Former John Darling Colliery	14 John Darling Ave 65 John Fisher Rd 85 John Fisher Rd 75 John Fisher Rd	Lot 100, DP 1136505 Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551
BN-04	L	Former Staff Houses, Colliery Row	3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl	Lot 12, DP 848941 Lot 14, DP 848941 Lot 15, DP 848941 Lot 120, DP 853391
<b>Belmont South</b>				
BS-02	L	Tank traps	Cold Tea Creek, 690A Pacific Hwy	Lot 7024, DP 1057186
<b>Blackalls Park</b>				
BK-02	L	Railway Bridges	2 (over) Mudd Creek and 2 (over) Stony Creek (also see RT-11)	
BK-03	L	Railway Station	26 South Pde (also see RT-11)	
<b>Boolaroo</b>				
BR-01	L	Group of 4 Cottages	8 Creek Reserve Rd	Lot 11, DP 616785 Lot 1, DP 301687

		10 Creek Reserve Rd	Lot 3, DP 8704	CF-09 L	House	309 Main Rd	Pt Lot 34, DP 755233
		12 Creek Reserve Rd	Lot 4, DP 8704	CF-15 L	St Kevin's Cottage	230 Main Rd	Lot 1, DP 1015805
		14 Creek Reserve Rd		CF-16 L	St Kevin's Church	226 Main Rd	Lot 3, Section A, DP 4143
BR-02 L	Former Boolaroo Post Office	91 Main Rd	Lot 2, DP 809177	CF-17 L	Former Miner's Cottage	251 Main Rd	Lot 1, DP 303203
BR-04 L	Former Motor Garage	19 Main Rd	Lot 1, DP 125272	<b>Cardiff South</b>			
BR-05 L	Commercial Hotel	2 Main Rd	Lot 1, Section A, DP 3494, Lot 2, Section A, DP 3494	CS-01 L	Former Colliery Tramway	14a Almora Cl 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
BR-06 L	House "Alida"	Lakeview Rd	Lot 4, Section M, DP 3494	<b>Catherine Hill Bay</b>			
BR-16 L	Former Laboratory building on the former Pasminco site	Part of 13A Main Rd	Part of Lot 2, DP 1127713	CH-03 L	Police Station and Lock Up	23-27 Clarke St	Lot 1, Section F, DP 163, Lot 3, Section F, DP 163, Lot 5, Section F, DP 163
<b>Booragul</b>				CH-04 L	Wallarah Hotel	24 Clarke St	Lot 1, Section D, DP 163
BU-01 L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667	CH-05 L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717
BU-02 L	House "Awaba Park"	18 Marmong St 2b First St	Lot 120, DP 855520 Lot 33, DP 1133743	CH-06 L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
BU-03 L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186	CH-07 L	Cottage	17 Clarke St	Lot 80, DP 222717
<b>Cams Wharf</b>				CH-08 L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CW-01 L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354	CH-10 L	Cottage	3 Lindsley St	Lot 54, DP 222717
<b>Cardiff</b>				CH-12 L	Cottage	11 Lindsley St	Lot 58, DP 222717
CF-01 L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989	CH-14 L	Coal Loader Jetty	Southern end of the beach	Lot 104, DP 1129872
CF-02 L	Brick Shops	281 Main Rd	Lot 4, DP 10789	CH-17 L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CF-04 L	Former Doctor's Surgery	8 Michael St	Lot 2, DP 214463	CH-19 L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CF-05 L	House	6 Michael St	Lot 1, DP 214463	CH-21 L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943
CF-08 L	Cardiff Masonic Hall	4 Margaret St	Lot 12, Section B, DP 8186				

		35 Flowers Dr	Lot 18, DP 222943	CB-06 L	House	9 Kings Rd	Lot 3, DP 549007
		37 Flowers Dr	Lot 19, DP 222943	CB-07 L	House	85 Kings Rd	Lot 1, DP 798409
		42 Flowers Dr	Lot 41, DP 222943	CB-08 L	North	200 Martinsville Rd	Lot 7300, DP 1145113
		44 Flowers Dr	Lot 42, DP 222943		Corrumbung Cemetery		Lot 1, DP 1095988
		46 Flowers Dr	Lot 43, DP 222943	CB-09 L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
		48 Flowers Dr	Lot 44, DP 222943	CB-17 L	Water Tower	15 Central Rd	Lot 20, DP 3534
		50 Flowers Dr	Lot 45, DP 222943	CB-18 L	Bethel Hall	50 Central Rd	Lot 18, DP 129134
		54 Flowers Dr	Lot 47, DP 222943	CB-21 L	College Hall	50 Central Rd	Lot 18, DP 129134
		56 Flowers Dr	Lot 48, DP 222943	CB-22 L	Science Hall	50 Central Rd	Lot 18, DP 129134
		58 Flowers Dr	Lot 49, DP 222943	CB-23 L	House "The Laurels"	50 Central Rd	Lot 18, DP 129134
CH-22 L	Hall	1 Northwood Rd	Lot 1, DP 407474	CB-24 L	Auditorium	50 Central Rd	Lot 9, Section 7, DP 3533
CH-24 L	House	26 Flowers Dr	Lot 1, DP 1107593	CB-26 L	Sanitarium Health Foods Factory	70 Central Rd 70 Central Rd 50 Central Rd 50 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533 Lot 1, DP 938761 Lot 18, DP 129134
CH-27 L	House	38 Flowers Dr (off Colliery Rd)	Lot 223, DP 1102989	CB-27 L	Sanitarium Dairy Farm	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CH-32 L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250	CB-28 L	House "Three Bells"	597 Freemans Dr	Lot 201, DP 1059478
CH-34 S	Former WWII RAAF Radar Station 208	145 Mine Camp Rd	Lot 16, DP 755266 Lot 3, DP 1016670	CB-29 L	Cottage	661 Freemans Dr	Lot A, DP 416525
				CB-31 L	House "Sunnyside"	27 Avondale Rd	Lot 2, DP 204207
<b>Charlestown</b>				<b>Dora Creek</b>			
CT-01 L	Miners' Cottages	300 Charlestown Rd	Lot 2, DP 33470	DC-02 L	House	16 Dora St	Lot 11, DP 533825
		304 Charlestown Rd	Lot 4, DP 33470	DC-03 L	Holmes Store	3 Watt St	Lot 38, DP 528601
		306 Charlestown Rd	Lot 5, DP 33470	DC-04 L	Former St Paul's Anglican Church	26 Coorumbung Rd	Lot 101, DP 840020
		308 Charlestown Rd	Lot 6, DP 33470	<b>Dudley</b>			
CT-03 L	Cottage	32 Smith St	Lot 1, DP 213865	DL-01 L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
CT-04 L	Brick Cottage	36 Smith St	SP 43904	DL-02 L	Dudley Monument	Corner of Redhead Rd and Ocean St	Lot 189, DP 755233
<b>Coal Point</b>							
CP-01 L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893				
<b>Cooranbong</b>							
CB-01 L	Grave "Frost's Rest"	154 Mannings Rd	Lot 1, DP 919600				
CB-02 L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852				
CB-03 L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223				

