4.5 Historic Title Deeds Search

A historic title deeds search was carried out by Service First Registration Pty Ltd, the results of which are provided in Appendix B and summarised below.

Lot 1001 DP 1127780 was agglomerated from the following nine allotments in March 2003:

- Lots 151 to 153 DP 625755;
- Lots 4, 6, 7 and 8 DP 37876;
- Lot 11 DP 774442;
- Lot 52 DP 577334.

The majority of the nine allotments were predominantly owned by various farmers to the early to mid 1980s, with the exception of the following:

- Lot 52 DP 577334 which was purchased by Elders Nominees Limited in 1974;
- Lots 7 and 8, DP 37876 which was purchased by Boyvemo Pty Ltd in 1974 and subsequently Australian Buffalo Grass Pty Ltd in 1987.

All nine allotments were subsequently purchased by Tomago Aluminium Company Pty Ltd between 1982 and 1992 and by the State Property Authority (formerly Crown Property) in 2003 at which time the lots were agglomerated.

In April 2009 Hunter Development Corporation became the registered proprietor for the property (Lot 1001 DP 1127780), who subsequently sold the property to Northbank Enterprise Hub Pty Ltd (formerly WEPL Investments Pty Ltd) in March 2010.

The search identified no leases for the property, however identified the following easements:

Lot 153 DP 625755:

- D.P. 37876 dated shows a drain within this land;
- 01.10.1940. Rights of Way;
- 01.10.1940. Easement for obtaining water;
- 28.11.1952. Easement for Transmission Line (Gazette);
- 26.04.1977. Easements for (A) Power & (B) Power and access.

Lot 4 DP 37876:

- 1940. Easement for Drainage;
- 1940. Easement for Obtaining Water;
- 13.03.1964. Easement for Transmission Line (Gazette);
- D.P. 557698 – Proposed Easement for Transmission Line.

Lot 52 DP 577334:

- 1940. Easement for Drainage;
- 13.03.1964. Easement for Transmission Line (Gazette);
- D.P. 557698 – Proposed Easement for Transmission Line;
- 1975. D.P. 577334. Easement to Drain Water.

Lot 6 to 8 DP 37876:

- 1940. Right of Carriageway and Footway (Lots 7 & 8 only);
- 1940. Easement for Drainage;
- 1940. Easement to Lay Water Pipes.

4.6 Review of Historical Aerial Photos

The following historical aerial photos were reviewed for the assessment:

Table 1 – Aerial Photo Review

Year	Scale / (Colour)	Main Observations
1954	1:30,000 (B&W)	• Predominantly cleared rural properties with few trees adjacent Tomago Road and around Tomago House property. • Meandering creeks/drains traverse the site and drain into the Hunter River at two locations. • Elevated areas adjacent to Tomago Road are cleared and contain a number of buildings/sheds, mainly to the north east of Tomago House, but also near the church. • Lower lying areas appear to comprise crops with numerous plots evident. • Some buildings/sheds are also located in the lower lying areas predominantly within the south/south western portion of the site. • Adjacent land uses largely comprises cleared rural properties to the south and east, Tomago Road, bushland and some residential development to the

Year	Scale / (Colour)	Main Observations
		north and cleared land to the west (likely rural).
1966	1:40,000 (B&W)	• Similar to 1954 (Note: Covers western portion site). • Four octagonal shaped structures and concrete structure in south eastern portion of site (east of drain) with three concrete structures to west of drain. • The northern drain entrance to Hunter River runs to the north of the transmission tower (now southern side). • Additional residential development to north of Tomago Road.
1976	1:25,000 (Colour)	• Both drain entrances to Hunter River have been modified, with the drain straightened and moved to the south of the original position. • Some buildings in the south/south-western portion of the site have been demolished/removed. • Mulitple small sheds/structures are located across the site. • North eastern corner of the site comprises light grey areas around marsh type vegetation (possibly sand or salt scalding). • Some commercial/Industrial buildings to north of Tomago Road. Cleared area to west of site (commercial/industrial premises).
1986	1:4,000 (B&W) Orthophoto	• RL 0.7 to 1.2 AHD over majority of site. RL 2 to 4 AHD in raised areas adjacent Tomago Road; • Similar to 1987 photo below.
1987	1:16,000	• Similar to 1976 (Note: Does not cover northern portion site). • Residences/sheds in south western corner site have been demolished. Demolition materials spread across ground surface. • Diversion and widening of the two drain entrances to the Hunter River are complete. Excavated soil is evident along the drain. • Transmission towers to west of northern drain entrance and to the north are evident. • North eastern portion of the site is brown and bare. White areas are evident in depressions of drainage network and in some drains in this areas (possibly salt scalding); • Multiple small and medium size sheds are located around the farm house to south of church. Bare ground (possibly fill) is located between sheds. • More industrial/commercial development to north Tomago Road and west of site.
2004	No Set Scale (Google Earth)	• Multiple houses/sheds along Tomago Road have been demolished/removed; • Majority of other sheds and houses in the southern portion of the site have been demolished/removed; • Fields are still tilled (parallel lines across paddocks), however cropping is not evident; • Bare brown earth evident across central and north eastern portion site. Majority site grassed/low lying vegetation. Some scrub in north east adjacent drainage. • Property to west contains storage of equipment/machinery.

It is noted that data obtained from aerial photos was limited due to the relatively small scale and poor resolutions.

Drawings 2 and 3 in Appendix C, show the 1986 orthophoto and 1976 aerial photo, respectively overlaid on the current lot boundary. Former building/structures evident in the 1976 aerial photo have been highlighted.

4.7 NSW DECCW

A review of the NSW DECCW (formerly NSW EPA) public register indicated the site has no statutory notices issued under the provision of the Contaminated Land and Management Act.

The register does, however, identify one property within Tomago which has a CLMA notice. This property is Lot 1411 DP 5821135, 25 School Street, Tomago NSW, which is located directly opposite the site. The notice (issued in 1991) indicates that Lot 1411, occupied by Genkem Pty Ltd at the time of the notice was to conduct a comprehensive investigation of the site and surrounding environment including soil and groundwater to determine the extent of Lead and Chromium contamination. The notice also required Genkem Pty Ltd to prepare a plan of action to remediate the premises and surrounding environment, which would need to include the removal of the effluent disposal pond.

