

# Report

**Stage 1 Preliminary Site  
Investigation (PSI)**

**Proposed Development  
International Chinese School  
211 Pacific Highway  
St Leonards NSW 2065**

**Lot 101 DP 791327  
(Ref.02760.06.19.Stage1PSI)**

**Prepared for:  
Stanton Dahl Architects**

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## ATTACHMENTS

### APPENDIX A : LOCALITY PLANS AND PHOTOGRAPHS

- FIGURE 1 (02760-F01) – SITE LOCATION
- FIGURE 2 (02760-F02) - SITE BOUNDARIES
- PHOTOGRAPHS

### APPENDIX B: HISTORICAL TITLE INFORMATION AND OTHER DOCUMENTATION

## ABBREVIATIONS

Abbreviations	
ACM	Asbestos Cement Material
mAHD	metres Australian Height Datum
As	Arsenic
B(a)P	Benzo (a) pyrene (a component of PAHs)
BTEX	Benzene, Toluene, Ethylbenzene, Xylene
BH	Borehole
Cd	Cadmium
Cr	Chromium
EPA (NSW)	Environmental Protection Agency (NSW)
DECCW(NSW)	Dept. Environment, Climate Change & Water (NSW)
Hg	Mercury
MAH	Mono Aromatic Hydrocarbons
NEHF	National Environment Health Forum
Ni	Nickel
OCPs	Organochlorin pesticides
OPPs	Organophosphate Pesticides
PCBs	Poly Cyclic Biphenyls
PCM	Potentially Contaminated Media
PAH	Polycyclic Aromatic Hydrocarbons
Pb	Lead
PID	Photo Ionisation Detector
QA/QC	Quality Assurance and Quality Control
RAP	Remedial Action Plan
RPD	Relative Percentage Difference
TCLP	Toxicity Characteristics Leaching Procedure
TRH	Total Recoverable Hydrocarbons
UST	Underground storage tank
VOCs	Volatile Organic Compounds

## EXECUTIVE SUMMARY

### ES-1 Background

This investigation was authorized by the client Stanton Dahl Architects. The on-site inspection was conducted on 7 June 2018. The property is located on the 88 metre AHD map contour. The site is located on a medium slope facing northeast. The surface water is expected to flow north east.

### ES-2 Discussion

Points taken into consideration to enable recommendations:

- The seven-step DQO process (defined in Section 5) as outlined in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) – Schedule B2 (1999 amended 2013) was employed to assess the property in regard to contamination of the soil.
- The title search and historical aerial photos show evidence the property has been used for an activity that may have had an impact on the soil with respect to contamination (property closely associated with adjacent cemetery).
- The site was used as the cemetery caretaker's cottage. Dexton's Cottage (General Cemetery's Caretakers Residence) was built in 1887– title attached to cemetery. New Sexton's Cottage built 1949. The present commercial building was on site of the former cottage (1984 aerial air photo).
- The Planning Certificate was consulted. Information prescribed *Under Section 10.7 Environmental Planning and Assessment Act 1979* to be specified in the Planning Certificate was not supplied by the LGA (Willoughby). The information is used to inform the owners (and therefore potential buyers and lessees) whether an ongoing Maintenance Order (Environmental Management Plan) is attached to the title or the site is subject to a site audit statement. The EMP would inform of past remediation activities and may document encapsulated contaminated areas not able to be remediated for various reasons. The LGA was contacted and under instruction of legal advice the information could not be supplied.
- The site is not listed on the EPA NSW Contaminated Lands database.
- No chemicals were located or are suspected to be located on the site. No significant staining or odours were identified during the inspection.
- The NSW Environment Protection Authority (EPA) is undertaking an investigation program to assess the legacy of per- and poly- fluoroalkyl substances (PFAS) use across NSW. The site is not part of the PFAS investigation program.
- The site consists of one lot identified as Lot 101 DP 791327. The current commercial style building is in a state of demolition. The total area of the property (Lot 101) is approximately 1,600 square metres. The footprint of the buildings and associated structures occupy approximately 50% of the site.
- The exact nature of the sub-surface material is not known. However the land does not seem to be consistent with the natural levels of the surrounding area. There is an indication that fill (unknown) may have been imported onto the block, or fill moved from another area of the parcel of land.
- The existing building is to be partly demolished. The 'International Chinese School' is to be built on site (with some use of the existing infrastructure).

- The landuse shall change to a more sensitive use – commercial office building to a school. The building and the surrounds are suspected to be used by staff and attending children.
- The Willoughby Local Environmental Plan 2012, states that the property is located in a Class 5 Acid Sulfate Soil area:
  - *Class 5 ASS: Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

It is our opinion that PASS (potential acid sulfate soils) shall not be an issue affecting the site.

- Areas of *dryland salinity* were not identified on site

### ES-3 Conclusion

Airsafe does not consider the information available for the investigation report adequate to form an opinion that the site may be used for school activities.

This decision is based on:

- The site has been associated with a cemetery since the 1860s (Note: the actual site was never used as a cemetery). The site is currently owned by the Gore Hill Memorial Trust.
- An amount of undocumented fill is located on site.
- It is not known whether a Site Audit Statement (undertaken by an EPA accredited Site Auditor) has been undertaken (or being undertaken) for the site. This information could not be supplied by the appropriate regulatory authority - LGA Willoughby Council.
- It is not known whether a Maintenance Order (ongoing Environmental Management Plan – EMP) is in place on the property informing owners /lessees of ongoing and/or encapsulated contamination issues on site. This information could not be supplied by the appropriate regulatory authority - LGA Willoughby Council.

Considering the above it is the opinion of AIRSAFE that a Intrusive Soil Investigation (sub-surface soil sampling and analysis), is considered necessary. The sub-surface investigation shall provide to the environmental consultant additional information/data to enable an opinion whether the site is suitable for the proposed activities and whether there is any risk to pupils or staff with respect to soil contaminants.

The lot has a total area of approximately 1,600 m<sup>2</sup>. According to EPA NSW *Sampling EPA NSW Design Guidelines* (Sept 1995), a minimum of 7 sampling points is required to characterise a site between 1000 - 2000 m<sup>2</sup>. This is based on a 95% confidence to detect a hot spot with a 19.9 metre circumference for a site up to 2000 sq/m.

Two soil samples shall be taken from each stratigraphic layer of the exposed soil areas:

- Near surface (0 - 0.3m) – Samples to be analysed for contaminants of concern (CofC) see below;



- Shallow subsurface (0.4 - 0.6m) – Samples to be analysed for contaminants of concern (CofC) see below;

Recommended contaminants of concern analysis are:

Depth 0 – 0.3m:

- heavy metals (x8) - (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
- hydrocarbon oils and volatiles (TRH+BTEX),
- polyaromatic hydrocarbons (PAH - coal ash in fill)
- organochlorine pesticides (OCPs - pesticides under historic buildings)
- asbestos.

Depth 0.4 – 0.6m:

- heavy metals (x8) - (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
- polyaromatic hydrocarbons (PAH - coal ash in fill)

The analysed results shall be assessed against HIL A\* in the NEPM (1999 amended 2013). The report shall be undertaken in accordance with the OEH NSW (EPA NSW) *Guidelines for Consultants Reporting on Contaminated Sites* 1997, 2000. Reprinted August 2011.

- HIL A - *Residential with garden/accessible soil also includes childcare centres, preschool and primary schools.*

**NOTE: Certified Environmental Consultants:** EPA NSW (<http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/engaging-consultant>) - Contaminated land consultant certification schemes have recently been developed to ensure those consultants dealing with contaminated sites have the necessary competencies to carry out the work. These certification schemes include:

- the Environment Institute of Australia and New Zealand's (EIANZ) *Contaminated Land Assessment Specialist Certified Environmental Practitioner* (CLA Specialist CEnvP) scheme;
- the Soil Science Australia (SSA) *Certified Professional Soil Scientist Contaminated Site Assessment and Management* (CPSS CSAM) certification.

The NSW EPA recognises the CLA Specialist CEnvP and CPSS CSAM certifications as providing a thorough process for certifying contaminated land consultants to an acceptable minimum standard of competency.

## **SECTION 1: INTRODUCTION**

### **1.1 AUTHORIZATION**

This investigation was authorized by the client Stanton Dahl Architects. The on-site inspection was conducted on 7 June 2018.

### **1.2 SCOPE OF WORK - CONSULTANTS BRIEF**

AIRSAFE Environmental was requested to carry out a Stage 1 (Preliminary) Environmental Survey on the property. The scope of the survey entailed:

- Identify all past and present potentially contaminating activities where possible.
- Assessment of site history available within the records and available aerial photographs where applicable.
- Site visit to assess site activities past and present.
- A search of historical title information at the Land and Property Information, Macquarie Street, Sydney, to assess prior ownership and potential for contamination.
- A review of the available geological, topological maps and acid sulphate soils maps.
- A search for any notices relating to the potential for site contamination as issued by the EPA NSW and WorkCover NSW.

To accomplish the above, the following bodies were contacted:

- Historical Property Title Searches - Land and Property Information via Environmental Legal Searches
- Department of Lands (at Land and Property Information - Macquarie Street) - Air Photos
- Department of Environment & Climate Change – Contaminated Land Database

Following the research and site visit, recommendations were made regarding the potential for the surface or soil sub surface to have elevated contaminants and if so the need for further investigations.

