

## PRELIMINARY ENVIRONMENTAL ASSESSMENT

(PHASE 1)

LIFE CITY, WARWICK STREET

BERKELEY NSW 2506

Client:  
TCG Planning  
PO Box 7163  
Gwynneville NSW 2500

Reference	Revision Status	Date of Report	Prepared By	Authorised By
1357-01-LC	Revision 0	20 November 2012	Stephen Dougherty	Ryan Heckenberg



ISO 9001:2008 Certified

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## Executive Summary

Clearsafe Environmental Solutions Pty Ltd (Clearsafe) was engaged by Anna Grant of TCG Planning to undertake an Environmental Assessment (Phase 1) of the properties located at Lot 4 Warwick Street, Lot 2 Nottingham Street, & Lot 2 York Street, Berkeley NSW (hereafter referred to as 'The Site').

The assessment incorporated the following scope of work:

- Review of the Historical Land Titles;
- Review of Historical Aerial Photographs;
- Review of Section 149 (2) & (5) Planning certificates;
- Review of available Council files;
- Review of EPA Contaminated Lands Register;
- Site inspection to assess the site for signs of contamination, or evidence of prior contaminating activities;
- Preparation of a Phase 1 Environmental Assessment report.

Based on this Preliminary Phase 1 Assessment the following comments are provided:

- The site has a history of agricultural activities which may be associated with potential contamination.
- There is evidence of illegal dumping of asbestos materials as well as miscellaneous materials in areas of the Site. This is an indicator of possible contamination from heavy metals as well as other contaminants.
- Asbestos contamination of soil has been identified in areas of Site. Asbestos is regulated by WorkCover NSW under the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Safe Work Australia (SWA) Asbestos Codes of Practice. Asbestos is not adequately referred to in any NSW OEH/EPA documentation although site auditors are understood to have previously been advised by NSW EPA that no asbestos in the soil at the surface is permitted (NSW EPA, 2000). Hence the criteria of '*no visible asbestos*' is adopted.
- Acid Sulphate Soils have been mapped on Site under Clause 7.5 of the Wollongong Local Environmental Plan 2009. This is limited to the Lot 4 York Street area of Site. An Acid Sulphate Soil Investigation should be conducted to determine the level of soil contamination before works are undertaken that will impact on the area.
- It is recommended that a Phase 2 Detailed Site Assessment is conducted to investigate the site for possible contamination.



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## **1 INTRODUCTION**

Clearsafe Environmental Solutions Pty Ltd (Clearsafe) was engaged by TCG Planning to undertake a Preliminary Environmental Assessment (Phase 1) of the properties located at Lot 4 Warwick Street, Lot 2 Nottingham Street, & Lot 2 York Street, Berkeley NSW (hereafter referred to as 'The Site').

## **2 LIMITATIONS**

All work is conducted in a conscientious and professional manner, with due diligence and appropriate care. However due to the disproportionate cost of potential damages or liability relative to the cost of our services, Clearsafe cannot offer any guarantee that all hazards have been identified.

Subsequently, Clearsafe's liability to the client or any other party resulting from the performance or non-performance of the service, whether under contract law, tort law or otherwise, is limited to a maximum of up to five (5) times the total fee excluding expenses.

Clearsafe reports are not to be reproduced or reviewed except in full. All reports are prepared for a particular client's objective, and therefore should not be used by any third party as a basis for future decision-making.

## **3 SCOPE OF THE INVESTIGATION**

The aim of this assessment is to undertake a desktop review and limited site walkover inspection to assess the subject site for evidence of contamination or prior contaminating activities (in accordance with relevant NSW policy such as SEPP 55 Contaminated Lands). The investigation also aims to provide preliminary advice as to whether further investigation is required.

The following scope of work was completed in accordance with the directions provided by the client:

- Review of the Historical Land Titles Search;
- Review of Historical Aerial Photographs;
- Review of Section 149 (2) & (5) Planning certificates;
- Review of available Council files;
- Walkover site inspection to identify potential areas of contamination and contaminating activities;
- Preparation of a Phase 1 Preliminary Environmental Assessment report.

## 4 SITE LOCATION AND DESCRIPTION

The Site covers an area of approximately 20,000m<sup>2</sup>, and is comprised of the following properties:

- Lot 4 in DP 258635 (Lot 2, Warwick Street, Berkeley);
- Lot 2 in DP 534116 (Lot 2, Nottingham Street, Berkeley); &
- Lot 2 in DP 249814 (Lot 2, York Street).

The site is located along the eastern side of the F6 Freeway, and is bordered to the North, East & South by residential properties.

The Department of Environment, Climate Change and Water Wollongong-Port Hacking Soil Landscape Series Sheet 9029-9129 classifies the area as a 'Gwynneville' Residual Landscape, characterised as follows:

- Landscape – footslopes of the Illawarra escarpment and isolated rises of the Wollongong Plain. Local relief 10m-70m, slopes 3-25%. Broad to moderately (250m-850m) and gently to steeply inclined slopes. Structural benches and the occasional rock outcrop. Extensively cleared tall open-forest and open-forest.
- Soils - Shallow (50cm-100cm) Brown Podzolic Soils (Db1.11, Db3.11) and Xanthozems (Gn4.34) on upper slopes, Lithosols (Um1.43, Uc1.23) on simple slopes and shallow (<50cm) Brown Earths (Uft6.13) on midslopes and lower slopes.
- Limitations - extreme erosion hazard, steep slopes, mass movement hazard, local flooding. Reactive subsoils and impermeable, low wet-bearing strength clay subsoils.

Thick vegetation covers much of the site, especially steeply-sloped areas. Original vegetation has been cleared in flatter areas, indicative of the Site's past agricultural use. This was confirmed by the site walkover conducted on 29<sup>th</sup> October 2012, and by review of historical aerial photographs.



Figure 1: Approximate Site Location (including surrounding roads)  
(Image courtesy of GoogleEarth) 3<sup>rd</sup> January 2008

## 5 SITE CONDITION AND SURROUNDING ENVIRONMENT

The site is bordered to the northwest by the F6 Freeway with a frontage of approximately 550m, an adjoining vacant lot to the east with approximate frontage of 180m, and by residential properties in other areas.

The site is currently untenanted and unsecured. Vast areas of site were inaccessible due to dense vegetation and steep terrain. There is visible evidence of significant illegal dumping of materials throughout the accessed areas of the Site (ie. building materials, televisions, litter, abandoned vehicles), as well as fire damage in many areas of site.

## 6 SITE HISTORY REVIEW

### 6.1 Summary

No physical structures were visible by aerial photography, with the exception of overhead power lines which were constructed on site between 1963 & 1975. The Site was at one stage clear of almost all natural vegetation, as evidenced by the 1951 photograph. This indicates, along with the analysis of the Historical Titles Searches, that areas of the Site were being used for agricultural purposes. Following the purchasing of the properties constituting the Site from private leaseholders in the 1950's and 1960's, natural vegetation gradually becomes more evident on site, indicating that the Site's agricultural uses had been limited or ceased. A walkover inspection of accessible areas of Site indicate that it has been used for illegal dumping of a variety of material, and has been subjected to fire damage.

### 6.2 Historical Titles Search

- Lot 4 DP 258635 (Lot 4 Warwick Street)

The largest of the blocks that constitute The Site, Lot 4 Warwick Street was privately owned by members of the McPaul family from 1868 until 1962. Since 1962, it was held for eight years by Margo Holdings before being acquired by the Commissioner for Main Roads in 1970. It was then purchased by Delbest Pty Limited in 1991, who have remained owners since.

**Table 1: Lot 4 DP 258635**

Years	Proprietor
1991 – to date	Delbest Pty Limited
1987 – 1991	The Commissioner for Main Roads <b>(Lot 4 DP 258635 – CTVol 13850 Fol 204)</b>
1979 – 1987	The Commissioner for Main Roads <b>(Lot 10 DP 543752 – Conv Bk 2980 No. 860)</b>
1970 – 1979	The Commissioner for Main Roads
1970 – 1970	Margo Holdings Pty Limited <b>(Lot 10 DP 543752 – Conv Bk 2623 No. 135)</b>
1962 – 1970	Margo Holdings Pty Limited
1962 – 1962	Eric George McPaul Ivy May McPaul <b>(Lot 10 DP 543752 – Conv Bk 2541 No. 332)</b>
1960 – 1962	Eric George McPaul Ivy May McPaul
1946 – 1960	George McPaul <b>(Part of Portion 38, Parish of Kembla – Conv Bk 110 No. 236)</b>
1868 – 1946	George McPaul

- Lot 2 DP 534116 (Lot 2 Nottingham Street)

Lot 2 Nottingham Street was used for agricultural purposes from the time it was acquired in 1920 until it was purchased by the Housing Commission of New South Wales in 1956. It was then acquired by The Electricity Commission of New South Wales in 1971. After briefly being held by Integral Energy Australia in 2003 & 2004, it was purchased by Delbest Pty Limited.