4.8 WorkCover Dangerous Goods Register

A search of the Stored Chemical Information Database (SCID) and microfiche records of NSW Workcover regarding licences to keep dangerous goods is shown in Appendix B, and indicated that there were no records for the site.

4.9 Discussions with Personnel Familiar with Site Conditions

The historical information presented below supplements the historical desktop review and was a result of discussions conducted with Mr Neil Roser of Tomago Aluminium, who previously owned the property.

- Prior to purchase of the site by Tomago Aluminium it is understood the site was predominantly used as dairy farms and commercial grass production (Buffalo grass). The site may have also previously had orchards;
- The Dairies comprised milking sheds and associated infrastructure in the northern portion of the site to the east and west of Tomago House;
- The buffalo grass production was situated in the south-western portion of the site adjacent the Hunter River;
- Mr Roser was not aware of any previous buildings/structures within the southern low-lying portion of the site;

- Mr Roser understands that the site included former gun emplacements, likely from WWII, the remnants of which may be the octagonal shaped structures identified in the eastern portion of the site during the walkover inspection (see Section 5);
- Timber weirs were originally utilised by the farmers on-site to restrict salt water intrusion from the drainage network on-site;
- Tomago Aluminium was required to purchase the site and surrounding rural/residential properties within the buffer zone for the smelter;
- The former dairy sheds to the east of Tomago House may have been demolished by Tomago Aluminium during their ownership. No other buildings were demolished by Tomago Aluminium to Mr Roser's knowledge;
- Environmental monitoring is conducted at the site. An air monitoring station is located to the south of the Church and takes regular readings. Vegetation surveys are also conducted regularly across the site (sampling of forage and over storey);
- Sulphur dioxide and fluoride are the two chemicals of concern emitted from the plant. While the emissions have a low-risk to human health, the fluoride concentration can impact on plant growth and stock eating the vegetation;
- Vegetation sampling was therefore particularly important during previous dairy operations due to concern for fluoride concentrations in forage eaten by dairy cattle;
- Due to prevailing winds in the area, the monitoring station on the site records some of the highest concentrations of fluoride from the Tomago Aluminium monitoring network;
- A groundwater well was located to the west of the air monitoring station and used for irrigation of revegetation areas. Additional wells may have been installed on-site by a the University of Newcastle who conducted some work on wetlands in the vicinity of the site. No groundwater wells are located on the site, however for contaminant monitoring;
- Mr Roser was of the view that no groundwater contamination issues are likely on the site due to the Tomago Aluminium smelter. While some impact to groundwater from Flouride is evident inside the Tomago Aluminium site, the levels would be within Australian Drinking Water guidelines by the time they reached the site. Groundwater is known to be acidic, however within the site due to elevated sulphur in groundwater;
- The Tomago area is currently unsewered.

5. Site Condition

A site inspection was conducted on the 2 July 2010 and 5 July 2010 by a senior environmental engineer. At the time of the inspection a large majority of the lower-lying portion of the site was inaccessible to vehicles and/or foot traffic due to saturated surface soils or dense vegetation (i.e. reeds). Inspection of the entire site was therefore not feasible. The site conditions outlined below are therefore a summary of the conditions observed in accessible areas of the site.

The site is located on the southern side of Tomago Road, Tomago and comprises one irregular shaped lot with a combined area of approximately 239 ha. The site is fenced along Tomago Road and comprises a number of internal fences around former property boundaries/paddocks.

Site slopes are relatively flat and generally less than 1° to 2°. Localised steeper batter slopes were observed at the edge of the fill embankments, within drains and at the boundary of the alluvial/ Aeolian soil profiles, where the sandy raised area of the site falls to the lower lying clayey soil landscape (Photo 1). Ground conditions, however where observed to be undulating in various sections of the site, particularly in the northern section of the site, which may indicate the possible presence of filling (Photo 2).

Approximate site photo locations and orientation are shown on Drawing 1, Appendix C.

Photo 1 – Looking north east across grassed paddock over Aeolian soil profile. Alluvial low-lying soils in right corner.

Photo 2 – Looking north/north-east across grassed paddock. Undulating fill evident in right side of photo.

The site comprises a series of open, unlined drains/creeks (Photos 3 to 5), varying in depth (generally 0.5 m to 2.5 m below ground level) and width (generally 0.5 m to 5 m). At the time of the investigation the drains contained surface water, had thick lush reeds within the drain and/or adjacent to the drain and contained some red/green/orange algae growth at the surface (Photo 6). A number of the drains contained stockpiled spoil adjacent to the drain suggesting the material had been excavated during construction or maintenance of the drain (Photo 5 & 7). A more natural creek alignment was observed

in the north western portion of the site (Photo 8). The drainage network appeared to flow to the Hunter River discharging at two points on the western site boundary and into the adjoining scrap metal yard in the north-western portion of the site.

Photo 3 – Shallow drain in south western corner of site. Orange algae at surface.

Photo 4 – Drain about 2 m wide in northern portion of site (looking north). Some orange algae and waxy film on surface, plus bricks, concrete observed in drain.

Photo 5 – Drain about 4 m wide and 2 m deep in south-western portion of site. Red algae observed at surface. Spoil stockpiled to the south of drain.

Photo 6 – Orange algae within shallow drain to south of transmission tower.

Photo 7 – Drain with adjacent stockpiled spoil (looking west towards Hunter River)

Photo 8 – Shallow surface water within creek/drain within the north western portion of the site (looking south west)

Surface soils, where exposed generally comprised:

- Silty sands/sands in the northern portion of the site, adjacent to Tomago Road (Aeolian landscape); or
- Silty clays, clays and clayey sands within the lower lying alluvial landscape.

Lower lying areas of the site were generally saturated at the time of the inspection, with rutting from recent slashing evident in numerous areas of the site, generally less than 0.4 m deep (Photos 9 to 11). Surface water generally ponded within the rutting, with some green algae, red staining, waxy slick or sheen observed at the surface (Photo 12).