### **1.3 LIMITATIONS OF THE REPORT**

This report has been prepared to meet the requirements outlined in the scope of work. It does not include evaluation of any other issues. Airsafe performed the services in a professional manner, in accordance with relevant guidelines and standards, and generally accepted industry practices. Airsafe does not make any other warranty, expressed or implied, as to the professional advice contained in this report.

Within the guidelines set down for this survey, every effort has been made to give an accurate assessment of the property identified in this document. Airsafe does not accept any responsibility for any contamination that may exist in the area now or in the future. Airsafe accepts no liability for the use of this document by any other person other than the client. This report is based on current and historical information available at the time of writing.

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## SECTION 2: PHYSICAL & SITE INFORMATION

### 2.1 SITE IDENTIFICATION

ADDRESS	211 Pacific Highway, St Leonards NSW 2065
LOCAL GOVERNMENT AUTHORITY	Willoughby Council
LOT & DEPOSITED PLAN	Lot 101 DP791327
PARISH	Willoughby
COUNTY	Cumberland
COUNCIL LAND ZONING	SP1 – Special Activities - Cemetery (Willoughby Local Environmental Plan 2012)
SITE AREA	Approx. 1,600 sqm

### 2.2 SOIL LANDSCAPE & GEOLOGY

#### Soil Landscapes:

*Soils Landscapes Data Source : NSW Office of Environment and Heritage. Creative Commons 3.0 © Commonwealth of Australia: <http://creativecommons.org/licenses/by/3.0/au/deed.en>*

The site is characterised by the ‘Glenorie’ soil landscape which occurs north of the Parramatta River.

- Landscape: Undulating to rolling low hills on Wianamatta Group shales. Local relief 50-80 m, slopes 5-20%. Narrow ridges, hillcrests and valleys. Extensively cleared tall open-forest (wet sclerophyll forest).
- Soils: Shallow to moderately deep (<100 cm) Red Podzolic Soils on crests, moderately deep (70-150cm) Red and Brown Podzolic Soils on upper slopes., deep (>200 cm) Yellow Podzolic Soils on lower slopes.

Sydney – Soil Landscape Series – Sheet 9130 (4<sup>th</sup> Edition) – DECCW NSW (*Soil Landscapes of the Sydney 1:100 000 sheet*, Chapman, G.A and Murphy, C.L (1989). Soil Conservation Service of NSW, Sydney).

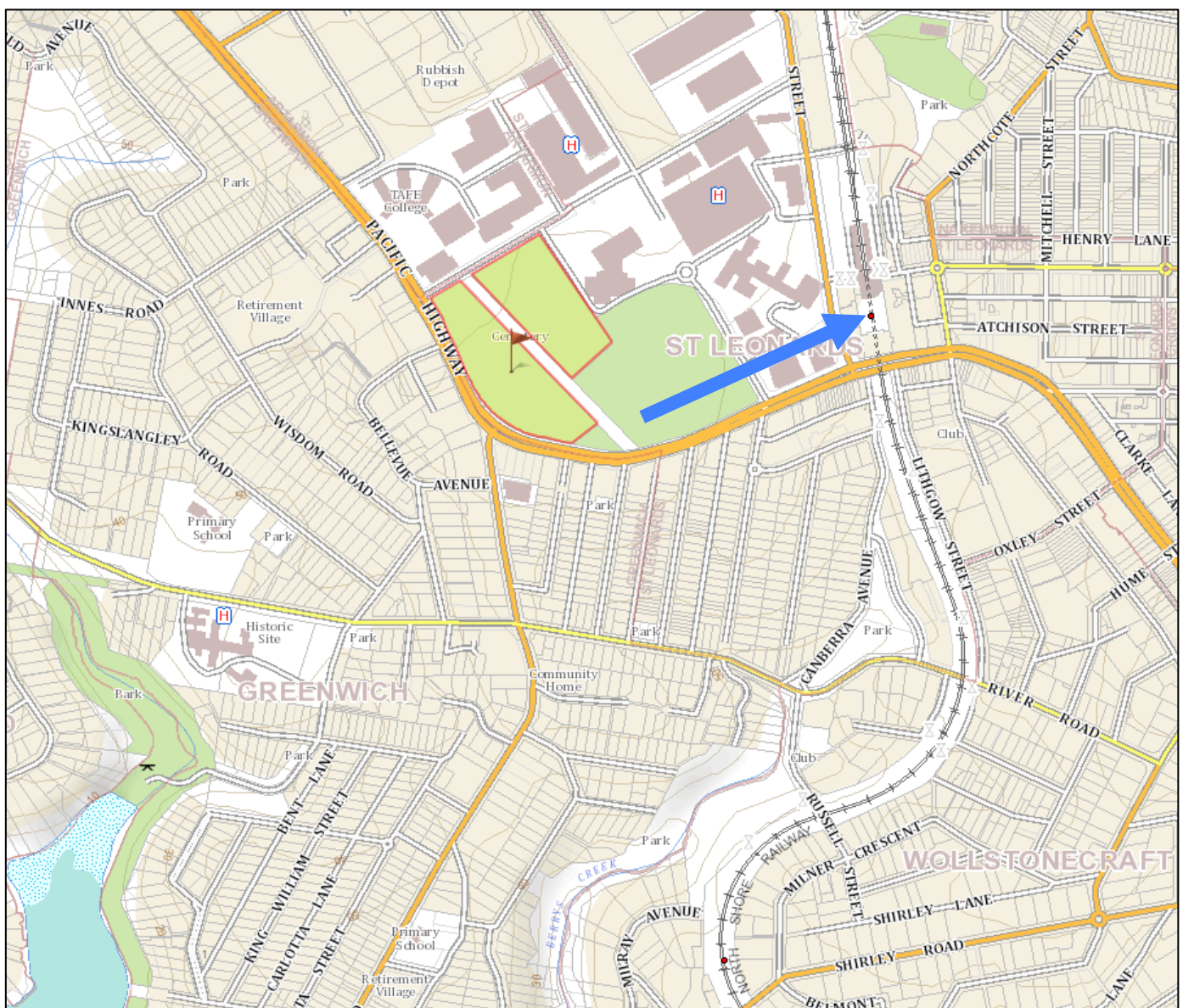
## Geology:

Geological Data Source : NSW Department of Industry, Resources & Energy

The site is located within the Ashfield Shale (Rwa) of the Wianamatta Group, geological : *Black to dark grey shale and laminate*. The Ashfield Shale of Triassic age, and sit conformably above the Hawkesbury Sandstone.

## 2.3 TOPOGRAPHY AND HYDROGEOLOGY

The property is located on the 88 metre AHD map contour. The site is located on a medium slope facing northeast. The surface water is expected to flow north east.



**Suspected surface water run-off direction toward Condron Creek**

A registered groundwater bore is located 501 metres north east of the site (GW0724430) with relevant drillers log information.

Groundwater Bore No.	GW072478
Licence No	-
Owner Type	Bore
Purpose	Domestic
Standing water Level	48 metres
Date Completed	10/01/1995
Bore Depth	180.5 metres
Driller's Log	
	0.00m-2.50m CONCRETE OVERBURDEN 2.50m-5.10m MOIST CLAY 5.10m-28.70m L/G MED. GRAIN SANDSTONE 28.70m-30.10m LIGHT GREY MED. GRAIN S/STONE QUARTZ MATRIX 30.10m-35.90m L/GREY GRAIN SANDSTONE 35.90m-37.20m L/GREY MED GRAIN S/STONE QUARTZ MATRIX 37.20m-45.30m L/GREY MED GRAIN S/STONE 45.30m-54.30m DARK GREY SHALE 54.30m-72.40m L/GREY CEMENTED S/STONE 72.40m-75.40m DARK GREY SHALE 75.40m-109.70m L/GREY MED GRAIN S/STONE 109.70m-110.60m QUARTZ LAYER 110.60m-121.80m L/GREY MED GRAIN S/STONE 121.80m-123.30m DARK GREY SHALE 123.30m-135.40m L/GREY MED GRAIN S/STONE 135.40m-138.00m L/GREY MED GRAIN S/STONE QUARTZ MATRIX 138.00m-139.80m WATER BEARING QUARTZ 139.80m-143.80m L/GREY MED GRAIN S/STONE QUARTZ MATRIX 143.80m-144.40m WATER BEARING QUARTZ 144.40m-154.10m L/GREY CEMENTED SANDSTONE 154.10m-163.70m L/GREY MED GRAIN S/STONE QUARTZ MATRIX 163.70m-166.90m QUARTZ LAYER 166.90m-168.70m GREY MED GRAIN S/STONE 168.70m-180.50m L/GREY MED GRAIN SANDSTONE



## 2.4 ACID SULFATE SOIL RISK

The Acid Sulfate Data Source Accessed 07/10/2016: NSW Crown Copyright - Planning and Environment - Creative Commons 3.0 (© Commonwealth of Australia) was consulted.