DL-03	L	Two Miner's Cottages	125 and 127 Ocean St	Lots 1, 2 and 3, Section D, DP 2657	FW-01	L	Headframe Former Mining Museum	890A Freemans Dr	Lot 80, DP 610602
DL-04	L	Dudley Public School	124 Ocean St	Lot 145, DP 755233	<b>Glendale</b>				
DL-06	L	Pensioners Hall	98 Ocean St	Lot 1, DP 931771	GD-01	L	Cardiff Railway Workshops	460 Main Rd	Lot 100, DP 1100258
DL-07	L	Ocean View Hotel	85 Ocean St	Lot 20, Section A, DP 2304	<b>Holmesville</b>				
DL-08	L	Royal Crown Hotel	94 Ocean St	Lot 18, Section B, DP 2304	HV-04	L	Brick House	47 Appletree Rd	Lot 3, Section B, DP 4479
DL-09	L	Former Miner's Cottage	31 Thomas St	Lot 9, Section D, DP 2657	HV-06	L	Brick House	54 Appletree Rd	Lot 22, DP 740832
DL-10	L	Former Miner's Cottage	29 Thomas St	Lot 11, Section D, DP 2657	HV-07	L	House	20 William St	Lot 14, Section E, DP 5432
<b>Edgeworth</b>					HV-08	L	Former Police Station	20 Charlotte St	Lot 15, Section E, DP 5432
EW-07	L	School Teacher's Residence	7 Minmi Rd	Lot 106, DP 755262	HV-09	L	Post Office Store	18 George St	Lot 1, Section L, DP 3442
<b>Eraring</b>					HV-11	L	Holmesville Hotel	21 George St	Lot 20, Section M, DP 3442
ER-01	L	Eraring Power Station	268 Rocky Point Rd, Eraring 294 Rocky Point Rd, Eraring 115 Construction Rd, Myuna Bay 215 Construction Rd, Myuna Bay 235 Construction Rd, Myuna Bay 260 Construction Rd, Myuna Bay	Lot 11, DP 1050120 Lot 10, DP 1050120 Lot 50, DP 840671 Lot 20, DP 840668 Lot 211, DP 840670 Lot 51, DP 840671	HV-20	L	House	32 Seaham St	Lot 42, Section B, DP 4479
<b>Fassifern</b>					HV-24	L	Railway Station	Killingworth Rd (also see RT-09)	
FF-01	L	Fassifern Railway Cottage	Wallsend Rd	Lot 1, DP 854050	HV-25	L	Former Uniting Church	29 Helens St	Lot 16, Section N, DP 3442
FF-02	L	Toronto Railway Overbridge	(over) Fassifern Rd (also see RT-11)		<b>Kahibah</b>				
FF-03	L	Fassifern Railway Station	29 Fassifern Rd		KH-01	S L	Glenrock Railway and Mine. Entrance and early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
<b>Freemans Waterhole</b>					<b>Killingworth</b>				
					KW-02	L	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513 Lot 2, DP 619513
					KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 13, Section E, DP 4339
					KW-05	L	Soldier's Memorial	26 The Broadway	Lot 1, Section D, DP 4339

**Kotara South**

KS-01 L South Waratah Colliery 31 Kirkdale Dr (also see RT-06) Lot 132, DP 243393

**Little Pelican**

LP-01 L Little Pelican cottages and site Lot 7036, DP 1030788

**Marks Point**

MK-01 L House 15 Haddon Cr Lot 1, DP 124241

**Martinsville**

MV-01 L Public School 495 Martinsville Rd Lot 157, DP 823773

MV-02 L House "Woodside" 32 Wilkinson Rd Lot 1, DP 741192

MV-03 L Dora Creek Bridge Owens Rd

MV-04 L Farm House "Wonga Hill" 324 Owens Rd Lot 63, DP 661760

MV-08 L Former Union Church 447 Martinsville Rd Lot A, DP 4329

**Morisset**

MS-01 L Stationmaster's House 58 Dora St Pt Lot 1, DP 1002965

MS-02 L Community Hall 77 Dora St Lot 2, DP 590896

MS-04 L Mullard Chambers building 71 Dora St Lot 1, DP 215590

MS-08 L Morisset High School 33 Bridge St Lot 3, Section 40, DP 758707

MS-10 L Tree—Morisset's Campsite 147 Macquarie St Lot 7045, DP 93593

MS-12 S Morisset Hospital 84 Bridge Street, Lot 1, DP 880557  
L Wards 5 and 6 Morisset

MS-13 S Morisset Hospital 84 Bridge Street, Lot 1, DP 880557  
L Ward 9, Clinical Dept Morisset

MS-14 S Morisset Hospital 84 Bridge Street, Lot 1, DP 880557  
L Ward 10 Morisset

MS-15 S Morisset Hospital 84 Bridge Street, Lot 1, DP 880557  
L The Chapel Morisset

MS-16 S Morisset Hospital 84 Bridge Street, Lot 1, DP 880557  
L Recreation Hall Morisset

MS-17 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L The Main Store Rd, Bonnells Bay

MS-19 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Residence No 1 Rd, Bonnells Bay

MS-20 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Ward 17, General Psychiatry Rd, Bonnells Bay

MS-23 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Ward 12 Rd, Bonnells Bay

MS-24 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Residence No 3 Rd, Bonnells Bay

MS-25 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Maximum Security Division Rd, Bonnells Bay

MS-26 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Cottage Row Rd, Bonnells Bay  
Residence Nos 16, 17, 18, 19, 20 and 21

MS-29 S Morisset Hospital 69a Fishing Point Lot 1 DP 880557  
L Water Supply Dam—Pourmalong Creek Rd, Bonnells Bay

**Nords Wharf**

NW-01 L Former Guesthouse "Kurrawilla" 127 Marine Pde Lot 4 to 9, DP 23483

NW-02 L "Nords Wharf" 43c Nords Wharf PO 1970/126  
Rd

**Pelican**

PF-01 L Cabbage Trees 5 Soldiers Rd Pt Lot 135, DP 755233  
25 Soldiers Rd Lot 103, DP 755233

Railways and tramways		35 Soldiers Rd	Lot 102, DP 755233		Railway	Seahampton with branches to Fairley and Killingworth	
RT-01	L	West Wallsend Steam Tram Line	West Wallsend to Newcastle via Wallsend, Holmesville, Estelville, Edgeworth and Glendale	RT-10	L	Rhondda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend	RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee	RT-14	L	Wyee Coal Conveyor Railway Loop	North of Wyee to Vales Point Power Station
RT-04	L	Belmont Railway	Adamstown to Belmont, the New Redhead Estate and Coal Company Railway	RT-15	L	Cardiff South Colliery Tramway	Macquarie Rd, Cardiff South
RT-05	L	Branch Lines from the Belmont Railway	Burwood No 3 Colliery, Whitebridge, Dudley Colliery, Dudley, Lambton Colliery, Redhead, John Darling Colliery, Belmont North, Belmont Colliery Sidings, Belmont	<b>Rathmines</b>			
				RM-00	S	Rathmines Park (former RAAF Seaplane Base)	Area bounded by Lake Macquarie, The Circler, Rosemary Row and Overhill Rd Lots 37-49, Pt Lot 50 and Pt Lot 51, DP 11537 Lot 4, DP 704472 Lot 1, DP 226530 Lot 1, DP 226531 Lot 1, DP 226532 Lot 1, DP 226533 Lot 1, DP 226534 Lot 7, DP 516152 Lot 60, DP 584602 Lots 62-64, DP 596913 Lots 648 and 654, DP 806611
RT-06	L	Raspberry Gully Line Railway	Opposite Dalpura Lane to the Main Northern Railway Line, near Adamstown along Styx Creek	RM-01	L	Catalina Memorial Nursing Home	171 Dorrington Rd Lot 2, DP 226531
RT-09	L	Seaham, West Wallsend, Fairley and Killingworth	Cockle Creek to Seaham No 1 Colliery at	RM-02	L	Community Hall	1 Overhill Rd Lot 64, DP 596913
				RM-03	L	Catamaran Club	1 Overhill Rd Lot 64, DP 596913