Photo 9 – Slashed paddock with rutting from tractor exposing clayey topsoils (looking south-east)

Photo 10 – Saturated ground surface along access track and adjacent slashed paddock. Rutting from tractor evident across area (looking east to south)

Photo 11 – Low-lying saturated surface soils in slashed paddock with rutting evident from tractor (looking south west)

Photo 12 – Ash fill within track and possible hydrocarbon sheen at right edge of rutting

Vegetation generally comprised a dense, lush grass (Photos 1 to 3, 9 to 11 and 13 to 15) or reed cover (Photo 16 & 17) across the majority of the site, with some mature trees at former residential areas (Photo 18) of the site and some scattered trees and areas of scrub, generally along drainage paths (Photo 8, 14 & 15). Reeds were generally located within lower saturated areas of the site, where vehicle access for slashing is obviously difficult.

Photo 13 – lush grass cover in north western portion site (looking south-west)

Photo 14 – Lush grass cover in north western portion of site (looking west)

Photo 15 – Mature tress (left) and scrub adjacent to creek (right) with grassed paddock (middle) in north western corner site (looking east)

Photo 16 – Looking south-east to south-west across dense reed cover in low-lying area. Saturated surface soils evident along access track (centre). Granular fill along transmission easement (left).

Photo 17 – Looking south-east to south-west across low-lying saturated surface soils and thick reed cover in the northern corner of the site.

Photo 18 – Thick undulating grass cover to south of sheds (possible filling associated with former structures). Mature trees around former structures in background.

A few access tracks have been formed across the site (Photos 19 & 20). Granular fill comprising gravels, crushed aggregate (Photo 16), ash (Photo 12), coal reject and railway ballast is evident at the surface of the tracks. Ponded surface water within rutting in areas where ash filling was evident comprised localised surface sheen (possible hydrocarbon related – Photo 12).

Photo 19 – Gravel/crushed rock along access track adjacent Tomago House property (looking south)

Photo 20 – Gravel/crushed rock along access track in western portion site (looking south)

A number of current and former buildings/sheds/structures were observed across the site as follows:

- Four currently standing unoccupied residential dwellings within the northern portion of the site adjacent to Tomago Road (Photos 21 to 23);
- A number of sheds/garages in the vicinity of the above dwellings (Photos 21, 24 & 25);
- A number of former residential dwellings, sheds and/or structures within the northern portion of the site (Photos 26 to 29);
- A number of former residential dwellings, sheds and structures within the lower lying portion of the site, predominantly in the southern portion of the site (Photos 30 & 31);
- A few unused concrete walled/roofed compounds (Photo 32);
- Four octagonal shaped brick walled structures and adjacent sunken concrete structure in the eastern portion of the site (Photos 33 to 35);
- A few small corrugated iron sheds within the low-lying area (Photo 36);
- Electrical transmission lines and associated towers (Photo 13, 16, 20, 24 & 37);
- Some circular and rectangular concrete troughs (Photos 38 & 39).

Photo 21 – Vacant dwelling and rear garage/shed. Fibro sheeting observed in dwelling materials and fragments observed at surface near dwelling (looking west)

Photo 22 – Vacant dwelling and rear garage (looking west). Fibro observed around bottom edge of brickwork. Some ash filling observed in gravel driveway (left).

Photo 23 – Vacant dwelling and rear carport (looking north-east). Fibro sheeting observed in internal walls. Undulating ground around house (Possible fill).

Photo 24 – Vacant sheds constructed from fibro sheeting, bricks, corrugated iron, timber. Fibro sheeting fragments, gas bottles, 44 gallon drums, scrap metal etc observed around sheds (looking south east)

Photo 25 – Brick garage adjacent vacant brick residence with gravel driveway in foreground (looking east)

Photo 26 – Raised area with concrete slab at surface. Some metal reinforcing, bricks, metal pipe, tiles etc observed at the ground surface (looking south).

**Photo 27 – Concrete slab in grassed paddock.
Metal fragments/wire at surface of slab. (looking south)**


Photo 28 & 29– Concrete Slab in grassed paddock. Some asphalt pavement to south of slab. Some fibro fragments and gravel observed over slab surface.


Photos 30 & 31 – Concrete slabs of former structure in south western corner of site. Fibro fragments, glass fragments, plastic, metal observed at ground surface.

Photo 32 – Concrete storage sheds in paddock (looking west)

Photo 33 – Octagonal brick structures east of drain (looking north-east)

Photos 34 & 35 – Concrete lid of structure north of octagonal brick structures. Dumped demolition waste within sunken concrete chamber comprising scrap metal, concrete, metal sheeting, wire, timber, plastic, metal parts, possibly fibro cladding on walls.

Photo 36 – Corrugated iron shed in paddock. Overgrown by reeds. Ponded water at surface (looking south-west).

Photo 37 – Base of electrical transmission power poles in paddock. Granular fill pad comprising crushed rock and gravel at the surface around poles (looking north-east).

Photo 38 – Concrete circular troughs with concrete base (looking south)

Photos 39 & 40 – Rectangular concrete trough. Ash fill observed adjacent to trough.

A number of potential contaminant sources were identified in the vicinity of these structures including the following:

- Fibro sheeting fragments (possibly asbestos) observed at the ground surface or attached to the surface of concrete slabs (Photos 29 and 31);
- Former effluent disposal systems including septic tanks, concrete walled/roofed trenches/chambers, one of which was hidden beneath grass in the paddock (Photos 41 to 43);
- Former driveways and pavements which comprised variable granular filling including asphalt, rail ballast, crushed rock, crushed concrete etc;
- Fill materials including fill stockpiles in vicinity of former/current structures, some of which contained visible ash or fibro sheeting materials (Photos 18, 22 & 44);
- Paint residue and flakes adjacent structures (Photo 45);
- Burnt refuse and small quantities of white substance (Photo 46 & 47).

Photos 41 & 42 – Hidden brick, concrete and fibro sheeting clad septic chamber within grass paddock

Photo 43 – Septic tank and concrete/brick chamber adjacent dwelling (looking north)

Photo 44 – Fibro sheeting at base of fill stockpile (looking north)

Photo 45 – paint flakes at ground surface adjacent dwelling

Photo 46 & 47 – Burnt refuse at ground surface comprising glass, metal, ash, gravel and white substance (looking sout-east). White substance on fence with dead mouse.