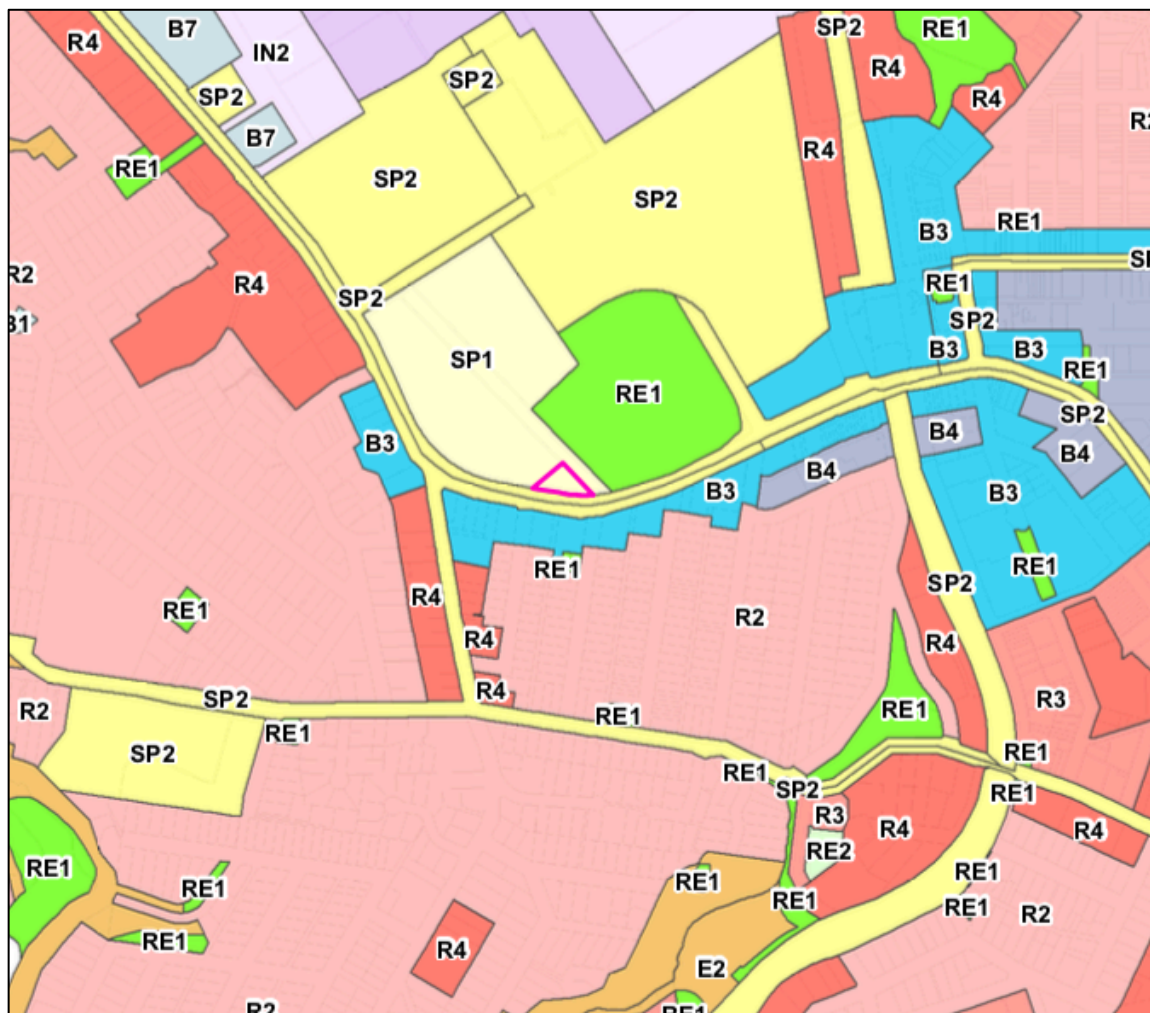
Soil Class	Description	LEP
5	Works within 500 metres of adjacent Class 1, 2, 3, or 4 land that is below 5 metres AHD and by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land, present an environmental risk	Willoughby Local Environmental Plan 2012

It is our opinion that PASS (potential acid sulfate soils) shall not be an issue affecting the site.

## 2.5 ZONED LAND USE

Willoughby Local Environmental Plan 2012: The site is within the:

- SP1 Special Activities - Cemetery



## 2.6 DRYLAND SALINITY

Salinity is not expected to be an issue affecting the development.

## 2.7 SITE TITLE HISTORY

SUMMARY OF PROPRIETORS: Lot 101 DP 791327	
YEAR	PROPRIETOR
	(Lot 101 DP 791327)
1989 – todate	Gore Hill Memorial Cemetery Trust
(1990 – todate)	(current lease to Edwards, Madigan, Torzillo, Briggs International Pty. Limited shown on Folio Identifier 101/791327)
(Lot 1118 DP 48218)	
1988 – 1989	Gore Hill Memorial Cemetery Trust (Lot 1118 DP 48218 – CTVol 15451 Fol 52)
1988 – 1988	Gore Hill Memorial Cemetery Trust (vide Dedication as Historic Cemetery)
1986 – 1988	The Council of the Municipality of Willoughby
(Part General Cemetery Parish Willoughby – Area 2 Roods)	
Prior – 1986	Crown Land
(1867 – 1986)	(General Cemetery's Caretakers Residence)

## 2.8 EPA PFAS\* INVESTIGATION PROGRAM

The NSW Environment Protection Authority (EPA) is undertaking an investigation program to assess the legacy of \*per- and poly- fluoroalkyl substances (PFAS) use across NSW.

PFAS are a group of chemicals that include perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). They have many specialty applications and are widely used in a range of products in Australia and internationally.

PFAS are an emerging contaminant, which means that their ecological and/or human health effects are unclear. The EPA is investigating to better understand the extent of PFAS use and contamination in NSW. This will enable the EPA to be better prepared to respond if any health and environmental impacts become known.

The site was not located within the PFAS Investigation Zone.



## 2.9 HISTORICAL AIR PHOTOS

### 1943 AIR PHOTO

Original 'Sexton's Cottage' with assortment of sheds and buildings, and possibly a residence – suspected all associated with the Gore Hill cemetery



### 1951 AIR PHOTO

New dwelling on site (new 'Sexton's Cottage' – 1949): suspected associated with the Gore Hill cemetery



## 1982 AIR PHOTO

Residence – same 1951:  
suspected associated with the  
Gore Hill cemetery



## 1991 AIR PHOTO

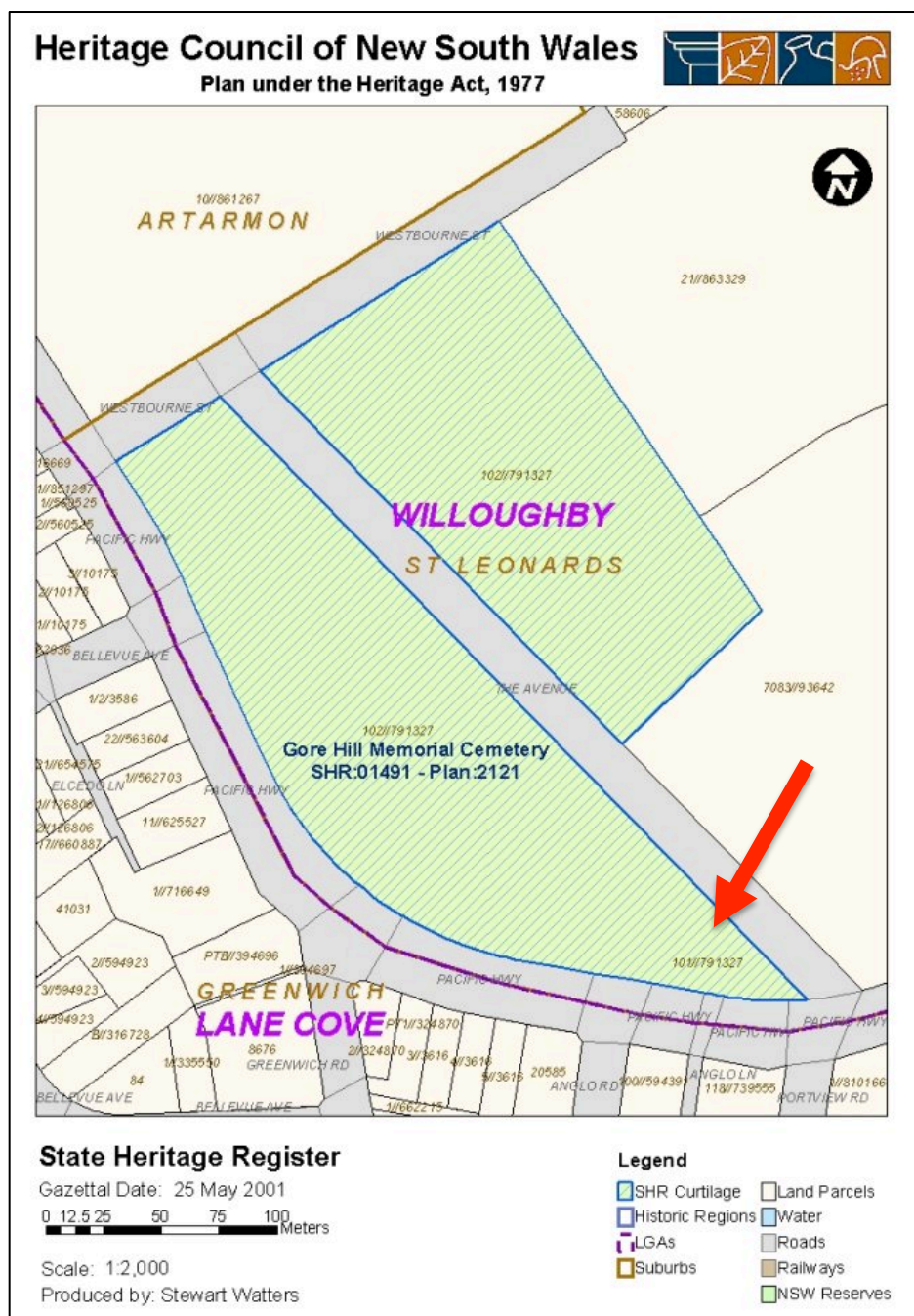
Old residence removed – present  
building (offices/commercial) now on  
site



## 2.10 TITLE, BUSINESS AND AIR PHOTO DISCUSSION

Data Sources: Historical Aerials: © Land and Property Information (a division of the Department of Finance and Services)

1868	Dedication of first part of Gore Hill cemetery
1887 - 1986	Caretakers cottage (Dexton's Cottage) built (General Cemetery's Caretakers Residence) – title attached to cemetery. New Sexton's Cottage built 1949.
Prior 1986	Crown land
1986 - 1988	Lot 101 sub-divided off from main cemetery - Council of Municipality of Willoughby
1989 - date	Gore Hill Memorial Cemetery Trust (Still Zoned Special Interest – Cemetery)



## 2.11 EPA NSW CONTAMINATED LAND DATABASE

A search of the OE&H contaminated land database was carried out via the internet for the LGA of Willoughby. The site in question was not listed.