RM-04 L	Christadelphian School	2 Stilling St	Lot 5, DP 226534	SP-19 L	House	302 The Esplanade	Lot 32, DP 564214
RM-05 L	Flying Boat Ramps	1 Overhill Rd	Lot 64, DP 596913	SP-23 L	House	282 The Esplanade	Lot 145, DP 558308
RM-06 L	Rathmines Bowling Club	1 Stilling St	Lot 4, DP 226533	SP-25 L	Former Lake Macquarie Council Chambers	143 Main Rd	Lot 13, DP 810700
RM-07 L	Catalina War Memorial	1 Overhill Rd	Lot 64, DP 596913	SP-26 L	House	141 Main Rd	Lot 1, DP 368588
RM-08 L	Rathmines Holiday Camp	3 Stilling St	Lot 1, DP 226530	SP-29 L	Speers Point Garage	155 Main Rd	Lot 12, Section A, DP 4063
RM-09 L	Brick Store	1 Overhill Rd	Lot 64, DP 596913	SP-30 L	House "Shangrila"	157 Main Rd	Lot 11, Section A, DP 4063
RM-10 L	Boat Slip	1 Overhill Rd	Lot 64, DP 596913	SP-31 L	House	159 Main Rd	Lot 10, Section A, DP 4063
RM-12A L	Emergency Radio Bunkers	115 Wangi Rd	Lot 446, DP 1138964	SP-34 L	Lakeview Street Theatre	81 Lakeview St	Lot 14, Section B, DP 4063
<b>Redhead</b>				SP-36 L	Shelter Shed	15 Park Rd	Lot 1, DP 998238
RH-01 L	Lambton Colliery	1 Geraldton Dr	Lot 68, DP 878840	SP-37 L	Minenwerfer (or German Mortar)	15 Park Rd	Lot 1, DP 998238
RH-03 L	Under-Manager's House	17 Geraldton Dr	Lot 7, DP 878840	<b>Swansea</b>			
RH-04 L	"The Gables"	87 Redhead Rd	Lot 4, DP 737493	SS-02 L	The Swansea Hotel	196 Pacific Hwy	Lot 12, DP 1101804
RH-07 L	Mine Manager's House	21 Elsdon St	Lot 100, DP 609787	<b>Swansea Heads</b>			
RH-08 L	Shark Tower	2A Beach Rd	Lot 1412, DP 755233	SD-02 L	Coast Guard Station	3a Lambton Pde	Lot 548, DP 39981
<b>Speers Point</b>				SD-03 L	Reid's Mistake, Head and Channel	7a Lambton Pde	Pt Reserve 88033
SP-03 L	House	10 Council St	Lot 1, DP 518527	<b>Teralba</b>			
SP-04 L	House	8 Council St	Lot 1, DP 521920	TA-03 L	Shop	10 Anzac Pde	Lot 1, DP 999965
SP-08 L	House	18 Alley St	Lot 11, DP 525378	TA-08 L	House "Moria"	59 York St	Lot 17, DP 816302
SP-09 L	House	37 Alley St	Lot 1, DP 587774	TA-09 L	Teralba Public School	57 York St	Lot 2, DP 795123
SP-10 L	Cottage	64 Speers St	Lot 1, DP 348879	TA-10 L	Great Northern Hotel	2 Anzac Pde	Lot 7, Section A, DP 447469
SP-11 L	House	66 Speers St	Lot 3, DP 562487	TA-11 L	House "AS"	101 Railway St	Lot 261, DP 554269
SP-12 L	House	41 Albert St	Lot 1, DP 962726				
SP-13 L	House	74 Speers St	Pt Lot 1, DP 956798				
SP-14 L	House	214 The Esplanade	Lot 1, DP 108865				
SP-16 L	House "The Knoll"	374 The Esplanade	Lot 3, DP 786053				
SP-17 L	House	332 The Esplanade	Lot 4, DP 350608				

TA-12	L	Station Master's Cottage	150 Railway St	Lot 3, DP 831957			
TA-13	L	Teralba Cemetery Billygoat Hill	20 Pitt St	Lot 31, DP 858667			
TA-16	L	Gartlee Mine	159 Railway St	Lot 1, DP 780614			
TA-17	L	Rhondda Colliery	282 Rhondda Rd 284 Rhondda Rd	Lot 101, DP 1073163 Lot 76, DP 755262			
TA-18	L	Former Co-operative Store	75 York St	Lot 18, DP 1158353			
TA-25	L	St Hilda's Church	16 York St	Lot 4, DP 1128610			
<b>Toronto</b>							
TT-01	L	House "Manuka"	182 Excelsior Pde	Lot 461, DP 589541			
TT-06	L	House "The Moorings"	2 Jarrett St	Lot 1, DP 1108227			
TT-08	L	Toronto Cemetery	354 Awaba Rd	Lots 7044 to 7046, DP 1052029 and Lot 7058, DP 1052031			
TT-09	L	Toronto Hotel	74 Victory Pde	Lot 201, DP 549239			
TT-11	L	Former Railway Station	16 Victory Row	Lot 220, DP 1021925			
TT-12	L	Frith's Store	66 The Boulevarde	Lot B, DP 390795			
TT-15	L	Building Restaurant	24 Victory Pde	Lot 1, DP 301366			
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286			
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503			
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464			
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60			
TT-20	L	House	4 Arnott Ave	Lot 1, DP 950464			
TT-21	L	House	32 Renwick St	Lot 1, DP 122786			
TT-22	L	"Bumbrae" Station Master's Cottage	98 Brighton Ave	Lot 1, DP 125979			
TT-23	L	House "McGeachie's"	109 Brighton Ave	Lot 2, DP 515029			
TT-29	L	Convent of Mercy	26 Renwick St	Lot 2122, DP 1116609			
TT-30	L	House	23 Renwick St	Lot 2, DP 350492			
TT-38	L	Cottage	6 Renwick St	Lot 21, Section 7, DP 4236			
TT-42	L	House	16 Hunter St	Lot 111, DP 596414			
TT-43	L	Winn's House	19 Hunter St	Lot 100, DP 717511			
<b>Wangi Wangi</b>							
WG-01	S L	Wangi Power Station	80 Donnelly Rd	Lot 101, DP 880089			
WG-04	L	House "Dobell House"	47 Dobell Dr	Lot 13, DP 8840			
WG-06A	L	Gun emplacements	24 Reserve Rd	Lot 526, DP 662836			
<b>Warners Bay</b>							
WB-01	L	House "Ali's Palace"	6 Fairfax Rd	Lot 2, DP 20222, Lot 34, DP 20222, Pt Lot 1, DP 20222			
WB-02	L	First Orange Orchard	The slope with north eastern aspect falling from crest of hill at corner Beryl and Mills Sts down to creek and tramway	(WB-03)			
WB-03	L	Mine Pithead and Coal Tramway to Lake	Follows creek from below Barbara St, to Lake between Howard and James Sts				
WB-04A	L	Cottage	17 Daydawn Ave	Lot 10, DP 651218			



West Wallsend

WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411	WW-31	L	West Wallsend Public School	49a Wallace St	2252	Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, Section J, DP 2252, Lot 8, Section J, DP 2252, Lot 9, Section J, DP 2252, Lot 10, Section J, DP 2252, Lot 11, Section J, DP 2252, Lot 12, Section J, DP 2252, Lot 1, DP 415746, Lot 1, DP 103681, Lot 1, DP 203314, Lot 1, DP 418805
WW-02	L	West Wallsend (No 1) Colliery	off Wilson St	Pt Lot 106, DP 1000408						
WW-05	L	Cottage	12 Carrington St	Lot 6, Section Z, DP 3809						
WW-06	L	Cottage	15 Carrington St	Lot 15, Section D, DP 2252						
WW-08	L	House "Earsdon Cottage"	20 Carrington St	Lot A, DP 370073						
WW-10	L	Former Shop and Doctors surgery	47 Carrington St	Lot 16, Section C, DP 2252	WW-32	L	Miners' Memorial	49a Wallace St		Lot 8, Section J, DP 2252
WW-11	L	House	47 Carrington St	Lot 16, Section C, DP 2252	WW-33	L	Presbyterian Church	48a Wallace St		Lot 1, Section O, DP 2253
WW-12	L	Former Shop and House	52 Carrington St	Lot 2, Section G, DP 2252	WW-35	L	Baptist Church	49 Wallace St		Lot 15, Section K, DP 2252
WW-13	L	Post Office and Residence	54 Carrington St	Lot 1, Section G, DP 2252	WW-38	L	Former Northumberland Hotel	1 Hyndes St		Lot 11, DP 565278
WW-14	L	Catholic Church and Convent	5 Hyndes St	Lot 15, Section G, DP 2255, Lot 16, Section G, DP 2252, Lot 1, DP 500232, Lot 2, DP 500232	WW-39	L	Cottage	53 Wilson St		Lot B, DP 315094
WW-15	L	Soldiers' Memorial and Park	49 Carrington St	Lot 1, DP 301342	WW-40	L	Cottage	8 Laidley St		Lot B, DP 319636
WW-16	L	Workers' Club	51 Carrington St	Lot 11, DP 863266	WW-41	L	Museum Hotel	70 Wilson St		Lot 21, DP 700424
WW-18	L	Clyde Inn Hotel	57 Carrington St	Lot 12, Section B, DP 2252	WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd		Lot 1, DP 231108, Lot 2, DP 231108, Lot 21, DP 223395, Lot 1, DP 207238, Lot 1, DP 338999, Lot 121, DP 755262
WW-19	L	House	59 Carrington St	Lot A, DP 382915						
WW-23	L	Former School of Arts	65 Carrington St	Lot 21, DP 875161	WW-47	L	Mt Sugarloaf No 1 Colliery	Mt Sugarloaf Rd		Lot 7, DP 813135
WW-26	L	West Wallsend Co-Op	76a Carrington St 6 Withers St 8 Withers St	Lot 7, Section E, DP 2252 Lot 8, Section E, DP 2252 Lot 9, Section E, DP 2252	WW-50	L	West Wallsend Cemetery	Cemetery Rd		Lots 980 and 981, DP 589701
					WW-52	L	West Wallsend Valve House and Underground	30a George Booth Dr, Estelville		Lot 1, DP 923587