Surrounding land uses comprise:

- Industrial development including scrap metal yard to the west of the site (Photo 48) comprises a storage yard containing cars, trucks, machinery wrecks, scrap metal, cranes, shipping containers etc;
- Industrial sheds to the east of the site (Photo 1);

- A church and Tomago House within and immediately adjacent to the northern portion of the site (Photo 49);
- Land approved for the development of a Westrac facility, industrial subdivision and bulk earthworks on the adjoining land to the north east;
- Tomago Road and adjacent Industrial and residential development to the north of the site;
- Undeveloped rural and nature reserves to the east and south of the site.

Photo 48 – Scrap metal yard to west of site. Photo taken from levee bank immediately north of Hunter River.

Photo 49 – Church site (centre) within the site.
Tomago House property (behind tree line to left).

6. Potential Contaminants

Based on the available site history information and observations made during the site inspection, the principal sources of potential contamination are considered to be:

On-site

- Imported fill materials observed predominantly within access tracks across the site, within the levee bank along the Hunter River and associated with access for transmission easements, but also at former/current structures and where drain diversions have occurred (including ash, roadbase, coal reject, asphalt, gravels, soil stockpiles etc) which may contain a range of contaminants depending on the source of fill;
- Demolition waste including fibro sheeting fragments and paint residues/flakes observed at the ground surface in the vicinity of former buildings/sheds which may contain potential contaminants including asbestos, heavy metals and hydrocarbons;
- Former buildings/sheds/structures which may contain a range of potential contaminants depending on the use and chemicals stored including asbestos, hydrocarbons, pesticides, PCB, heavy metals (refer to Drawing 3, Appendix C for highlighted areas comprising former structures);
- Possibly former WWII gun emplacements and associated infrastructure which may contain a range of potential contaminants including acids, ammonia, solvents, chlorinated hydrocarbons, heavy metals, petroleum hydrocarbons and explosives;
- Former cropping which may have resulted in pesticide, heavy metal and hydrocarbon impact to near surface soils;
- Former dairy farming activities which may have resulted in localised hydrocarbon, heavy metal, pesticide impact to surface soils in the vicinity of former sheds/infrastructure where chemicals were used;
- Former agricultural practices (i.e. clearing/ploughing) and construction of drainage networks across the site, which may have resulted in the oxidation of potential acid sulphate soils and/or the promotion of salinity issues;
- Former on-site wastewater disposal systems, which may have resulted in localised heavy metal, hydrocarbon, nutrient and microbiological impact to soils and groundwater.

Off-site

- The site falls within the Tomago Aluminium smelter buffer zone. A monitoring station on-site form part of the smelters environmental monitoring network. Potential contamination from the smelter include fluoride and sulphates from atmospheric fallout, and possibly Fluoride in groundwater migrating onto the site (although considered low risk given discussions with Tomago Aluminium);
- Migration of potential contamination in groundwater and surface water from up-gradient industrial subdivisions, including the former Genkem site, adjacent scrap metal yard and other industrial sites which have on-site septic systems or may be contaminating soils/groundwater from other site activities;

While a number of potential contaminant sources/activities have been identified above, the majority of potential contaminant sources are likely to be localised and readily remediated using standard remedial procedures.

7. Surface Water Testing

During the site inspections of 2 July 2010 and 5 July 2010 a total of 15 surface water samples were collected from drains within the site and at the two discharge points within the Hunter River (down slope). These were tested for pH and EC using a calibrated portable meter.

The location of the surface water samples were located using a handheld GPS, and are shown on Drawing 1, Appendix C. The results of surface water monitoring are presented in Table 2 below.

Table 2 – Results of pH/EC Monitoring of Surface Waters on 2 & 5 July 2010

Location	pH	EC (µS/cm)	Description
S1	4.9	472	Clear / tea stained colour
S2	4.6	317	Clear / tea stained colour
S3	5.7	205	Clear / tea stained colour
S4	6.4	407	Slightly turbid / orange/brown colour, slight rotting organic odour
S5	7.1	458	Clear / slight yellow/orange colour
S6 (Hunter River)	7.7	17,300	Slightly turbid / slight white colour
S7	7.2	576	Clear / slight yellow/brown colour
S8	7.4	1,711	Slightly turbid / orange/brown colour
S9	6.9	1245	Clear / slightly yellow/brown
S10 (Hunter River)	7.5	17,000	Clear
S11	7.0	657	Clear / slightly yellow/brown
S12	6.9	480	Clear / Slight tea stained colour
S13	5.8	158	Clear
S14	6.0	146	Slightly turbid / brown
S15	6.6	2,620	Slightly turbid / tea stained colour

The results of surface water monitoring indicate surface waters within the site are generally neutral to moderately acidic and fresh to slightly brackish. Surface waters tested from the Hunter River were generally slightly basic and saline. Approximate sample locations are shown on Drawing 1 in Appendix C.

It is noted that the two drain outlets in the Hunter River (Photos 50 & 51) had a metal value across pipe outlet, to minimise the entry of river water.

Photo 50 - Drain discharge point into Hunter River (looking south-west)

Photo 51 - Drain discharge point into Hunter River (looking south-west)

8. Conclusions

The results of the above investigation suggest the following with respect to potential contamination at the site:

- No indicators of widespread gross contamination were identified at the site;
- A number of potential contaminant sources/activities have been identified on-site and off-site, which may have resulted in impact to the site;
- The majority of these potential contaminants sources are localised and likely to be readily remediated using standard remedial practices.

Additional targeted contamination assessment will be required to investigate the potential contaminant sources identified in Section 6 and confirm remediation requirements (if any) to render the site suitable for the proposed industrial development.

The additional assessment should include, but not limited to, the following:

- Additional site history review to confirm potential WWII infrastructure on-site and any other landuses which may have resulted in impact to the site. It is understood that a historical study is currently being conducted for the site by a historical consultant for ADW Johnson. This study should be reviewed by DP once completed to confirm implications to this report and the proposed development;
- Correspondence/liaison with Tomago Aluminium to obtain relevant monitoring data from within or in the vicinity of the site and assess implications to the development;
- Detailed inspection of the entire site, including areas currently inaccessible due to saturated ground conditions to identify any further localised contaminant sources;
- Subsurface investigation and laboratory testing to assess potential contamination;
- Acid sulphate soil and salinity assessment to confirm the current site status, impact of the proposed development and management options to mitigate potential/current environmental impacts;
- Possibly surface water and groundwater investigations.

