

# PHASE 1 CONTAMINATION INVESTIGATION

Transport for NSW

Heathcote Railway Station

November 2014

J130009

C108073 : AS



## Phase 1 Contamination Investigation

### Transport for NSW

#### Heathcote Railway Station

#### EXECUTIVE SUMMARY

GreencapNAA were engaged by Transport for NSW (TfNSW), to conduct a Phase 1 Contamination Investigation for Heathcote Railway Station located at 1330 Princess Highway, Heathcote, NSW 2233, hereafter referred to as “the site”. Please refer to **Figure 1** for site location and regional context.

GreencapNAA understands that TfNSW are undertaking development works at the train station and require that a Phase 1 Contamination Investigation to be completed prior to commencing these works. As such this Phase 1 Contamination Investigation focuses on the part of Lot 4, DP 1096009 containing the train station, commuter carparks and storage areas only (2.33 hectares) rather than the entire lot.

The objective of these investigations is therefore to identify past land uses and/or activities which may be potential sources of site contamination, and to provide TfNSW with an indication of the potential contamination at the site as well as to provide any recommendations for further work if required.

Based upon the results of the site inspection and the desktop study GreencapNAA concludes the following:

- The site has been in use as part of the railway network for over a century;
- Hazardous materials such as asbestos, lead (paint), polychlorinated biphenyls (PCBs) and ozone depleting substances are present on site, please refer to the GreencapNAA Hazardous Materials Register Report (October 2014) for full extent and details of how these materials are to be managed;
- There is potential for contaminated fill to be present on the site, especially beneath the hardstand of the platform and within the footprint of the former rail siding. It is recommended that if any works are to take place requiring exposure of this fill material that chemical testing and visual characterisation be undertaken prior to commencement of works;
- There is a potential for contamination of soil and groundwater on the site as a result of impacts from off-site sources (i.e. spills and leaks from the service stations and vehicle servicing centre to the south-west of the site). If works on-site are expected to intersect groundwater it is considered that a prior investigation be undertaken to assess potential contamination of that groundwater, most notably from petroleum products; and

Staff working with rail ballast along the railway line should wear appropriate personal protective equipment to ensure that they are not exposed to potential pesticides (predominantly arsenic-based and organochlorine pesticides). This investigation has been carried out in accordance with GreencapNAA proposal number J130009-Q and the scope of works listed therein. This report should be read in full along with the figures and appendices attached and should not be separated from them. This report is subject to our standard limitations and may not be relied upon by third parties not named herein.

### **Statement of Limitations**

This report has been prepared in accordance with the agreement between Transport for NSW and GreencapNAA.

Within the limitations of the agreed upon scope of services, this work has been undertaken and performed in a professional manner, in accordance with generally accepted practices, using a degree of skill and care ordinarily exercised by members of its profession and consulting practice. No other warranty, expressed or implied, is made.

This report is solely for the use of Transport for NSW and any reliance on this report by third parties shall be at such party's sole risk and may not contain sufficient information for purposes of other parties or for other uses. This report shall only be presented in full and may not be used to support any other objective than those set out in the report, except where written approval with comments are provided by GreencapNAA.

### **Sampling Risks**

It is noted that professional judgment has been used to interpret the data obtained from site sampling and subsequent laboratory testing in order to characterise contamination that is present on site. Transport for NSW accepts that even a comprehensive sampling and testing program, implemented with the appropriate equipment and experienced personnel under the direction of a trained professional who functions in accordance with a professional standard of care, may fail to detect certain conditions because they are hidden and therefore cannot be considered in development of a sub-surface exploration program.

Contaminant movement within the soil and within groundwater can follow paths of high permeability and it is possible that sampling will not have intersected these preferential pathways. In the case of groundwater, the flow can follow relatively narrow migration paths within minor aquifers. GreencapNAA is available to explain these risks and risk reduction methods to Transport for NSW, but in any event, the scope of services included with the Proposal is that which Transport for NSW agreed to or selected in light of his own risk preferences and other considerations.

Sampling of soil or groundwater may result in contamination of certain sub-surface areas, as when a probe or boring device moves through a contaminated area, linking it to an aquifer or other water body not previously contaminated. GreencapNAA has applied its best efforts to minimise and eliminate such cross contamination during the conduct of any sub-surface investigation. Because sub-surface sampling is a necessary aspect of the work which GreencapNAA may perform on Transport for NSW's behalf, Transport for NSW waives any claims against GreencapNAA and agrees to defend, indemnify and hold GreencapNAA harmless from any claims or liability for injury or loss which may arise as a result of alleged cross contamination caused by sampling.

### **Reliance on Information Provided by Others**

Whilst the techniques used in the assessment are in accordance with recognised industry standards, the investigations also rely on information provided to GreencapNAA by third parties. Naturally, GreencapNAA cannot guarantee completeness or accuracy of any descriptions or conclusions based on information supplied to it during site surveys, visits and interviews. The extent of risk Transport for NSW wishes to accept is something which Transport for NSW must determine and accordingly, Transport for NSW waives any claim against GreencapNAA and agrees to defend, indemnify and hold GreencapNAA harmless from any claim or liability for injury or loss allegedly arising from errors, omissions or inaccuracies in documents or other information provided to GreencapNAA by Transport for NSW.

### **Recommendations for Further Study**

NAA's preliminary findings which may result from this investigation/study may require verification through further analytical testing programs. The final decision to conduct additional investigative activities will be dependent upon Transport for NSW assessment of the business risks involved. Transport for NSW agrees to hold GreencapNAA harmless from any claim, losses or damages arising out of Transport for NSW's rejection of any additional work suggested by GreencapNAA as a result of the work performed hereunder.

# Phase 1 Contamination Investigation

## Transport for NSW

### Heathcote Railway Station

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## INTRODUCTION

GreencapNAA were engaged by Transport for NSW (TfNSW), to conduct a Phase 1 Contamination Investigation for Heathcote Railway Station located at 1330 Princess Highway, Heathcote, NSW 2233, hereafter referred to as “the site”. Please refer to **Figure 1** for site location and regional context.

This Phase 1 Contamination Investigation was prepared for Mr Mark Robinson of TfNSW and was undertaken under the existing Professional Services Contract 2858/002 as managed under the Planning and Environment Services Support Panel.

The work has been conducted in accordance with the scope of works and limitations set out in GreencapNAA’s proposal ‘J130009 Phase 1 Contamination Investigation Wentworth Falls Heathcote’ dated November 2014 and with reference to NSW OEH (2011) *Guidelines for Consultants Reporting on Contaminated Sites*. GreencapNAA is not responsible for changes to the report findings arising from changes in site conditions that have occurred since the time of the investigation.

## OBJECTIVE

GreencapNAA understands that TfNSW are undertaking development works at the train station and require that a Phase 1 Contamination Investigation to be completed prior to commencing these works. As such this Phase 1 Contamination Investigation focuses on the part of Lot 4, DP 1096009 containing the train station, commuter carparks and storage areas only (2.33 hectares) rather than the entire lot.

The objective of these investigations is therefore to identify past land uses and/or activities which may be potential sources of site contamination, and to provide TfNSW with an indication of the potential contamination at the site as well as to provide any recommendations for further work if required.

## SCOPE OF WORK

Based on correspondence from the Client and our understanding of the requirements for a Phase 1 Contamination Investigation, the following scope of works was completed:

- Identification of the proposed works;
- Search of the current and historical titles and Deposited Plans in order to identify previous owners that may indicate a potentially contaminating activity;
- Search of the historical aerial photos to identify land uses and changes in the land that may indicate potential for contamination;
- A review of the soil, geological, salinity, acid sulfate soils and topographical maps for the region;
- Review of local meteorology;
- A search of the Contaminated Land Register for Notices issued under the *Contaminated Land Management Act 1997* and *Protection of the Environment Operations Act 1997*;
- Review of Section 149(2) and (5) planning certificates;
- A search of the NSW Office of Water Groundwater Bore Database;
- Undertake a site visit with a view to identify potential contaminating activities, signs of contamination, storage and disposal practices and areas of potential contamination concern; and
- Preparation of this Phase 1 Contamination Investigation report.

We note that an optional search of Dangerous Goods licensing records held by WorkCover was not undertaken as part of this assessment due to time constraints, however can be completed if requested by the Client.

It is noted that no soil or water samples were collected as part of this assessment.

## SITE IDENTIFICATION

The site has been identified as Heathcote Railway Station, located at 1330 Princess Highway, Heathcote NSW 2233. Specific details are included in Table 1 and the site locality is presented in **Figure 1**.

TABLE 1: SITE IDENTIFICATION	
ITEM	DETAILS
Site Address	1330 Princess Highway, Heathcote NSW 2233
Lot and DP Number	Part Lot 4 in DP 1096009
Local Government Area	Sutherland Shire
Parish	Heathcote
County	Cumberland
Locality	Heathcote
Total Site Area	Approximately 23,300m <sup>2</sup> (2.33 hectares) - portion of lot occupied by train station and car parks
Site Description	Railway Station
Site Locality Map	Refer to <b>Figure 1</b>

The site is bounded to the north by the Princes Highway with mixed residential and commercial landuse beyond this. Land to the east comprises residential development and the Sutherland Shire Emergency Centre in the south-east. Land to the south is predominantly bushland with a playing field further to the south. Land to the west comprises commercial and retail landuse. A Caltex Service Station, Shell Service Station and Midas Car Service Centre are located immediately to the south-west of the site.

The railway station site comprises of two platforms (one on each side of the train lines), railway tracks, rail corridors, parking areas and storage/works areas. The station platforms are connected by a pedestrian overpass elevated across the north-eastern end of the platforms. The station and train line are oriented in a northeast-southwest direction.

The area on the north-western side of the train line comprised the following:

- An elevated station platform comprising an awning in the north-east, the main building (comprising station office, customer area, amenities and a store room) and a separate building in the central south-west (comprising a general storage room and relay and signalling room);
- A commuter carpark on the north-western boundary of the elevated platform; and
- A fenced and gated base transceiver station and monopole compound recently installed as part of the DTRS project.

The land on the south-eastern side of the train line comprised the following:

- An elevated station platform comprising an awning along the central portion of the platform;
- A commuter carpark on the south-eastern boundary of the elevated platform; and
- A fenced and gated works/storage depot to the north-east of the station platform.

## SITE CONDITION AND ENVIRONMENT

### Meteorology

The following data was collected from the Bureau of Meteorology website ([www.bom.gov.au](http://www.bom.gov.au)) for the Lucas Heights (ANSTO) weather station (site number 066078), 4.8 km away from the site, over the period 1958 to 2014:

November 2014

- Average 9am temperatures ranged from 10.5°C in July to 21.3°C in January;
- Average 3pm temperatures ranged from 14.8°C in July to 24.2°C in January;
- Average maximum temperatures ranged from 15.8°C in July to 25.9°C in January and mean minimum temperatures ranged from 6.6°C in July to 17.4°C in January; and
- Average rainfall ranged from 51.3mm in September to 117.7mm in March.