Reservoir  
 WW-58 L Anglican Church 11 Wallsend Rd Lot 81, DP 1143907

**Whitebridge**

WH-01 L Whitebridge Cemetery 132a Dudley Rd Lots 1697, 1698 and 1731, DP 755233  
 WH-02 L House 105 Burwood Rd Lot 7, DP 800730  
 WH-08 L Railway Cutting and Bridge Old Dudley Rd (also see RT-04)  
 WH-09 L Captain Bulls Garden 76 Bulls Garden Rd Lot 10, DP 220823

**Wyee**

WY-02 L Wyee Channel Extending north, from the Wyee Dam, passing under Summerhayes Rd

AW-08 L

BN-01 L

Railway Station cottage 34 Brisbane St, Awaba  
 Former John Darling Colliery John Fisher Rd, Siloam Dr, John Fallins Cl, John Darling Ave  
 Lots 2-8, DP 1038830  
 Lots 1-5, 7-9, 12-14 and 16-18, DP 270530  
 Lots 201-223, 225 and 226, DP 1136649  
 Lots 1 and 2, DP 1153652  
 Lots 301-330, DP 1148102  
 Lots 501-505, DP 1156100

**Part 2 Potential archaeological sites other than of indigenous origins**

Item No	Significance Item	Address	Property description
1	Wharf	Middle Camp Beach, Catherine Hill Bay	
2	Wallarah East Pit	Flowers Dr, Catherine Hill Bay	
3	Newstan Colliery	Fassifern Rd, Fassifern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
7	L Former mine site	180 Ross St, Green Point Reserve	Lot 2, DP 845516

**Schedule 5 Natural heritage items**

(Dictionary)

**Part 1 Items relating to fossils**

Item No	Significance	Item	Address	Property description
<b>Blackalls Park</b>				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
<b>Swansea Heads</b>				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
<b>Tingira Heights</b>				
TH-01	S L	Nature Reserve and being permian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permian Fossil Horizon Belmont—Warners Bay</i> 1949 (Records of the Australian Museum 1950)

**Part 2 Landmark of Aboriginal and European heritage significance supporting tree groups and individual trees**

Item No	Significance	Item	Address	Property description
LM-01	L	Pulbah Island		

**Schedule 6 Places or potential places of Aboriginal heritage significance**

(Clause 50 and Dictionary)

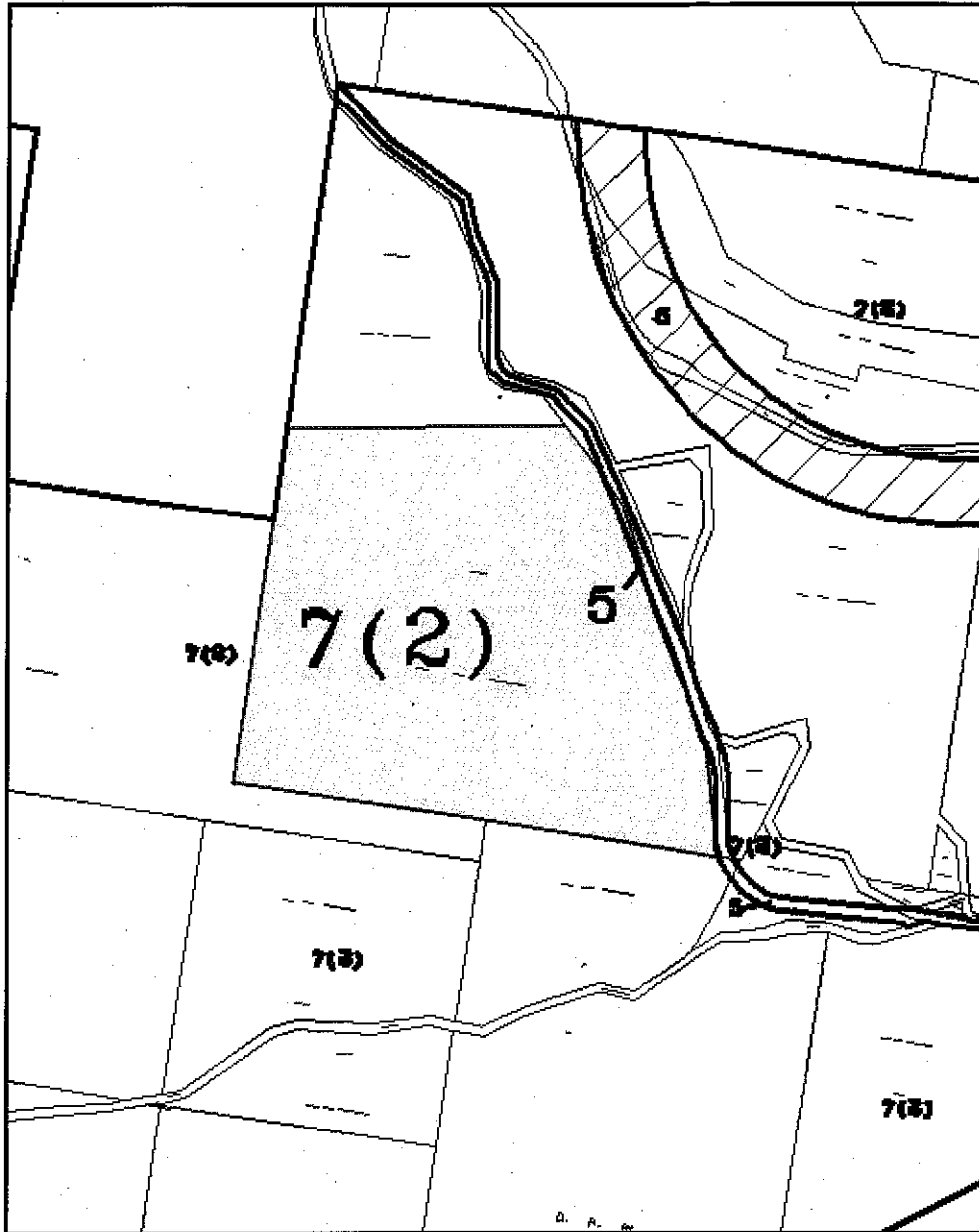
**Part 1 Places of Aboriginal heritage significance**

Item No	Significance	Item	Address	Property description
	Various	All sites identified in the last edition of the National Parks and Wildlife Service's Aboriginal Sites Register available at the office of the Council		All property identified as an Aboriginal site in that Register