The site is considered suitable for industrial development from a contamination perspective, subject to the above further assessments and appropriate management.

9. References

1. NSW EPA Contaminated Sites, “Guidelines for Consultants Reporting on Contaminated Sites”, November 1997.

10. Limitations

Douglas Partners (DP) has prepared this report for this project at Lot 1001 DP 1127780 365 Tomago Road, Tomago in accordance with DP's proposal NCL100153 dated 31 March 2010 and acceptance received from Craig Marler of ADW dated 27 May 2010. The work was carried out under DP Conditions of Engagement . This report is provided for the exclusive use of the ADW and Northbank Enterprise Hub Pty Ltd for the specific project and purpose as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party.

The results provided in the report are considered to be indicative of the sub-surface conditions on the site only to the depths investigated at the specific sampling and/or testing locations, and only at the time the work was carried out. DP's advice may be based on observations, measurements, tests or derived interpretations. The accuracy of the advice provided by DP in this report is limited by unobserved features and variations in ground conditions across the site in areas between test locations and beyond the site boundaries or by variations with time. The advice may be limited by restrictions in the sampling and testing which was able to be carried out, as well as by the amount of data that could be collected given the project and site constraints. Actual ground conditions and materials behaviour observed or inferred at the test locations may differ from those which may be encountered elsewhere on the site. Should variations in subsurface conditions be encountered, then additional advice should be sought from DP and, if required, amendments made.

This report must be read in conjunction with the attached "Notes Relating to This Report" and any other attached explanatory notes and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions from review by others of this report or test data, which are not otherwise supported by an expressed statement, interpretation, outcome or conclusion stated in this report. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

Douglas Partners Pty Ltd

Appendix A

About this Report

About this Report

Douglas Partners

Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix B

Section 149 Planning Certificate
NSW WorkCover Search
Title Deed Search

Port Stephens COUNCIL
... a community partnership
116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324
DX21406 ABN 16 744 377 874
Telephone: 02 4980 0255 Fax: 02 4987 3612
Email: council@portstephens.nsw.gov.au Web: www.portstephens.nsw.gov.au

SECTION 149 PLANNING CERTIFICATE

Applicant Ref.: TOMAGO

Parcel No: 43644

APPLICANT DETAILS:

Applicant Name No: 486

DOUGLAS PARTNERS PTY LTD
PO BOX 324
HUNTER REGION MC NSW 2310

PROPERTY DESCRIPTION:

365 Tomago Road TOMAGO 2322
LOT: 1001 DP: 1127780

BACKGROUND INFORMATION:

This certificate provides information on how a property (such as land, a house, a commercial building, etc) may be used and the limits on its development. 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.

NAME OF LOCAL ENVIRONMENTAL PLAN APPLYING TO THE PROPERTY:

Port Stephens Local Environmental Plan 2000 – Gazetted on 29th December, 2000 in Government Gazette No. 170 and as subsequently amended.

DRAFT LOCAL ENVIRONMENTAL PLAN(S) EXHIBITED PURSUANT TO SECTION 66 (1)B OF THE EP&A ACT:

No Draft Local Environmental Plans currently exist which affect the site the subject of this certificate.

ZONING:

1(a) - RURAL AGRICULTURE "A"

5(c) - PROPOSED ROAD

Refer to SEP (MAJOR PROJECTS) 2005 - amendment 15

The purposes for which development may be carried out in accordance with the above zones are as follows:

Zone No 1(a) – Rural Agriculture "A" Zone

ITEM 1: Development allowed without development consent

- Agriculture,
- flood mitigation works authorised by the *Hunter Valley Flood Mitigation Act 1956,*
- exempt development.

ITEM 2: Development allowed only with development consent

- Subdivision permitted by clause 12, and
- Any purpose other than a purpose included in Item 1 or 3.

ITEM 3: Development which is prohibited

Development for the purpose of:

- boarding-houses,
- brothels,
- bulky goods salesrooms or showrooms,
- bus stations,
- commercial premises,
- depots,
- hazardous industries,
- hazardous storage establishments,
- industries,
- liquid fuel depots,
- materials recycling facilities,
- medical centres,
- mortuaries,
- motor showrooms,
- offensive industries,
- offensive storage establishments,
- places of assembly,
- road transport terminals,
- restricted premises,
- service stations,
- shops,
- urban housing,
- warehouses,
- subdivision other than subdivision permitted by clause 12.

Zone No 5(c) – Proposed Road Zone

ITEM 1: Development allowed without development consent

Development for the purpose of:

- roads,
- utility installations,
- exempt development,

ITEM 2: Development allowed only with development consent

Nil.

ITEM 3: Development which is prohibited

Any development not included in Item 1 or 2.

SEPP (MAJOR PROJECTS) 2005

SITE SPECIFIC CLAUSES APPLYING TO THE PROPERTY UNDER PORT STEPHENS LOCAL ENVIRONMENTAL PLAN(S):

The land the subject of this certificate is affected by access restrictions: CLAUSE 41 - DIRECT ACCESS TO CERTAIN ROADS IS RESTRICTED.Please contact Council's Strategic Planning Section for further information.

NAME OF EACH DEVELOPMENT CONTROL PLAN APPLYING TO THE PROPERTY:

A DCP adds further detail to Local Environmental Plans and may address issues such as building height, carparking etc. Copies of the plans are available from Council. This section includes any Development Control Plan prepared by the Director-General Planning NSW.

PORT STEPHENS DCP 2007 - DEVELOPMENT CONTROL PLAN 2007

NAMES OF STATE ENVIRONMENTAL PLANNING POLICIES APPLYING TO THE PROPERTY:

Including Draft State Environmental Planning Policies exhibited pursuant to Section 39(2) of the EP&A Act.

S.E.P.P. NO 1 - DEVELOPMENT STANDARDS.

S.E.P.P. NO 4 - DEVELOPMENT WITHOUT CONSENT.

S.E.P.P. NO 6 - NUMBER OF STOREYS IN A BUILDING.

S.E.P.P. NO 8 - SURPLUS PUBLIC LAND.

S.E.P.P. NO 9 - GROUP HOMES.

S.E.P.P. NO 10 - RETENTION OF LOW COST RENT ACCOMMODATION.

S.E.P.P. NO 11 - TRAFFIC GENERATING DEVELOPMENTS.