This information suggests that the local climate is generally consistent with the climate of the greater Sydney region and is strongly influenced by coastal meteorological processes (such as on-shore and off-shore winds). With the exception with longer term fluctuations (e.g. El Nino and La Nina events) rainfall is generally consistent and the temperature is relatively warm.

### Topography

The topography of the site is consistent with the surrounding area. The site sits at approximately 190m AHD and is close to a local high point in the landscape (to the south-west of the site). The station has been constructed at grade but the surrounding landscape slopes roughly to the east. On the north-eastern side of the site the land slopes towards Heathcote Brook.

### Hydrogeology and Hydrology

A groundwater bore search using the Department of Natural Resources (DNR) Atlas website (NSW Government) was conducted on 12<sup>th</sup> November 2014. The search identified four registered groundwater bores within a one kilometre radius of the site, however no information was available for any of these bores. Groundwater is inferred to flow in an easterly direction in conjunction with the general local topography.

The nearest surface water body to the site is a waterway named Heathcote Brook, approximately 200m east of the site. Based upon the local topography it is inferred that runoff generated on-site flows towards this waterway. The Heathcote Brook flows in an easterly direction. To the west is Scout Gully, which runs east to west and is approximately 500m from the site. Based upon local topography it is considered that Scout Gully does not receive runoff generated from the site.

### Geology, Soil and Topography

#### Soil

A review of the *Soil Landscapes of Wollongong-Port Hacking 1:100,000 Sheet Report (Soil Landscape Series Sheet 9029-9129)* indicates that the site is situated within the Falconbridge soil landscape. The Falconbridge soil landscape consists of level to gently undulating crests and ridges on plateau surfaces of Hawkesbury Sandstone.

Soils include shallow (<50cm) earthy sands and yellow earths and very shallow localised (<30cm) siliceous sands/lithosols associated with rock outcrop.

Limitations of this landscape include shallow, highly permeable soil, very low soil fertility and isolated rock outcrop. Based on observations in the field this mapped unit corresponds strongly with the sandy nature of the soil and the regularly outcropping sandstone bedrock observed.

According to the NSW Natural Resource Atlas (<http://nratlas.nsw.gov.au>) acid sulfate soils and salinity planning maps, the site doesn't hold any elevated risk of acid sulphate soils or salinity being present.

#### Geology

A review of the *Wollongong-Port Hacking 1:100,000 Geological Series Sheet (9029-9129, Ed 1 1985)* indicates that the site is situated within the boundaries of the Hawkesbury Sandstone landscape. The Hawkesbury Sandstone is characterised by medium to coarse-grained quartz sandstone, very minor shale and laminitic lenses. Field observations of outcropping sandstone bedrock in the vicinity of the site correspond with the available mapping.



### Sensitive Local Receptors

The abovementioned Heathcote Brook is the nearest surface water body and the site is understood to lie within its catchment area. It is considered that runoff generated from the site would flow into this waterway.

The Royal National Park is located approximately 100m to the south-east of the site. Heathcote National Park is located approximately 200m to the west of the site. The nearest public park area, Whitton and Martins Creek Reserve Street Oval, is situated approximately 350m to the west of the site. Commercial development occurs to the immediate east and west of the train station. The closest residential area is approximately 100m north-east of the site.

Note that the site is located adjacent to two petrol stations (Caltex and Shell) and a vehicle servicing centre (Midas) which are all located up-gradient. Contamination resulting from spills or leaking underground storage tanks on these properties has the potential to impact on the soil and groundwater underlying the site. As such this makes the railway station itself a potential sensitive receptor to off-site landuse.

### SITE HISTORY

The site history review included detailed assessment of historical aerial photos, land titles and the Council Section 149 Planning Certificate to gain further understanding of potential contamination issues at the site.

### Aerial Photographs

Aerial photographs from 1943 to 2014 were reviewed. A detailed discussion of the findings is provided in Table 2 below. In summary, the rail line and station (including main station building and platform) is visible in the 1943 photograph and remains mostly unchanged to the 2014 photograph, with the exception of a small expansion to the main station building and the construction of a platform shelter on the southern platform.

The surrounding landscape is a mixture of commercial properties to the north with residential properties beyond as well as to the west and east. Royal National Park (declared 1879) is visible to the south and south east residential properties and remains unchanged from 1943 to 2014. The Pacific Highway can be seen in all photographs, running northeast to southwest to the west of the site. Significant development becomes apparent between 1943 and 1984, particularly along a commercial area due north of the site and residential areas surrounding. A petrol station constructed between 1984 and 2003 is visible approximately 50 metres to the south west of the site. Several small creeks connecting to the Hacking River are visible within the area of Royal National park to the east of the site from the 1984 to 2014 images (this area is not visible in the 1943 image).

TABLE 2: HISTORICAL AERIAL PHOTOGRAPHY	
DETAILS OF PHOTO	OBSERVATIONS
1943 NSW Globe (© SKM)	<p>Site:</p> <p>The rail line and station house are visible. The station house is a single building matching the location of the present day station building, but does not match the same footprint, being considerably smaller. There is also a structure immediately to the southwest of the station house, potentially a water tower. A number of individual trees/shrubs are visible at either end of the platform on the northern side. The area immediately west and south-west of the station is vegetated and undeveloped, however some cleared tracks are visible. There is cleared area immediately south of the rail line at Heathcote Station with 17 small (approximately three square metres) structures of undetermined purpose.</p>



TABLE 2: HISTORICAL AERIAL PHOTOGRAPHY		
DETAILS OF PHOTO	OBSERVATIONS	
	Surrounds:	<p>The site is surrounded by a mixture of low density residential and agricultural properties. The immediate area is sparsely developed. The Pacific Highway can be seen running north-east to south-west, to the west of the site. To the north of the site, the properties appear to be residential and/or commercial and are generally confined to an area bounded by cleared tracks which correspond to present day Princess Highway, Oliver Street, Lyne Lane, Roseberry Street and Veno Street.</p> <p>To the north-east, Heathcote Railway Cottage, and two additional cottages along the current Wilson Parade can be seen. All three are heritage listed under Sutherland Draft SLEP 2013 Items 1702, 1709, and 1706).</p> <p>To the south, is an area of vegetation matching the western boundary of present day Royal National Park (declared in 1879).</p> <p>To the south-west there are several buildings of undetermined use approximately 60 metres north of the intersection of Whitton Street and the Princess Highway and what appears to be a residence approximately 95 metres south-west of the same intersection.</p>
1947 Run 15	Site:	No significant changes are apparent between the 1943 and 1947 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 1943 and 1947 images in the surrounding area.
1961 Run 49	Site:	No significant changes are apparent between the 1947 and 1961 images in the immediate vicinity of the site with the exception of a platform shelter along the southern platform. It is possible this shelter existed previously but was not visible due to the resolution of previous imagery.
	Surrounds:	<p>Wilson Parade extends to the south west of the site, with new residential development visible to the east of Wilson Parade at the northern boundary of the National Park. Some additional commercial properties are visible due north of the site along the Princess Highway between Oliver Street, Lyne Lane, Roseberry Street and Veno Street.</p> <p>Considerable development of medium density residential properties is apparent to the west (including the addition of a trailer park to the south west of the site between the Princess Highway and the rail line), north and east, however the National Park remains unchanged from the 1943 image.</p>

TABLE 2: HISTORICAL AERIAL PHOTOGRAPHY		
DETAILS OF PHOTO	OBSERVATIONS	
1965 Run 20E	Site:	The area containing small structures visible in the 1943 image is now mostly vegetated, however a cleared strip is visible approximately 80 metres due south of the main station building.
	Surrounds:	No significant changes are apparent between the 1961 and 1965 images in the surrounding area with the exception of a large circular cleared area approximately 400 metres to the south west of the site, the area of which corresponds to present day Heathcote oval and some additional development of the residential areas to the west, north and east.
1975 Run 2	Site:	No significant changes are apparent between the 1965 and 1975 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 1965 and 1975 images in the surrounding area.
1984 Run 5	Site:	Some vegetation clearance is visible along the southern boundary of the train line and to the west of the station. This latter clearing extends across to the trailer park described below. Additionally, a small structure immediately adjoining the main station building to the west is visible. It is possible this structure existed previously but was not visible due to the resolution of previous imagery.
	Surrounds:	No significant changes are apparent between the 1975 and 1984 images in the surrounding area with the exception of an area approximately 250 metres south west of the main station building. This area includes cleared tracks and and 33 small structures. This area corresponds to a trailer park currently operating on the site and visible in more recent images.
1994 Run 3	Site:	The only notable change apparent between the 1984 and 1994 images in the immediate vicinity of the site is the construction of a petrol station approximately 50 metres south west of the main station building. This property appears fully constructed and operational in this image.
	Surrounds:	No significant changes are apparent between the 1984 and 1994 images in the surrounding area.
1998 Run 2	Site:	No significant changes are apparent between the 1994 and 1998 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 1994 and 1998 images in the surrounding area.
2003	Site:	No significant changes are apparent between the 1998 and 2003 images in the immediate vicinity of the site.

TABLE 2: HISTORICAL AERIAL PHOTOGRAPHY		
DETAILS OF PHOTO	OBSERVATIONS	
Google Earth	Surrounds:	No significant changes are apparent between the 1984 and 2006 images in the immediate vicinity of the site. The trailer park to the south west of the site has expanded to the boundary of the petrol station and some additional residential and commercial properties is visible, particularly to the north east.
2004 Google Earth	Site:	No significant changes are apparent between the 2003 and 2004 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2003 and 2004 images in the surrounding area.
2005 Google Earth	Site:	No significant changes are apparent between the 2004 and 2005 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2004 and 2005 images in the surrounding area.
2007 Google Earth	Site:	No significant changes are apparent between the 2005 and 2007 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2005 and 2007 images in the surrounding area.
2009 Google Earth	Site:	No significant changes are apparent between the 2007 and 2009 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2007 and 2009 images in the surrounding area.
2011 Google Earth	Site:	No significant changes are apparent between the 2009 and 2011 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2009 and 2011 images in the surrounding area.
2012 Google Earth	Site:	No significant changes are apparent between the 2011 and 2012 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2011 and 2012 images in the surrounding area.
2013 Google Earth	Site:	No significant changes are apparent between the 2012 and 2013 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2012 and 2013 images in the surrounding area.
2014 Google Earth	Site:	No significant changes are apparent between the 2013 and 2014 images in the immediate vicinity of the site.
	Surrounds:	No significant changes are apparent between the 2013 and 2014 images in the surrounding area.