**Part 2 Potential places of Aboriginal heritage significance**

Item No	Significance	Item	Address	Property description
	Various	All sites, localities and landscapes identified in the <i>Lake Macquarie Aboriginal Heritage Study Report</i> available at the office of the Council		All properties identified as an Aboriginal site, locality or landscape as held in the records of Lake Macquarie City Council

**ATTACHMENT E:**



**LAKE MACQUARIE CITY COUNCIL  
LOCAL ENVIRONMENTAL PLAN 2004-Zoning Map**

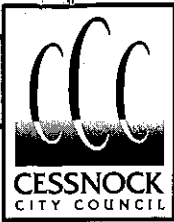
**149 Cert. No.: 70459**



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Not to  
Scale



# PLANNING CERTIFICATE

ISSUED UNDER SECTION 149  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

14-3-12 EE 7247

**Ardill Payne & Partners**  
79 Tamar Street  
BALLINA NSW 7247

APPLICANT'S REFERENCE **7247**

## CERTIFICATE DETAILS:

CERTIFICATE NUMBER: **20120469**  
DATE OF CERTIFICATE: **01/03/2012**  
RECEIPT NO.: **1380043**

## PROPERTY DETAILS:

ADDRESS: **1151 George Booth Drive RICHMOND VALE**  
TITLE: **DP 809377 Lot 2**  
PARCEL NO.: **25170**

## BACKGROUND INFORMATION:

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 149 of the Environmental Planning and Assessment Act, 1979.

TELEPHONE: (02) 4993 4100; FAX: (02) 4993 2500  
POSTAL ADDRESS: PO BOX 152, CESSNOCK, NSW, 2325 or DX 21502 CESSNOCK  
EMAIL ADDRESS: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)  
Visit us at: <http://www.cessnock.nsw.gov.au>

**1. NAME OF RELEVANT PLANNING INSTRUMENTS AND DCPS**

- The name of each environmental planning instrument that applies to the carrying out of development on the land.
- The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- The name of each development control plan that applies to the carrying out of development on the land.
- In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 2011

Hunter Regional Environmental Plan 1989 (Heritage)

SEPP No 1 - Development Standards

SEPP No 4 - Development Without Consent & Misc Exempt and & Complying Development

SEPP No 6 - Number of Storeys in a Building

SEPP No 15 - Rural Landsharing Communities

SEPP No 21 - Caravan Parks

SEPP No 22 - Shops and Commercial Premises

SEPP No 30 - Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 - Hazardous and Offensive Development

SEPP No 36 - Manufactured Home Estates

SEPP No 44 - Koala Habitat Protection

SEPP No 50 - Canal Estate Development

SEPP No 55 - Remediation of Land

SEPP No 62 - Sustainable Aquaculture

SEPP No 65 - Design Quality of Residential Flat Development

SEPP No 70 - Affordable Housing (Revised Schemes)

SEPP (Affordable Rental Housing) 2009

SEPP (Building Sustainability Index: BASIX) 2004

- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Major Development) 2005
- SEPP (Mining, Petroleum Production and Extractive Industries)
- SEPP (Rural Lands) 2008
- SEPP (Temporary Structures) 2007
- SEPP 14 - Coastal Wetlands
- SEPP No 64 - Advertising and Signage
- SEPP (Urban Renewal) 2010
- SEPP (State and Regional Development) 2011

**1.2 WHICH PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND THAT IS OR HAS BEEN THE SUBJECT OF COMMUNITY CONSULTATION OR PUBLIC EXHIBITION?**

There are no Draft Local Environmental Plan/s affecting this land.

**1.3 WHICH DEVELOPMENT CONTROL PLAN/S APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND?**

Cessnock Development Control Plan 2010

**2. ZONING AND LAND USE UNDER RELEVANT LEPs**

**FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:**

**2.1 WHAT IS THE IDENTITY OF THE ZONING FOR THE LAND?**

Zone No 1(a) Rural "A" Zone

**2.2 FOR WHAT PURPOSES MAY DEVELOPMENT BE CARRIED OUT WITHIN THE ZONE WITHOUT THE NEED FOR DEVELOPMENT CONSENT?**

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); commercial vineyards; forestry; stables.

**2.3 FOR WHAT PURPOSES MAY DEVELOPMENT NOT BE CARRIED OUT WITHIN THE ZONE EXCEPT WITH DEVELOPMENT CONSENT?**

Any purpose other than a purpose included in item 2 or 4.

**2.4 FOR WHAT PURPOSES IS DEVELOPMENT PROHIBITED WITHIN THE ZONE?**

Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; multiple dwellings; recreation facilities (other than those ancillary or related to a tourist recreation facility); Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; multiple dwellings; recreation facilities (other than those ancillary or related to a tourist recreation facility);

**2.1 WHAT IS THE IDENTITY OF THE ZONING FOR THE LAND?**

Zone RU2 Rural Landscape

**2.2 FOR WHAT PURPOSES MAY DEVELOPMENT BE CARRIED OUT WITHIN THE ZONE WITHOUT THE NEED FOR DEVELOPMENT CONSENT?**

Extensive agriculture; Home occupations; Horticulture

**2.3 FOR WHAT PURPOSES MAY DEVELOPMENT NOT BE CARRIED OUT WITHIN THE ZONE EXCEPT WITH DEVELOPMENT CONSENT?**

Cellar door premises; Dual occupancies; Dwelling houses; Environmental protection works; Farm buildings; Garden centres; Hardware and building supplies; Health consulting rooms; Home industries; Hospitals; Landscaping material supplies; Neighbourhood shops; Plant nurseries; Pubs; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Self-storage units; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2.2 or 2.4

**2.4 FOR WHAT PURPOSES IS DEVELOPMENT PROHIBITED WITHIN THE ZONE?**

Attached dwellings; Bee keeping; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Heliports; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Wharf or boating facilities; Wholesale supplies

**2.5 ARE THERE ANY DEVELOPMENT STANDARDS APPLYING TO THE LAND WHICH FIX MINIMUM LAND DIMENSIONS FOR THE ERECTION OF A DWELLING HOUSE ON THE LAND?**

Cessnock LEP 1989 - No.

Cessnock LEP 2011 - Yes

**2.6 DOES THE LAND INCLUDE OR COMPRISE A CRITICAL HABITAT?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No



**2.7 IS THE LAND IN A CONSERVATION AREA?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No

**2.8 IS AN ITEM OF ENVIRONMENTAL HERITAGE SITUATED ON THE LAND?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No

**2A. ZONING & LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

This clause is not applicable to the Cessnock Local Government Area.

**3. COMPLYING DEVELOPMENT**

**3.1 WHETHER OR NOT THE LAND IS LAND ON WHICH COMPLYING DEVELOPMENT MAY BE CARRIED OUT UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT BECAUSE OF THE PROVISIONS OF CLAUSE 1.19 AND CLAUSE 1.17A (C) AND (D) OF THE STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 ("the SEPP")?**

**IF COMPLYING DEVELOPMENT MAY NOT BE CARRIED OUT ON THE LAND, THE REASONS UNDER CLAUSE 1.19 AND CLAUSE 1.17A(C) & D OF THE SEPP WHY COMPLYING DEVELOPMENT MAY NOT BE CARRIED OUT ON THE LAND?**

***NOTE: THIS CLAUSE IDENTIFIES ONLY THE LAND BASED EXCLUSIONS LISTED IN CLAUSES 1.19 AND 1.17A (C) AND (D) OF THE SEPP. TO BE COMPLYING DEVELOPMENT, THE DEVELOPMENT MUST BE COMPLYING DEVELOPMENT THAT MEETS THE STANDARDS SPECIFIED FOR THAT DEVELOPMENT AS REQUIRED BY THE SEPP.***

**GENERAL HOUSING CODE**

Complying Development may be carried out under the General Housing Code where is has been certified by either the Council, the NSW Rural Fire Service (until 25 February 2012) or a suitably qualified consultant in bushfire risk assessment as not being within bush fire attack level 40 (BAL-40) or the flame zone (BAL-FZ).