S.E.P.P. NO 14 - COASTAL WETLANDS.

S.E.P.P. NO 15 - RURAL LANDSHARING COMMUNITIES.

S.E.P.P. NO 21 - CARAVAN PARKS.

S.E.P.P. NO 22 - SHOPS AND COMMERCIAL PREMISES.

S.E.P.P. NO 30 - INTENSIVE AGRICULTURE.

S.E.P.P. NO 33 - HAZARDOUS AND OFFENSIVE DEVELOPMENT.

S.E.P.P. NO 36 - PLANNING INITIATIVES FOR MANUFACTURED HOME ESTATES.

S.E.P.P. NO 37 - CONTINUED MINES AND EXTRACTIVE INDUSTRIES.

S.E.P.P. NO 44 - KOALA HABITAT PROTECTION.

S.E.P.P. NO 45 - PERMISSIBILITY OF MINING.

S.E.P.P. NO 50 - CANAL ESTATE DEVELOPMENT.

S.E.P.P. NO 55 - REMEDIATION OF LAND.

S.E.P.P. NO 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT.

S.E.P.P. NO 71 - COASTAL PROTECTION.

SEPP (MAJOR PROJECTS) 2005

SEPP (ARTC Rail Infrastructure)

SEPP (Building Sustainability Index: BASIX)

SEPP (Mining, Petroleum Production and Extractive Industries)

SEPP - Exempt & Complying Development Codes effective 27 February 2009

WILLIAMS RIVER CATCHMENT REGIONAL ENVIRONMENTAL PLAN 1997.

DRAFT S.E.P.P. NO 66 - INTEGRATION OF LAND USE AND TRANSPORT.

DO THE PROPERTIES DIMENSIONS PERMIT THE ERECTION OF A DWELLING-HOUSE?

The erection of a dwelling-house (where permitted by the land use tables) may be prohibited because of a development standard relating to the minimum area on which a dwelling-house may be erected. This development standard is dependent upon the zoning of the land. Clauses 14, 19, 34 and 35 of Port Stephens Local Environmental Plan 2000 are relevant in this regard and can be found at Annexure A to this certificate.

DOES THE PROPERTY INCLUDE OR COMPRISE OF CRITICAL HABITAT?

Council's records indicate that the land subject of this certificate DOES NOT include or comprise of critical habitat.

IS THE PROPERTY IN A CONSERVATION AREA?

The property subject of this certificate is not within a conservation area.

IS AN ITEM OF ENVIRONMENTAL HERITAGE SITUATED ON THE PROPERTY?

No item(s) of Environmental Heritage are situated on the land the subject of this certificate.

IS THE PROPERTY PART OF ANY APPLICATION FOR "DECLARED STATE SIGNIFICANT DEVELOPMENT"?

Development is judged to be "State significant" if it involves development of economic, social or environmental significance to the State or regions. For more information contact Department of Planning.

Development to which State Environmental Planning Policy (Major Projects) applies has been declared as State significant development by the Minister for Planning.

WHETHER OR NOT THE LAND IS LAND ON WHICH COMPLYING DEVELOPMENT MAY BE CARRIED OUT UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT IN STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008?

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code **may not** be carried out on the land. The land is affected by one or more of the following specific land exemptions under clause 1.19 of that Policy:

- "Environmentally sensitive area" (see note below); or
- Land that comprises, or on which there is, an **item that is listed on the State Heritage Register** under the Heritage Act 1977 or that is subject to **an interim heritage order** under the Heritage Act 1977, or land that comprises, or on which there is, **a heritage item or a draft heritage item,** or land within a **wilderness area** (identified under the *Wilderness Act 1987*).

General Housing Code

Complying development under the General Housing Code **may not** be carried out on the land. The land is affected by one or more of the following specific land exemptions under clause 1.19 of that Policy:

- "Environmentally sensitive area" (see note below); or
- land that comprises, or on which there is, an **item that is listed on the State Heritage Register** under the Heritage Act 1977 or that is subject to **an interim heritage order** under the Heritage Act 1977, or land that comprises, or on which there is, **a heritage item or a draft heritage item,** or land within a **wilderness area** (identified under the *Wilderness Act 1987*); or
- land within a **heritage conservation area** or a **draft heritage conservation area**; or
- land that is reserved for a **public purpose in an environmental planning instrument**; or

- **unsewered land** to which *Drinking Water Catchments Regional Environmental Plan No 1* applies; or
- land identified on an **Acid Sulfate Soils Map as being Class 1 or Class 2**; or
- land that is **bush fire prone land**; or
- a **flood control lot**; or
- **excluded land** identified by an environmental planning instrument; or
- land in a foreshore area.

Subdivision Code

The land **is affected** by one or more of the following requirements referred to in clause 1019 of the policy that would prevent the carrying out of complying development under the subdivisions code

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 one or more of the following specific land exemptions under clause 1.19 of that Policy:

- "Environmentally sensitive area" (see note below); or
- Land that comprises, or on which there is, an **item that is listed on the State Heritage Register** under the Heritage Act 1977 or that is subject to **an interim heritage order** under the Heritage Act 1977, or land that comprises, or on which there is, **a heritage item or a draft heritage item,** or land within a **wilderness area** (identified under the *Wilderness Act 1987*).

Note: Under the policy ***environmentally sensitive area*** means any of the following:
(a) the coastal waters of the State,
(b) a coastal lake,
(c) land to which State Environmental Planning Policy No 14— Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests applies,
(d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997,
(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
(f) land within 100m of land to which paragraph (c), (d) or (e)applies,
(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
(h) land reserved under the National Parks and Wildlife Act 1974 or land to which Part 11 of that Act applies,
(i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
(j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.]

IS THE PROPERTY AFFECTED BY SECTION 38 OR 39 OF THE COASTAL PROTECTION ACT 1979?

Section 38 or Section 39 of the Coastal Protection Act is not applicable in respect to the site the subject of this Certificate.

IS THE PROPERTY IN A "PROCLAIMED MINE SUBSIDENCE DISTRICT" WITHIN THE MEANING OF SECTION 15 OF THE MINE SUBSIDENCE COMPENSATION ACT 1961?

Section 15 of the Mine Subsidence Compensation Act is not applicable in respect to the land the subject of this Certificate.