## Titles

The historic titles and transfers are presented in **Appendix A**. A historical title search was conducted for Heathcote Railway Station on 11<sup>th</sup> November 2014. The historical information gathered from the search is as follows:

	<b>(Lot 4 DP 1096009)</b>
2006 – to date	Rail Corporation New South Wales

	<b>(Lot 1 DP 809715)</b>
1991 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1991	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

	<b>(Lot 2 DP 853887)</b>
1995 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

	<b>(Lot 2 DP 872455)</b>
1997 – 2006	Rail Corporation New South Wales
	<b>(Lot 1 DP 853887)</b>
1995 – 1997	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

	<b>(Lot 3 DP 853887)</b>
1995 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

This information suggests that the site has been used for the purpose of rail transport (or has been owned for this purpose) for over 100 years. Prior to this the site was owned by private landowners. No indication of former landuse was able to be identified as a result of the review of titles.

### Section 149 Certificate

The Section 149(2)(5) Certificate for the site under the Environmental Planning and Assessment Act 1979 is presented in Appendix C of this report. The information provided indicates that the zonings of the property are Zone 21 – Railway (LEP 2006) and in a ZSP2 Infrastructure Railway (Draft LEP 2013).

According to the certificate the site is not affected by any matters prescribed under the *Contaminated Land Management Act 1997*.

Some of the land to which the Section 149(2)(5) Certificate relates is bushfire prone land as defined under the Environmental Planning and Assessment Act 1979. Clause 21 of Sutherland Shire LEP 2006 applies to this land as it is bush fire prone.

### Contaminated Land Database

The NSW EPA Contaminated Land Database (Sites Notified to or by EPA and Records of Notice) was searched to assess if the site or surrounding properties have been declared as contaminated. It should be noted this database is not a comprehensive list of all contaminated land in NSW as this database only lists sites regulated under the Contaminated Land Management Act, 1997.

The EPA Contaminated Land: Record of notices EPA search was undertaken on the 13<sup>h</sup> November 2014 for the Sutherland Shire Council local government area. Sites are placed on this list only if the EPA has issued a regulatory notice in relation to the site under the Contaminated Land Management Act 1997.

The search did not identify any records relating to, or proximate to, the subject site. The nearest registered sites on the Contaminated Land Database was the BP Service Station located at 1234 Princes Highway, Engadine and the BP Service Station located at 963 Old Princes Highway, Engadine, which are approximately 1.4 km and 3.0 km to the north of the site respectively.

### Site History Summary

**This site history assessment has been prepared in lieu of historic aerial photographs which were not available at the time of issuing this draft report.**

The available historical title information for the site dates back to 1883. The title search identified some changes in individual ownership of portions of land making up the site from 1883 to 1885, however no information relating to the specific uses of the land was identified. The Rail Corporation of New South Wales has had ownership of the land associated with the site from 1885 to present.

Review of the Section 149 for the site determined that the zonings of the property are Zone 21 – Railway (LEP 2006) and in a ZSP2 Infrastructure Railway (Draft LEP 2013). The Sutherland Shire 2006 LEP lists this

property as the location of a heritage item, however this heritage item will be removed from the finalised Sutherland Shire 2013LEP. GreencapNAA were informed by Sutherland Shire Council that the heritage item is an old station master's cottage that adjoins the railway site, however is currently outside the boundaries of Lot 4, DP 1096009.

The land is not in a conservation area and no critical habitats have been identified at the site. There are no known matters arising under the Contaminated Land Management Act 1997 with regard to the site.

## SITE INVESTIGATION

GreencapNAA undertook a site inspection on the 13<sup>th</sup> November 2014 as part of the works associated with this Phase 1 Contamination Investigation. The inspection was carried out by Jonathon Hilliard of GreencapNAA. The station attendant provided information as required during the course of the inspection.

The site is currently in use as an active train station on the Illawarra Train Line and comprises two platforms oriented in a roughly north-east - south-west direction as well as associated commuter car parks, Base Transceiver Station (as part of the DTRS) and storage/works depot. The station is accessed by a pedestrian overpass which is located in the north-east of the platforms and as already discussed, a number of structures are present on the platform. The station is serviced by two commuter car parks. One is located off the Princes Highway and the other off Wilson Parade.

The storage/works depot is located to the north-east of the station and at the time of the inspection, was storing a number of soil, aggregate and construction waste stockpiles. The site representative was unaware of the purpose of the depot or nature of the stockpiled material.

Two general storage rooms were present on the site. One was situated in the main station building on the south-western end of the structure. This storage room predominantly housed files and maintenance equipment. Some paint and graffiti remover was also housed in this storage room in small quantities (three cans in total).

The second storage room was situated in the south-western structure which also comprised the relay and signalling equipment (in a separate room). This room stored a range of cleaning products. While bunding was provided in the room the majority of the products were situated on shelves away from the bunding. However, the paved surface overlying the foundation of this building was in good condition and showed no signs of staining. Safety Data Sheets and a chemical register (last updated 16 August 2012) were present in a folder in this room.

A hazardous materials register has been completed for the site and identifies asbestos containing materials, polychlorinated biphenyls, lead-based paints and ozone depleting substances situated on the station. Reference should be made to this document (GreencapNAA, October 2014) for further detail regarding hazardous building materials.

The majority of the site (including commuter car parks and station platform) were fully paved with asphalt. Buildings were situated on concrete slabs. The station platforms themselves were partially raised above the current grade, indicating potential in-filling of the void to raise the platform surface. The train line itself was covered in rail ballast predominantly comprising cobbles of basalt.

During the investigation a number of potentially contaminating activities were identified off-site which have the potential to impact the soil and groundwater beneath the station footprint. These included the following:

- The Caltex Service Station to the south-west of the site;
- The Shell Service Station to the south-west of the site;
- The Midas Vehicle Service Centre to the south-west of the site; and
- The vehicle maintenance and chemical storage areas in the Sutherland Shire Emergency Response Centre to the east of the site.

Note that the Emergency Response Centre is situated down-gradient from the site and thus unlikely to present a contamination risk. The service stations and the service centre are located in close proximity to the site and are up-gradient and therefore present a potential risk. Note that a brief inspection of the surrounding land found no indication of previous contamination investigations close to the site (e.g. groundwater well gatic covers, etc.).

Photographs from the site inspection are presented in **Appendix C**.

## POTENTIAL CONTAMINATION SOURCES

Based on the site inspection and the historical desktop assessment (not including the awaited results from the historic aerial photographs), the following sources of potential contamination are noted:

- Filling material on the station platforms;
- Hazardous building materials on the site (refer to GreencapNAA October 2014 Hazardous Building Materials Register for more information);
- Off-site contamination sources including the two service stations and the vehicle servicing centre to the south-west of the site; and
- Treatment of rail ballast for vermin and weed protection.

Based on these sources the contaminants of potential concern for the site may include (but not be limited to):

- Asbestos;
- Organochlorine pesticides (OCP);
- Petroleum hydrocarbons (Total Recoverable Hydrocarbons (TRH));
- Benzene, Toluene, Ethylbenzene and Xylenes (BTEX);;
- Polycyclic aromatic hydrocarbons (PAH);
- Polychlorinated biphenyls (PCB); and
- Heavy metals, including lead.

## CONCLUSIONS AND RECOMMENDATIONS

GreencapNAA was requested to undertake a Phase 1 Contaminated Site Investigation for the purposes of due diligence for works to take place on the Heathcote train station by Transport for New South Wales and their contractors.

Based upon the results of the site inspection and the desktop study GreencapNAA concludes the following:

- The site has been in use as part of the railway network for over a century;
- Hazardous materials such as asbestos, lead (paint), polychlorinated biphenyls (PCBs) and ozone depleting substances are present on site, please refer to the GreencapNAA Hazardous Materials Register Report (October 2014) for full extent and details of how these materials are to be managed;
- There is potential for contaminated fill to be present on the site, especially beneath the hardstand of the platform and within the footprint of the former rail siding. It is recommended that if any works are to take place requiring exposure of this fill material that chemical testing and visual characterisation be undertaken prior to commencement of works. It is considered that investigation would only be required if this material is to be exposed and disturbed during site works;
- There is a potential for contamination of soil and groundwater on the site as a result of impacts from off-site sources (i.e. spills and leaks from the service stations and vehicle servicing centre to the south-west of the site). If works on-site are expected to intersect groundwater it is considered that a prior investigation be undertaken to assess potential contamination of that groundwater, most notably from petroleum products;
- It is the opinion of GreencapNAA that the information reviewed as part of this Phase 1 assessment does not indicate a need to notify NSW EPA as outlined in the NSW DECC (2009), *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997*. However, this should be reviewed as additional information becomes available; and
- Staff working with rail ballast along the railway line should wear appropriate personal protective equipment to ensure that they are not exposed to potential pesticides (predominantly arsenic-based and organochlorine pesticides).



## **Phase 1 Contamination Investigation**

### **Transport for NSW**


#### **Heathcote Railway Station**

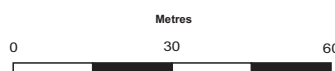
#### **Figure 1: Site Locality and Regional Context**





**Legend:**

 Site Boundary



**GREENCAP | NAA**

Level 2, 11-17 Khartoum Road

North Ryde, NSW 2113

Ph: 02-9889-1800

Fx: 02-9889-1811

Client Name:	Transport for NSW
Client Number:	C108073
Project Number:	J130009
Project Description:	Preliminary Environmental Site Assessment
Prepared:	AS Address: Heathcote Railway Station
Reviewed:	JH Figure 1: Site Location and Regional Context



## **Phase 1 Contamination Investigation**

### **Transport for NSW**

#### **Heathcote Railway Station**

#### **Appendix A: Historical Titles**

**Title Tree**  
**Lot 4 DP 1096009**

Folio Identifier 4/1096009

**See Notes (a) to (d) inclusive**

<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>
F/Identifier 1/809715	F/Identifier 2/853887	F/Identifier 2/872455	F/Identifier 3/853887
CA 51079	CA 58774	F/Identifier 1/853887	CA 58774
		CA 58774	
\	\	/	/
Conveyance Book 327 No. 219			

\*\*\*\*\*

**Summary of proprietor(s)**  
**Lot 4 DP 1096009**

<b>Year</b>	<b>Proprietor</b>
	<b>(Lot 4 DP 1096009)</b>
2006 – todate	Rail Corporation New South Wales

**See Notes (a) to (d) inclusive**

**Note (a)**

	<b>(Lot 1 DP 809715)</b>
1991 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1991	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

\*\*\*\*\*

**Note (b)**

	<b>(Lot 2 DP 853887)</b>
1995 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

\*\*\*\*\*

**Note (c)**

	<b>(Lot 2 DP 872455)</b>
1997 – 2006	Rail Corporation New South Wales
	<b>(Lot 1 DP 853887)</b>
1995 – 1997	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