**RURAL HOUSING CODE**

Complying Development may be carried out under the Rural Housing Code where is has been certified by either the Council, the NSW Rural Fire Service (until 25 February 2012) or a suitably qualified consultant in bushfire risk assessment as not being within bush fire attack level 40 (BAL-40) or the flame zone (BAL-FZ).

**HOUSING ALTERATIONS CODE**

Complying development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the general and specific standards of the Code.

**GENERAL DEVELOPMENT CODE**

Complying development may be carried out on the land under the General Development Code, subject to the development complying with the general and specific standards of the Code.

**GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development may be carried out on the land under the General Commercial & Industrial Code, subject to the development complying with the general and specific standards of the Code.

**SUBDIVISIONS CODE**

Complying development may be carried out on the land under the Subdivisions Code, subject to the development complying with the general and specific standards of the Code.

**DEMOLITION CODE**

Complying development may be carried out on the land under the Demolition Code, subject to the development complying with the general and specific standards of the Code.

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**4. COASTAL PROTECTION**

**4.1 IS THE LAND AFFECTED BY THE OPERATION OF SECTION 38 OR 39 OF THE COASTAL PROTECTION ACT 1979, BUT ONLY TO THE EXTENT THAT THE COUNCIL HAS BEEN NOTIFIED BY THE DEPARTMENT OF SERVICES, TECHNOLOGY & ADMINISTRATION?**

This Act is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

This clause is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

This clause is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**5. MINE SUBSIDENCE**

**5.1 IS THE LAND PROCLAIMED TO BE A MINE SUBSIDENCE DISTRICT WITHIN THE MEANING OF SECTION 15 OF THE MINE SUBSIDENCE COMPENSATION ACT 1961?**

No

**6. ROAD WIDENING AND ROAD REALIGNMENT**

**6.1 IS THE LAND AFFECTED BY ANY ROAD WIDENING OR ROAD REALIGNMENT UNDER:**

- (a) DIVISION 2 OF PART 3 OF THE ROADS ACT 1993?**
- (b) ANY ENVIRONMENTAL PLANNING INSTRUMENT?**
- (c) ANY RESOLUTION OF THE COUNCIL?**

No

**7. HAZARD RISK RESTRICTIONS**

**IS THE LAND AFFECTED BY A POLICY EITHER ADOPTED BY COUNCIL OR ADOPTED BY ANY OTHER PUBLIC AUTHORITY AND NOTIFIED TO THE COUNCIL (FOR THE EXPRESS PURPOSES OF ITS ADOPTION BY THAT AUTHORITY BEING REFERRED TO IN PLANNING CERTIFICATES ISSUED BY THE COUNCIL) THAT RESTRICTS THE DEVELOPMENT OF THE LAND BECAUSE OF THE LIKELIHOOD OF:**

**7.1 Landslip**

No

**7.2 Bushfire**

Yes

**7.3 Tidal inundation**

No

**7.4 Subsidence**

No

**7.5 Acid Sulphate Soils**

No

**7.6 Any other risk (other than flooding)**

No

**7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

**7A.1 Is development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) subject to flood related development controls?**

No

**7A.2 Is development on the land or part of the land for any other purpose subject to flood related development controls?**

No

**7A.3 NOTE: Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.**

---

**8. LAND RESERVED FOR ACQUISITION**

**8.1 DOES ANY ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT REFERRED TO IN ITEM 1 ABOVE MAKE PROVISION IN RELATION TO THE ACQUISITION OF THE LAND BY A PUBLIC AUTHORITY, AS REFERRED TO IN SECTION 27 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT?**

Cessnock LEP 2011 - No

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**9. CONTRIBUTIONS PLAN**

**9.1 WHICH CONTRIBUTIONS PLAN/S APPLY TO THE LAND?**

Section 94 Contribution Plan for Residential Development

Section 94 Contribution Plan for Tourist Development

---

**9A. BIODIVERSITY CERTIFIED LAND**

**9A.1 IS THE LAND BIODIVERSITY LAND (WITHIN THE MEANING OF PART 7AA OF THE *THREATENED SPECIES CONSERVATION ACT 1995*)?**

No

---

**10. BIOBANKING AGREEMENTS**

**10.1 WHETHER OR NOT THE LAND IS LAND TO WHICH A BIOBANKING AGREEMENT UNDER PART 7A OF THE *THREATENED SPECIES CONSERVATION ACT 1995* RELATES, BUT ONLY IF THE COUNCIL HAS BEEN NOTIFIED OF THE EXISTENCE OF THE AGREEMENT BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE & WATER.**

No

**11. BUSH FIRE PRONE LAND**

**11.1 IS ANY OF THE LAND BUSHFIRE PRONE LAND AS DEFINED IN THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979?**

Yes

**12. PROPERTY VEGETATION PLANS**

**12.1 DOES A PROPERTY VEGETATION PLAN UNDER THE NATIVE VEGETATION ACT 2003 APPLY TO THE LAND, BEING A PLAN TO WHICH THE COUNCIL HAS BEEN NOTIFIED OF ITS EXISTENCE BY THE PERSON OR BODY THAT APPROVED THE PLAN UNDER THAT ACT?**

No

**13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

**13.1 HAS AN ORDER BEEN MADE UNDER THE TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006 TO CARRY OUT WORK IN RELATION TO A TREE ON THE LAND, BEING AN ORDER TO WHICH THE COUNCIL HAS BEEN NOTIFIED OF?**

No

**14. DIRECTIONS UNDER PART 3A**

**14.1 IS THERE A DIRECTION BY THE MINISTER IN FORCE UNDER SECTION 75P(2)(c1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 THAT A PROVISION OF AN ENVIRONMENTAL PLANNING INSTRUMENT PROHIBITING OR RESTRICTING THE CARRYING OUT OF A PROJECT OR A STAGE OF A PROJECT ON THE LAND UNDER PART 4 OF THAT ACT DOES NOT HAVE EFFECT?**

No

**15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

**15.1 IF THE LAND IS LAND TO WHICH STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 APPLIES, IS THERE A CURRENT SITE COMPATIBILITY CERTIFICATE (SENIORS HOUSING), OF WHICH THE COUNCIL IS AWARE, IN RESPECT OF PROPOSED DEVELOPMENT ON THE LAND?**

No

15.2 IF THE LAND IS LAND TO WHICH STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 APPLIES, HAVE ANY TERMS OF A KIND REFERRED TO IN CLAUSE 18(2) OF THAT SEPP BEEN IMPOSED AS A CONDITION OF CONSENT TO A DEVELOPMENT APPLICATION GRANTED AFTER 11 OCTOBER 2007 IN RESPECT OF THE LAND?

No

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

16.1 IS THERE A VALID SITE COMPATIBILITY CERTIFICATE (INFRASTRUCTURE), OF WHICH THE COUNCIL IS AWARE, IN RESPECT OF PROPOSED DEVELOPMENT ON THE LAND?

No

17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

17.1 IS THERE A CURRENT SITE COMPATIBILITY STATEMENT (AFFORDABLE RENTAL HOUSING), OF WHICH THE COUNCIL IS AWARE, IN RESPECT OF PROPOSED DEVELOPMENT ON THE LAND?

No

17.2 HAVE ANY TERMS OF A KIND REFERRED TO IN CLAUSE 17(1) OR 38(1) OF THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 BEEN IMPOSED AS A CONDITION OF CONSENT TO A DEVELOPMENT APPLICATION IN RESPECT OF THE LAND?

No

NOTE: MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 (CLM Act)

(a) IS THE LAND SIGNIFICANTLY CONTAMINATED LAND WITHIN THE MEANING OF THE CLM ACT AT THE DATE OF THIS CERTIFICATE?

No

(b) IS THE LAND SUBJECT TO A MANAGEMENT ORDER WITHIN THE MEANING OF THE CLM ACT AT THE DATE OF THIS CERTIFICATE?

No

(c) LAND THE SUBJECT OF AN APPROVED VOLUNTARY MANAGEMENT PROPOSAL WITHIN THE MEANING OF THE CLM ACT AT THE DATE OF THIS CERTIFICATE?