SUBURB	ADDRESS	SITE NAME	NOTICES RELATED TO THIS SITE
CHATSWOOD	607 Pacific HIGHWAY	Former Caltex Chatswood Service Station	8 former
CHATSWOOD WEST	728 Pacific HIGHWAY	Chatswood Toyota	6 former

## 2.12 PROPOSED DEVELOPMENT

The existing building is to be partly demolished. The 'International Chinese School' is to be built on site (with some use of the existing infrastructure).

## 2.13 LGA (WILLOUGHBY) PLANNING CERTIFICATE

Willoughby Council - *Planning Certificate Under Section 10.7 Environmental Planning and Assessment Act 1979 - Cert No: 43514* – Date 04/06/2019 was supplied for assessment. Many items were not included in the certificate.

Matters arising Section 59(2) of the Contaminated Lands Management Act 1997 were not included:

*(a) Is not significantly contaminated land (or part of the land) within the meaning of the Contaminated Lands Management Act 1997 at the date when the certificate is issued.*

**This information is documented by the EPA NSW. The lot and DP is not noted on the EPA NSW Contaminated Land Database for the LGA of Willoughby.**

*(b) The land is not subject to a management order within the meaning of the Contaminated Lands Management Act 1997 at the date when the certificate is issued.*

**This information is documented by the EPA NSW. The lot and DP is not noted on the EPA NSW Contaminated Land Database for the LGA of Willoughby.**

*(c) The land is not the subject of an approved voluntary management proposal within the meaning of the Contaminated Lands Management Act 1997 at the date when the certificate is issued.*



This information is documented by the EPA NSW. The lot and DP is not noted on the EPA NSW Contaminated Land Database for the LGA of Willoughby.

*(d) The land is not subject to an ongoing maintenance order within the meaning of the Contaminated Lands Management Act 1997 at the date when the certificate is issued.*

**Unknown. This information is prescribed *Under Section 10.7 Environmental Planning and Assessment Act 1979* to be specified in the Planning Certificate. This information is supplied via the Planning Certificate to inform the owners (and therefore potential buyers and lessees) whether an ongoing Maintenance Order (Environmental Management Plan) is attached to the title. The EMP would inform of past remediation activities and may document encapsulated contaminated areas not able to be remediated for various reasons. This information was not supplied. The LGA was contacted and under instruction of legal advice the information could not be supplied.**

*(e) The land is not subject to a site audit statement within the meaning of the Contaminated Lands Management Act 1997.*

**Unknown. This information is prescribed *Under Section 10.7 Environmental Planning and Assessment Act 1979* to be specified in the Planning Certificate. This information is supplied via the Planning Certificate to inform the owners (and therefore potential buyers and lessees) whether the site was being investigated for site contamination and that a SAS (site audit statement) had been requested as a signoff by the LGA (Council). This information was not supplied. The LGA was contacted and under instruction of legal advice the information could not be supplied.**

## **SECTION 3: SITE INSPECTION**

A site inspection was carried out on 7 June 2019.

### **3.1 BUILDING CONDITION, CURRENT OCCUPIER AND USE**

The site consists of one lot identified as Lot 101 DP 791327. The current commercial style building is in a state of demolition. The total area of the property (Lot 101) is approximately 1,600 square metres. The footprint of the buildings and associated structures occupy approximately 50% of the site.

### **3.2 SURROUNDING LAND USE**

- North: Gore Hill historical cemetery and Gore Hill Oval and Royal North Shore Hospital.
- West: Gore Hill historical cemetery
- South: Pacific Highway and then commercial buildings.
- East: Pacific Highway and Gore Hill Oval.

### **3.3 SURFACE CONDITION AND VEGETATION**

The areas around the building/s are paved, concreted or grassed with surrounding trees and scrubs. The vegetation appears to be in good condition with no areas of stress. Odours or hydrocarbon style staining were not identified. No surface signs that the area has been used as for illegal tipping

### **3.4 UNDERGROUND TANKS AND ASSOCIATED SERVICES**

No underground tanks were located during the inspection.

### **3.5 FILL MATERIAL**

The exact nature of the sub-surface material is not known. However the land does not seem to be consistent with the natural levels of the surrounding area. There is an indication that fill (unknown) may have been imported onto the block, or fill moved from another area of the parcel of land.

### **3.6 CHEMICAL AND WASTE STORAGE**

No waste storage tanks were located during the inspection

## SECTION 4: CONCEPTUAL SITE MODEL

### 4.1 POTENTIAL RECEPTORS

The site inspection revealed a number of potential receptors for off site migration of potential contamination:

- Gore Hill Oval.
- Royal North Shore Hospital
- Berrys Creek (approx. 0.6 km to the southeast).

### 4.2 POTENTIAL SOURCES AND CONTAMINANTS OF CONCERN

HISTORICAL ACTIVITY	CONTAMINATING ACTIVITY	CONTAMINANTS OF CONCERN	LIKELIHOOD
Vacant land – prior to cemetery use	Fill	Rubbish	Unknown (prior 1868)
Fill material	Imported fill	Ash or building waste (common fill within inner Sydney) (PAH)	Possible – the site does not appear to follow the natural elevation for the regional area.
Residential Buildings	Use of asbestos or lead paint	Asbestos, lead	Possible – but this is common to all residential buildings and identified and dealt with prior to demolition.
Historical commercial (special) activity	Use as infrastructure associated with a cemetery	Unknown	Likely

### 4.3 POTENTIALLY AFFECTED MEDIA (PCM)

The potentially contaminated media on site are:

- Soil/Fill material around buildings, under the concrete hardstand and paving
- Groundwater – not suspected.

#### 4.4 POTENTIAL EXPOSURE PATHWAYS

PATHWAY	CONTAMINANTS	LIKELIHOOD
Airborne contaminant particles	Heavy metals, volatile components	Unlikely – no PCM located
Dermal contact	Heavy metals, hydrocarbons, other chemicals etc	Possible
Airborne vapours	Volatile contaminants	Unlikely – no PCM located

#### 4.5 HUMAN AND ECOLOGICAL RECEPTORS

TYPE	RECEPTORS	LIKELIHOOD
HUMAN	Current and future occupants and landholders	Possible (the site is to be used as a school)
	Construction and maintenance workers particularly involved in potential excavation works	Possible – the material shall be sampled for waste classification prior to any major excavation works
	Adjoining park land and commercial properties	Unlikely
ECOLOGICAL	Berrys Creek	<0.6 km from site – Unlikely
	Adjacent commercial properties	<0.1 km from site – Unlikely
	Adjacent gardens, trees and scrubs	<0.1 km from site – not considered likely

#### 4.6 ASSESSMENT OF DATA GAPS

DATA GAPS	COMMENTS
Status of soil with respect to sub-surface fill material	Historical contaminating activities: The site has historical connection to the adjacent cemetery. Cemetery maintenance sheds may have been located on site. Quantities of imported fill or fill moved from other parts of the site is possible.
Groundwater sampling	Not considered an issue. Groundwater encountered during in-excavation should be assessed if identified.
Potential vapour (VOC) accumulation	Not suspected



## SECTION 5: DATA QUALITY OBJECTIVES (DQO) & ASSESSMENT

### 5.1 OUTLINE OF DQO PROCESS

The EPA NSW *Guidelines for the NSW Site Auditor Scheme* (2nd Edition – April 2006) describes the DQO process thus:

*The process used to define the type, quantity and quality of data needed to support decisions relating to the environmental condition of the site. The DQOs provide a systematic approach for defining the criteria that a data collection design should satisfy, including when, where and how to collect samples or measurements; determination of tolerable decision error rates; and the number of samples or measurements that should be collected.*

The DQOs are achieved by employing a seven-step process:

Table 1

	STEP	SECTION
1	Define the Problem	Section 5.1 1.2 Consultants Brief & Scope of Works
2	Identify the Decisions	Section 5.2 Sections 2 : Physical & Site Info Section 2.12: Proposed Development Section 2.10: Title & Air Photo Discussion Section 4: Conceptual Site Model
3	Identify the Inputs to the Decision	Section 5.3 2.3 Topography & Hydrogeology 2.7 Site Title History Sect. 3.0 Site Inspection
4	Define the Study Boundaries	Section 5.4 2.1 Site Identification 2.2 Soil Landscape & Geology 2.3 Topography & Hydrogeology
5	Develop a Decision Rule	Section 5.5 Section 2.12: Proposed Development
6	Specify Limits of Decision Errors	Section 5.6 Section 4: Data Quality Objectives (DQO) & Assessment
7	Optimise the Design for Obtaining Data	Section 5.7

## **5.2 STEP 1 - DEFINE THE PROBLEM**

As there is a possibility that the past land uses may have impacted on the sub-soil, a Stage 2 soil and groundwater sampling programme and analysis was carried out.