\*\*\*\*\*

**Note (d)**

	<b>(Lot 3 DP 853887)</b>
1995 – 2006	Rail Corporation New South Wales
	<b>(That piece or parcel of land, part of Portion 9 – Area 4 Acres 2 Roods 32 Perches and part of Portion 14 – Area 1 Acre 3 Roods 15 Perches, Parish of Heathcote – Conv Bk 327 No. 219)</b>
1885 – 1995	The Commissioner for Railways
1883 – 1885	Richard Jones, the younger ) executors of the Will of Robert Finlayson ) George Coleson
1883 – 1883	George Coleson

\*\*\*\*\*

### Cadastral Records Enquiry Report

**Requested Parcel :** Lot 4 DP 1096009

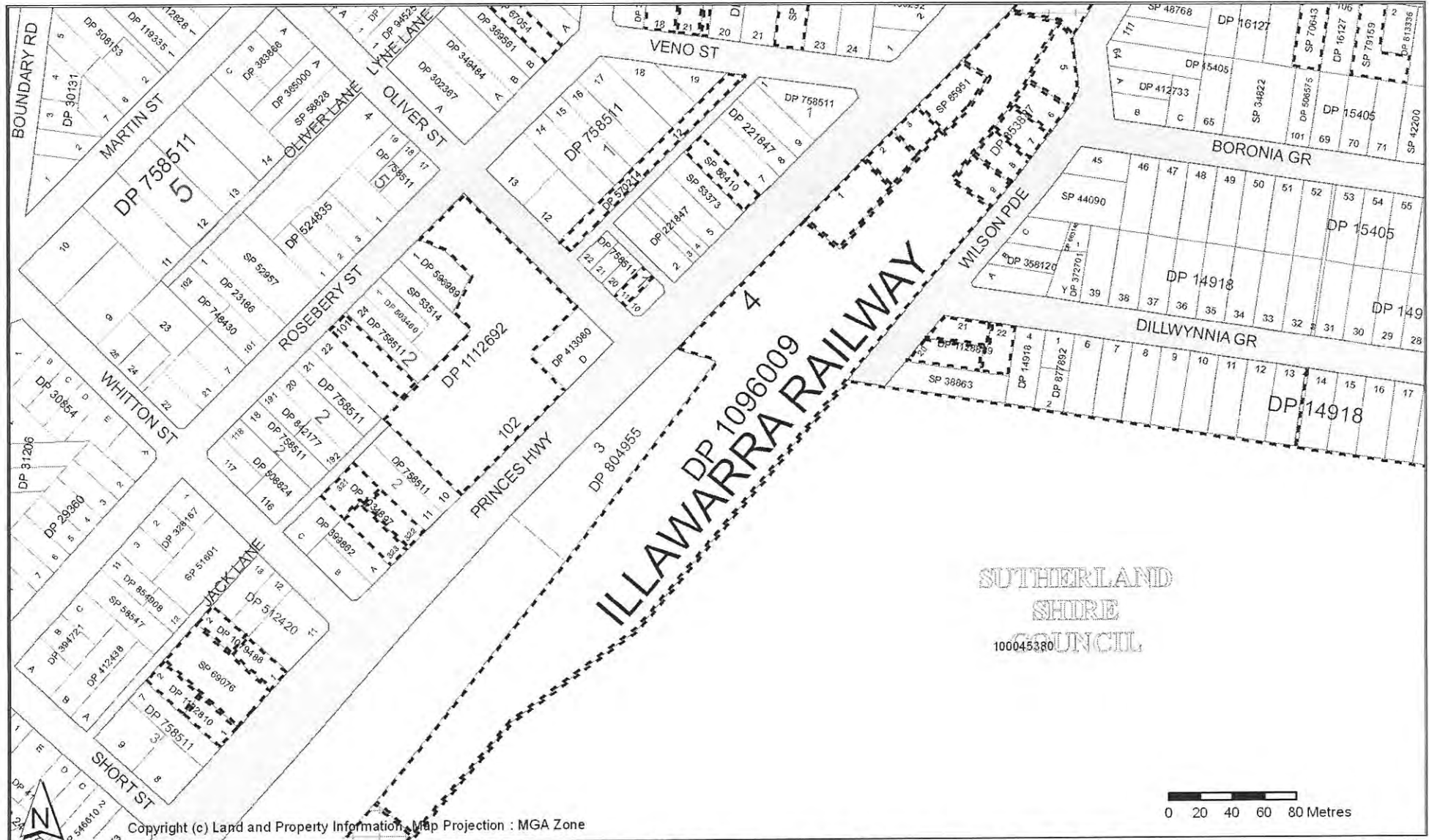
**Identified Parcel :** Lot 4 DP 1096009

**Locality :** HEATHCOTE

**LGA :** SUTHERLAND

**Parish :** HEATHCOTE

**County :** CUMBERLAND



Copyright (c) Land and Property Information. Map Projection : MGA Zone





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Information provided through Tri-Search an approved LPI NSW Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 4/1096009

SEARCH DATE	TIME	EDITION NO	DATE
11/11/2014	12:06 PM	1	19/5/2006

LAND

LOT 4 IN DEPOSITED PLAN 1096009  
AT HEATHCOTE  
LOCAL GOVERNMENT AREA SUTHERLAND SHIRE  
PARISH OF HEATHCOTE COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1096009

FIRST SCHEDULE

RAIL CORPORATION NEW SOUTH WALES (AP AC217699)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP853887 EASEMENT TO DRAIN WATER 1.8 METRE(S) WIDE AND VARIABLE APPURTENANT TO THE PART(S) OF THE LAND SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 3 DP853887 EASEMENT TO DRAIN SEWAGE 1 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

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

Noel Arnold - Hea

PRINTED ON 11/11/2014

\*ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.



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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH  
 -----

SEARCH DATE  
 -----  
 11/11/2014 12:06PM

FOLIO: 4/1096009  
 -----

First Title(s): OLD SYSTEM                   VOL 821 FOL 75  
 Prior Title(s): 1/809715                   2-3/853887  
                   2/872455

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
18/5/2006	DP1096009	DEPOSITED PLAN	FOLIO CREATED CT NOT ISSUED
19/5/2006	AC217699	APPLICATION	EDITION 1

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

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PRINTED ON 11/11/2014

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

11/11/2014 12:07PM

FOLIO: 1/809715

First Title(s): OLD SYSTEM  
 Prior Title(s): CA51079

Recorded	Number	Type of Instrument	C.T. Issue
3/6/1991	CA51079	CONVERSION ACTION	FOLIO CREATED EDITION 1
18/5/2006	DP1096009	DEPOSITED PLAN	FOLIO CANCELLED

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

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH  
 -----

SEARCH DATE  
 -----  
 11/11/2014 12:08PM

FOLIO: 2/853887  
 -----

First Title(s): OLD SYSTEM  
 Prior Title(s): CA58774

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
7/11/1995	CA58774	CONVERSION ACTION	FOLIO CREATED EDITION 1
18/5/2006	DP1096009	DEPOSITED PLAN	FOLIO CANCELLED

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

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

11/11/2014 12:08PM

FOLIO: 2/872455

First Title(s): OLD SYSTEM  
 Prior Title(s): 1/853887

Recorded	Number	Type of Instrument	C.T. Issue
4/11/1997	CA73602	CONVERSION ACTION	FOLIO CREATED EDITION 1
4/2/2005	AB267137	APPLICATION	EDITION 2
18/5/2006	DP1096009	DEPOSITED PLAN	FOLIO CANCELLED

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

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

11/11/2014 12:09PM

FOLIO: 1/853887

First Title(s): OLD SYSTEM  
 Prior Title(s): CA58774

Recorded	Number	Type of Instrument	C.T. Issue
7/11/1995	CA58774	CONVERSION ACTION	FOLIO CREATED EDITION 1
30/10/1997	DP872455	DEPOSITED PLAN	FOLIO CANCELLED

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

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

11/11/2014 12:10PM

FOLIO: 3/853887

First Title(s): OLD SYSTEM  
 Prior Title(s): CA58774

Recorded	Number	Type of Instrument	C.T. Issue
7/11/1995	CA58774	CONVERSION ACTION	FOLIO CREATED EDITION 1
18/5/2006	DP1096009	DEPOSITED PLAN	FOLIO CANCELLED

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

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SIGNATURE AND SEALS ONLY.

Approved for and on behalf of  
the State Rail Authority  
of New South Wales  
Authorised Officer  
*[Signature]*  
27/3/2006

Approved for and on behalf of  
the Rail Corporation  
New South Wales  
Authorised Officer  
*[Signature]*  
15/3/2006

Registered: 18/5/2006  
Title System: TORRENS  
Purpose: SUBDIVISION  
Ref Map: U0022-41 #  
Last Plan: DP809715, DP853887, DP872455

PLAN OF SUBDIVISION OF  
LOT 1 DP 809715  
LOTS 2 & 3 DP 853887  
LOT 2 DP 872455

lengths are in metres. Reduction Ratio: 1:1500

Local Govt Area: SUTHERLAND  
Locality: HEATHCOTE  
Parish: HEATHCOTE  
County: CUMBERLAND

This is sheet 1 of my plan in 2 sheets.  
(Delete if inapplicable).

I, IAN STUART JONES  
of RAILCORP DX 7035RS  
a surveyor registered under the Surveyors Act 1929, hereby  
certify that the survey represented in this plan is accurate,  
has been made in accordance with the Survey Practice  
Regulation 1996 and was completed on 27.10.05  
The survey relates to: LOTS 1-3  
Datum Line of Azimuth: "A" - "B"  
Zone: Suburban/Country  
Signature: *[Signature]*  
Surveyor registered under Surveyors Act, 1929.  
Plans used in preparation of survey/compilation:  
DP'S 809715, 853887, 872455

PANEL FOR USE ONLY for statements of intention  
dedicate public roads, to create public reserves,  
drainage, reserves, easements, restrictions on the use  
of land or positive covenants