**Table 2: Lot 2 DP 534116**

<b>Years</b>	<b>Proprietor</b>
2004 – to date	Delbest Pty Ltd
2003 – 2004	Integral Energy Australia
1988 – 2003	The Electricity Commission of New South Wales
	<b>(Lot 2 DP 534116 – Area 4 Acres 1 Rood 23 Perches – CTVol 11590 Fol 125)</b>
1971 – 1988	The Electricity Commission of New South Wales
	<b>(Lot 2 DP 534116, part of Portion 38 and other lands, Parish of Kembla – Area 613 Acres 1 Rood 17 ¼ Perches – CTVol 7820 Fol 90)</b>
1971 – 1971	The Electricity Commission of New South Wales
1959 – 1971	The Housing Commission of New South Wales
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 2 Roods 38 ¾ Perches – CTVol 5537 Fols 31 &amp; 32)</b>
1956 – 1959	The Housing Commission of New South Wales, notice of resumption
1945 – 1956	George Edmund Hayes, farmer Albert Henry Hayes, farmer
(1956 – 1963)	<i>(various leases shown on CTVol 5537 Fols 31 &amp; 32)</i>
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 2 Roods 38 ¾ Perches – CTVol 4638 Fol 113)</b>
1945 – 1945	George Edmund Hayes, farmer Albert Henry Hayes, farmer
1936 – 1945	Joseph William Waples, retired farmer Elsie Juchau Waples, wife
1935 – 1936	George Reginald Gouge, dairyman
1934 – 1935	Albert Joseph Cook, farmer
(1939 – 1945)	<i>(various leases shown on CTVol 4638 Fol 113)</i>
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 3 Roods 17 ½ Perches – CTVol 4131 Fol 218)</b>
1928 – 1934	Albert Joseph Cook, farmer
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 3 Roods 17 ½ Perches – CTVol 3242 Fol 103)</b>
1928 – 1928	Albert Joseph Cook, farmer
1920 – 1928	Joseph William Waples, farmer
	<b>(That piece or parcel of land, Parish of Kembla being part of Andrew Lang's grant – Area 158 Acres and other lands – Conv Bk 1195 No. 59)</b>
1920 – 1920	Joseph William Waples, farmer
1907 – 1920	George Henry James ) executors of the Estate Allan Athol James ) of James Waples
1887 – 1907	James Waples

- Lot 2 DP 249814 (Lot 2 York Street)

Lot 2 York Street was also used for agricultural purposes from the time it was acquired in 1920 until it was purchased by the Housing Commission of New South Wales in 1956. It was also then acquired by The Electricity Commission of New South Wales in 1971. After briefly being held by Integral Energy Australia in 2003 & 2004, it was also purchased by Delbest Pty Limited.

**Table 3: Lot 2 DP 249814**

<b>Years</b>	<b>Proprietor</b>
2004 – to date	Delbest Pty Ltd
2003 – 2004	Integral Energy Australia
1993 – 2003	The Electricity Commission of New South Wales
	<b>(Lot 1 DP 534116)</b>
1988 – 1993	The Electricity Commission of New South Wales
	<b>(Lot 1 DP 534116 – Area 4 Acres 1 Rood 23 Perches – CTVol 11590 Fol 124)</b>
1971 – 1988	The Electricity Commission of New South Wales
	<b>(Lot 1 DP 534116, part of Portion 38 and other lands, Parish of Kembla – Area 613 Acres 1 Rood 17 ¼ Perches – CTVol 7820 Fol 90)</b>
1971 – 1971	The Electricity Commission of New South Wales
1959 – 1971	The Housing Commission of New South Wales
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 2 Roods 38 ¾ Perches – CTVol 5537 Fols 31 &amp; 32)</b>
1956 – 1959	The Housing Commission of New South Wales, notice of resumption
1945 – 1956	George Edmund Hayes, farmer Albert Henry Hayes, farmer
<i>(1956 – 1963)</i>	<i>(various leases shown on CTVol 5537 Fols 31 &amp; 32)</i>
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 2 Roods 38 ¾ Perches – CTVol 4638 Fol 113)</b>
1945 – 1945	George Edmund Hayes, farmer Albert Henry Hayes, farmer
1936 – 1945	Joseph William Waples, retired farmer Elsie Juchau Waples, wife
1935 – 1936	George Reginald Gouge, dairyman
1934 – 1935	Albert Joseph Cook, farmer
<i>(1939 – 1945)</i>	<i>(various leases shown on CTVol 4638 Fol 113)</i>
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 3 Roods 17 ½ Perches – CTVol 4131 Fol 218)</b>
1928 – 1934	Albert Joseph Cook, farmer
	<b>(Lots 11, 12 and part of Lots 10 and 13, of a subdivision of Portion 38, Parish of Kembla – Area 153 Acres 3 Roods 17 ½ Perches – CTVol 3242 Fol 103)</b>
1928 – 1928	Albert Joseph Cook, farmer
1920 – 1928	Joseph William Waples, farmer
	<b>(That piece or parcel of land, Parish of Kembla being part of Andrew Lang's grant – Area 158 Acres and other lands – Conv Bk 1195 No. 59)</b>
1920 – 1920	Joseph William Waples, farmer

1907 – 1920	George Henry James ) executors of the Estate Allan Athol James ) of James Waples
1887 – 1907	James Waples

### 6.3 Review of Available Council Files

Clearsafe were informed by Officers of Wollongong City Council Planning & Development Department that no specific information relating to potential sources of contamination sources or contaminating activities for the Site were available at the time of enquiry and referred Clearsafe to the Section 149 Certificates (refer to Section 6.7).

### 6.4 Search of the EPA Contaminated Lands Register

A search of the EPA contaminated lands registers was undertaken by Clearsafe on the 8<sup>th</sup> October 2012, and no information relevant to the Site was available.

### 6.5 Historical Aerial Photographs

The review of historical aerial photographs included images from 1951, 1963, 1975, 1984 and 1994 (Appendix C). Two aerial photographs from GoogleEarth were viewed from 2005 and 2008. The most recent aerial photograph available was from 17<sup>th</sup> July 2012, viewed from NearMap.

The 1951 historical photograph, the earliest made available, shows that the site was undeveloped, with only pockets of natural vegetation visible. There appear to be no buildings within the area of the Site, which appears to be sectioned off in paddocks with fences visible.

In the 1963 photograph, there appears to be minimal changes in the appearance of the Site. However, a housing development has appeared to the Southern areas bordering the Site.

In the 1975 photograph, the high voltage power lines have been put in place, and there are visible vehicle tracks and impact on the land apparent on Site to the Northern and Central areas. There is an increased presence of natural vegetation on the Site, further evidence that the Site was previously used for agricultural purposes as these activities had been ceased by 1975. The F6 is now also visible along the Northwestern boundary of the Site.

In the 1984 photograph, vehicle tracks throughout Site are still visible, however the Northern areas of Site now appear to be less impacted by activity compared to 1975, and some natural vegetation has returned. Natural vegetation is now much more prominent along the Southern side of the Site then in previous photographs. Housing development has by now appeared along the Northeastern boundary of the Site.

In the 1994 photograph, it is evident that natural vegetation on Site has increased. Vehicle tracks are still evident across Site.

### 6.6 Review of Recent Aerial Photographs

In the 2005 & 2008 GoogleEarth and 2012 NearMap aerial photographs, there are no apparent changes to the Site except for a further increase in the level of native vegetation.

**Table 2: Aerial Photography Review**

<b>Date</b>	<b>Source</b>	<b>Comments</b>
2/11/1951	NSW Land & Property Information Historical Aerial Photograph	Site is undeveloped, with only pockets of natural vegetation visible. There appear to be no buildings within the area of the Site, which appears to be sectioned off in paddocks with fences visible.
August 1963	NSW Land & Property Information Historical Aerial Photograph	There are minimal changes in the appearance of the Site. However, a housing development has appeared along the Southern boundary.
27/3/1975	NSW Land & Property Information Historical Aerial Photograph	High voltage power lines have input on Site, and there are visible vehicle tracks and impact on the land apparent in the Northern and Central areas. There is an increased presence of natural vegetation on the Site. The F6 is now also visible along the Northwestern boundary.
24/10/1984	NSW Land & Property Information Historical Aerial Photograph	Vehicle tracks throughout Site are still visible, however the Northern areas of Site now appear to be less impacted by activity, and some natural vegetation has returned. Natural vegetation is now much more prominent along the Southern side of Site. Housing development has by now appeared along the Northeastern boundary.
5/1/1994	NSW Land & Property Information Historical Aerial Photograph	Natural vegetation on Site has increased. Vehicle tracks are still evident across Site.
14/4/2005	GoogleEarth	Natural vegetation on Site has increased.
3/1/2008	GoogleEarth	Natural vegetation on Site has increased.
17/7/2012	NearMap	Natural vegetation on Site has increased.

## 6.7 Review of s149 Certificates (Sections 2 & 5)

Review of the Wollongong City Council's s149 Planning Certificate (Sections 2 & 5) provided the following relevant information with respect to land contamination at Lot 4 Warwick Street, Berkeley:

- Council records show that the land is zoned 'R2 Low Density Residential' & 'E3 Environmental Management' under the Wollongong Local Environmental Plan 2009.
- The land was not been subject to any orders under the *Contaminated Land Management Act (1997)*.

Review of the Wollongong City Council's s149 Planning Certificate (Sections 2 & 5) provided the following relevant information with respect to land contamination at Lot 2 Nottingham Street, Berkeley:

- Council records show that the land is zoned 'E3 – Environmental Management'.
- The land was not been subject to any orders under the *Contaminated Land Management Act (1997)*.

Review of the Wollongong City Council's s149 Planning Certificate (Sections 2 & 5) provided the following relevant information with respect to land contamination at Lot 2 York Street, Berkeley:

- Council records show that the land is zoned 'E3 – Environmental Management'.

- The land was not been subject to any orders under the *Contaminated Land Management Act (1997)*.
- Acid Sulphate Soils have been mapped on this land under Clause 7.5 of the Wollongong Local Environmental Plan 2009.

## 6.8 WorkCover SCID Search

An attempt was made to search the WorkCover Stored Chemical Information Database (SCID), however authorisation was not provided by the site owner to enable this search to be undertaken.

## 7 SITE INSPECTION

The site was inspected on the 29<sup>th</sup> October 2012. Access was gained from the Southern end of Warwick Street, and from the gate to the South of site adjacent to the high voltage towers. Due to the terrain and vegetation of the Site, access was predominantly limited to cleared areas and those adjacent to vehicle trails.

At the time of the inspection the site was vacant, with no existing physical structures located except for high voltage cable towers and some wire fencing in various areas, indicative of the Site's past agricultural uses.