IS THE PROPERTY AFFECTED BY ROAD WIDENING OR ROAD REALIGNMENT?

Council's records indicate that the land the subject of this Certificate IS affected by a proposal for road widening or road realignment in accordance with one of the following:- (1) Section 25 of the Roads Act 1993; or (2) an environmental planning instrument; or (3) a resolution of Council. For further enquiries please contact the NSW Roads & Traffic Authority's Property Section on 49240240.

ARE THERE ANY COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES THAT RESTRICT DEVELOPMENT?

Council's records indicate that the land the subject of this certificate may be wholly or partially contaminated. Council has adopted a contaminated land policy on 28 November 2006, which may restrict development on contaminated land. any purchaser(s)/user(s) of the subject site must satisfy themselves that the land is fit, or may reasonably be made fit, for the purposes proposed for the site. Responsibility for identification and management of contaminated land rests with the landowner. Further information may be obtained by contacting Council's Environmental Services Section on 49800169.

Council's records indicate that the land subject of this certificate is NOT affected by Council's Policy for Aircraft Noise Exposure in Port Stephens.

ARE THERE ANY FLOOD RELATED DEVELOPMENT CONTROLS?

Council's records indicate that the land may be wholly or partially flood prone land. On 19 December 2000, Council adopted a policy which restricts development on land so effected. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Strategic Planning Section and you are advised to make further enquiries.

IS THE LAND RESERVED FOR ACQUISITION?

Port Stephens Council LEP 2000 Extract

27 Acquisition and development of land reserved for roads

(1) The owner of any land within Zone No. 5(c) may, by notice in writing, require the RTA to acquire the land.

(2) On receipt of such a notice, the RTA must acquire the land if:

(a) the land is vacant, or
(b) the land is not vacant but:
    (i) the land is included in the 5 year works program of the RTA current at the time of receipt of the notice, or
    (ii) the RTA has decided not to give concurrence under subclause (3) to an application for consent to the carrying out of development on the land, or
    (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for a public road.

(3) A person may, with the consent of the council and the concurrence of the RTA, carry out development on land within Zone No. 5(c):

(a) for a purpose for which development may be carried out on land in an adjoining zone; or
(b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.

(4) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:

(a) the need to carry out development on the land for the purpose for which the land is reserved,
(b) the imminence of the acquisition,
(c) the likely additional cost to the RTA resulting from the carrying out of he proposed development.

(5) Land acquired under this clause may be developed, with the consent of the consent authority, for any purpose, until such time as it is required for the purpose for which it was acquired.

(6) In this clause:
vacant land means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

WHICH DEVELOPMENT CONTRIBUTION PLANS APPLY IF THIS PROPERTY IS DEVELOPED?

A Development Contribution Plan – commonly known as a Section 94 Plan – outlines the financial costs Council charges if a property is developed and Council believes the development will require additional services or facilities such as parks, road etc. Copies of the Plans are available from Council.

Port Stephens Section 94 Development Contribution Plan
Port Stephens Section 94a Development Contribution Plan

BUSHFIRE PRONE LAND

The land is shown as bush fire prone land in Council's records. Further details of any applicable restrictions on development of the land may be obtained on application to Council.

IS THE PROPERTY AFFECTED BY A PROPERTY VEGETATION PLAN UNDER THE NATIVE VEGETATION ACT 2003?

Council has not been notified of any Property Vegetation Plans under the Native Vegetation Act 2003 that affect the land to which this certificate applies.

SITE COMPATIBILTY CERTIFICATE & CONDITIONS FOR SENIORS HOUSING

If the land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

a) Whether there is a current site compatibility certificate (seniors housing) of which council is aware.

Council is not aware of a site compatibility certificate (seniors housing) issued in respect of the subject land.

b) Any terms referred to in clause 18(2) of the Policy that have been imposed as a condition of consent to a development application granted after 11th October 2007 in respect to the land to which this certificate relates.

No terms referred to in clause 18(2) of the policy have been imposed as a condition of development consent in respect of theland to which this certificate relates.

SITE COMPATIBILTYCERTIFICATES FOR INFRASTRUCTURE

Whether there is a valid site compatibility certificate (infrastructure) of which council is aware in respect of proposed development onland to which this certificate relates.

Council is not aware of a valid site compatibility certificate (infrastructure) issed in respect of proposed development on land to which the certificate relates.

SITE COMPATIBILTY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

a) 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 a current site compatbility certificate (affordable rental housing) in respect of a proposed development on land to which the certificate relates.

b) Any terms of a kind referred to in clause 17(1) of 37(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.

No terms referred to in clause 17(1) or 37(1) of SEPP (arrodable rental housing) have been imposed as a condition of adevelopment consent in respect of the land to which this certificate relates.

PRESCRIBED MATTERS TO BE INCLUDED IN A PLANNING CERTIFICATE UNDER SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997

Note. The following terms used are within the meaning of the *Contaminated Land Management Act 1997* (CLM Act) and additional matters to be specified in a planning certificate.

(a) If the land (or part of the land) is *significantly contaminated land* at the date when this certificate is issued

Council's records indicate the land to which this certificate relates **IS NOT** *significantly contaminated land*

(b) If the land to which this certificate relates is subject to a *management order* at the date when this certificate is issued

Council's records indicate the land to which this certificate relates **IS NOT** subject to *a management order*

(c) If the land to which this certificate relates is the subject of an *approved voluntary management proposal* at the date when the certificate is issued

Council's records indicate the land to which this certificate relates **IS NOT** the subject of *an approved voluntary management proposal*

(d) If the land to which this certificate relates is subject to an *ongoing maintenance order* at the date when the certificate is issued

Council's records indicate the land to which this certificate relates **IS NOT** subject to *an ongoing maintenance order.*

(e) If the land to which this certificate relates is the subject of a *site audit statement* and a copy of such a statement has been provided at any time to Council

Council's records indicate the land to which this certificate relates **IS NOT** the subject of a site audit statement

THE FOLLOWING ADDITIONAL INFORMATION IS ISSUED UNDER SECTION 149(5):

This information is provided in accordance with Section 149(5) of the Environmental Planning & Assessment Act. Section 146(6) states that Council shall not incur any liability in respect of advice provided in good faith pursuant to Section 149(5) of the Act. If this information is to be relied upon, it should be independently checked.