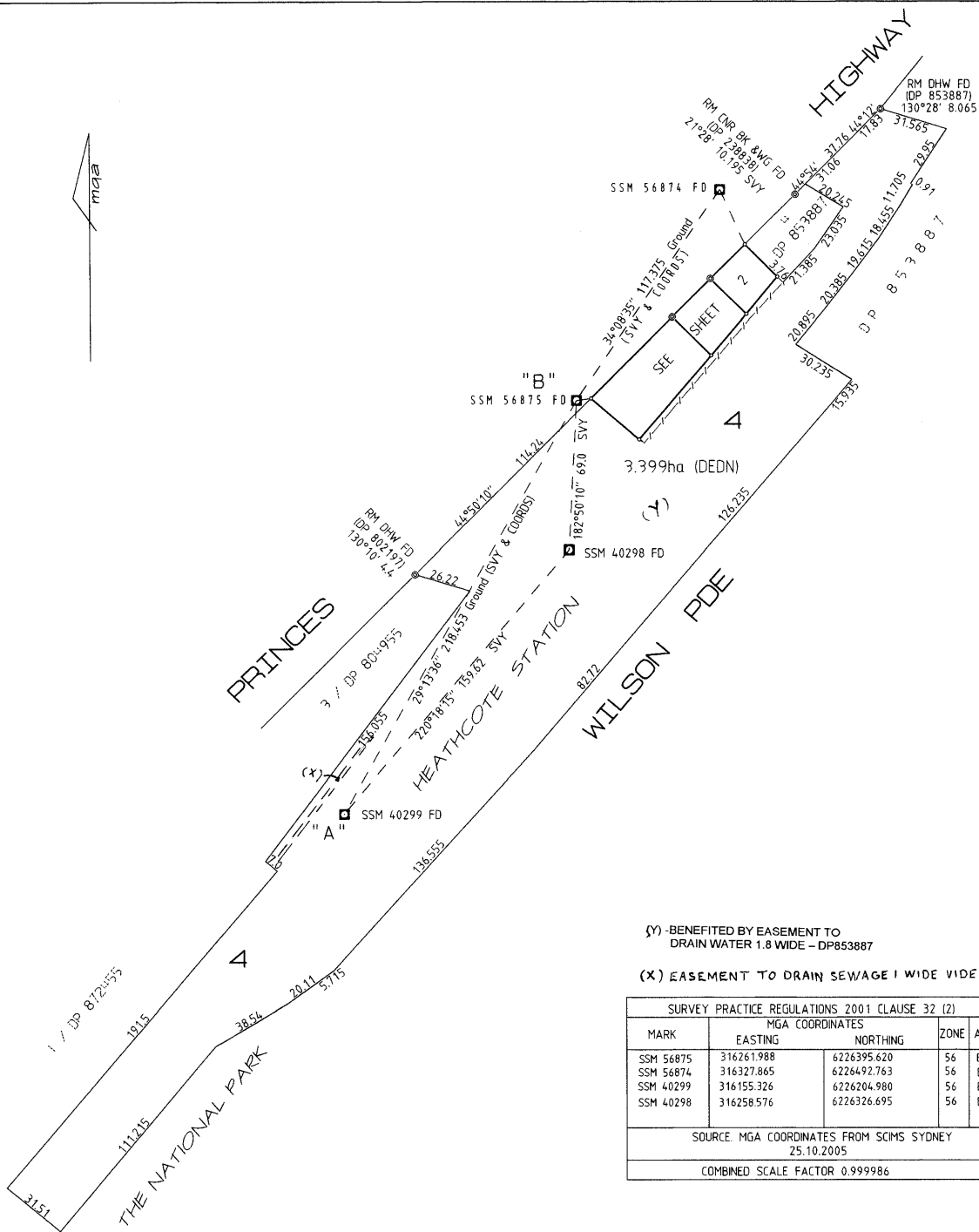
FOR VESTING IN RAILCORP  
SEE AC 217699

THIS PLAN IS EXEMPT FROM  
SUBDIVISION APPROVAL PURSUANT  
TO A VESTING ORDER MADE UNDER  
SECTION 94 OF THE TRANSPORT  
ADMINISTRATION ACT, 1988.

Crown Lands Office Approval  
PLAN APPROVED: \_\_\_\_\_ Authorised Officer  
Land District: \_\_\_\_\_  
Paper No.: \_\_\_\_\_  
Field Book: \_\_\_\_\_ pages

Subdivision Certificate  
I certify that the provisions of s.109J of the Environmental planning  
and Assessment Act 1979 have been satisfied in relation to the  
proposed \_\_\_\_\_  
set out herein  
(insert 'new road' or 'subdivision')  
\_\_\_\_\_  
Authorised Person/General Manager/Accredited Certifier  
Consent Authority: \_\_\_\_\_  
Date of Endorsement: \_\_\_\_\_  
Accreditation Number: \_\_\_\_\_  
Subdivision Certificate No.: \_\_\_\_\_  
File No.: \_\_\_\_\_

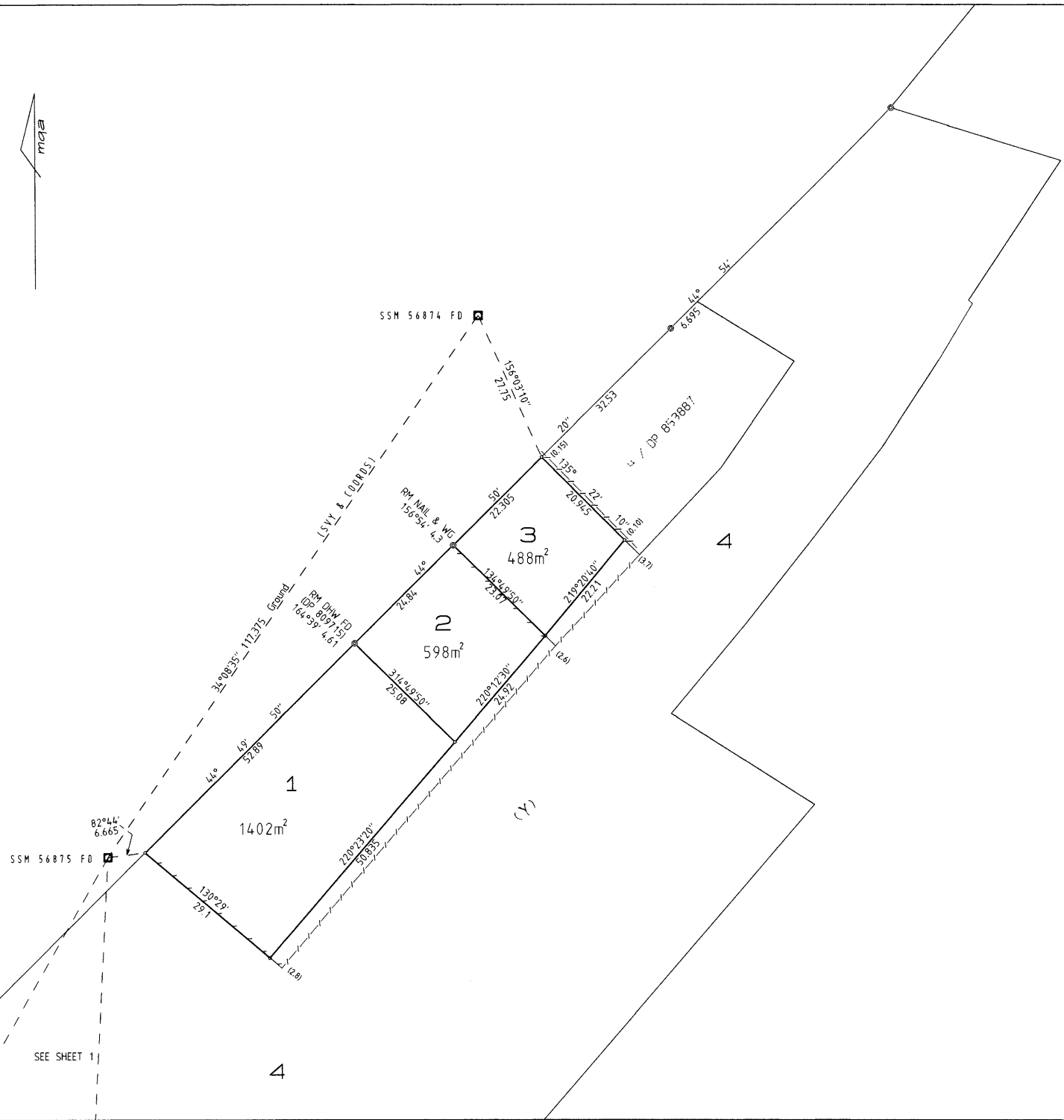
Note:  
When the plan is to be lodged electronically in the Lands Title Office  
it should include a signature in an electronic or digital format  
approved by the Registrar General.  
\* Delete if inapplicable.



(Y) - BENEFITED BY EASEMENT TO  
DRAIN WATER 1.8 WIDE - DP853887  
(X) EASEMENT TO DRAIN SEWAGE 1 WIDE VIDE DP 853887

SURVEY PRACTICE REGULATIONS 2001 CLAUSE 32 (2)						
MARK	MGA COORDINATES		ZONE	ACC	CL	
	EASTING	NORTHING				
SSM 56875	316261.988	6226395.620	56	B	2	
SSM 56874	316327.865	6226492.763	56	B	2	
SSM 40299	316155.326	6226204.980	56	B	2	
SSM 40298	316258.576	6226326.695	56	B	2	
SOURCE MGA COORDINATES FROM SCIMS SYDNEY 25.10.2005						
COMBINED SCALE FACTOR 0.999986						

PLAN FORM 3  
 To be used in conjunction with Plan Form 2  
 WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION  
 Reg: R537948 / Doc: DP 1096009 P / Rev: 22-May-2006 / Sts: SC OK / Pts: 11-Nov-2014 12:04 / Pgs: ALL / Seq: 2 of 2  
 Ref: ALL / Src: T  
 Table of mm: 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390



DP1096009

Registered: 18/5/2006  
 This is sheet 2 of my plan in 2 sheets  
 dated 31.10.05  
*[Signature]*

Surveyor registered under Surveyors Act 1929

This is sheet of the plan of sheets covered by my certificate No. of

General Manager/Authorised Person

For use where space is insufficient in any panel on Plan Form 2

Reduction Ratio 1: 500

Plan Drawing only to appear in this space.

SURVEYOR'S REFERENCE: 033-07/2  
 R30450 2/12.



Stamp Pt. 11. 11. 11.