Suspected asbestos material fragments were identified and sampled from three locations of The Site during the inspection;

1. An area adjacent to the Warwick Street gate entry to Site (approximate co-ordinates WGS84 – 34°28'08.88" S 150°50'23.90" E). Suspected asbestos-containing debris material and other miscellaneous building materials (bricks, concrete, etc.) were identified both on the ground surface and within the soil, indicating that this area may contain fill of unknown origin (refer to Photograph 1 in Appendix D). A sample of compressed cement sheeting was collected and returned a positive identification for Chrysotile Asbestos (refer to Appendix E [1357-01-ID]).
2. An area approximately 225m southwest of the Warwick Street gate entry to Site (approximate co-ordinates WGS84 – 34°28'12.09" S 150°50'21.65" E). Suspected asbestos-containing debris material was identified spread around on the ground surface as a result of illegal dumping. The material is spread over an area approximately 400m<sup>2</sup> (refer to Photograph 2 in Appendix D). A sample of fibre cement sheeting was collected and returned a positive identification for Chrysotile & Crocidolite Asbestos (refer to Appendix E [1357-01-ID]).
3. The area adjacent to the Southernmost of the two Southern High Voltage cable towers (approximate co-ordinates WGS84 – 34°28'18.54" S 150°50'19.27" E). Suspected asbestos-containing debris material was identified both on the ground surface and within near-surface soils. Two (2) samples of fibre cement sheeting fragments were collected, and both returned a positive identification for Chrysotile Asbestos (refer to Appendix E [1357-01-ID]).

## 8 COMMENTS / RECOMMENDATIONS

Based on this Preliminary Phase 1 Assessment the following comments are provided:

- The site has a history of agricultural activities which may be associated with potential contamination.
- There is evidence of illegal dumping of asbestos materials as well as miscellaneous materials in areas of the Site. This is an indicator of possible contamination from heavy metals as well as other contaminants.
- Asbestos contamination of soil has been identified in areas of Site. Asbestos is regulated by WorkCover NSW under the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Safe Work Australia (SWA) Asbestos Codes of Practice. Asbestos is not adequately referred to in any NSW OEH/EPA documentation although site auditors are understood to have previously been advised by NSW EPA that no asbestos in the soil at the surface is permitted (NSW EPA, 2000). Hence the criteria of '*no visible asbestos*' is adopted.
- Acid Sulphate Soils have been mapped on Site under Clause 7.5 of the Wollongong Local Environmental Plan 2009. This is limited to the Lot 4 York Street area of Site. An Acid Sulphate Soil Investigation should be conducted to determine the level of soil contamination before works are undertaken that will impact on the area.
- It is recommended that a Phase 2 Detailed Site Assessment is conducted to investigate the site for possible contamination.

## 9 CLOSURE AND CONTACT INFORMATION

For any queries regarding this Environmental Assessment please contact:

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Clearsafe is pleased to provide our consulting services for this commission.



**Ryan Heckenberg**  
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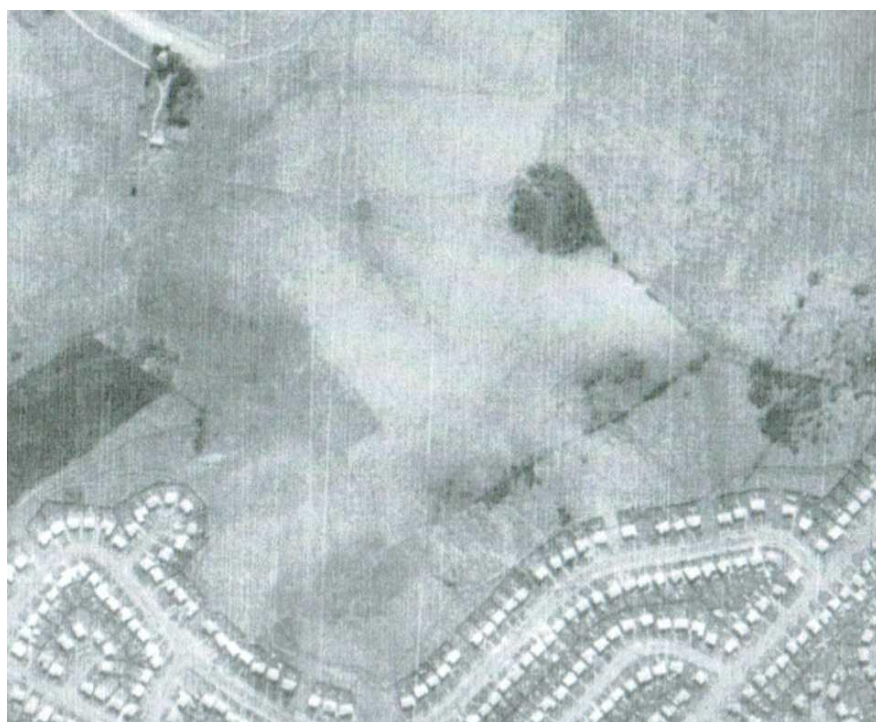


**Figure 2: Site Diagram**  
(Image courtesy of GoogleEarth Taken on the 3<sup>rd</sup> January 2008)

APPENDIX B  
Aerial Photographs



2/11/1951



August 1963

APPENDIX B  
Aerial Photographs



**27/3/1975**



**24/10/1984**

APPENDIX B  
Aerial Photographs



**5/1/1994**



**3/1/2008**



TCG Planning

## CERTIFICATE 201204238

Issued	27 September 2012
Fee	\$ 133.00
Receipt	3015838
Your Reference 06/12:60621	
Council Property Reference	349340

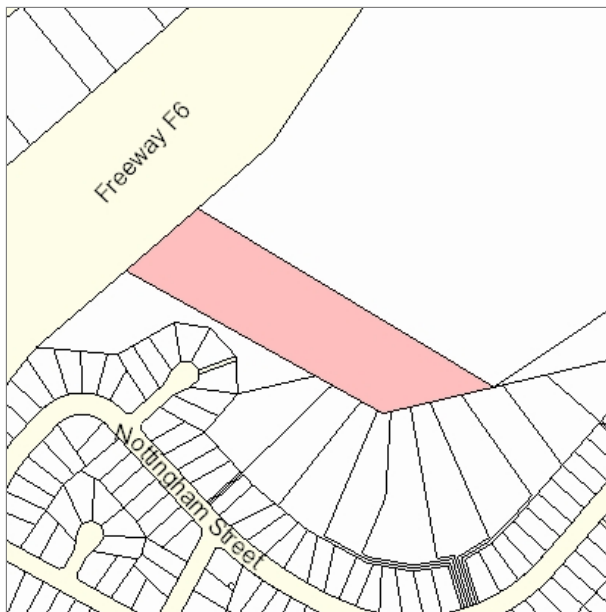
## PLANNING CERTIFICATE

**Issued Under Sections 149(2) and 149(5) of the Environmental Planning and Assessment Act 1979**

### PROPERTY DETAILS

Legal Description	Lot 2 DP 249814
Location	Lot 2 York Street BERKELEY NSW 2506

### LOCATION MAP



This certificate provides information on how a property (such as land and buildings) 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.



## **SECTION 149 (2) DETAILS**

As at the date of this certificate, the following prescribed matters under section 149(2) of the Act relate to the abovementioned land:

### **1. NAMES OF RELEVANT PLANNING INSTRUMENTS & DCPs**

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

Wollongong Local Environmental Plan 2009.

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

Council is exhibiting a draft Planning Proposal to merge Wollongong Local Environmental Plan (West Dapto) 2010 and Wollongong Local Environmental Plan 2009. Merging the two LEP's will help to reduce the complexity of the local planning system and Wollongong Council is moving towards having a single Local Environmental Plan that applies to the whole Local Government Area. This draft Planning Proposal involves repealing Wollongong LEP (West Dapto) 2010 and incorporating relevant provisions into the Wollongong LEP 2009.

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

##### **Wollongong Development Control Plan 2009**

Wollongong Development Control Plan 2009, contains detailed development controls which supplement the provisions of Wollongong Local Environmental Plan 2009.

**Note:** The Wollongong Development Control Plan 2009 should be consulted to ascertain its full effect on the land.

**(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.**

## **2. ZONING AND LAND USE UNDER RELEVANT LEPs**

Wollongong Local Environmental Plan 2009.

**For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):**

- (a) the identity of the zone, whether by reference to a name (such as “Residential Zone” or “Heritage Area”) or by reference to a number (such as “Zone No 2(a)”)**

E3 – Environmental Management

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

Home occupations.

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

Animal boarding and training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Recreation areas; Roads; Secondary dwellings.

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

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in subclause (2) or (3).

**Note:** For subdivision consent requirements see Clause 2.6, of Wollongong Local Environmental Plan 2009.

Demolition of a building or work requires consent see Clause 2.6AA, of Wollongong Local Environmental Plan 2009.

Development below the mean high water mark requires consent see Clause 5.7, of

Wollongong Local Environmental Plan 2009.

**Note:** Wollongong Local Environmental Plan 2009 should be consulted to ascertain its full effect on the land.

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

Nil.

**(f) Whether the land includes or comprises critical habitat**

Nil

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

Nil.

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

Nil.

## **2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGIONAL GROWTH CENTRES) 2006**

**To the extent that the land is within any zone (however described) under:**

- (a) a Precinct Plan (within the meaning of the 2006 SEPP), or**
- (b) a Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**
- (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**

**the particulars referred to in clause 2 (a) – (h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).**

Not Applicable.

## **3. COMPLYING DEVELOPMENT**

**(1) Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Codes) 2008.**

**(2) If complying development may not be carried out on that land because of the provisions of of clauses 1.17A (c) and (d) and 1.19 of that Policy, the reasons why it may not be carried out under that clause.**

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

Complying Development **must not** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the;

General Housing Code

Rural Housing Code *(unless complying development is carried out on the part of the lot to which clause 1.19(6)(c) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.*

Clause 1.19(6)(e) identifies the land in an Environmental Planning Instrument as Environmentally Sensitive Land – Clause 7.2 Natural Resource Sensitivity/ Biodiversity (Clause 3.3 Wollongong Local Environmental Plan 2009).

Complying Development **may** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the

Housing Alterations Code

General Development Code

General Commercial and Industrial Code

Subdivision Code

Demolition Code

**Note:** Refer to Wollongong Local Environmental Plan 2009, Part 3 (3.1,3.2,3.3) for additional land exclusions (Exempt and Complying Development).

