



Phase 1 Environmental Site Assessment

Mamre West Precinct, Orchard Hills NSW

Prepared for Hansen Yuncken Pty Ltd,
on behalf of Altis Property Partners
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Executive Summary

This Phase 1 Environmental Site Assessment (Phase 1 ESA) for land (“the Site”) within the “Mamre West Precinct” located in Orchard Hills, NSW was requested by Hansen Yuncken Pty Ltd, on behalf of Altis Property Partners, to assist and inform the Department of Planning & Environment as to the suitability of the Precinct for its proposed rezoning to *IN1 General Industrial*.

The objective of the Phase 1 ESA was to identify the potential for land contamination associated with past and present land use, and whether further assessment (additional intrusive sampling, referred to as a Phase 2 Environmental Site Assessment (ESA)) is required.

The Mamre West Precinct is legally identified as Lot 2172 DP1153854 (approx. 70 hectares), Lots 201-216 DP 1013539, Lot 90 DP752041, Lot 1 DP 1117416 (combined approx. 70 hectares) and Lot 2171 DP1153854 (48 hectares, previously assessed Coffey, 2014). This equates to a total development area of approximately 188 hectares.

This Phase 1 ESA covers an area of approximately 140 hectares within the Mamre West Precinct as the following areas have been excluded from consideration:

- ▶ The area within the ‘high hazard’ category of flooding, as based on the Hydraulic Category Mapping (100 year Recurrence Flood) by Worley Parsons this area is unlikely to be developed, however, structures present within this area have been included as part of this assessment.
- ▶ Lot 2171 in DP 1153584 (covering an area of approximately 48 hectares) has been previously assessed and therefore does not form part of the current site (Coffey, Stage 1 Contamination Assessment, 17 November 2014).

The following observations were made during the site inspection conducted by Diana Turner (Zoic) on 8 August 2015:

- ▶ The study area was a combination of rural agricultural (grazing) land, and rural/residential properties.
- ▶ The overall site has historically been used for agricultural (grazing) including Dairy and horse husbandry.
- ▶ Site structures within Lot 2172 date back to pre 1956 aerial photography, understood to be associated with the former grazier use of land, with the most recent buildings at the horse stud being post 1960s.
- ▶ The site is largely influenced by seasonal waterflow, with drainage channels, swales, berms, and dams present across the site.
- ▶ The site currently comprises a horse stud, located at 579 Mamre Road (incorporating Lot 2172 DP 1153584 and Lot 214 DP1013539), and the adjacent subdivided rural residential properties located along Mandalong Close (Lots 201-213 inclusive, and 215 DP 1013539) and Mamre Road (Lot 90 DP 752041 and Lot 1 DP 1117416), and a childcare centre (Lot 216 DP 1013539).
- ▶ A disused UST (reportedly 1000L) was identified adjacent to the former Dairy building within the horse stud property. The filler point, bowser and breather pipe are still visible. It is understood that this tank is no longer in use, however, has not been decommissioned.
- ▶ South Creek runs along the western, northern and partial southern boundary of the Site, Mamre Road to the east, beyond which is the Erskine Park Industrial Estate, and the Sydney Water above ground dual pipeline on the remainder of the southern boundary.
- ▶ Home businesses are run out of Lot 210 (tow truck and haulage), Lot 207 (trucking and haulage) and Lot 206 (fork lift) within Mandalong Close. From discussions with the land owners, all of the vehicles associated with these businesses are serviced offsite at licensed mechanic facilities, and no fuels (other than small jerry cans, and oil cans) are stored onsite.
- ▶ Several of the houses have been raised up to 0.5m above the surrounding land form to prevent potential flooding issues (specifically Lot 209, and 208).

- ▶ The entire site area is fenced, with access to each property through gates.

Based on the results of the Phase 1 ESA, Zoic considers that the potential for land contamination is low, and that the sites are likely to be suitable for future Industrial land use.

Should the precinct be the subject of future development applications and redevelopment, further assessment should be considered, to confirm suitability for proposed land use changes. Potential areas of environmental concern identified across the site, and subsequent investigation recommendations are listed below:

▶ Whole of Site:

- Due to the scale of the Site, all areas of land were not able to be inspected. Consequently, the presence of localised contamination should not be discounted. Based on the findings of the Phase 1 ESA, this localised contamination could include:
 - Uncontrolled filling (used in areas to raise above the flood plain)
 - Historical backfilling of dams
 - Demolition of former structures (including historical buildings that may contain ACM)
 - Burial or incineration of wastes
 - Localised chemical usage related to rural residential actives.