# His Indenture

made the fourteenth day of November in the year of our Lord one thousand eight hundred and eighty five

Between Abel Harber of Saint Johns near Sydney in the Colony of New South Wales Steam Dock Manufacturer of the first part Llewellyn Charles Russell Jones of Sydney aforesaid Merchant of the second part Richard Jones the Younger of Sydney in the said Colony Esquire the surviving Trustee and one of the surviving Executors of the Will of George Beloeau late of Sturtia in the said Colony Esquire deceased and Robert Muleson of Sturtia in the said Colony Bank Attavenger the other surviving Executor of the said Will of the third part and The Commissioner for Railways

Incorporated by an Act of Council passed in the twenty second year of the reign of Her Majesty Queen Victoria Chapter 19 intituled "An Act to make more effectual provision for the construction by the Government of Railways in the Colony of New South Wales and for the regulation of the same" of the fourth part Witness by an Indenture bearing date the thirteenth day of March one thousand eight hundred and eighty three and made between Llewellyn Charles Russell Jones therein described of the one part and the said Abel Harber of the other part and registered as Chapter 311 Book 274 the land and hereditaments therein described of which the piece or parcel of land firstly described in the Schedule of Land hereunder written forms part were conveyed and assigned unto the said Abel Harber and his heirs To such uses upon such trusts and for such ends and intents and purposes as the said Abel Harber should by deed or deeds or by his last Will and Testament appoint and in default of and until such appointment To the use of the said Abel Harber his heirs and assigns for ever Witness by Deed Poll or Grant from the before bearing date the thirteenth day of June one thousand eight hundred and eighty five under the hand & Seal of Sir George Gipps then Governor of New South Wales and under the Seal of the said Colony for the consideration therein mentioned a piece or parcel of land in the said Colony containing Twenty four acres more or less situated in the County of Cumberland and Parish of Southwick at Betty Forest in the Deed Poll or Grant was in recital more particularly described of which the piece or parcel of land secondly described in the Schedule of Land hereunder written forms part was granted unto the said George Beloeau his heirs and assigns for ever Subject to the covenants therein mentioned Witness the said George Beloeau duly made and executed his last Will and Testament in writing bearing date the fourteenth day of November one thousand eight hundred and eighty two and thereby appointed the said Robert Muleson Peter Campbell Curtis (since deceased) and the said Richard Jones the Younger therein called Richard Jones Executors of his said Will and after making certain specific devises and bequests not affecting the land and hereditaments described in the said Schedule of Land hereunder written the said Testator devised all the rest residue and remainder of his real and personal estate of what nature or kind soever unto the said Peter Campbell Curtis and Richard Jones their heirs Executors and administrators respectively upon trust that they the said Peter Campbell Curtis and Richard Jones or the survivor of them and the heirs Executors and administrators as the case might be of such survivor should sell and dispose of all his real estate at such time as they might deem best and the said Testator thereby declared that the receipts of his said Trustee and Executors for the time being should effectually discharge any purchaser or other persons under that his Will or the trusts thereof and that such purchaser or other persons should not afterwards be bound to see to the application or be answerable for the misapplication or non-application thereof Witness the said Testator made a bequest to his said Will bearing date the twenty third day of December one thousand eight hundred and eighty five which

Abel Harber



Does not affect the ordinary devise of the real Estate contained in the said Will except  
as regards certain specific properties therein mentioned not including the land recently  
described in the Schedule of Land hereunder written And volentes the said George  
Bolton died on or about the tenth day of January one thousand eight hundred and eighty  
three without having willed or altered his said Will except so far as the same is altered  
by the said bequest and without having willed or altered the said bequest which  
was on the twenty fourth day of March one thousand eight hundred and eighty three granted  
by the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction to the said Robert  
Jenkins Peter Campbell Curtes and Richard Jones the younger And volentes the said  
Robert Jenkins Peter Campbell Curtes and Richard Jones the younger lately contracted and  
agreed with the said Abel Harber for the sale to him of the land described in the said  
heretofore recited Bill of Sale of the thirteenth day of June one thousand eight hundred  
and forty five at or for the price or sum of two thousand five hundred pounds but in consequence  
has been made by the said Robert Jenkins Peter Campbell Curtes and Richard Jones the  
younger in pursuance of the said contract And volentes the said Peter Campbell Curtes  
died on or about the fourteenth day of January one thousand eight hundred and eighty five  
And volentes the sum of Four hundred pounds was  
due and owing by the said Abel Harber to the said Richard Jones the younger and Robert  
Jenkins as such Trustees and Executors as aforesaid upon the contract for sale firstly  
heretofore recited And volentes prior to the date and execution of the heretofore recited  
Indenture and bill respectively the land and hereditaments mentioned set out or described in  
the Schedule of Land hereunder written were duly set out and appropriated for Railway  
purposes in connection with the Sydney to Wollongong and Kiama Railway And volentes  
it has been agreed by and between the said Abel Harber and The Commissioner for Railways  
aforesaid that the sum of one hundred and fifty five pounds two shillings shall be paid by  
the Commissioner for Railways as aforesaid as and for the purchase money for the piece or  
parcel of land firstly described in the Schedule of Land hereunder written and that the sum  
of Sixty pounds sixteen shillings and ten pence shall be paid by the said Commissioner as  
and for the purchase money for the piece or parcel of land secondly described in the said  
Schedule of Land making together the sum of Two hundred and eighty one pounds sixteen  
shillings and ten pence in full as and for the purchase money for the said two pieces or  
parcels of land and for compensation for the damage which has been or may be occasioned  
by reason of the occupation of the Railway works and the exercise of the power vested in the  
Commissioner for Railways aforesaid And volentes it has been agreed by and between the  
parties hereto of the first second and third parts that the said sums of one hundred and  
fifty five pounds two shillings and Sixty pounds sixteen shillings and ten pence shall be paid  
to the said Abel Harber and the parties hereto of the second and third parts respectively have  
agreed to give in these presents for the purpose of <sup>confirming</sup> the same and releasing unto the  
Commissioner for Railways all their interest (if any) in the land described in the said  
Schedule of Land hereunder written And this Indenture bearing date that in pursuance  
of the said agreement and in consideration of the sums of One hundred and fifty five  
pounds two shillings and Sixty pounds sixteen shillings and ten pence making together the  
sum of Two hundred and eighty one pounds sixteen shillings and ten pence or or immediately  
before the sealing and delivery of these presents to the said Abel Harber paid by The Commissioner  
for Railways at the request and by the direction of the said parties hereto of the second and  
third parts respectively testified by their being parties to and executing these presents (the receipt  
of which said sums the said Abel Harber doth hereby acknowledge) The said Abel Harber  
in exercise of the power for this purpose given to him by the heretofore recited Indenture of the  
thirteenth day of March one thousand eight hundred and eighty three and of all other powers  
(if any) in anywise enabling him in this behalf Doth hereby appoint that the piece or parcel  
of land and hereditaments firstly described in the Schedule of Land hereunder written Together  
with the rights members and appurtenances thereto belonging shall henceforth go remain and be with  
The Commissioner for Railways aforesaid his successors and assigns to be held by The Commissioner



107 Richard his successors and assigns as hereafter mentioned And this Indenture also  
Doth shew that in further pursuance of the said agreement and for the execution  
aforesaid and also in consideration of Ten Shillings or a immediately before the sealing and  
delivery of these presents to the said parties herch of the second and third part respectively  
paid by the Commissioner for Railways aforesaid (the receipt whereof and the payment in  
manner aforesaid of the said sum of Ten hundred and fifty pounds eighteen shillings  
and sixpence the said parties herch of the second and third part do hereby acknowledge  
and from the same and every part thereof do hereby release and discharge the Commissioner  
for Railways aforesaid his successors and assigns The said Abel Harber Doth herby grant  
 bargain sell alien release confirm and the parties herch of the second part at  
the request and by the direction of the said Abel Harber Doth herby grant  bargain sell  
release confirm and the said parties herch of the third part pursuant to  
and in execution of the trust for this purpose contained in the indenture recited till  
of the said George Wilson and at the request and by the direction of the said Abel Harber  
herby by his being a party to and executing these presents Do and each of them Doth  
herby grant  bargain sell alien release confirm and the Commissioner for Railways  
aforesaid his successors and assigns And this Indenture shew that the rights  
particularly described in the Schedule of said indenture within together with the rights  
members and appurtenances therch belonging shall all such estate right title and interest in  
and to the same or any part thereof as they the said parties herch of the first second  
and third part or any or either of them now are or is or shall or may become  
seid or possessed of or by the said Abel Harber or Thomas are or is expected to  
or empowered to convey To have and To hold the said lands and hereditaments with  
The Commissioner for Railways aforesaid his successors and assigns for use for and on behalf  
of the railway according to the true intent and meaning of the said Indenture each of them  
the said Richard son of George and Robert Fuller so far only as relates to the  
herby recited Deed poll or Grant of the thirtieth day of June one thousand eight hundred  
and forty five and to the acts of himself and his own heirs executors and administrators in  
relation therch and to the extent to which himself his heirs executors and administrators  
personally only while having the actual custody of the said Deed poll or Grant and so far  
as practicable to bind the same with whomever binds the same may come and not so  
as to bind himself his heirs executors or administrators or to incur any personal liability  
further or otherwise Doth herby for himself his heirs executors administrators and assigns And  
the said Abel Harber so far as relates to all the debts and incumbrances mentioned in the  
Schedule of Deeds herunder within and without any such qualification of liability as aforesaid  
Doth herby for himself his heirs executors administrators and assigns  covenant with The  
Commissioner for Railways aforesaid his successors and assigns That they the said contracting  
parties respectively and their respective heirs executors administrators and assigns under penalty  
by pre or other inevitable accident will at all times hereafter upon every request and at  
the costs of The Commissioner for Railways aforesaid his successors and assigns produce and  
show such The Commissioner for Railways aforesaid his successors and assigns or to any  
person or persons and at such place or places within the said Indenture as he or they shall  
direct or appoint the several debts and incumbrances mentioned and enumerated in the  
Schedule of Deeds herunder within for the proof and support of the title of The Commissioner  
for Railways aforesaid his successors and assigns of or to the said lands hereditaments and  
premises and will at the like request and costs make and deliver to the Commissioner for  
Railways aforesaid his successors and assigns true copies (attested or unattested as may be  
required) of all or any of the said debts and incumbrances and suffer such copies or extracts  
to be compared with the original debts or incumbrances by him or them or by such persons as  
he or they shall appoint and will in the meanwhile under penalty aforesaid keep  
the said debts and incumbrances safe whole uncancelled and unexpunged Provided always that  
if the said Abel Harber his heirs executors or administrators shall part with the said debts and  
incumbrances to any other person or persons entitled to the possession thereof and shall procure such person



It is provided to enter into and execute a deed of covenant with the Commission for the purpose of such success and objects similar to the one heretofore lastly contained and shall also such deed of covenant to him or them without any expense to him or them that the covenant for production heretofore contained in the part of the said Abel Harbor shall cease and determine and the said parties hereto declare that the following is the Schedule of said heretofore referred to.

**Schedule of Lands**

**Firstly** That piece or parcel of land situate in the Parish of Heathcote County of Cumberland and being of the South West being part of section number one commencing at the south western corner of the said section and bounded thence by its south boundary bearing east five chains forty links thence by the south eastern boundary of the Railway from Sydney to Murrumbidgee and Kiama bearing north easterly eleven chains fifty links thence by the north boundary of the said section bearing west four chains thence by the north western boundary of the said section bearing south westerly twelve chains thirty five links to the point of commencement containing Four acres two rods and thirty two perches sheweth 288 on plan and Book of Reference and being more particularly described on plan drawn in this present and colored red thence

**Secondly** That piece or parcel of land situate in the Parish of Heathcote County of Cumberland and being of the South West by part of section number fourteen commencing at the south western corner of that section and bounded thence by its south boundary bearing east <sup>four chains</sup> ~~three chains~~ north by the south eastern boundary of the Railway from Sydney to Murrumbidgee and Kiama bearing north easterly nine chains thirty links thence by the north western boundary of the said section bearing south westerly eleven chains ten links to the point of commencement containing one acre three rods and fifteen perches sheweth 286 on Plan and Book of Reference and being more particularly described on plan drawn in this present and colored red thence

and the said parties hereto declare that the following is the Schedule of Lands heretofore referred to

**Schedule of Deeds**

- 1845 December 27<sup>th</sup> Deed Poll or Grant from the Crown to William Thomas Hemming of 31 acres 2 rods and 27 perches situated in the County of Cumberland Parish of Heathcote at Bottle Point section number 4.
- 1866 April 7<sup>th</sup> Memorandum of Mortgage of this date from the said William Thomas Hemming to Alfred Joseph Registered of 955 Book 48.
- 1852 May 9<sup>th</sup> Indenture of Conveyance of this date made between the said Alfred Joseph of the one part and Stanley Charles Russell of the other part Registered of 149 Book 2411
- 1853 January 24<sup>th</sup> Agreement for Sale made between the said Stanley Charles Russell of the one part and the said Abel Harbor of the other part Registered of 146 Book 211
- 1853 March 13<sup>th</sup> Indenture of Conveyance of this date made between the said Stanley Charles Russell of the one part and the said Abel Harbor of the other part Registered of 311 Book 714
- 1845 June 30<sup>th</sup> Deed Poll or Grant from the Crown to George Wilson of 24 acres of land situated in the County of Cumberland and Parish of Heathcote at Bottle Point section number 4.