## **4. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.**

The Department of Services, Technology and Administration has not notified Council that the land is affected by the operation of sections 38 and 39 of the Coastal Protection Act 1979.

### **4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

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

Nil

**(2) In relation to a coastal council:**

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

Nil

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

Not applicable

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

Nil

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

In relation to a coastal council- whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act)

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

Not applicable

### **5. MINE SUBSIDENCE**

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

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

### **6. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening or road realignment under:**

- (a) Division 2 of Part 3 of the Roads Act 1993 or**
- (b) Any environmental planning instrument or**
- (c) Any resolution of the council**

Council has no record that the land is affected by any Road Widening or Road Realignment under:

- a) Division 2 of Part 3 of the *Roads Act 1993*, or
- b) any environmental planning instrument, or
- c) any resolution of the Council.

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

**Whether or not the land is affected by a policy:**

**a) adopted by the council, or**

**b) 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).**

Council has adopted 'Wollongong Development Control Plan 2009 – Chapter E12 Geotechnical Assessment'

Council has adopted Acid Sulphate Maps, Wollongong Local Environmental Plan 2009 and West Dapto Local Environmental Plan 2010 – Clause 7.1 Acid Sulphate Soils

The Council has adopted, by resolution, the hazard extents established by the Wollongong City Council Coastal Zone Study (Cardno Lawson Treloar 2010) as the extent of the potential hazards arising from, coastal processes to be considered for planning and risk management purposes. Council's resolution may restrict development of land within the hazard extents.

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

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

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

Development on the land or part of the land for any other purpose is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

## **8. LAND RESERVED FOR ACQUISITION**

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

Nil.

## 9. CONTRIBUTION PLANS

**The name of each contributions plan applying to the land.**

**Wollongong City Council Section 94A Contributions Plan (2011)**

The purposes of this contributions plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the EP&A Act 1979.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the Wollongong Local Government area.
- To publicly identify the purposes for which the levies are required.
- Any party wishing to undertake construction of any new, or alterations to any existing, building or other development should review this policy or contact Council to determine if any contributions may be payable.

## 9A. BIODIVERSITY CERTIFIED LAND

**If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.**

Nil.

## 10. BIOBANKING AGREEMENTS

**If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director- General of the Department of Environment, Climate Change and Water)**

Nil

## 11. BUSH FIRE PRONE LAND

**If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.**

**If none of the land is bush fire prone land, a statement to that effect.**

The land is recorded in Council's records as bushfire prone land.

## **12. PROPERTY VEGETATION PLANS**

**If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under the Act).**

The Southern Rivers Catchment Management Authority has not notified Council that the land is affected by a Property Vegetation Plan issued under the Native Vegetation Act 2003.

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

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

Nil.

## **14. DIRECTIONS UNDER PART 3A**

**If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.**

Nil

## **15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

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

**(a) statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:**

**(i) the period for which the certificate is current, and**

**(ii) that a copy may be obtained from the head office of the Department of Planning, and**

**(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Nil.

## **16. SITE COMPATIBILITY CERTIFICATE FOR INFRASTRUCTURE**

A statement of whether there is a valid site compatibility certificates (infrastructure), of which the council is aware, in respect of proposed development on the land and , if there is a certificate, the statement is to include

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning

State Environmental Planning Policy (Infrastructure) 2007

Nil.

## **17. SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(1) A statement of 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 and, if there is a certificate, the statement is to include

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

Nil.

**Note:** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated within the meaning of that Act- if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act- if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,

- (d) **that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,**
- (e) **that the land to which the certificate relates is the subject of a site audit statement within the meaning of the Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate**

Council has not been advised that :

- a) The land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997
- b) The land is subject to a management order within the meaning of the Contaminated Land Management Act 1997
- c) The land is subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997
- d) The land is subject to an ongoing maintenance order within the meaning of the Contaminated land Management Act 1997
- e) The land is subject to a site audit statement within the meaning of the Contaminated land Management Act 1997

## **SECTION 149 (5) DETAILS**

As at the date of this certificate, the following additional information, provided in good faith pursuant to section 149 (5) of the Act, relate to the abovementioned land. Council has selected these matters as those most likely to be of concern but they do not comprise an exhaustive list of matters likely to affect the land.

When information pursuant to section 149 (5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149 (6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter referred to in this certificate.

## **RESOLUTION TO PREPARE PLANNING PROPOSAL**

Nil.

## **PROPOSED DRAFT DEVELOPMENT CONTROL PLANS**

The following plans have been placed on exhibition pursuant to the provisions of section 72 of the Environmental Planning and Assessment Act 1979:

### **Draft Development Control Plan 2009 Review**

The Wollongong Development Control Plan 2009 came into force on 3 March 2010. A review commenced after 6 months of operation. The following chapters are available for public exhibition.

- 1. E3 Car Parking, Access, Servicing/ Loading Facilities and Traffic Management
- 2. C3 Boarding Houses

3. E2 Crime Prevention Through Environmental Design
4. E6 Landscaping

## **LAND STABILITY**

Council's land constraint/stability assessment maps show that the land is located in an area where landslip and/or subsidence have occurred, or land stability is suspected. The services of a suitably qualified geotechnical engineer should be sought to ascertain the likely effect if any, on the land.

**Note:** The advice provided by Council in respect of the stability of the land is based on information contained in Council's land constraint maps. The maps have been compiled from data received by Council and considered by Council to be reasonably reliable. Council does not warrant that its land constraint maps contain all information ever received by Council relating to the stability of the land.

## **FLOOD AND DRAINAGE**

Council's flood maps do not show that the land is located in an area where flooding has occurred or is suspected. If you have any doubt as to whether the land is affected by flooding the services of a suitably qualified engineer should be obtained.

**Note 1:** Some land may experience water inundation as a result of the creation of stormwater detention basins or channels or flow paths in the course of development of the land.

**Note 2:** Advice given by Council relating to the likelihood of land being flooded or the nature or extent of such flooding is based on information contained in Council's flood maps. The maps are compiled from data received by Council and/or studies prepared by Council and considered by Council to be reasonably reliable. Council does not warrant that its flood maps contain all information ever received by Council relating to the likelihood of land being flooded or the nature or extent of any such flooding.

## **ACID SULPHATE SOILS**

Acid Sulphate Soils (classes 3, 4 or 5) have been mapped on this land, refer to Clause 7.5 of Wollongong Local Environmental Plan 2009 or 7.1 of Wollongong Local Environmental Plan (West Dapto) 2010.

## **EROSION**

Nil.

## **CONTAMINATED LAND**

No advice provided.

## **STATE SIGNIFICANT DEVELOPMENT**

Nil.

## **BUILDING LINES**

Wollongong Development Control Plan 2009 details the setbacks applicable to the land.

## **OTHER HERITAGE MATTERS KNOWN TO COUNCIL**

### **Aboriginal Heritage**

All development within the Wollongong Local Government Area is subject to the Aboriginal Heritage requirements of the National Parks and Wildlife Act 1974. To determine if your property is affected by an Aboriginal Site, it is recommended that an Aboriginal Heritage Information Management System (AHIMS) search be undertaken by contacting the AHIMS Administrator on (02)95856513. Further detail on Council's Aboriginal Heritage requirements for Development is contained within Chapter E10 of the Wollongong Development Control Plan 2009.

## **DEVELOPMENT HISTORY**

Application may be made for a Building Certificate under section 149B of Environmental Planning and Assessment Act 1979 if written certification of existing buildings on the land is required.

The history of development consent approval applicable to the land may be obtained by consulting the Development Consent Register. Enquiries concerning the register may be made at the City Planning Division Level 4 Council Administration Building, 41 Burelli Street Wollongong during office hours.

## **OTHER INFORMATION**

### **Illawarra Regional Strategy**

The Minister for Planning released the Illawarra Regional Strategy on 1 February 2007. The strategy is the NSW Government 25 year land use strategy for the Illawarra Region.

## **GENERAL INFORMATION**

The following general information is brought to the attention of land owners.

### **1. Tree Management Order**

The Wollongong Tree Management Order allows assessment of environmental importance and viability of trees before being pruned, removed or damaged. The order applies to all trees in the City of Wollongong other than:

- Trees in State Forests or on other Crown-timber lands within the meaning of the Forestry Act, 1916
- Trees lopped in accordance with the Electrical Supply (General) Regulation 2001
- Tress within water catchment areas except such parts as vested in or leased by persons other than the Crown
- Commercial or domestic fruit tress

The following tree species:

Salix Species	Willow
Erythrina X Sykesii	Coral Tree
Cupressus Macrocarpa “Brunniana”	Golden Cypress
Laganuria Pattersonii	Itchy Pod Tree
Harpephyllum Caffrum	Kaffir Plum
Syagrus Romanzoffina	Cocos Palm
Poplar Species	Poplar
Ficus Elastica “Decora” and hybrids	Ornamental Rubber tree
Ligustrum Lucidum	Large Leafed Privet
Cinnamomum Camphora	Camphor Laurel
Schefflera Actinophylla	Umbrella Tree
False Acacia	Black Locust
Peppercorn	Pepper Tree
Alnus	Alder
Acer negundo	Box Elder

The order prohibits, without written consent of Wollongong City Council, ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree to which the order applies, including the roots of a tree, it

- Is 3 metres or more in height; or
- Has a girth of 200mm or more at a height of 1 metre from the ground; or
- Has a branch spread of 3 metres or more

Any person acting on a consent issued under the tree management order must comply with all conditions of that consent.

The tree management order does not apply to a tree where it can be demonstrated to Council’s satisfaction that the tree is dying, dead or has become dangerous.

A person who breach or causes or permits a breach of the tree management order is guilty of an offence under the Environmental Planning and Assessment Act.

Enquiries concerning pruning, removal or damage to tress may be made at the Customer Service Centre, Ground floor Council Administration Building, 41 Burelli Street Wollongong or by telephoning direct on 42 877233 during office hours.