See:

- *Sections 2 : Physical & Site Info*
- *Section 2.12: Proposed Development*
- *Section 2.10: Title & Air Photo Discussion*
- *Section 4: Conceptual Site Model*

## **5.3 STEP 2 - IDENTIFY THE DECISIONS**

The primary decision statement that this report shall attempt to resolve is:

Analysed samples taken from the property shall be assessed against the maximum criteria from the landuse as defined by National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (Amended 2013) for Residential A Landuse. By using the results and guidelines the consultant shall make a decision if the property is suitable for the proposed landuse, and if not, the appropriate management or remediation necessary to achieve this end.

See:

- *2.3 Topography & Hydrogeology*
- *2.7 Site Title History*
- *Sect. 3.0 Site Inspection*

## **5.4 STEP 3 – IDENTIFY THE INPUTS TO THE DECISION**

The primary inputs used to assess the contamination were:

- Define the site boundaries by the use of survey maps and site inspection.
- Review of the site history and site conditions, including the geology, hydrogeology and topography.
- Assessing contamination identified with the Phase 2 report to facilitate the remediation procedures.
- Using appropriate soil sampling procedures to ensure correct representative data.
- Using correct analytical methods (NATA etc) with quantitation limits below the site assessment criteria.

See:

- 2.1 Site Identification
- 2.2 Geology, Hydrogeology & Topography

#### 5.5 STEP 4 – DEFINE THE STUDY BOUNDARIES

The boundaries of the site are documented in 2.1 Site Identification. The sub surface study boundaries within the above site boundary shall be within the fill down to natural material.

See:

- Section 2.12: Proposed Development
- 2.2 Soil Landscape & Geology
- 2.3 Topography & Hydrogeology

#### 5.6 STEP 5 – DEVELOP A DECISION RULE

The purpose of this step was to define the parameter of interest, specify the action level and combine the outputs of the previous steps into an “if ....., then.....” decision rule that defines the conditions that would cause the decision maker to choose alternative actions.

The following decisions rules may be applied:

- Comparison of the results of the validation samples to the criteria (ie: ‘**If** the results are above criteria **then** extra remediation may be necessary’)
- **If** field QA/QC samples (blanks, spikes etc) are found to contain chemicals of concern **then** further action extra sampling, investigation of procedure shall be undertaken.
- **If** the laboratory QA/QC samples (matrix spikes, reagent blanks) fall outside the acceptance criteria (See 2.7 - DQI) **then** the laboratory shall be contacted and/or the *samples shall be re-analysed*.

## 5.7 STEP 6 – SPECIFY ACCEPTABLE LIMITS ON DECISION ERRORS – DATA QUALITY INDICATORS (DQIS)

The project DQIs address ‘Step 6’, and have been established to set acceptance limits on field and laboratory data collected as part of the investigation (Note: No soil sampling and analysis undertaken).

Table 2

DQI	FIELD	LABORATORY	ACCEPTANCE LIMITS
Accuracy	Procedures standard Rinsate blanks	Analysis of: Rinsate blanks Matrix spike Lab control sample Lab duplicate <5xPQL Lab duplicate >5xPQL	As per Envirolab Procedures Not detect 70 to 130% 70 to 130% Any RPD is acceptable 0-50% RPD is acceptable
Precision	Standard procedures appropriate to job and applied Collection of split (Inter-lab) duplicate and field (Intra-lab) duplicate	Analysis of: Field (Intra-lab) duplicate Split (Inter-lab) duplicate	0-50% RPD is acceptable 0-50% RPD is acceptable
Representativeness	Correct material sampled as per RAP or ESA All material needing to be sampled was sampled	All samples analysed in accordance with ‘Chain of Custody’	
Comparability	Correct sampling protocol applied Sampler appropriately trained Similar climate conditions	Standard procedures used for all labs Similar analytical methods employed by all labs involved	As per NATA requirements As per AIRSAFE and DECCW requirements
Completeness	All critical locations sampled Samples collected from surface or depth where appropriate	All samples analysed according to procedures Correct methods employed Correct PQLs employed Chain of custody requirements acted upon Lab holding times appropriate	As per appropriate regulations and guidelines

- PQLs – Practical Quantitation Limits
- RPD – Relative Percentage Difference
- RAP – Remedial Action Plan

## 5.8 STEP 7 - OPTIMISE THE DESIGN FOR OBTAINING DATA

EPA (2006) - *Identify the most resource-effective sampling and analysis design for general data that are expected to satisfy the DQOs.*

## SECTION 6: DISCUSSION & CONCLUSION

### 6.1 DISCUSSION

Points taken into consideration to enable recommendations:

- The seven-step DQO process (defined in Section 5) as outlined in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) – Schedule B2 (1999 amended 2013) was employed to assess the property in regard to contamination of the soil.
- The title search and historical aerial photos show evidence the property has been used for an activity that may have had an impact on the soil with respect to contamination (property closely associated with adjacent cemetery).
- The site was used as the cemetery caretaker's cottage. Dexon's Cottage (General Cemetery's Caretakers Residence) was built in 1887– title attached to cemetery. New Sexton's Cottage built 1949. The present commercial building was on site of the former cottage (1984 aerial air photo).
- The Planning Certificate was consulted. Information prescribed *Under Section 10.7 Environmental Planning and Assessment Act 1979* to be specified in the Planning Certificate was not supplied by the LGA (Willoughby). The information is used to inform the owners (and therefore potential buyers and lessees) whether an ongoing Maintenance Order (Environmental Management Plan) is attached to the title or the site is subject to a site audit statement. The EMP would inform of past remediation activities and may document encapsulated contaminated areas not able to be remediated for various reasons. The LGA was contacted and under instruction of legal advice the information could not be supplied.
- The site is not listed on the EPA NSW Contaminated Lands database.
- No chemicals were located or are suspected to be located on the site. No significant staining or odours were identified during the inspection.
- The NSW Environment Protection Authority (EPA) is undertaking an investigation program to assess the legacy of per- and poly- fluoroalkyl substances (PFAS) use across NSW. The site is not part of the PFAS investigation program.
- The site consists of one lot identified as Lot 101 DP 791327. The current commercial style building is in a state of demolition. The total area of the property (Lot 101) is approximately 1,600 square metres. The footprint of the buildings and associated structures occupy approximately 70% of the site.
- The exact nature of the sub-surface material is not known. However the land does not seem to be consistent with the natural levels of the surrounding area. There is an indication that fill

(unknown) may have been imported onto the block, or fill moved from another area of the parcel of land.

- The existing building is to be partly demolished. The 'International Chinese School' is to be built on site (with some use of the existing infrastructure).
- The landuse shall change to a more sensitive use – commercial office building to a school. The building and the surrounds are suspected to be used by staff and attending children.
- The Willoughby Local Environmental Plan 2012, states that the property is located in a Class 5 Acid Sulfate Soil area:
  - *Class 5 ASS: Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

It is our opinion that PASS (potential acid sulfate soils) shall not be an issue affecting the site.

- Areas of *dryland salinity* were not identified on site

## 6.2 CONCLUSION

Airsafe does not consider the information available for the investigation report adequate to form an opinion that the site may be used for school activities.

This decision is based on:

- The site has been associated with a cemetery since the 1860s (Note: the actual site was never used as a cemetery). The site is currently owned by the Gore Hill Memorial Trust.
- An amount of undocumented fill is located on site.
- It is not known whether a Site Audit Statement (undertaken by an EPA accredited Site Auditor) has been undertaken (or being undertaken) for the site. This information could not be supplied by the appropriate regulatory authority - LGA Willoughby Council.
- It is not known whether a Maintenance Order (ongoing Environmental Management Plan – EMP) is in place on the property informing owners /lessees of ongoing and/or encapsulated contamination issues on site. This information could not be supplied by the appropriate regulatory authority - LGA Willoughby Council.

Considering the above it is the opinion of AIRSAFE that a Intrusive Soil Investigation (sub-surface soil sampling and analysis) as defined in the EPA NSW Guidelines for Consultants Reporting on Contaminated Sites Nov 1997, is considered necessary.

The sub-surface investigation shall provide to the environmental consultant additional information/data to enable an opinion whether the site is suitable for the proposed activities and whether there is any risk to pupils or staff with respect to soil contaminants.

The lot has a total area of approximately 1,600 m<sup>2</sup>. According to EPA NSW *Sampling EPA NSW Design Guidelines* (Sept 1995), a minimum of 7 sampling points is required to characterise a site between 1000 - 2000 m<sup>2</sup>. This is based on a 95% confidence to detect a hot spot with a 19.9 metre circumference for a site up to 2000 sq/m.