▶ Lot 2172 DP 1153854, and Lot 214 DP 1013539;

- Completion of a hazardous materials building survey (primarily focused on buildings constructed pre 1970), to understand whether or not such materials exist in any onsite structures, as access to buildings was not permitted during the site inspection conducted by Zoic.
- An underground storage tank (UST) was located adjacent to the former Dairy building at 579 Mamre Road. The tank falls within 500m of a water course (an environmentally sensitive area specific in the Guidance), and has not been used within the past two years, nor is proposed for future use. It is recommended that this tank be decommissioned in accordance with the Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation (2014), and NSW OEH Guidelines for Consultants Reporting on Contaminated Sites (2011). Due to the proximity of this tank to buildings, it may be suitable to empty the tank, and decommission *in situ*, by filling with an inert material (such as concrete slurry, sand or foam). An assessment of groundwater quality in the vicinity of the tank may also be required.
- Assessment and characterisation of fill present beneath the building footprints onsite, which was imported prior to the construction of the residential premises and sheds to raise development above flooding levels. Assessment is to be completed in accordance with NEPM (2013), and / or the Waste Classification Guidelines (NSW EPA, 2014).

- ▶ Lots 201 – 213 inclusive and 215 DP 1013539, Lot 90 DP 752041 and Lot 1 DP 1117416.
 - Stockpiles of material were located within these Lots during the site visit. Stockpiles included soil, surplus building materials/fill, scrap metals, surplus road aggregate and general farm materials. These materials require assessment and characterisation for either re-use onsite (in accordance with NEPM 2013) or offsite disposal (in accordance with the Waste Classification Guidelines (NSW EPA, 2014)), should the site be proposed for redevelopment. After removal of the stockpiled materials, validation sampling may be required within their original footprint to ensure that the underlying soils were not cross contaminated.
 - Assessment and characterisation of fill present beneath the building footprints onsite, which was imported prior to the construction of the residential premises and sheds (specifically Lots 206 – 215 DP 1013539, Lot 90 DP 752041 and Lot 1 DP 1117416). Assessment is to be completed in accordance with NEPM (2013) and / or the Waste Classification Guidelines (NSW EPA, 2014)).
 - Assessment and characterisation of fill across Lot 209 DP 1117416 in a similar manner to that outlined above, which has been raised (beyond the building footprints) above the flood level.

To address the above uncertainties, should the sites be subject to a future Development Application, a site specific investigation should be completed, or an Unexpected Finds Protocol (UFP) prepared and implemented during redevelopment works across the overall site.

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1. Introduction

1.1. Background

Zoic Environmental Pty Ltd (Zoic) was commissioned by Hansen Yuncken, on behalf of Altis Property Partners to complete a Phase 1 Environmental Site Assessment (Phase 1 ESA) of the Mamre West Precinct, located within Orchard Hills, west of Sydney's CBD, in NSW (hereinafter referred to as "the Precinct").

The site is in the rural / residential Orchard Hills area of NSW. The development area subject to this site assessment is legally identified as Lot 2172 DP1153854 (approx. 70 hectares), Lots 201-216 DP 1013539, Lot 90 DP752041, and Lot 1 DP 1117416 (combined approx. 70 hectares), This equates to a total development area of approximately 140 hectares.

The Site location is shown on Figure 1, with the current layout/boundaries for the study area (aerial photo) shown on Figure 2, both presented in Appendix A.

The assessment was completed to support the development decision by the Minister (Department of Planning & Environment), regarding suitability of the land for the proposed intended future as IN1 General Industrial.

1.2. Objective and Scope of Work

The objectives of the Phase 1 ESA is to identify the potential for land contamination associated with past and present land use and to determine whether further assessment is required to determine site suitability for the proposed IN1 General Industrial subdivision. Specifically this Phase 1 ESA was conducted to:

- Identify past and present potentially contaminating activities;
- Discuss the site condition and current activities;
- Observe the potential for fill to occur at the site; and
- Conclude whether further investigation is required.

The scope of work completed was consistent with the recommended scope for a Preliminary Site investigation as outlined in Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure (2013) (as amended). This included:

- Identification of potential sources of contamination and contaminant types;
- Identification of areas of potential contamination;
- Identification of potential human and ecological receptors
- Identification of potentially affected media.