Applications for consent under the tree management order must be made in writing to;

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

Applications can be lodged electronically on Council’s website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au), alternatively, Applications forms and scheduled fee information are available from the Customer Service Centre. All applications must clearly identify the applicable tree or trees, state fully the reasons why such consent is

sought and be accompanied by the appropriate fee. The process is outlined in Chapter E17 of Wollongong Development Control Plan 2009

## **2. Termite Management for Buildings**

Australian Standards 3660.1-2000 (New Buildings) AS 3660.2-2000 (Existing Buildings) Termite Management, recommends that buildings be inspected and be maintained in order to achieve termite management of buildings. Licensed Pest Control Contractors should be contacted to achieve necessary termite control.

## **3. Lead Paint and Building Renovations**

Your attention is drawn to the hazards associated with lead-based paints during building renovation. Suitable precautions should be taken when removing flaking paint or sanding painted surfaces suspected to have been treated with lead-based paint to prevent contamination of the immediate environment and associated health risk from lead dust.

AS 4361 – Part 2 – Guide to Lead Paint Management – Residential and Commercial.

## **4. Sewage Management Systems**

Where a property has on-site sewage management system (this includes septic tanks, disposal trenches, aerated waste water treatment systems, composting toilets and pump out systems) the new owner must obtain an “Approval to Operate” from Council within 3 months of land ownership being transferred or otherwise conveyed.

This letter is authorised by

**Margaret Kampen**

LIS Information Officer Section 149 Systems

Wollongong City Council

Telephone (02) 4227 7319

TCG Planning

## CERTIFICATE 201204237

Issued	27 September 2012
Fee	\$ 133.00
Receipt	3015838
Your Reference 06/12:60621	
Council Property Reference	328749

## PLANNING CERTIFICATE

**Issued Under Sections 149(2) and 149(5) of the Environmental Planning and Assessment Act 1979**

### PROPERTY DETAILS

Legal Description	Lot 2 DP 534116
Location	Lot 2 Nottingham Street BERKELEY NSW 2506

### LOCATION MAP



This certificate provides information on how a property (such as land and buildings) 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.



## **SECTION 149 (2) DETAILS**

As at the date of this certificate, the following prescribed matters under section 149(2) of the Act relate to the abovementioned land:

### **1. NAMES OF RELEVANT PLANNING INSTRUMENTS & DCPs**

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

Wollongong Local Environmental Plan 2009.

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

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

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. 36 – Manufactured Home Estates

State Environmental Planning Policy No. 50 – Canal Estates

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 (Housing for Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (Major Development) 2005

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

State Environmental Planning Policy (Temporary Structures) 2007

State Environmental Planning Policy (Infrastructure) 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 No 71 - Coastal Protection

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

Council is exhibiting a draft Planning Proposal to merge Wollongong Local Environmental Plan (West Dapto) 2010 and Wollongong Local Environmental Plan 2009. Merging the two LEP's will help to reduce the complexity of the local planning system and Wollongong Council is moving towards having a single Local Environmental Plan that applies to the whole Local Government Area. This draft Planning Proposal involves repealing Wollongong LEP (West Dapto) 2010 and incorporating relevant provisions into the Wollongong LEP 2009.

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

#### **Wollongong Development Control Plan 2009**

Wollongong Development Control Plan 2009, contains detailed development controls which supplement the provisions of Wollongong Local Environmental Plan 2009.

**Note:** The Wollongong Development Control Plan 2009 should be consulted to ascertain its full effect on the land.

**(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.**

## 2. ZONING AND LAND USE UNDER RELEVANT LEPs

Wollongong Local Environmental Plan 2009.

**For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):**

- (a) the identity of the zone, whether by reference to a name (such as “Residential Zone” or “Heritage Area”) or by reference to a number (such as “Zone No 2(a)”)**

E3 – Environmental Management

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

Home occupations.

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

Animal boarding and training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Recreation areas; Roads; Secondary dwellings.

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

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in subclause (2) or (3).

**Note:** For subdivision consent requirements see Clause 2.6, of Wollongong Local Environmental Plan 2009.

Demolition of a building or work requires consent see Clause 2.6AA, of Wollongong Local Environmental Plan 2009.

Development below the mean high water mark requires consent see Clause 5.7, of Wollongong Local Environmental Plan 2009.

Note: Wollongong Local Environmental Plan 2009 should be consulted to ascertain its full effect on the land.

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

Nil.

**(f) Whether the land includes or comprises critical habitat**

Nil

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

Nil.

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

Nil.

## **2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGIONAL GROWTH CENTRES) 2006**

To the extent that the land is within any zone (however described) under:

- (a) a Precinct Plan (within the meaning of the 2006 SEPP), or**
- (b) a Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**
- (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**

**the particulars referred to in clause 2 (a) – (h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).**

Not Applicable.

## **3. COMPLYING DEVELOPMENT**

**(1) Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Codes) 2008.**

**(2) If complying development may not be carried out on that land because of the provisions of of clauses 1.17A (c) and (d) and 1.19 of that Policy, the reasons why it may not be carried out under that clause.**

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

Complying Development **must not** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the;

General Housing Code

Rural Housing Code *(unless complying development is carried out on the part of the lot to which clause 1.19(6)(c) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.*

Clause 1.19(6)(e) identifies the land in an Environmental Planning Instrument as Environmentally Sensitive Land – Clause 7.2 Natural Resource Sensitivity/ Biodiversity (Clause 3.3 Wollongong Local Environmental Plan 2009).

Complying Development **may** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the

Housing Alterations Code

General Development Code

General Commercial and Industrial Code

Subdivision Code

Demolition Code

**Note:** Refer to Wollongong Local Environmental Plan 2009, Part 3 (3.1,3.2,3.3) for additional land exclusions (Exempt and Complying Development).

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

Complying Development **must not** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the;

General Housing Code

Rural Housing Code *(unless complying development is carried out on the part of the lot to which clause 1.19(6)(c) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.*

Clause 1.19(6)(e) identifies the land in an Environmental Planning Instrument as Environmentally Sensitive Land –Clause 7.3 Flood Planning Area (Clause 3.3 Wollongong Local Environmental Plan 2009).

Complying Development **may** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the

Housing Alterations Code

General Development Code

General Commercial and Industrial Code

Subdivision Code

Demolition Code

**Note:** Refer to Wollongong Local Environmental Plan 2009, Part 3 (3.1,3.2,3.3) for additional land exclusions (Exempt and Complying Development).

## 4. COASTAL PROTECTION

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.**

The Department of Services, Technology and Administration has not notified Council that the land is affected by the operation of sections 38 and 39 of the Coastal Protection Act 1979.

### 4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

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

Nil

**(2) In relation to a coastal council:**

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

Nil

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

Not applicable

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

Nil

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

**In relation to a coastal council- whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act)**

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

Not applicable

## 5. MINE SUBSIDENCE

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

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

## 6. ROAD WIDENING AND ROAD REALIGNMENT

### **Whether or not the land is affected by any road widening or road realignment under:**

**(a) Division 2 of Part 3 of the Roads Act 1993 or**

**(b) Any environmental planning instrument or**

**(c) Any resolution of the council**

Council has no record that the land is affected by any Road Widening or Road Realignment under:

- a) Division 2 of Part 3 of the *Roads Act 1993*, or
- b) any environmental planning instrument, or
- c) any resolution of the Council.

## 7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

### **Whether or not the land is affected by a policy:**

**a) adopted by the council, or**

**b) 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).**

Council has adopted 'Wollongong Development Control Plan 2009 – Chapter E12 Geotechnical Assessment'

Council has adopted Acid Sulphate Maps, Wollongong Local Environmental Plan 2009 and West Dapto Local Environmental Plan 2010 – Clause 7.1 Acid Sulphate Soils

The Council has adopted, by resolution, the hazard extents established by the Wollongong City Council Coastal Zone Study (Cardno Lawson Treloar 2010) as the extent of the potential hazards arising from, coastal processes to be considered for planning and risk management purposes. Council's resolution may restrict development of land within the hazard extents.

## 7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

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

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

Development on the land or part of the land for any other purpose is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

## **8. LAND RESERVED FOR ACQUISITION**

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

Nil.

## **9. CONTRIBUTION PLANS**

**The name of each contributions plan applying to the land.**

Wollongong City Council Section 94A Contributions Plan (2011)

The purposes of this contributions plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the EP&A Act 1979.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the Wollongong Local Government area.
- To publicly identify the purposes for which the levies are required.
- Any party wishing to undertake construction of any new, or alterations to any existing, building or other development should review this policy or contact Council to determine if any contributions may be payable.

## **9A. BIODIVERSITY CERTIFIED LAND**

**If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.**

Nil.

## **10. BIOBANKING AGREEMENTS**

**If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director- General of the Department of Environment, Climate Change and Water)**

Nil

## **11. BUSH FIRE PRONE LAND**

**If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire probe land.**

**If none of the land is bush fire prone land, a statement to that effect.**

The land is recorded in Council's records as bushfire prone land.

## **12. PROPERTY VEGETATION PLANS**

**If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under the Act).**

The Southern Rivers Catchment Management Authority has not notified Council that the land is affected by a Property Vegetation Plan issued under the Native Vegetation Act 2003.

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

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

Nil.

## **14. DIRECTIONS UNDER PART 3A**

**If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.**

Nil

## **15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

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

(a) statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

(i) the period for which the certificate is current, and

(ii) that a copy may be obtained from the head office of the Department of Planning, and

(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Nil.

## **16. SITE COMPATIBILITY CERTIFICATE FOR INFRASTRUCTURE**

A statement of whether there is a valid site compatibility certificates (infrastructure), of which the council is aware, in respect of proposed development on the land and , if there is a certificate, the statement is to include

(a) the period for which the certificate is valid, and

(b) that a copy may be obtained from the head office of the Department of Planning

State Environmental Planning Policy (Infrastructure) 2007

Nil.

## **17. SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(1) A statement of 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 and, if there is a certificate, the statement is to include

(a) the period for which the certificate is current, and

(b) that a copy may be obtained from the head office of the Department of Planning.

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

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

Nil.