Two soil samples shall be taken from each stratigraphic layer of the exposed soil areas:

- Near surface (0 - 0.3m) – Samples to be analysed for contaminants of concern (CofC) see below;
- Shallow subsurface (0.4 - 0.6m) – Samples to be analysed for contaminants of concern (CofC) see below;

Recommended contaminants of concern analysis are:

Depth 0 – 0.3m:

- heavy metals (x8) - (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
- hydrocarbon oils and volatiles (TRH+BTEX),
- polyaromatic hydrocarbons (PAH - coal ash in fill)
- organochlorine pesticides (OCPs - pesticides under historic buildings)
- asbestos.

Depth 0.4 – 0.6m:

- heavy metals (x8) - (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
- polyaromatic hydrocarbons (PAH - coal ash in fill)

The analysed results shall be assessed against HIL A\* in the NEPM (1999 amended 2013). The report shall be undertaken in accordance with the OEH NSW (EPA NSW) *Guidelines for Consultants Reporting on Contaminated Sites* 1997, 2000. Reprinted August 2011.

\* HIL A - *Residential with garden/accessible soil also includes childcare centres, preschool and primary schools.*

**NOTE: Certified Environmental Consultants:** EPA NSW (<http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/engaging-consultant>) - Contaminated land consultant certification schemes have recently been developed to ensure those consultants dealing with contaminated sites have the necessary competencies to carry out the work. These certification schemes include:

- the Environment Institute of Australia and New Zealand's (EIANZ) *Contaminated Land Assessment Specialist Certified Environmental Practitioner* (CLA Specialist CEnvP) scheme;
- the Soil Science Australia (SSA) *Certified Professional Soil Scientist Contaminated Site Assessment and Management* (CPSS CSAM) certification.

The NSW EPA recognises the CLA Specialist CEnvP and CPSS CSAM certifications as providing a thorough process for certifying contaminated land consultants to an acceptable minimum standard of competency.

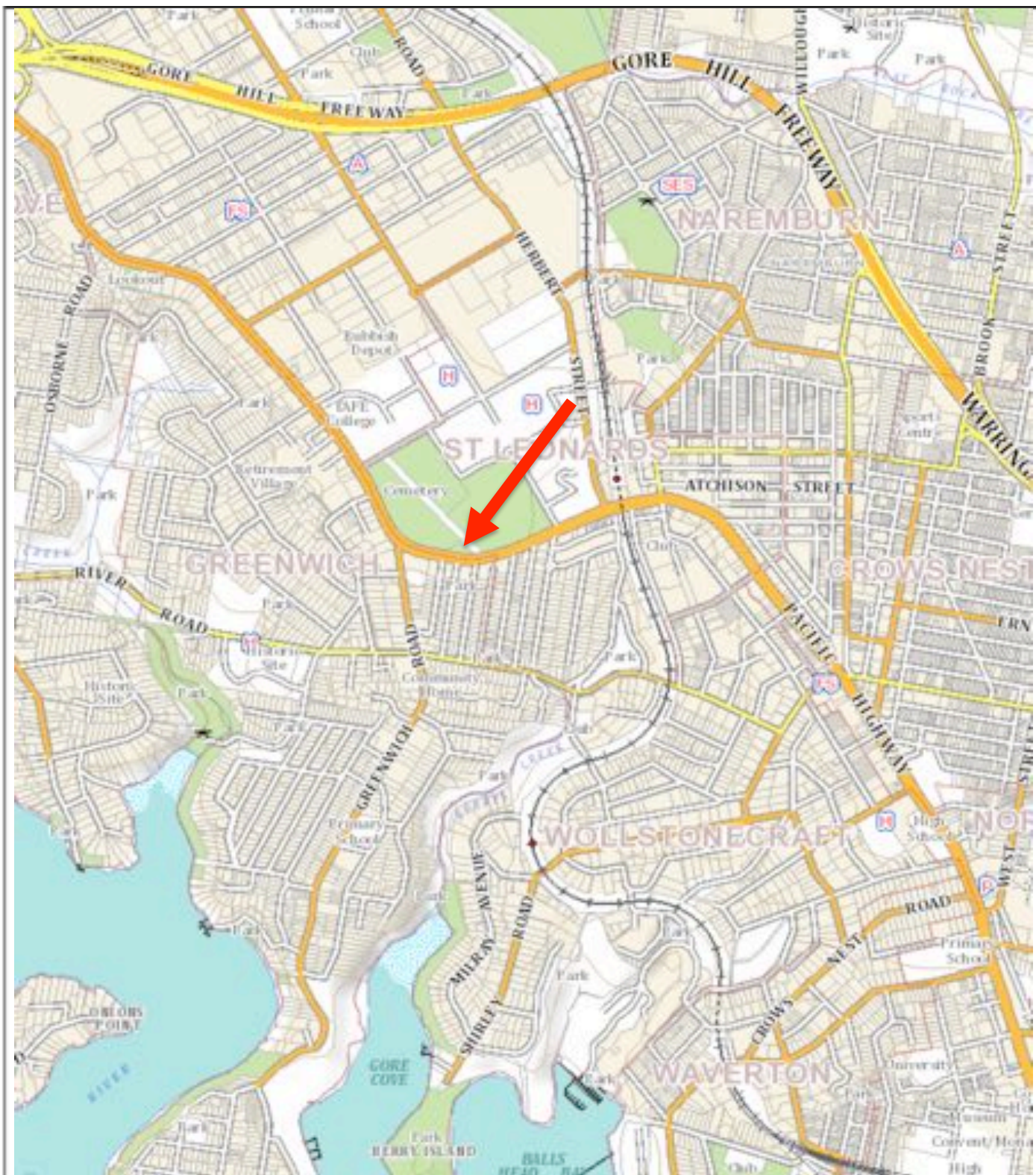


## SECTION 7. REFERENCES AND LEGISLATION

- *Soils Landscapes Data Source : NSW Office of Environment and Heritage*
- *Property Boundaries & Topographic Data: Land and Property Information 2017*
- *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) – Schedule B2 (1999 amended 2013)*
- *EPA NSW Waste Classification Guidelines (Part 1 : Classifying Waste - (Nov 2014).*
- *EPA NSW Guidelines for the NSW Site Auditor Scheme (2nd Edition – April 2006).*
- *NSW Contaminated Land Management Act 2008 No.11.*
- *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land – Dept. of Urban Affairs & Planning and EPA NSW 1998.*
- *Guideline on Investigation Levels for Soil & Groundwater : Schedule B1 – National Environment Protection Measure (NEPM) April 2011.*
- *Australian and New Zealand Guidelines from the Protection of Aquatic Organisms – 95% Protection of Species for Fresh and Marine Water (ANZECC 2000).*
- *EPA NSW Sampling Design Guidelines September 1995.*
- *Virgin excavated natural material (DECC 2008/447) Fact Sheet 2008.*
- *DEC NSW Guidelines for Assessing Former Orchards & Market Gardens June 2005.*
- *OEH NSW Guidelines for Consultants Reporting on Contaminated Sites 1997, 2000. Reprinted August 2011.*

## APPENDIX A : LOCALITY PLANS AND PHOTOGRAPHS

- FIGURE 1 (02760-F01) – SITE LOCATION
- FIGURE 2 (02760-F02) - SITE BOUNDARIES
- PROPOSED DEVELOPMENT - BASEMENT
- PHOTOGRAPHS



LEGEND:



- SITE LOCATION



**AIRSAFE**

FIG NO.	FIGURE NO. 1 : 02760-F01	LOCATION	211 PACIFIC HIGHWAY ST LEONARDS NSW 2065
SOURCE	NEARMAP - IMAGERY 2016 CNES / ASTRIUM, DIGITALGLOBE	CLIENT	STANTON DAHL ARCHITECTS
DRAWN	M.E	PROJECT	STAGE 1 PRELIMINARY SITE INVESTIGATION
APPROVED	M.E	TITLE	SITE LOCATION





LEGEND:



- SITE BOUNDARIES



**AIRSAFE**

FIG NO.	FIGURE NO. 2 : 02760-F02	LOCATION	211 PACIFIC HIGHWAY ST LEONARDS NSW 2065
SOURCE	NEARMAP - IMAGERY 2016 CNES / ASTRIUM, DIGITALGLOBE	CLIENT	STANTON DAHL ARCHITECTS
DRAWN	M.E	PROJECT	STAGE 1 PRELIMINARY SITE INVESTIGATION
APPROVED	M.E	TITLE	SITE BOUNDARIES





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All dimensions to be verified on site and any discrepancies referred to architect for determination. figured dimensions to take precedence over scaled dimensions.