The scope of work completed by Zoic included:

- A desktop review of information that provided detail on site history. This included a review of historical aerial photographs, ownership title, EPA searches and nearby groundwater bore search;
- Liaison with Council on site conditions;
- Review of the site's environmental setting with reference to published maps;
- A site inspection to identify any indicators of potential contamination and to evaluate current and surrounding land use(s); and

- Preparation of this report outlining the results of the Phase 1 ESA along with any recommendations.

This report has been prepared consistent with the requirements outlined in the NSW OEH (2011) *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* for a Preliminary Environmental Site Assessment.

2. Site Identification and Description

This section provides detail on the Site and its land use. It describes the surrounding land uses and summarises any potential sensitive receptors.

2.1. Site Identification

The Site location is shown in Figure 1, with the layout shown in Figure 2, Appendix A. The site identification and land use include:

Table 2.1: Site Identification

Title	Details
Street Address:	Mamre West Precinct, Orchard Hills NSW
Property Description:	Lot 2172 DP1153854 (approx. 70 hectares), Lots 201-216 DP 1013539, Lot 90 DP752041, Lot 1 DP 1117416 (approx. 70 hectares), and
Current Site Ownership:	Various private land holders
Property Size:	140 ha
Local Government Area:	Penrith City Council
Current Use:	Rural residential
Proposed Use:	General Industrial
Subdivision:	None stated
Zoning – Existing:	According to Section 149(2) certificate the site is currently zoned RU2 Rural Landscape. Proposed zoning – IN1 General Industrial

2.2. Surrounding Land Use

The site is located within the suburb of Orchard Hills, in western Sydney. The land uses immediately adjoining the site are described as follows:

Site Surrounds

Direction	Details
North:	To site is bordered to the north by South Creek, beyond which is grassed open space, with some shrubbery, and the Bill Spilstead Complex for Canine Affairs, consisting of several buildings, and kenneling yards.

Direction	Details
East:	The site is bordered to the east by Mamre Road, beyond which is the Erskine Park industrial estate, which includes complexes for Alvaro Transport, the Westpark Industrial Estate, Stramit Building Products, CSR Limited, Transpacific, Woolworths Distribution Centre, Chep, BlueScope Steel and a quarry, and a rubbish depot.
South:	The site is bordered to the south by a portion of South Creek, and a water transport pipeline, beyond which is rural residential property, and the Twin Creeks Golf and Country Club.
West:	The site is bordered to the west by South Creek. Beyond this appears to be rural residential properties, and a horse stud farm.

3. Site Condition and Surrounding Environment

3.1. Site Inspection

A site inspection was conducted by Diana Turner, Zoic's Senior Environmental Scientist, on 8 August 2015. Photographs taken of relevant site features are included in Appendix B.

The following observations were made:

- ▶ The site comprises the horse stud, located at 579 Mamre Road, and the adjacent subdivided rural residential properties located along Mandalong Close. The entire combined site area is approximately 140ha.
- ▶ Details related to the Horse Stud (Mandalong Investments, Lot 2172 DP 1153584 and Lot 214 DP 1013539) are as follows:
 - The property is a Horse stud (paint mares, thoroughbreds, quarter horses, miniature horses, donkeys). Several large paddocks have been divided across the site for grazing.
 - Old dairy building present at the site has now been converted to form the horse stables and store room. The store room includes dry horse feeds and grains.
 - Behind the dairy is the horse stables.
 - A disused UST (reportedly 1000L) was located adjacent to the old dairy (As shown on Figure 3). A filler point, and bowser are still visible. It is understood that this tank is no longer in use, however, has not been decommissioned.
 - Several dams, drainage lines and drainage depressions and drainage berms were visible across the property.
 - Discussion with local land owner indicated that the dams present onsite were affected largely by seasonal variation, and usually were full during the winter months, and dry during the summer months.
 - Livestock utilise mains water for drinking from concrete troughs located throughout the property.
 - Two water bores were present onsite, however, neither were utilised as the water quality was not ideal for stock purposes.
 - The access road to the homesteads and farm buildings has been raised and in some areas culverted across drainage lines.
 - South Creek runs along the western and partial southern boundary of the property, Mamre road to the east, Mandalong Estate to the north, and the Sydney water above ground dual pipeline to the south.
 - Several farm houses and associated buildings, stables, barns, sheds present, reportedly built in the 1960s.
- ▶ The subdivided rural residential properties are located along Mandalong Close. The properties (Lots 201 – 213 (inclusive) and 215 DP1013539) are located along Mandalong Close.
 - These properties are on average 5 acres in size, and include residential dwellings, and some small scale farming practices (such as small heads of cattle, sheep, horses, and chickens).
 - All properties (excluding Lots 201 through 205) contain large residential dwellings, some with large sheds, built within the last 15 years.
 - Several of the houses have been raised up to 0.5m from the surrounding land form to prevent potential flooding issues (specifically Lot 209, and 208).