**Note: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:**

- (a) that the land to which the certificate relates is significantly contaminated within the meaning of that Act- if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act- if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of the Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate

Council has not been advised that :

- a) The land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997
- b) The land is subject to a management order within the meaning of the Contaminated Land Management Act 1997
- c) The land is subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997
- d) The land is subject to an ongoing maintenance order within the meaning of the Contaminated land Management Act 1997
- e) The land is subject to a site audit statement within the meaning of the Contaminated land Management Act 1997

## **SECTION 149 (5) DETAILS**

As at the date of this certificate, the following additional information, provided in good faith pursuant to section 149 (5) of the Act, relate to the abovementioned land. Council has selected these matters as those

most likely to be of concern but they do not comprise an exhaustive list of matters likely to affect the land.

When information pursuant to section 149 (5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149 (6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter referred to in this certificate.

## **RESOLUTION TO PREPARE PLANNING PROPOSAL**

Nil.

## **PROPOSED DRAFT DEVELOPMENT CONTROL PLANS**

The following plans have been placed on exhibition pursuant to the provisions of section 72 of the Environmental Planning and Assessment Act 1979:

### **Draft Development Control Plan 2009 Review**

The Wollongong Development Control Plan 2009 came into force on 3 March 2010. A review commenced after 6 months of operation. The following chapters are available for public exhibition.

1. E3 Car Parking, Access, Servicing/ Loading Facilities and Traffic Management
2. C3 Boarding Houses
3. E2 Crime Prevention Through Environmental Design
4. E6 Landscaping

## **LAND STABILITY**

Council's land constraint/stability assessment maps show that the land is located in an area where landslip and/or subsidence have occurred, or land stability is suspected. The services of a suitably qualified geotechnical engineer should be sought to ascertain the likely effect if any, on the land.

**Note:** The advice provided by Council in respect of the stability of the land is based on information contained in Council's land constraint maps. The maps have been compiled from data received by Council and considered by Council to be reasonably reliable. Council does not warrant that its land constraint maps contain all information ever received by Council relating to the stability of the land.

## **FLOOD AND DRAINAGE**

### **1 Classification of Flood Risk**

Council records indicate that this property is located within an **Uncategorised Flood Risk** precinct.

However, Council's flood maps show that the land is located in an area where flooding has occurred or is suspected. The services of a suitably qualified engineer should be sought to ascertain the likely effect, if any, on the land.

**Note:** Advice given by Council relating to the likelihood of land being flooded or the nature or extent of such flooding is based on information contained in Council's flood maps. The maps are compiled from data received by Council and/or studies prepared by Council and considered by Council to be reasonably reliable. Council does not warrant that its flood maps contain all information ever received by Council relating to the likelihood of land being flooded or the nature or extent of any such flooding.

Council has prepared a development control plan known as Wollongong Development Control Plan 2009 that provides details of flood related development controls that may be applicable.

## **ACID SULPHATE SOILS**

Nil.

## **EROSION**

Nil.

## **CONTAMINATED LAND**

No advice provided.

## **STATE SIGNIFICANT DEVELOPMENT**

Nil.

## **BUILDING LINES**

Wollongong Development Control Plan 2009 details the setbacks applicable to the land.

## **OTHER HERITAGE MATTERS KNOWN TO COUNCIL**

### **Aboriginal Heritage**

All development within the Wollongong Local Government Area is subject to the Aboriginal Heritage requirements of the National Parks and Wildlife Act 1974. To determine if your property is affected by an Aboriginal Site, it is recommended that an Aboriginal Heritage Information Management System (AHIMS) search be undertaken by contacting the AHIMS Administrator on (02)95856513. Further detail on Council's Aboriginal Heritage requirements for Development is contained within Chapter E10 of the Wollongong Development Control Plan 2009.

## **DEVELOPMENT HISTORY**

Application may be made for a Building Certificate under section 149B of Environmental Planning and Assessment Act 1979 if written certification of existing buildings on the land is required.

The history of development consent approval applicable to the land may be obtained by consulting the Development Consent Register. Enquiries concerning the register may be made at the City Planning Division Level 4 Council Administration Building, 41 Burelli Street Wollongong during office hours.

## OTHER INFORMATION

### Illawarra Regional Strategy

The Minister for Planning released the Illawarra Regional Strategy on 1 February 2007. The strategy is the NSW Government 25 year land use strategy for the Illawarra Region.

## GENERAL INFORMATION

The following general information is brought to the attention of land owners.

### 1. Tree Management Order

The Wollongong Tree Management Order allows assessment of environmental importance and viability of trees before being pruned, removed or damaged. The order applies to all trees in the City of Wollongong other than:

- Trees in State Forests or on other Crown-timber lands within the meaning of the Forestry Act, 1916
- Trees lopped in accordance with the Electrical Supply (General) Regulation 2001
- Trees within water catchment areas except such parts as vested in or leased by persons other than the Crown
- Commercial or domestic fruit trees

The following tree species:

Salix Species	Willow
Erythrina X Sykesii	Coral Tree
Cupressus Macrocarpa "Brunniana"	Golden Cypress
Lagunaria Pattersonii	Itchy Pod Tree
Harpephyllum Caffrum	Kaffir Plum
Syagrus Romanzoffina	Cocos Palm
Poplar Species	Poplar
Ficus Elastica "Decora" and hybrids	Ornamental Rubber tree
Ligustrum Lucidum	Large Leafed Privet
Cinnamomum Camphora	Camphor Laurel
Schefflera Actinophylla	Umbrella Tree
False Acacia	Black Locust
Peppercorn	Pepper Tree
Alnus	Alder
Acer negundo	Box Elder

The order prohibits, without written consent of Wollongong City Council, ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree to which the order applies, including the roots of a tree, it

- Is 3 metres or more in height; or
- Has a girth of 200mm or more at a height of 1 metre from the ground; or
- Has a branch spread of 3 metres or more

Any person acting on a consent issued under the tree management order must comply with all conditions of that consent.

The tree management order does not apply to a tree where it can be demonstrated to Council's satisfaction that the tree is dying, dead or has become dangerous.

A person who breach or causes or permits a breach of the tree management order is guilty of an offence under the Environmental Planning and Assessment Act.

Enquiries concerning pruning, removal or damage to trees may be made at the Customer Service Centre, Ground floor Council Administration Building, 41 Burelli Street Wollongong or by telephoning direct on 42 877233 during office hours.

Applications for consent under the tree management order must be made in writing to;

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

Applications can be lodged electronically on Council's website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au), alternatively, Applications forms and scheduled fee information are available from the Customer Service Centre. All applications must clearly identify the applicable tree or trees, state fully the reasons why such consent is sought and be accompanied by the appropriate fee. The process is outlined in Chapter E17 of Wollongong Development Control Plan 2009

## **2. Termite Management for Buildings**

Australian Standards 3660.1-2000 (New Buildings) AS 3660.2-2000 (Existing Buildings) Termite Management, recommends that buildings be inspected and be maintained in order to achieve termite management of buildings. Licensed Pest Control Contractors should be contacted to achieve necessary termite control.

## **3. Lead Paint and Building Renovations**

Your attention is drawn to the hazards associated with lead-based paints during building renovation. Suitable precautions should be taken when removing flaking paint or sanding painted surfaces suspected to have been treated with lead-based paint to prevent contamination of the immediate environment and associated health risk from lead dust.

AS 4361 – Part 2 – Guide to Lead Paint Management – Residential and Commercial.

## **4. Sewage Management Systems**

Where a property has on-site sewage management system (this includes septic tanks, disposal trenches, aerated waste water treatment systems, composting toilets and pump out systems) the new owner must obtain an "Approval to Operate" from Council within 3 months of land ownership being transferred or otherwise conveyed.

This letter is authorised by

**Margaret Kampen**

LIS Information Officer Section 149 Systems

Wollongong City Council

Telephone (02) 4227 7319

TCG Planning  
PO Box 7163  
GWYNNEVILLE NSW 2500

## CERTIFICATE

**201201663**

Issued	17 April 2012
Fee	<b>\$ 133.00</b>
Receipt	2824086
Your Reference 06/12:55257	
Council Property Reference	352062

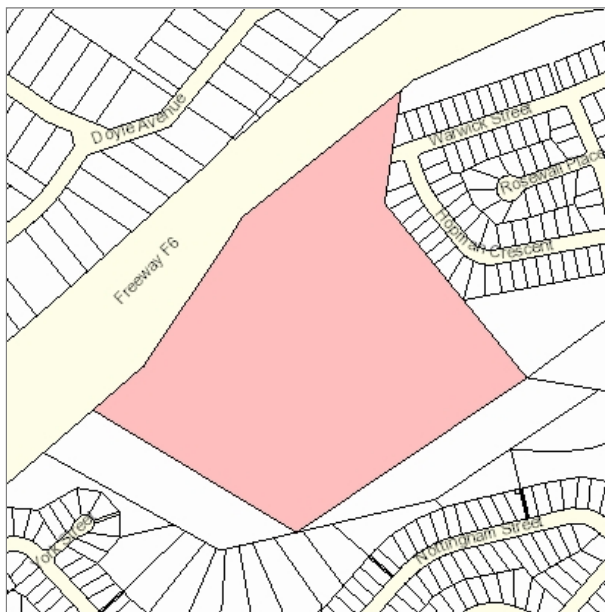
## PLANNING CERTIFICATE

**Issued Under Sections 149(2) and 149(5) of the Environmental Planning and Assessment Act 1979**

### PROPERTY DETAILS

Legal Description	Lot 4 DP 258635
Location	Lot 4 Warwick Street BERKELEY NSW 2506

### LOCATION MAP



This certificate provides information on how a property (such as land and buildings) 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.



## **SECTION 149 (2) DETAILS**

As at the date of this certificate, the following prescribed matters under section 149(2) of the Act relate to the abovementioned land:

### **1. NAMES OF RELEVANT PLANNING INSTRUMENTS & DCPs**

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

Wollongong Local Environmental Plan 2009.