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Rev	Issue	Date
01	Client Issue	25/02/19
02	Quattro Issue	11.09.19

Architecture  
Project management  
Interior design



**stanton dahl**  
architects



**International Chinese School**

211 Pacific Highway,  
St Leonards, NSW

Drawn: cjh  
Checked: cjh  
Plot date: 11/4/19

Scale: 1:100 as noted @ A1

Project No;  
**2417.19**

Drawing No;  
**SK02**

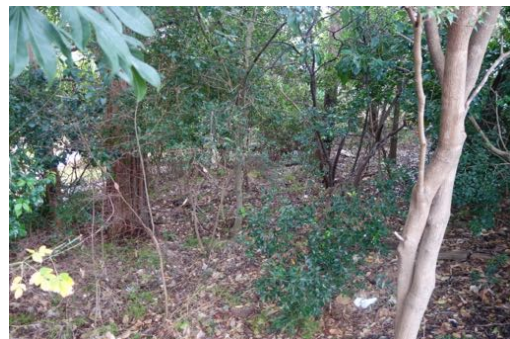
Revision#;  
**02**

**Basement Floor Plan**

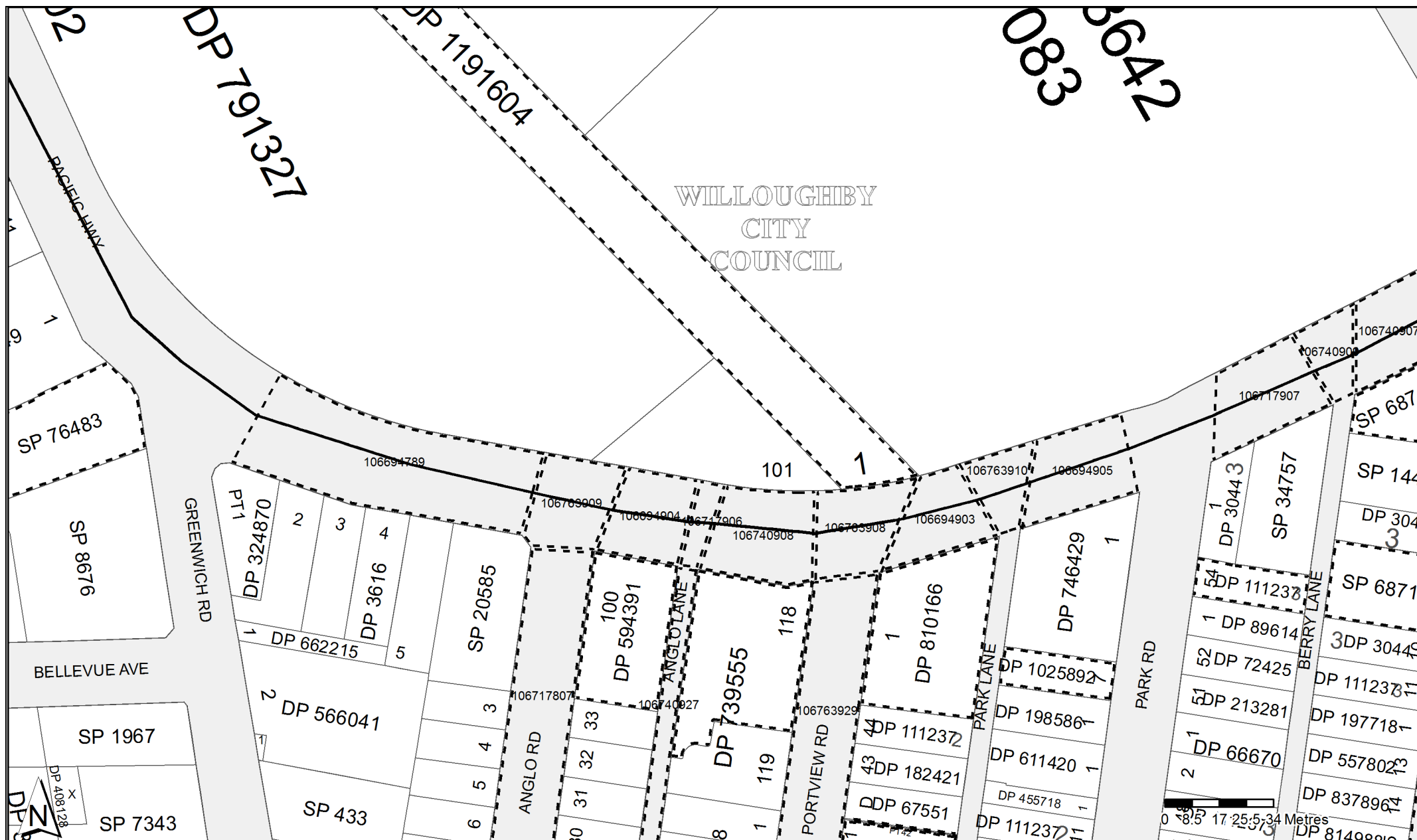


## APPENDIX A: PHOTOGRAPHS

Stage 1 Preliminary Site Investigation [Ref.02760.06.19.Stage1PSI]  
211 Pacific Highway, St Leonards NSW 2065



## APPENDIX B: HISTORICAL TITLE INFORMATION AND OTHER DOCUMENTATION





	Status	Surv/Comp	Purpose
DP111237			
Lot(s): 41 Section : 2			
CA93683 - LOT 41 SECTION 2 DP111237			
Lot(s): 54 Section : 3			
CA93995 - LOT 54 SECTION 3 DP111237			
Lot(s): 42 Section : 2			
CA111962 - NPW. UNCONVERTIBLE OLD SYSTEM RESIDUE STRIP. DOCUMENTARY TITLE APPEARS TO REMAIN IN BOOK 683 NO. 539			
DP562703			
Lot(s): 1			
DP1138372	REGISTERED	SURVEY	LEASE
DP594391			
Lot(s): 100			
EX-SUR 77/48 DP450006			
DP739555			
Lot(s): 118			
EX-SUR 77/48 DP450006			
DP810166			
Lot(s): 1			
EX-SUR 77/48 DP450006			
DP1025892			
Lot(s): 7			
DP111237	HISTORICAL	COMPILATION	UNRESEARCHED
DP1191604			
Lot(s): 1			
NSW GAZ. 06-12-2013 Folio : 5690			
CLOSED ROAD			
RESERVATION OF CROWN LAND RESERVE NO. 1037968 LOT 1 DP1191604			
SP68713			
DP3044	HISTORICAL	COMPILATION	UNRESEARCHED
DP68092	HISTORICAL	SURVEY	UNRESEARCHED
DP414022	HISTORICAL	COMPILATION	UNRESEARCHED
DP1044519	HISTORICAL	SURVEY	CONSOLIDATION
SP88168	REGISTERED	COMPILATION	STRATA SUBDIVISION PLAN
SP76483			
DP1095544	HISTORICAL	SURVEY	CONSOLIDATION
Road			
Polygon Id(s): 106717907, 106740907, 106740909, 106763930			
EX-SUR 83/34 DP985085			
Polygon Id(s): 106694789, 106694903, 106694904, 106694905, 106717807, 106717906, 106740908, 106740927, 106763908, 106763909, 106763910, 106763929			
EX-SUR 77/48 DP450006			

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

Plan	Surv/Comp	Purpose
DP3044	COMPILATION	UNRESEARCHED
DP3586	COMPILATION	UNRESEARCHED
DP3616	SURVEY	UNRESEARCHED
DP66670	SURVEY	UNRESEARCHED
DP67551	SURVEY	UNRESEARCHED
DP72425	COMPILATION	UNRESEARCHED
DP89614	SURVEY	UNRESEARCHED
DP93642	COMPILATION	DEPARTMENTAL
DP111237	COMPILATION	UNRESEARCHED
DP182421	COMPILATION	UNRESEARCHED
DP197718	COMPILATION	DEPARTMENTAL
DP198586	COMPILATION	DEPARTMENTAL
DP213281	SURVEY	OLD SYSTEM CONVERSION
DP324870	SURVEY	UNRESEARCHED
DP335550	COMPILATION	UNRESEARCHED
DP408128	COMPILATION	UNRESEARCHED
DP455718	COMPILATION	DEPARTMENTAL
DP557802	SURVEY	OLD SYSTEM CONVERSION
DP562703	COMPILATION	SUBDIVISION
DP566041	SURVEY	SUBDIVISION
DP594391	SURVEY	REDEFINITION
DP611420	SURVEY	OLD SYSTEM CONVERSION
DP625527	COMPILATION	SUBDIVISION
DP662215	COMPILATION	DEPARTMENTAL
DP716649	COMPILATION	CONSOLIDATION
DP739555	SURVEY	SUBDIVISION
DP746429	SURVEY	SUBDIVISION
DP791327	COMPILATION	SUBDIVISION
DP795758	COMPILATION	DEPARTMENTAL
DP810166	COMPILATION	CONSOLIDATION
DP814988	SURVEY	SUBDIVISION
DP837896	SURVEY	DELIMITATION
DP1025892	SURVEY	REDEFINITION
DP1191604	COMPILATION	CROWN ROAD ENCLOSURE
SP433	COMPILATION	STRATA PLAN
SP1967	COMPILATION	STRATA PLAN
SP7343	COMPILATION	STRATA PLAN
SP8676	COMPILATION	STRATA PLAN
SP14419	COMPILATION	STRATA PLAN
SP20585	COMPILATION	STRATA PLAN
SP34757	COMPILATION	STRATA PLAN
SP68713	COMPILATION	STRATA PLAN
SP76483	COMPILATION	STRATA PLAN

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**ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

28/5/2019 7:46AM

FOLIO: 101/791327

First Title(s): VOL 6751 FOL 238

Prior Title(s): 1118/48218

Recorded	Number	Type of Instrument	C.T. Issue
18/8/1989	DP791327	DEPOSITED PLAN	FOLIO CREATED EDITION 1
29/8/1989	Y574588	DEPARTMENTAL DEALING	EDITION 2
6/2/1990	Y820012	LEASE	EDITION 3
26/3/1990	Y911067	MORTGAGE OF LEASE	
2/7/1990	Z105932	DEPARTMENTAL DEALING	EDITION 4
26/3/1992	E349937	DISCHARGE OF MORTGAGE	
17/5/2011	AG236235	DEPARTMENTAL DEALING	
25/10/2016	AK62589	REJECTED - LEASE BY A RESERVE TRUST	
25/10/2016	AK342890	REJECTED - REQUEST	
25/10/2016	AK342891	REJECTED - REQUEST	
25/10/2016	AK379782	REJECTED - SURRENDER OF LEASE	