No

(d) IS THE LAND THE SUBJECT TO AN ONGOING MAINTENANCE ORDER WITHIN THE MEANING OF THE CLM ACT AT THE DATE OF THIS CERTIFICATE?

No

- (e) IS THE LAND THE SUBJECT OF A SITE AUDIT STATEMENT WITHIN THE MEANING OF THE CLM ACT (SUCH A STATEMENT HAVING BEEN PROVIDED TO COUNCIL AT ANY TIME)?

No

**ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5) OF THE ACT.**

1. Annual Certification of essential fire services is required for these premises. Examples of Essential Services include: Fire Hose Reels, Exit Doors, Smoke Detectors, etc. To obtain the Essential Services Schedule for these premises you should contact Council.
2. Approval has been granted to the extension of the F3 Freeway from Seahampton to Branxton, the proposed route of which passes generally through the following localities in Cessnock local government area; Stockrington, Buchanan, Buttai, Heddon Greta, Loxford, Sawyers Gully, Keimbah, Bishops Bridge, Allandale, Greta and Branxton. Properties within these areas could be affected by noise if the freeway is constructed. Enquiries should be made to the NSW Roads and Traffic Authority, Hunter Region Office, Newcastle, phone 02 4924 0240.
3. The land the subject of this Certificate is not affected by a Tree Preservation Order.
4. Council's current mapping for bushfire prone land within the Cessnock Local Government Area, as certified by the Commissioner of NSW Rural Fire Service pursuant to Section 149(2) of the Environmental Planning & Assessment Act 1979, does not include land identified as predominately grasslands. As of 1 May 2011, AS 3959-2009 Construction of buildings in bush-fire prone areas" will include "grasslands" as a new vegetation classification in Table 2.4.2 AS 3959-2009 applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by AS 3959-2009.

**WHICH DRAFT DEVELOPMENT CONTROL PLAN/S APPLY TO THIS PROPERTY?**

No draft DCP's apply to this property.



**REAR LANEWAYS**

If your property has access to a rear laneway Council may restrict access. Separate enquiries should be made of Council in relation to this matter.

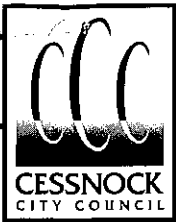
**For further information, please contact Council's Built and Natural Environment Department.**

A handwritten signature in black ink, appearing to read 'G Curtis'.

**G CURTIS  
GROUP LEADER BUILT AND NATURAL ENVIRONMENT**

Per: Handwritten initials 'RB' in black ink.





# PLANNING CERTIFICATE

ISSUED UNDER SECTION 149  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

14-3-12 EE 7247

**Ardill Payne & Partners**  
79 Tamar Street  
BALLINA NSW 7247

**APPLICANT'S REFERENCE 7247**

## CERTIFICATE DETAILS:

**CERTIFICATE NUMBER: 20120468**  
**DATE OF CERTIFICATE:: 01/03/2012**  
**RECEIPT NO.: 1380043**

## PROPERTY DETAILS:

**ADDRESS: 1017 George Booth Drive RICHMOND VALE**  
**TITLE: LOT: 101 DP: 1164569**  
**PARCEL NO.: 508526**

## BACKGROUND INFORMATION:

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 149 of the Environmental Planning and Assessment Act, 1979.

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**1. NAME OF RELEVANT PLANNING INSTRUMENTS AND DCPS**

- The name of each environmental planning instrument that applies to the carrying out of development on the land.
- The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- The name of each development control plan that applies to the carrying out of development on the land.
- In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 2011

Hunter Regional Environmental Plan 1989 (Heritage)

SEPP No 1 - Development Standards

SEPP No 4 - Development Without Consent & Misc Exempt and & Complying Development

SEPP No 6 - Number of Storeys in a Building

SEPP No 15 - Rural Landsharing Communities

SEPP No 21 - Caravan Parks

SEPP No 22 - Shops and Commercial Premises

SEPP No 30 - Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 - Hazardous and Offensive Development

SEPP No 36 - Manufactured Home Estates

SEPP No 44 - Koala Habitat Protection

SEPP No 50 - Canal Estate Development

SEPP No 55 - Remediation of Land

SEPP No 62 - Sustainable Aquaculture

SEPP No 65 - Design Quality of Residential Flat Development

SEPP No 70 - Affordable Housing (Revised Schemes)

SEPP (Affordable Rental Housing) 2009

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Development) 2005

SEPP (Mining, Petroleum Production and Extractive Industries)

SEPP (Rural Lands) 2008

SEPP (Temporary Structures) 2007

SEPP 14 - Coastal Wetlands

SEPP No 64 - Advertising and Signage

SEPP (Urban Renewal) 2010

SEPP (State and Regional Development) 2011

**1.2 WHICH PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND THAT IS OR HAS BEEN THE SUBJECT OF COMMUNITY CONSULTATION OR PUBLIC EXHIBITION?**

There are no Draft Local Environmental Plan/s affecting this land.

**1.3 WHICH DEVELOPMENT CONTROL PLAN/S APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND?**

Cessnock Development Control Plan 2010

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**2. ZONING AND LAND USE UNDER RELEVANT LEPs**

**FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:**

**2.1 WHAT IS THE IDENTITY OF THE ZONING FOR THE LAND?**

Zone No 1(a) Rural "A" Zone

**2.2 FOR WHAT PURPOSES MAY DEVELOPMENT BE CARRIED OUT WITHIN THE ZONE WITHOUT THE NEED FOR DEVELOPMENT CONSENT?**

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); commercial vineyards; forestry; stables.

**2.3 FOR WHAT PURPOSES MAY DEVELOPMENT NOT BE CARRIED OUT WITHIN THE ZONE EXCEPT WITH DEVELOPMENT CONSENT?**

Any purpose other than a purpose included in item 2 or 4.

**2.4 FOR WHAT PURPOSES IS DEVELOPMENT PROHIBITED WITHIN THE ZONE?**

Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; multiple dwellings; recreation facilities (other than those ancillary or related to a tourist recreation facility); Advertising structures; amusement parks; automotive uses; boarding houses; bulk stores (other than those associated with an agricultural use); commercial premises (other than those primarily intended to provide services to tourists); heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mortuary chapels; motor showrooms; multiple dwellings; recreation facilities (other than those ancillary or related to a tourist recreation facility);

**2.1 WHAT IS THE IDENTITY OF THE ZONING FOR THE LAND?**

Zone RU2 Rural Landscape

**2.2 FOR WHAT PURPOSES MAY DEVELOPMENT BE CARRIED OUT WITHIN THE ZONE WITHOUT THE NEED FOR DEVELOPMENT CONSENT?**

Extensive agriculture; Home occupations; Horticulture

**2.3 FOR WHAT PURPOSES MAY DEVELOPMENT NOT BE CARRIED OUT WITHIN THE ZONE EXCEPT WITH DEVELOPMENT CONSENT?**

Cellar door premises; Dual occupancies; Dwelling houses; Environmental protection works; Farm buildings; Garden centres; Hardware and building supplies; Health consulting rooms; Home industries; Hospitals; Landscaping material supplies; Neighbourhood shops; Plant nurseries; Pubs; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Self-storage units; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2.2 or 2.4

**2.4 FOR WHAT PURPOSES IS DEVELOPMENT PROHIBITED WITHIN THE ZONE?**

Attached dwellings; Bee keeping; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Heliports; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Wharf or boating facilities; Wholesale supplies

**2.5 ARE THERE ANY DEVELOPMENT STANDARDS APPLYING TO THE LAND WHICH FIX MINIMUM LAND DIMENSIONS FOR THE ERECTION OF A DWELLING HOUSE ON THE LAND?**

Cessnock LEP 1989 - No.

Cessnock LEP 2011 - Yes

**2.6 DOES THE LAND INCLUDE OR COMPRISE A CRITICAL HABITAT?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No

**2.7 IS THE LAND IN A CONSERVATION AREA?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No

**2.8 IS AN ITEM OF ENVIRONMENTAL HERITAGE SITUATED ON THE LAND?**

Cessnock LEP 1989 - No

Cessnock LEP 2011 - No

**2A. ZONING & LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

This clause is not applicable to the Cessnock Local Government Area.