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

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

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. 36 – Manufactured Home Estates

State Environmental Planning Policy No. 50 – Canal Estates

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 (Housing for Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (Major Development) 2005

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

State Environmental Planning Policy (Temporary Structures) 2007

State Environmental Planning Policy (Infrastructure) 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 No 71 - Coastal Protection

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

Nil.

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

**Wollongong Development Control Plan 2009**

Wollongong Development Control Plan 2009, contains detailed development controls which supplement the provisions of Wollongong Local Environmental Plan 2009.

**Note:** The Wollongong Development Control Plan 2009 should be consulted to ascertain its full effect on the land.

**(4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.**

Nil.

## **2. ZONING AND LAND USE UNDER RELEVANT LEPs**

**For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):**

Wollongong Local Environmental Plan 2009.

R2 Low Density Residential

E3 Environmental Management

**For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):**

- (a) **the identity of the zone, whether by reference to a name (such as “Residential Zone” or “Heritage Area”) or by reference to a number (such as “Zone No 2(a)”)**

R2 – Low Density Residential

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

Home occupations.

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals.

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

Any development not specified in subclause (2) or (3).

**Note:** For subdivision consent requirements see Clause 2.6, of Wollongong Local Environmental Plan 2009.

Demolition of a building or work requires consent see Clause 2.6AA, of Wollongong Local Environmental Plan 2009.

Development below the mean high water mark requires consent see Clause 5.7, of Wollongong Local Environmental Plan 2009.

**Note:** Wollongong Local Environmental Plan 2009 should be consulted to ascertain its full effect on the land.

**For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):**

- (e) the identity of the zone, whether by reference to a name (such as “Residential Zone” or “Heritage Area”) or by reference to a number (such as “Zone No 2(a)”)**

E3 – Environmental Management

- (f) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent**

Home occupations.

- (g) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent**

Animal boarding and training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Recreation areas; Roads; Secondary dwellings.

- (h) The purposes for which the instrument provides that development is prohibited within the zone.**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any development not specified in subclause (2) or (3).

**Note:** For subdivision consent requirements see Clause 2.6, of Wollongong Local Environmental Plan 2009.

Demolition of a building or work requires consent see Clause 2.6AA, of Wollongong Local Environmental Plan 2009.

Development below the mean high water mark requires consent see Clause 5.7, of Wollongong Local Environmental Plan 2009.

**Note:** Wollongong Local Environmental Plan 2009 should be consulted to ascertain its full effect on the land.

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

Nil.

**(f) Whether the land includes or comprises critical habitat**

Nil

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

Nil.

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

Nil.

## **2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGIONAL GROWTH CENTRES) 2006**

**To the extent that the land is within any zone (however described) under:**

- (a) a Precinct Plan (within the meaning of the 2006 SEPP), or**
- (b) a Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**
- (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,**

**the particulars referred to in clause 2 (a) – (h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).**

Not Applicable.

## **3. COMPLYING DEVELOPMENT**

**(1) Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Codes) 2008.**

**(2) If complying development may not be carried out on that land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of that Policy, the reasons why it may not be carried out under that clause.**

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

Complying Development **must not** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the;

General Housing Code

Rural Housing Code *(unless complying development is carried out on the part of the lot to which clause 1.19(6)(c) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.*

Clause 1.19(6)(e) identifies the land in an Environmental Planning Instrument as Environmentally

Sensitive Land – Clause 7.2 Natural Resource Sensitivity/ Biodiversity (Clause 3.3 Wollongong Local Environmental Plan 2009).

Complying Development **may** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the

Housing Alterations Code

General Development Code

General Commercial and Industrial Code

Subdivision Code

Demolition Code

**Note:** Refer to Wollongong Local Environmental Plan 2009, Part 3 (3.1,3.2,3.3) for additional land exclusions (Exempt and Complying Development).

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

Complying Development **must not** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the;

General Housing Code

Rural Housing Code (*unless complying development is carried out on the part of the lot to which clause 1.19(6)(c) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.*

Clause 1.19(6)(e) identifies the land in an Environmental Planning Instrument as Environmentally Sensitive Land –Clause 7.3 Flood Planning Area (Clause 3.3 Wollongong Local Environmental Plan 2009).

Complying Development **may** be carried out under State Environmental Planning Policy (Exempt and Complying Codes) 2008 for development specified for the

Housing Alterations Code

General Development Code

General Commercial and Industrial Code

Subdivision Code

Demolition Code

**Note:** Refer to Wollongong Local Environmental Plan 2009, Part 3 (3.1,3.2,3.3) for additional land exclusions (Exempt and Complying Development).

## **4. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.**

The Department of Services, Technology and Administration has not notified Council that the land is affected by the operation of sections 38 and 39 of the Coastal Protection Act 1979.

#### **4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

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

Nil

**(2) In relation to a coastal council:**

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

Nil

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

Not applicable

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

Nil

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

**In relation to a coastal council- whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act)**

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

Not applicable

#### **5. MINE SUBSIDENCE**

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

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

## 6. ROAD WIDENING AND ROAD REALIGNMENT

**Whether or not the land is affected by any road widening or road realignment under:**

**(a) Division 2 of Part 3 of the Roads Act 1993 or**

**(b) Any environmental planning instrument or**

**(c) Any resolution of the council**

Council has no record that the land is affected by any Road Widening or Road Realignment under:

- a) Division 2 of Part 3 of the *Roads Act 1993*, or
- b) any environmental planning instrument, or
- c) any resolution of the Council.

## 7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

**Whether or not the land is affected by a policy:**

**a) adopted by the council, or**

**b) 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).**

Council has adopted 'Wollongong Development Control Plan 2009 – Chapter E12 Geotechnical Assessment'

Council has adopted Acid Sulphate Maps, Wollongong Local Environmental Plan 2009 and West Dapto Local Environmental Plan 2010 – Clause 7.1 Acid Sulphate Soils

The Council has adopted, by resolution, the hazard extents established by the Wollongong City Council Coastal Zone Study (Cardno Lawson Treloar 2010) as the extent of the potential hazards arising from, coastal processes to be considered for planning and risk management purposes. Council's resolution may restrict development of land within the hazard extents.

## 7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

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

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

Development on the land or part of the land for any other purpose is subject to flood related development controls as contained in Wollongong Development Control Plan 2009

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

## **8. LAND RESERVED FOR ACQUISITION**

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

Nil.

## **9. CONTRIBUTION PLANS**

**The name of each contributions plan applying to the land.**

**Wollongong City Council Section 94A Contributions Plan (2011)**

The purposes of this contributions plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the EP&A Act 1979.
- To assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the Wollongong Local Government area.
- To publicly identify the purposes for which the levies are required.
- Any party wishing to undertake construction of any new, or alterations to any existing, building or other development should review this policy or contact Council to determine if any contributions may be payable.

## **9A. BIODIVERSITY CERTIFIED LAND**

**If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.**

Nil.

## **10. BIOBANKING AGREEMENTS**

**If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director- General of the Department of Environment, Climate Change and Water)**

Nil

## **11. BUSH FIRE PRONE LAND**

**If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.**

**If none of the land is bush fire prone land, a statement to that effect.**

The land is recorded in Council's records as bushfire prone land.

## **12. PROPERTY VEGETATION PLANS**

**If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under the Act).**

The Southern Rivers Catchment Management Authority has not notified Council that the land is affected by a Property Vegetation Plan issued under the Native Vegetation Act 2003.

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

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

Nil.

## **14. DIRECTIONS UNDER PART 3A**

**If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.**

A major project application has been lodged with the Department of Planning under Part 3A of the Environmental Planning and Assessment Act 1979. Purchasers are advised to make their own enquiries with the Department of Planning regarding the status of such applications.

## **15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

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

**(a) statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:**

**(i) the period for which the certificate is current, and**

**(ii) that a copy may be obtained from the head office of the Department of Planning, and**

**(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Nil.

## **16. SITE COMPATIBILITY CERTIFICATE FOR INFRASTRUCTURE**

**A statement of whether there is a valid site compatibility certificates (infrastructure), of which the council is aware, in respect of proposed development on the land and , if there is a certificate, the statement is to include**

- (a) the period for which the certificate is valid, and**
- (b) that a copy may be obtained from the head office of the Department of Planning**

State Environmental Planning Policy (Infrastructure) 2007

Nil.

## **17. SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

**(1) A statement of 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 and, if there is a certificate, the statement is to include**

- (a) the period for which the certificate is current, and**
- (b) that a copy may be obtained from the head office of the Department of Planning.**

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

Nil.

**Note: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:**

- (a) **that the land to which the certificate relates is significantly contaminated within the meaning of that Act- if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,**
- (b) **that the land to which the certificate relates is subject to a management order within the meaning of the Act- if it is subject to such an order at the date when the certificate is issued,**
- (c) **that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,**
- (d) **that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,**
- (e) **that the land to which the certificate relates is the subject of a site audit statement within the meaning of the Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate**

Council has not been advised that :

- a) The land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997
- b) The land is subject to a management order within the meaning of the Contaminated Land Management Act 1997
- c) The land is subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997
- d) The land is subject to an ongoing maintenance order within the meaning of the Contaminated land Management Act 1997
- e) The land is subject to a site audit statement within the meaning of the Contaminated land Management Act 1997

## **SECTION 149 (5) DETAILS**

As at the date of this certificate, the following additional information, provided in good faith pursuant to section 149 (5) of the Act, relate to the abovementioned land. Council has selected these matters as those most likely to be of concern but they do not comprise an exhaustive list of matters likely to affect the land.

When information pursuant to section 149 (5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149 (6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter referred to in this certificate.

## **RESOLUTION TO PREPARE PLANNING PROPOSAL**

Council resolved to prepare a planning proposal to be submitted to the NSW Department of Planning and Infrastructure to repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and merge its provisions and maps into the Wollongong Local Environmental Plan 2009.

## PROPOSED DRAFT DEVELOPMENT CONTROL PLANS

The following plans have been placed on exhibition pursuant to the provisions of section 72 of the Environmental Planning and Assessment Act 1979:

### Draft Development Control Plan 2009 Review

The Wollongong Development Control Plan 2009 came into force on 3 March 2010. A review commenced after 6 months of operation. The following chapters are available for public exhibition.