\*\*\* END OF SEARCH \*\*\*

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PRINTED ON 28/5/2019



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

28/5/2019 7:44AM

FOLIO: 1118/48218

First Title(s): SEE PRIOR TITLE(S)  
Prior Title(s): VOL 15451 FOL 52

Recorded	Number	Type of Instrument	C.T. Issue
21/8/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
21/12/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
18/8/1989	DP791327	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 101/791327

SEARCH DATE	TIME	EDITION NO	DATE
28/5/2019	7:39 AM	4	2/7/1990

LAND

LOT 101 IN DEPOSITED PLAN 791327  
AT ST LEONARDS  
LOCAL GOVERNMENT AREA WILLOUGHBY  
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP791327

FIRST SCHEDULE

GORE HILL MEMORIAL CEMETERY TRUST (DD Y574588)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000A
- \* 2 DEDICATED AS AN HISTORIC CEMETERY - S.5 GORE HILL MEMORIAL CEMETERY ACT, 1986. SEE X741181
- 3 RESTRICTIONS ON DEALINGS - S.6 GORE HILL MEMORIAL CEMETERY ACT, 1986. SEE X741181
- 4 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:  
DP791327 -FOR SEWERAGE PURPOSES OVER EXISTING LINE OF  
PIPES
- 5 Y820012 LEASE TO EDWARDS, MADIGAN, TORZILLO, BRIGGS  
INTERNATIONAL PTY. LIMITED. EXPIRES 31.12.2024

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: R AP85172 PV AP85173 DL AP85174  
LR AP85175.

\*\*\* END OF SEARCH \*\*\*

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\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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# **ADVANCE LEGAL SEARCHERS PTY LTD**

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Mobile: 0412 169 809  
Email: [search@alsearchers.com.au](mailto:search@alsearchers.com.au)

28<sup>th</sup> May, 2019

**LOTSEARCH PTY LTD**  
**Level 3, 68 Alfred Street,**  
**MILSONS POINT, NSW 2061**

**Attention: Rosemary Hulak,**

**RE:** **211 Pacific Highway,**  
**St Leonards**  
**Reference LS006496\_EP**

## **Current Search**

Folio Identifier 101/791327 (title attached)  
DP 791327 (plan attached)  
Dated 28<sup>th</sup> May, 2019  
Registered Proprietor:  
**GORE HILL MEMORIAL CEMETERY TRUST**

**Title Tree**  
**Lot 101 DP 791327**

Folio Identifier 101/791327

Folio Identifier 1118/48218

Certificate of Title Volume 15451 Folio 52

Crown Land

\*\*\*\*

**Land 2 Roods Parish Willoughby**  
Granted to The Council of the Municipality of Willoughby 20<sup>th</sup> June 1986

\*\*\*\*

**Summary of Proprietor(s)**  
**Lot 101 DP 791327**

<b>Year</b>	<b>Proprietor(s)</b>
	<b>(Lot 101 DP 791327)</b>
1989 – todate	Gore Hill Memorial Cemetery Trust
<i>(1990 – todate)</i>	<i>(current lease to Edwards, Madigan, Torzillo, Briggs International Pty. Limited shown on Folio Identifier 101/791327)</i>
	<b>(Lot 1118 DP 48218)</b>
1988 – 1989	Gore Hill Memorial Cemetery Trust
	<b>(Lot 1118 DP 48218 – CTVol 15451 Fol 52)</b>
1988 – 1988	Gore Hill Memorial Cemetery Trust <i>(vide Dedication as Historic Cemetery)</i>
1986 – 1988	The Council of the Municipality of Willoughby
	<b>(Part General Cemetery Parish Willoughby – Area 2 Roods)</b>
Prior – 1986	Crown Land
<i>(1867 – 1986)</i>	<i>(General Cemetery's Caretakers Residence)</i>

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Issue date: 04-Jun-2019  
Customer Ref: STAMATELLIS:31162

Ms S Stamatellis  
173 Sussex St  
SYDNEY NSW 2000

**Property Location: 211 Pacific Highway, ST LEONARDS NSW 2065.**  
**Legal Description: LOT 101 DP 791327**

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**Disclaimer**

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:*
  - (a) *other authorities may hold information in respect of the property not contained in the Council's records;*
  - and*
  - (b) *the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

**Debra Just**  
**GENERAL MANAGER**

(Computer printed copy – No signature required)



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**1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

**(1) Environmental Planning Instruments**

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

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. 32 - Urban Consolidation (Redevelopment of Urban Land)  
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development  
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  
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development  
State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)  
State Environmental Planning Policy (Major Development) 2005  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

**(2) Proposed Environmental Planning Instruments**

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016

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**(3) Development Control Plans**

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

**2. ZONING AND LAND USE**

**(a) Zone Identity**

**SP1 Special Activities**

**(b), (c), (d) (Development)**

***Zone SP1 Special Activities – under Willoughby Local Environmental Plan 2012***

Objectives of zone

- *To provide for special land uses that is not provided for in other zones.*
- *To provide for sites with special natural characteristics that is not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

Permitted without consent

*Nil*

Permitted with consent

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

Prohibited

*Any development not specified in item 2 or 3.*

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NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

**(e) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?**

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

**(f) Critical Habitat**

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**(g) Conservation Area**

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**(h) Heritage Item**

This property is identified in Schedule 5 of the Willoughby Local Environmental Plan 2012 as a heritage item.

**3. COMPLYING DEVELOPMENT**

NOTE: This certificate only addresses matters raised in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

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**(a) General Housing Code and Rural Housing Code**

The land is land on which complying development may not be carried out under these Codes. The land is affected by the following land exemption(s):

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

**(b) Housing Alterations Code and General Development Code**

The land is land on which complying development may not be carried out under these Codes. The land is affected by the following land exemption(s):

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

**(c) Commercial and Industrial Alterations Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

**(d) Commercial and Industrial (New Buildings and Additions) Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

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**(e) Subdivisions Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

**(f) Demolition Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

**(g) Fire Safety Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

**(h) Container Recycling Facilities Code**

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

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

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**(i) Low Rise Medium Density Housing Code**

*The provisions of the Low Rise Medium Density Housing Code do not apply to the Willoughby Local Government Area. They have been deferred until 1 July 2019.*

**4. COASTAL PROTECTION (repealed)**

**4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS (repealed)**

**4B. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.**

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**5. MINE SUBSIDENCE**

The land is not within a proclaimed mine subsidence district under Section 15 of the Mine Subsidence Compensation Act, 1961.

**6. ROAD WIDENING AND REALIGNMENT**

The land is not affected by road widening or road realignment under:-

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

**7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

The land is not affected by a policy 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 land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's policy to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

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**7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

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

NB. This response does not imply that development for particular purposes is permissible on the land. Development is permissible in accordance with the zoning and landuse as set out in Question 2. ZONING AND LANDUSE of this Certificate.

Based on the information currently available from Council's flood maps, this land is not affected by overland flooding. However, Council reviews flood studies on an on-going basis and new information may become available in future which may alter the flood affectation status of the subject parcel of land.

It is important to note that in some circumstances, a piece of land may experience inundation as a result of the creation of stormwater detention basins, channels or flow paths after the development of the land. The applicant is therefore advised to engage the services of a suitably qualified engineer to investigate whether remedial measures should be adopted to minimise the effects of any such inundation.

**8. LAND RESERVED FOR ACQUISITION**

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

**9. CONTRIBUTION PLANS**

Willoughby City Section 94A Development Contributions Plan 2011

**9A. BIODIVERSITY CERTIFIED LAND**

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**10. BIODIVERSITY STEWARDSHIP SITES**

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**10A. NATIVE VEGETATION CLEARING SET ASIDES**

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**11. BUSH FIRE PRONE LAND**

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

**12. PROPERTY VEGETATION PLANS**

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**13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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**14. DIRECTIONS UNDER PART 3A**

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**15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING**

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**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE OR SITE COMPATIBILITY  
CERTIFICATE (SCHOOLS OR TAFE ESTABLISHMENTS)**

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**17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

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**18. PAPER SUBDIVISION INFORMATION**

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**19. SITE VERIFICATION CERTIFICATES**

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**20. LOOSE-FILL ASBESTOS INSULATION**

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**21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS**

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In addition to the information provided above, the following information is provided in respect of the abovementioned land.

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**NOTES:**

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this certificate.

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**In accordance with Section 10.7(5) and subject to Section 10.7(6) of the Environmental Planning and Assessment Act 1979, the following additional information is provided in respect of the abovementioned land:**

Under Clause 5.10 of Willoughby Local Environmental Plan 2012 the Council, before granting consent to development on land in the vicinity of a heritage item or a heritage conservation area, may require the assessment of the effect the proposed development has on the heritage significance of the heritage item or heritage conservation area concerned.

Information on the preservation of trees and vegetation can be obtained from Council and on Council's website.

Council is unaware of whether the current use is in accordance with an approval which may have been issued. You are advised to rely on your own enquiries.

Registers of Planning Consents and Subdivision Approvals may be inspected at the Council offices for particulars relating to Development Consents / Subdivision Approvals which may have been issued for use or development of the land.

Note: The property is included in the State Heritage Register as an item of particular importance to the people of New South Wales and is therefore legally protected under the New South Wales Heritage Act.