**3. COMPLYING DEVELOPMENT**

**3.1 WHETHER OR NOT THE LAND IS LAND ON WHICH COMPLYING DEVELOPMENT MAY BE CARRIED OUT UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT BECAUSE OF THE PROVISIONS OF CLAUSE 1.19 AND CLAUSE 1.17A (C) AND (D) OF THE STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 ("the SEPP")?**

**IF COMPLYING DEVELOPMENT MAY NOT BE CARRIED OUT ON THE LAND, THE REASONS UNDER CLAUSE 1.19 AND CLAUSE 1.17A(C) & D OF THE SEPP WHY COMPLYING DEVELOPMENT MAY NOT BE CARRIED OUT ON THE LAND?**

***NOTE: THIS CLAUSE IDENTIFIES ONLY THE LAND BASED EXCLUSIONS LISTED IN CLAUSES 1.19 AND 1.17A (C) AND (D) OF THE SEPP. TO BE COMPLYING DEVELOPMENT, THE DEVELOPMENT MUST BE COMPLYING DEVELOPMENT THAT MEETS THE STANDARDS SPECIFIED FOR THAT DEVELOPMENT AS REQUIRED BY THE SEPP.***

**GENERAL HOUSING CODE**

Complying Development may be carried out under the General Housing Code where is has been certified by either the Council, the NSW Rural Fire Service (until 25 February 2012) or a suitably qualified consultant in bushfire risk assessment as not being within bush fire attack level 40 (BAL-40) or the flame zone (BAL-FZ).

**RURAL HOUSING CODE**

Complying Development may be carried out under the Rural Housing Code where is has been certified by either the Council, the NSW Rural Fire Service (until 25 February 2012) or a suitably qualified consultant in bushfire risk assessment as not being within bush fire attack level 40 (BAL-40) or the flame zone (BAL-FZ).

**HOUSING ALTERATIONS CODE**

Complying development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the general and specific standards of the Code.

**GENERAL DEVELOPMENT CODE**

Complying development may be carried out on the land under the General Development Code, subject to the development complying with the general and specific standards of the Code.

**GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development may be carried out on the land under the General Commercial & Industrial Code, subject to the development complying with the general and specific standards of the Code.

**SUBDIVISIONS CODE**

Complying development may be carried out on the land under the Subdivisions Code, subject to the development complying with the general and specific standards of the Code.

**DEMOLITION CODE**

Complying development may be carried out on the land under the Demolition Code, subject to the development complying with the general and specific standards of the Code.

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**4. COASTAL PROTECTION**

**4.1 IS THE LAND AFFECTED BY THE OPERATION OF SECTION 38 OR 39 OF THE COASTAL PROTECTION ACT 1979, BUT ONLY TO THE EXTENT THAT THE COUNCIL HAS BEEN NOTIFIED BY THE DEPARTMENT OF SERVICES, TECHNOLOGY & ADMINISTRATION?**

This Act is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

This clause is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

This clause is not applicable to the Cessnock Local Government Area because Cessnock City Council is not a "coastal council".

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**5. MINE SUBSIDENCE**

**5.1 IS THE LAND PROCLAIMED TO BE A MINE SUBSIDENCE DISTRICT WITHIN THE MEANING OF SECTION 15 OF THE MINE SUBSIDENCE COMPENSATION ACT 1961?**

No

**6. ROAD WIDENING AND ROAD REALIGNMENT**

**6.1 IS THE LAND AFFECTED BY ANY ROAD WIDENING OR ROAD REALIGNMENT UNDER:**

- (a) DIVISION 2 OF PART 3 OF THE ROADS ACT 1993?**
- (b) ANY ENVIRONMENTAL PLANNING INSTRUMENT?**
- (c) ANY RESOLUTION OF THE COUNCIL?**

No

**7. HAZARD RISK RESTRICTIONS**

**IS THE LAND AFFECTED BY A POLICY EITHER ADOPTED BY COUNCIL OR ADOPTED BY ANY OTHER PUBLIC AUTHORITY AND NOTIFIED TO THE COUNCIL (FOR THE EXPRESS PURPOSES OF ITS ADOPTION BY THAT AUTHORITY BEING REFERRED TO IN PLANNING CERTIFICATES ISSUED BY THE COUNCIL) THAT RESTRICTS THE DEVELOPMENT OF THE LAND BECAUSE OF THE LIKELIHOOD OF:**

**7.1 Landslip**

No

**7.2 Bushfire**

Yes

**7.3 Tidal inundation**

No

**7.4 Subsidence**

No

**7.5 Acid Sulphate Soils**

No

**7.6 Any other risk (other than flooding)**

No

**7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

**7A.1 Is development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) subject to flood related development controls?**

No

**7A.2 Is development on the land or part of the land for any other purpose subject to flood related development controls?**

No

**7A.3 NOTE: Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.**

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**8. LAND RESERVED FOR ACQUISITION**

**8.1 DOES ANY ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT REFERRED TO IN ITEM 1 ABOVE MAKE PROVISION IN RELATION TO THE ACQUISITION OF THE LAND BY A PUBLIC AUTHORITY, AS REFERRED TO IN SECTION 27 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT?**

Cessnock LEP 2011 - No

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**9. CONTRIBUTIONS PLAN**

**9.1 WHICH CONTRIBUTIONS PLAN/S APPLY TO THE LAND?**

Section 94 Contribution Plan for Residential Development

Section 94 Contribution Plan for Tourist Development

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**9A. BIODIVERSITY CERTIFIED LAND**

**9A.1 IS THE LAND BIODIVERSITY LAND (WITHIN THE MEANING OF PART 7AA OF THE *THREATENED SPECIES CONSERVATION ACT 1995*)?**

No

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**10. BIOBANKING AGREEMENTS**

**10.1 WHETHER OR NOT THE LAND IS LAND TO WHICH A BIOBANKING AGREEMENT UNDER PART 7A OF THE *THREATENED SPECIES CONSERVATION ACT 1995* RELATES, BUT ONLY IF THE COUNCIL HAS BEEN NOTIFIED OF THE EXISTENCE OF THE AGREEMENT BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE & WATER.**

No



- (e) IS THE LAND THE SUBJECT OF A SITE AUDIT STATEMENT WITHIN THE MEANING OF THE CLM ACT (SUCH A STATEMENT HAVING BEEN PROVIDED TO COUNCIL AT ANY TIME)?

No

**ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5) OF THE ACT.**

1. Approval has been granted to the extension of the F3 Freeway from Seahampton to Branxton, the proposed route of which passes generally through the following localities in Cessnock local government area; Stockrington, Buchanan, Buttai, Heddon Greta, Loxford, Sawyers Gully, Keinhah, Bishops Bridge, Allandale, Greta and Branxton. Properties within these areas could be affected by noise if the freeway is constructed. Enquiries should be made to the NSW Roads and Traffic Authority, Hunter Region Office, Newcastle, phone 02 4924 0240.
2. The land the subject of this Certificate is not affected by a Tree Preservation Order.
3. Council's current mapping for bushfire prone land within the Cessnock Local Government Area, as certified by the Commissioner of NSW Rural Fire Service pursuant to Section 149(2) of the Environmental Planning & Assessment Act 1979, does not include land identified as predominately grasslands. As of 1 May 2011, AS 3959-2009 Construction of buildings in bush-fire prone areas" will include "grasslands" as a new vegetation classification in Table 2.4.2 AS 3959-2009 applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by AS 3959-2009.

**WHICH DRAFT DEVELOPMENT CONTROL PLAN/S APPLY TO THIS PROPERTY?**

No draft DCP's apply to this property.

**REAR LANEWAYS**

If your property has access to a rear laneway Council may restrict access. Separate enquiries should be made of Council in relation to this matter.

**For further information, please contact Council's Built and Natural Environment Department.**



G CURTIS  
GROUP LEADER BUILT AND NATURAL ENVIRONMENT

Per. 