1. E3 Car Parking, Access, Servicing/ Loading Facilities and Traffic Management
2. C3 Boarding Houses
3. E2 Crime Prevention Through Environmental Design
4. E6 Landscaping

## FILLED LAND

Council has no records to indicate that the land has been filled or partially filled during the course of subdivision works approved by Council. Council's records are incomplete and therefore Council does not certify that the land has not been filled. If you have any doubt as to whether or not the land is affected by fill material the services of a suitably qualified engineer should be obtained.

## LAND STABILITY

Council's land constraint/stability assessment maps show that the land is located in an area where landslip and/or subsidence have occurred, or land stability is suspected. The services of a suitably qualified geotechnical engineer should be sought to ascertain the likely effect if any, on the land.

**Note:** The advice provided by Council in respect of the stability of the land is based on information contained in Council's land constraint maps. The maps have been compiled from data received by Council and considered by Council to be reasonably reliable. Council does not warrant that its land constraint maps contain all information ever received by Council relating to the stability of the land.

## FLOOD AND DRAINAGE

### 1 Classification of Flood Risk

Council records indicate that this property is located within an **Uncategorised Flood Risk** precinct.

However, Council's flood maps show that the land is located in an area where flooding has occurred or is suspected. The services of a suitably qualified engineer should be sought to ascertain the likely effect, if any, on the land.

**Note:** Advice given by Council relating to the likelihood of land being flooded or the nature or extent of such flooding is based on information contained in Council's flood maps. The maps are compiled from data received by Council and/or studies prepared by Council and considered by Council to be reasonably reliable. Council does not warrant that its flood maps contain all information ever received by Council relating to the likelihood of land being flooded or the nature or extent of any such flooding.

Council has prepared a development control plan known as Wollongong Development Control Plan 2009 that provides details of flood related development controls that may be applicable.

## **ACID SULPHATE SOILS**

Nil.

## **EROSION**

Nil.

## **CONTAMINATED LAND**

Nil.

## **STATE SIGNIFICANT DEVELOPMENT**

Nil.

## **BUILDING LINES**

Wollongong Development Control Plan 2009 details the setbacks applicable to the land.

## **OTHER HERITAGE MATTERS KNOWN TO COUNCIL**

### **Aboriginal Heritage**

All development within the Wollongong Local Government Area is subject to the Aboriginal Heritage requirements of the National Parks and Wildlife Act 1974. To determine if your property is affected by an Aboriginal Site, it is recommended that an Aboriginal Heritage Information Management System (AHIMS) search be undertaken by contacting the AHIMS Administrator on (02)95856513. Further detail on Council's Aboriginal Heritage requirements for Development is contained within Chapter E10 of the Wollongong Development Control Plan 2009.

## **DEVELOPMENT HISTORY**

Application may be made for a Building Certificate under section 149B of Environmental Planning and Assessment Act 1979 if written certification of existing buildings on the land is required.

The history of development consent approval applicable to the land may be obtained by consulting the Development Consent Register. Enquiries concerning the register may be made at the City Planning Division Level 4 Council Administration Building, 41 Burelli Street Wollongong during office hours.

## OTHER INFORMATION

### Illawarra Regional Strategy

The Minister for Planning released the Illawarra Regional Strategy on 1 February 2007. The strategy is the NSW Government 25 year land use strategy for the Illawarra Region.

## GENERAL INFORMATION

The following general information is brought to the attention of land owners.

### 1. Tree Management Order

The Wollongong Tree Management Order allows assessment of environmental importance and viability of trees before being pruned, removed or damaged. The order applies to all trees in the City of Wollongong other than:

- Trees in State Forests or on other Crown-timber lands within the meaning of the Forestry Act, 1916
- Trees lopped in accordance with the Electrical Supply (General) Regulation 2001
- Trees within water catchment areas except such parts as vested in or leased by persons other than the Crown
- Commercial or domestic fruit trees

The following tree species:

Salix Species	Willow
Erythrina X Sykesii	Coral Tree
Cupressus Macrocarpa "Brunniana"	Golden Cypress
Lagunaria Pattersonii	Itchy Pod Tree
Harpephyllum Caffrum	Kaffir Plum
Syagrus Romanzoffina	Cocos Palm
Poplar Species	Poplar
Ficus Elastica "Decora" and hybrids	Ornamental Rubber tree
Ligustrum Lucidum	Large Leafed Privet
Cinnamomum Camphora	Camphor Laurel
Schefflera Actinophylla	Umbrella Tree
False Acacia	Black Locust
Peppercorn	Pepper Tree
Alnus	Alder
Acer negundo	Box Elder

The order prohibits, without written consent of Wollongong City Council, ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree to which the order applies, including the roots of a tree, it

- Is 3 metres or more in height; or
- Has a girth of 200mm or more at a height of 1 metre from the ground; or
- Has a branch spread of 3 metres or more

Any person acting on a consent issued under the tree management order must comply with all conditions of that consent.

The tree management order does not apply to a tree where it can be demonstrated to Council's satisfaction that the tree is dying, dead or has become dangerous.

A person who breach or causes or permits a breach of the tree management order is guilty of an offence under the Environmental Planning and Assessment Act.

Enquiries concerning pruning, removal or damage to trees may be made at the Customer Service Centre, Ground floor Council Administration Building, 41 Burelli Street Wollongong or by telephoning direct on 42 877233 during office hours.

Applications for consent under the tree management order must be made in writing to;

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG NSW 2500

Applications can be lodged electronically on Council's website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au), alternatively, Applications forms and scheduled fee information are available from the Customer Service Centre. All applications must clearly identify the applicable tree or trees, state fully the reasons why such consent is sought and be accompanied by the appropriate fee. The process is outlined in Chapter E17 of Wollongong Development Control Plan 2009

## **2. Termite Management for Buildings**

Australian Standards 3660.1-2000 (New Buildings) AS 3660.2-2000 (Existing Buildings) Termite Management, recommends that buildings be inspected and be maintained in order to achieve termite management of buildings. Licensed Pest Control Contractors should be contacted to achieve necessary termite control.

## **3. Lead Paint and Building Renovations**

Your attention is drawn to the hazards associated with lead-based paints during building renovation. Suitable precautions should be taken when removing flaking paint or sanding painted surfaces suspected to have been treated with lead-based paint to prevent contamination of the immediate environment and associated health risk from lead dust.

AS 4361 – Part 2 – Guide to Lead Paint Management – Residential and Commercial.

## **4. Sewage Management Systems**

Where a property has on-site sewage management system (this includes septic tanks, disposal trenches, aerated waste water treatment systems, composting toilets and pump out systems) the new owner must obtain an "Approval to Operate" from Council within 3 months of land ownership being transferred or otherwise conveyed.

This letter is authorised by



**Sally Anderson**

LIS Information Officer - Section 149 Systems

Wollongong City Council

Telephone (02) 4227 7306

APPENDIX D  
Asbestos Analytical Report

	<p>Photograph 1: Asbestos-containing compressed cement sheeting debris within soil in area adjacent Warwick Street entry to Site (approximate co-ordinates WGS84 – 34°28'08.88" S 150°50'23.90" E)</p>
	<p>Photograph 2: Asbestos-containing fibre cement sheeting debris on ground surfaces in area approximately 22m southwest of Warwick St gate entry to Site (approximate co-ordinates WGS84 – 34°28'12.09" S 150°50'21.65" E)</p>
	<p>Photograph 3: Asbestos-containing fibre cement sheeting debris on ground surfaces adjacent Southernmost of the two Southern High Voltage cable towers (approximate co-ordinates WGS84 – 34°28'18.54" S 150°50'19.27" E)</p>



# Certificate of Analysis

Report: 1357-01-ID

Job Number: 1357

URI Number: ID21031173711

Date of Analysis: 31/10/2012

Date of Report: 31/10/2012

Client: TCG Planning

Client Address: PO Box 7163 Gwyneville NSW 2500

Sampled By: Stephen Dougherty

Date Received: 29/10/2012

Client Contact: Anna Grant

Site address: Life City, Warwick St, Berkeley NSW 2506

Test Method: Asbestos identification in bulk samples by polarised light microscopy and Dispersion Staining, in accordance with AS 4964-2004 Method for the Qualitative Identification of Asbestos in Bulk Samples and Clearsafe Method SOP.ID.01.

Notes:

- The results contained within this report relate only to the samples tested.
- This report should not be copied, presented or reviewed except in full.
- Detection Limit - 0.1g/kg (AS 4964)
- An independent analytical technique is recommended for the confirmation of vinyl and bituminous sample results



**NATA ACCREDITED LABORATORY NO. 18542**  
This Document is issued in accordance with NATA's accreditation requirements and is accredited for compliance with ISO/IEC 17025. The results of the tests, calibrations and / or measurements included in this document are traceable to Australian / International Standards.

Sample No.	Sample Location	Sample Description	Analytical Result
1357 / 1	Approx 20m NW of Warwick St Gate Entrance, on ground, Debris - Compressed cement sheeting	FCS 20 x 20 x 5mm	Asbestos Detected: Chrysotile
1357 / 2	Approx 150m SW of Warwick St, Gate Entrance, on ground, Debris - Fibre cement sheeting	FCS 150 x 150 x 5mm	Asbestos Detected: Chrysotile Amosite Crocidolite
1357 / 3	Adjacent Southern high voltage cable tower, on access track to East, on ground, Debris - Fibre cement sheeting	FCS 20 x 20 x 5mm	Asbestos Detected: Chrysotile
1357 / 4	Adjacent southern high voltage cable tower, on access track to East, on ground, Debris - fibre cement sheeting	FCS 20 x 20 x 5mm	Asbestos Detected: Chrysotile

Approved Identifier:



Ryan Heckenberg

Approved Signatory:



Ryan Heckenberg

**Analytical Result Key:**

Org: Organic Fibre

SMF: Synthetic Mineral Fibre

UMF: Unknown Mineral Fibre

FCS: Fibrous Cement Sheeting

VFT: Vinyl Floor Tile