Witness my hand and seal the said parties hereto have hereunto set their hands and seals the day and year first above written

**Witness** sealed and delivered by the said Abel Harbor in the presence of  
 J. P. Leitch  
 J. P. Leitch



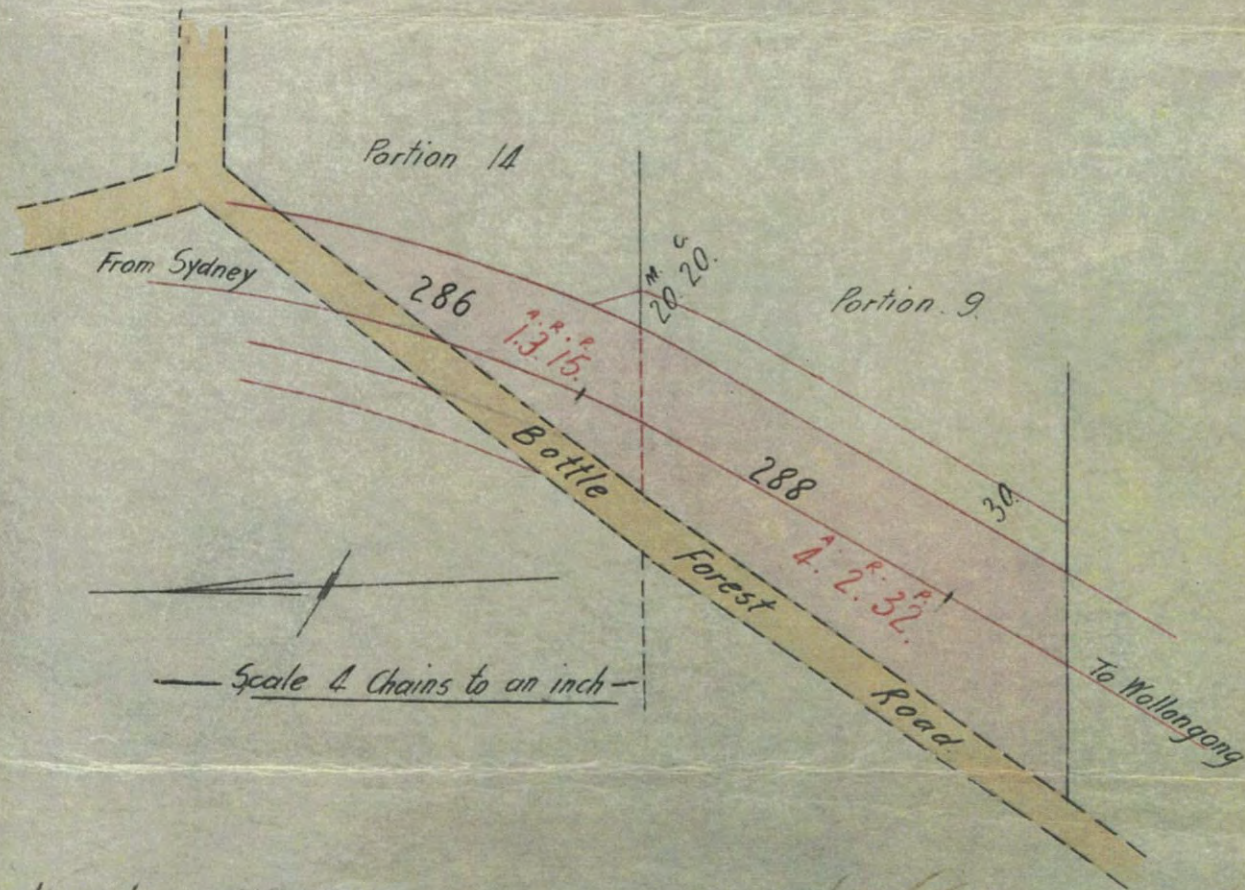
By the said Swelley Charles Russell } L. C. Russell Jones 91  
 Jones in the presence of }  
 Fredk W. Barker

By the said Richard Jones the younger } R Jones Jun. 92  
 in the presence of }  
 W. C. Symonds

By the said Robert Antrobus in the } R C Antrobus 93  
 presence of }  
 W. L. Sheppard  
 J. L. Ep. - A.C.  
 Public  
 Geometer

Received on the day and year first written of and from the }  
 person named The Commissioner for Railways the sum of Two hundred } £ 215. 15. 10  
 and fifty pounds eighteen shillings and sixpence being the consideration }  
 money written expressed to be paid by him to me

Witness my hand and seal this 15th day of }  
 1875 }  
 W. C. Symonds } Abel Storer  
 W. L. Sheppard } R C Antrobus



New South Wales }  
 Land }  
 Received into the Registrar General's Office at Sydney this 23rd }  
 day of November A.D. 1875 at 8 15 min past 5 o'clock in the afternoon from }  
 L. C. Russell Jones }  
 of Sydney }  
 W. A. Abbott }  
 Dep. Reg. Genl.



## **Phase 1 Contamination Investigation**

### **Transport for NSW**

#### **Heathcote Railway Station**

#### **Appendix B: Section 149 Certificate**

## **Applicant:**

Greencap Naa  
2/11 Khartoum Rd  
NORTH RYDE NSW 2113

## **Planning Certificate – Section 149(2)(5) Certificate Environmental Planning and Assessment Act, 1979**

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Certificate no:	e149:14/5043	Delivery option:	
Certificate date:	11/11/2014	Your reference:	J130009-Heathcote

## **Property:**

Lot 4 DP 1096009  
1330 Princes Highway HEATHCOTE NSW 2233

## **Zone:**

**Sutherland Shire Local Environmental Plan 2006**  
Zone 21 - Railway

**Draft Sutherland Shire Local Environmental Plan 2013**  
Zone SP2 Infrastructure (Railway)

### **Notes:**

- (a) *The information in this certificate only relates to the real property Identifier associated with the property and not to any licence or permissive occupancy that may be attached to and included in the property details contained in the description of the land.*
- (b) *The Environmental Planning and Assessment Act 1979 will be referred to in this Certificate as 'the Act'.*

### **Disclaimer:**

- (a) *This certificate contains information provided to Council by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information.*

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**INFORMATION PURSUANT TO SECTION 149(2),  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

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**1. Names of relevant instruments and DCPs**

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

**Sutherland Shire Local Environmental Plan 2006**

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment (5/2/1999) (deemed SEPP).

\* Regional Environmental Plan No.09 (Extractive Industry (No.2) 1995) (deemed SEPP).

\* SEPP (Exempt and Complying Development Codes) 2008

\* SEPP (Affordable Rental Housing) 2009

\* SEPP No. 1 - Development Standards

\* SEPP No. 19 – Bushland in Urban Areas.

\* SEPP No. 21 – Caravan Parks.

\* SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land).

\* SEPP No. 33 – Hazardous and Offensive Development.

\* SEPP No. 39 – Spit Island Bird Habitat.

\* SEPP No. 50 – Canal Estates.

\* SEPP No. 55 – Remediation of Land.

\* SEPP No. 62 – Sustainable Aquaculture.

\* SEPP No. 64 – Advertising and Signage.

\* SEPP No. 65 – Design Quality of Residential Flat Development.

\* SEPP (Housing for Seniors or People with a Disability) 2004: (Does not apply to land to which State Environmental Planning Policy (Kurnell Peninsula) 1989 applies).

\* SEPP (Major Development) 2005.

\* SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

\* SEPP (Temporary Structures) 2007.

\* SEPP (Infrastructure) 2007.

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

Draft State Environmental Planning Policy (Competition) 2010 applies and aims to promote economic growth and competition and remove anti competitive barriers in planning and assessment.

Council has prepared a draft Standard Instrument Local Environmental Plan (draft SSLEP2013) for the Sutherland Shire. The draft plan affects all land and water within the Sutherland Shire. Following Gateway Determination, the draft SSLEP2013 was exhibited between 2<sup>nd</sup> September 2014 and 1<sup>st</sup> October 2014. The draft plan proposes changes to zoning and land use and development standards that may change development potential of individual properties. For further information please see Council's website [www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au).

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

\* Sutherland Shire Development Control Plan 2006

Note: 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**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) in any zone (however described).

- (a) The name and number of the zone:

**Sutherland Shire Local Environmental Plan 2006**

Zone 21 - Railway

**Draft Sutherland Shire Local Environmental Plan 2013**

Zone SP2 Infrastructure (Railway)

**Sutherland Shire Local Environmental Plan 2006**

**Zone 21 - Railway Zone**

- (b) Development allowed without development consent:

Development for the purpose of:  
bush fire hazard reduction work, cycle access, drainage, pedestrian access, railways.

Exempt development.

- (c) Development that requires development consent:

Development (other than development included in item (b)) for the purpose of:  
community facilities, passenger transport facilities, recreation areas, roads, utility installations (except for gas holders or generating works).

Demolition not included in item (b).

- (d) Development that is prohibited within the zone:

Any development other than development included in (b) or (c).

**Sutherland Shire Local Environmental Plan 2006  
Clauses 28, 29, and 31**

Clause 28 Subdivision - consent requirements,  
Clause 29 Crown development and public utilities, and/or  
Clause 31 Development for group homes,  
of Sutherland Shire Local Environmental Plan 2006 apply to this  
property.

**Draft Sutherland Shire Local Environmental Plan 2013  
Zone SP2 Infrastrucutre**

- (b) Development allowed without development consent:

Nil

- (c) Development that requires development consent:

Food and drink premises; Roads.

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

- (d) Development that is prohibited within the zone:

Any other development not specified in item 2 or 3

- (e) Minimum land dimensions fixed for the erection of a dwelling-house on the  
land:

Under SSLEP2006 there are no relevant development  
standards for the erection of a dwelling house due to  
site dimensions.