Port Stephens Council must take into consideration the likely effect of proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential

archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity. Please contact Council's Strategic Planning Section for more information on 49800326.

When determining a development application on known or potential archaeological sites of both Aboriginal and non-Aboriginal heritage significance, Port Stephens Council must consider an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site. Please contact Council's Strategic Planning Section on 49800326 for more information.

Council resolved on 17 November, 1998 to adopt an amended Tree Preservation Order in accordance with the Environmental Planning and Assessment Act Model Provisions 1980 and Port Stephens Local Environmental Plan 2000. The Tree Preservation Order applies to the whole of the land within the Port Stephens Local Government Area. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree or trees specified in Council's policy, except with the written consent of the Council. Contact Council's Environmental Services Section by telephoning 49800169 for more information.

Part or all of the property has been proclaimed as a flood plain under the Water Management Act 2000. New development or alterations to existing development may only be carried out with the approval of the Minister for the time being administering the Water Management Act 2000.

This property is located within the Tomago Aluminium Smelter Buffer zone. Tomago Aluminium Company Pty Ltd are required to take all reasonable steps to acquire certain properties within this buffer zone. Please contact the Company Secretary, Tomago Aluminium Company Pty Limited, PO Box 405, Raymond Terrace NSW 2324

All areas of the Port Stephens local government area are now, or are forecast to be, affected by aircraft noise from time to time. Further information concerning the degree of impact of noise from aircraft can be obtained from the council's Sustainable Planning Group and you are advised to make further enquiries.

for **P G GESLING**
General Manager

For further information, please contact ..
Council's Strategic Planning Section

ANNEXURE A

CLAUSES 14, 19, 34 AND 35 OF PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 DWELLING-HOUSES

Clause 14 – Dwelling-houses and dual occupancy housing in rural zones

(1) This clause applies to land within any rural zone.

(2) The consent authority shall not consent to the erection of a dwelling-house or dual occupancy housing on an allotment of land to which this clause applies if:
- (a) in the case of land within Zone No 1 (a)—the allotment has an area of less than 4,000 square metres, or
- (b) in the case of land within Zone No 1 (c1), 1 (c2), 1 (c3) or 1 (c4)—the allotment has an area of less than 3,500 square metres, or
- (c) in the case of land within Zone No 1 (c5)—the allotment has an area of less than 2,000 square metres, or
- (d) in any case:
  - (i) if the allotment was created before the appointed day—the consent authority is of the opinion that the allotment was intended to be used for any one or more of the purposes (other than the purpose of a dwelling-house or dual occupancy housing) for which it could have been used (with or without the consent of the consent authority) under the environmental planning instrument under which it was created, or
  - (ii) if the allotment was created on or after the appointed day—the allotment was intended to be used for any one or more of the purposes (other than the purpose of a dwelling-house or dual occupancy housing) for which it may be used (with or without the consent of the consent authority) under this plan.

(3) Despite subclause (2), the consent authority may consent to the erection of a dwelling-house or dual occupancy housing on any one or more of the allotments created to correspond to the parts into which a single allotment is (or was) divided by a public road.

(4) However, the consent authority shall not consent to the erection of dual occupancy housing on land to which this clause applies unless the consent authority is satisfied that:
- (a) the two dwellings are clustered giving the appearance of being an integrated development, and
- (b) the two dwellings have shared infrastructure such as common driveway access, fire breaks and services, and
- (c) any rural buildings are clustered, and
- (d) any clearing necessary for the dwellings is minimised.

(5) The consent authority shall not consent to the carrying out of development involving the erection of more than one dwelling-house on an allotment of land to which this clause applies unless the development is for the purpose of dual occupancy housing.

(6) The subdivision of any dual occupancy housing shall not be permitted unless the subdivision may be carried out in accordance with the provisions of clause 13.

(7) For the purposes of subclause (4) (d), clearing means any manner of destruction or removal of a tree, shrub or plant (otherwise than as exempted by the Council's adopted tree preservation order) and includes the severing or lopping of branches, limbs, stems or trunks of a tree, shrub or plant.

ANNEXURE A

CLAUSES 14, 19, 34 AND 35 OF PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000
DWELLING-HOUSES

Clause 19 Dwelling-houses, dual occupancy housing and urban housing

1. Consent must not be granted to the erection of a dwelling-house, dual occupancy housing or urban housing on land in a zone, or on land within a precinct of the Nelson Bay (West) Area, specified in the Table to this subclause, unless:

   (a) the allotment on which the existing or proposed building is or is proposed to be erected has an area of not less than the minimum area for each dwelling specified in the Table in respect of the type of housing, zone or precinct concerned, and

   (b) the ratio of the gross floor area of the building to the site area of the allotment does not exceed the ratio identified for the relevant zone or precinct concerned, and

   (c) the height of the building does not exceed the maximum height identified for the relevant zone or precinct concerned.

Table

HOUSING TYPE	ZONE	PRECINCT (where specified)	MINIMUM SITE AREA PER DWELLING	FLOOR SPACE RATIO	MAXIMUM HEIGHT
Dwelling-house	2(a), 2(c)	Unspecified Areas	500 m^2	0.5:1	9m
	2(a)	Hill Tops	600 m^2	0.5:1	9m
Dual Occupancy Housing	2(a)	Unspecified Areas	300 m^2	0.5:1	8m
	2(c)	Unspecified Areas	250 m^2	0.5:1	8m
	2(a)	Upper Slopes	500 m^2	0.5:1	8m
	2(a), 2(c)	Foreshore and Lower Slopes	300 m^2	0.5:1	8m
	2(a), 2(c)	Town Centre Edge, Town Centre Housing, Wahgunyah Neighbourhood	250 m^2	0.5:1	8m
Urban Housing	2(a)	Upper Slopes	500 m^2	0.5:1	8m
	2(a)	Unspecified Areas	300 m^2	0.5:1	8m
	2(a)	Foreshore and Lower Slopes	300 m^2	0.5:1	8m
	2(a)	Town Centre Edge, Wahgunyah Neighbourhood	250 m^2	0.5:1	8m
	2(c)	Town Centre Housing	150 m^2	1.8:1	15m
	2(c)	Foreshore; Unspecified Areas	150 m^2	1.8:1	15m