Under Draft Sutherland Shire Local Environmental Plan 2013 there are  
no relevant development standards for the erection of a dwelling house  
due to site dimensions.

- (f) Does the land include or comprise critical habitat?

No

(g) Is the land in a conservation area?

No

(h) Is an item of environmental heritage situated on the land?

The Sutherland Shire Local Environmental Plan 2006 lists this property as the location of a heritage item and clause 54 applies.

The Draft Sutherland Shire Local Environmental Plan 2013 proposes to remove the heritage listing of this property. For further information, please contact Council's Environmental Planning Unit on 9710 0800.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

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

- (a) Part 3 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (**the 2006 SEPP**), or
- (b) a Precinct Plan (within the meaning of the 2006 SEPP), or
- (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).

Note: Sutherland Shire Council does not currently have any land in the Growth Centres that has been zoned by a Precinct Plan in the Appendices to this SEPP, proposed to be zoned in a draft Precinct Plan (that has been publicly exhibited or formally consulted on) or has been zoned under Part 3 of the Growth Centres SEPP.

### 3. Complying Development

- (1) The extent to which 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 (1) (c) to (e), (2), (3) and (4) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

#### **General Housing Code**

Complying development may not be carried out under the General Housing Code. The land is affected by specific land exemptions. The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps. The land is wholly identified by an environmental planning instrument as land reserved for a public purpose.

(Note: this code applies only to land within, or proposed to be within, the following zones R1, R2, R3, R4 or RU5. Check the zoning on the front of this certificate.)

#### **Housing Alterations Code**

Complying development under the Housing Alterations Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions: The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

#### **Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations Code may only be carried out on that part of the land not affected by a specific land exemption. The land is affected by the following specific land exemptions: The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

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

Complying development may not be carried out on the land under the General Commercial and Industrial Code. The land is affected by



specific land exemptions.

The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps. The land is wholly identified by an environmental planning instrument as land reserved for a public purpose.

(Note: this code applies only to land within, or proposed to be within, the following zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3. Check the zoning on the front of this certificate.)

### **Subdivisions Code**

Complying development under the Subdivisions Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions: The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

### **Rural Housing Code**

Complying development may not be carried out on the land under the Rural Housing Code. The land is affected by specific land exemptions. The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps. The land is wholly identified by an environmental planning instrument as land reserved for a public purpose.

(Note: this code applies only to land within, or proposed to be within, the following zones RU1, RU2, RU3, RU4, RU6 or R5. Check the zoning on the front of this certificate.)

#### **General Development Code**

Complying development under the General Development Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions: The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

#### **Demolition Code**

Complying development under the Demolition Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions: The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

#### **Fire Safety Code**

Complying development under the Fire Safety Code may only be carried out on that part of the land not affected by specific land exemptions. The land is affected by the following specific land exemptions. The land is partially a heritage item. For more information on the extent of the item please refer to the Sutherland Shire Local Environmental Plan 2006 - Heritage maps.

## **4. Coastal Protection**

Is the land affected by section 38 or 39 of the *Coastal Protection Act 1979* (so far as Council has been notified by the Department of Services, Technology and Administration)?

No

### **4A. 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 temporary 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.
- (2) In relation to a coastal council:
  - (a) whether the Council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the

- meaning of that Act) have been placed on the land (or on public land adjacent to that land), and
- (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.

Note: Sutherland Shire Council has not issued any orders or been notified of any temporary coastal protection works to date.

#### **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).

There are no properties subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services.

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

#### **5. Mine Subsidence**

Is the land proclaimed to be mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*?

No

#### **6. Road Widening and Road Realignment**

(a) Is the land affected by a road widening or road realignment under Division 2 of Part 3 of the *Roads Act 1993*?

No

(b) Is the land affected by any road widening or road realignment under any environmental planning instrument?

No

- (c) Is the land affected by any road widening or road realignment under any resolution of the Council?

No

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

- (a) Is the land affected by a policy adopted by the council that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulfate or any other risk?

Clause 21 of Sutherland Shire Local Environmental Plan 2006 applies to this land as it is bush fire prone.

- (b) Is the land affected by a policy adopted by any other public authority that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate or any other risk?

No

## **7A. Flood related development controls information**

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

No

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

No

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

## 8. Land reserved for acquisition

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

### **Sutherland Shire Local Environmental Plan 2006**

#### **Clause 26 Acquisition of land**

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State indicated in Column 2 of the Table to this clause in relation to the land specified in Column 1 of the Table (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

(3) A reference to vacant land in the Table to this clause is a reference to land on which there are no buildings, except for aviaries, barns, conservatories, cycle sheds, fences, fowl houses, fuel sheds, garages, greenhouses, hay sheds, milking bails, pig sties, private boat houses, stables, summer houses, tool houses or similar buildings.

Column 1	Column 2
Land	Authority of the State
Zone 12-Special Uses and lettered <del>“Community Facility”</del> on the map	The Council
Zone 12-Special Uses and lettered <del>“Parking”</del> on the map	The Council
Zone 13-Public Open Space (except for land specified in Schedule 5)	The Council
Zone 14-Public Open Space (Bushland) (except for land specified in Schedule 5)	The Council

Land specified in Schedule 5 that is in Zone 13-Public Open Space or Zone 14-Public Open Space (Bushland)	The corporation
Zone 21-Railway	Rail Corporation New South Wales
Zone 22-Arterial Road or Zone 24-Transport Reservation: a) vacant land and not on the 5 year works program of the Roads and Traffic Authority, or (b) in any other case	The corporation  Roads and Traffic Authority
Zone 23-Road	The Council

## 9. Contribution Plans

Council has adopted the following Contribution Plans that apply to the land:

- \* The 2005 Shire Wide Open Space and Recreation Facilities Contribution Plans applies to this property (Effective 1/1/05).
- \* The 2003 Community Facilities Contributions Plan applies to this property (Effective 14/12/04).

## 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.

No

## 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).

No

## **11. Bush fire prone land**

Is the land bush fire prone?

Some of the land to which this certificate relates is bushfire prone land as defined under the Environmental Planning and Assessment Act 1979.

## **12. Property Vegetation Plans**

Has Council been notified that a property vegetation plan under the *Native Vegetation Act 2003* applies to the land?

No

## **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 Council has been notified of the order).

No.

## **14. Directions under Part 3A**

Is there 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 that does not have effect?

No

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

Is there a current site compatibility certificate (seniors housing) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, of which the council is aware, in respect of proposed development on the land? If there is a certificate, the period for which the certificate is current. Are there 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?

No

## **16. Site compatibility certificates for infrastructure**

Is there a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land?

No

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

Is there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land? If so this statement sets out the period for which the certificate is current and any conditions pursuant to cl17(1) of SEPP (Affordable Rental Housing) 2009.

No

## **18. Paper subdivision information**

Is the land subject to any development plan adopted by a relevant authority or that is proposed to be subject to a consent ballot? If so, this statement sets out the date of any subdivision order that applies to the land.

Note: Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

No

## **19. Site verification certificates**

Is there a current site verification certificate, of which the council is aware, in respect of the land?

If so, this statement includes:

- (a) the matter certified by the certificate, and
- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.

Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.



No

**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) Is the land significantly contaminated land within the meaning of that Act?  
No
- (b) Is the land subject to a management order within the meaning of that Act?  
No
- (c) Is the land the subject of an approved voluntary management proposal within the meaning of that Act?  
No
- (d) Is the land subject to an ongoing maintenance order within the meaning of that Act?  
No
- (e) Is the land subject of a site audit statement within the meaning of that Act?  
No

### **Any Other Prescribed Matter**

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

No

### **Additional Information**

Council holds additional information relating to this property for provision in accordance with Section 149(5) of the Environmental Planning and Assessment Act, 1979.

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**ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5),  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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The following additional information relating to the land is provided in good faith. The information is not exhaustive of matters likely to affect the land. Section 149(6) states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).

The land may contain drainage infrastructure within an easement which is protected by statutory rights of access and maintenance. Further information is available on the Deposited Plan/Strata Plan and associated instruments. Council's records indicate that one or more of the activities listed in Table 1 of the Managing Land Contamination Planning Guidelines 1998 may have been undertaken and/or approved on the land. Council's records do not currently contain sufficient information to determine that there is actual contamination of the land. Council may require further investigation of potential contamination, and remediation action where contamination is found, particularly if the land is to be redeveloped or the land use is to be changed to a more sensitive use. Please contact Council for further information.

For further information please telephone [02] 9710 0333.

Yours faithfully



J W Rayner  
General Manager

## **Phase 1 Contamination Investigation**

### **Transport for NSW**

#### **Heathcote Railway Station**

#### **Appendix C: Site Photographs**



Photograph 1: Heathcote Railway Station



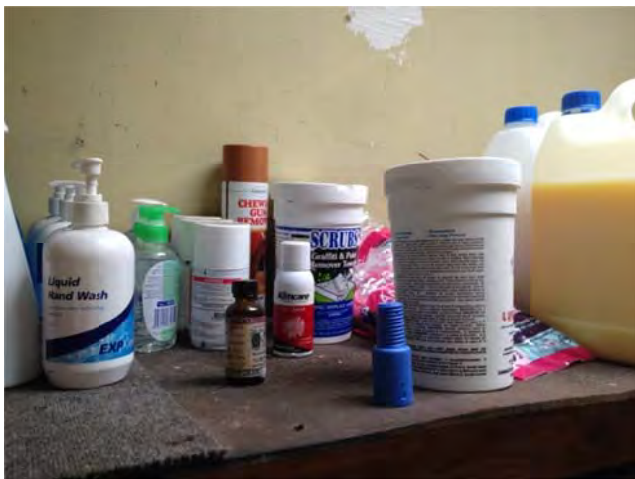
Photograph 2: Midas Vehicle Servicing Centre



Photograph 3: Caltex Service Station



Photograph 4: Shell Service Station

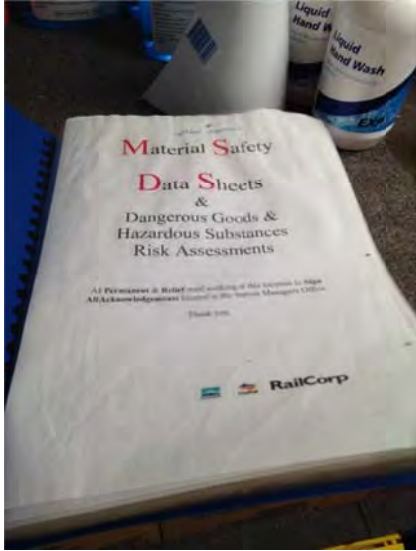


Photograph 5: Cleaning Product Storage



Photograph 6: Cleaning Product Storage





Photograph 7: Accompanying Safety Data Sheets



Photograph 8: Storage and Signalling Building



Photograph 9: Main Station Building



Photograph 10: Base Transceiver Station