- Lots 201 through 208 back onto South Creek.
 - Anecdotal information obtained during the site walkover indicates that flooding has occurred on the rear of the properties on the northern side of Mandalong Close within the last 12 years.
 - Home businesses are run out of Lot 210 (tow truck and haulage), Lot 207 (trucking and haulage) and Lot 206 (fork lift). From discussions with the land owners all of the vehicles associated with these businesses are serviced offsite at licensed mechanic facilities, and no fuels (other than small jerry cans, and oil cans) are stored onsite.
 - The trucking business (Lot 207) utilised the rear of their property as a store yard for vehicles and surplus materials. At the rear of the property a dirt berm was noted adjacent to the creek line (thought to be for flood prevention), which was constructed prior to the subdivision of Mandalong Close.
 - The trucking business (Lot 207) was reportedly associated with road construction. There was a stockpile of road gravel at the rear of the property, which reportedly is where excess from a project is placed, and then utilised on the next project.
 - Livestock is present on Lots 201 through 206, 210, and 215.
 - Some dams (rear 210) are supplemented with run off pipes from rain water harvesting sheds on the properties.
 - Concrete water tank and well visible within Lot 206.
 - Several properties (Lot 208, 207, 206, 204) contained stockpiles of dirt, and excess farm materials.
- ▶ A child care centre was concluding construction (Lot 216 DP 1013539), located adjacent to Mamre Road.
 - ▶ The entire site area is fenced, with access to each property through gates.
 - ▶ Given the size of the site, as agreed in the proposal, the focus of the site assessment was on areas of interest determined during the aerial photograph and historical title deed searched.
 - ▶ Photographs of key site features have been included in Appendix B of this report.

3.2. Site Condition

The site condition is summarised primarily from the site visit.

Current Site Condition

Item	Details
Topography and Drainage:	The overall site is relatively flat, estimated to range from 30m to 39m AHD, with a slight grade towards South Creek, which borders the northern, partial southern and western perimeters. An unnamed drainage line is present in the south western portion of the site, which discharges to South Creek, which ultimately discharges to the Hawkesbury River. Several small dams are present across the site, which are affected by seasonal variation.
Boundary Condition:	The north partial southern and the west of the site is bounded by South Creek and its tributaries.

Item	Details
	The subdivisions within the overall redevelopment precinct are fenced with a combination of wire / metal / timber constructions. The south of the site is bounded by the dual Sydney water above ground pipeline. The east of the site is Mamre Road.
Visible Signs of Contamination:	No visible signs of contamination were observed during the site visit. The filler point, and bowser of a historical UST (reportedly 1000L) were noted adjacent to the former Dairy (now the entrance room to the horse stables).
Vegetation:	Vegetation was present along the riparian zone of South Creek. Minimal standing trees were present within the Paddocks and Lots within the site.
Presence of Drums, Wastes and Fill Materials:	No drums or wastes were noted during the site visit. Stockpiles were noted within several of the residential subdivisions within Mandalong Close. These appeared to be soil in nature, and largely related to the importation of materials to raise the construction level for housing footprints. However, the source of this material is unknown. Some piles of excess farm materials (including scrap metals, recycled building materials) were noted within several properties across the site.
Odours:	None noted during the site visit
Condition of Buildings & Roads:	The buildings and associated road along Mandalong Close are of recent construction (12-15years), and appear to be in good condition. The Horse Stud was formerly part of a large dairy (circa 1900s), with the only remaining building from this practice being the former Dairy. The homesteads and stables commenced construction circa 1960s.
Quality of Surface Water:	Seasonal standing water was present at several locations across the site. It is understood that this water is largely affected by seasonal fluctuations, with all standing water dries up during the summer months.

Item	Details
Flood Potential:	According to Section 149 (2) certificate, all or part of the site is identified in the Penrith Local Environmental Plan 2010 PLEP 2010), under Clause 7.2 for Flood Planning.
Relevant Local Sensitive Environments:	South Creek and the associated riparian zone borders the site to the north and west, which discharges to Kemps Creek, approximately 2km south of the site.

4. Site History

4.1. Site History and Surrounds

The site history is summarised in this section. This information has been sourced from the following:

- ▶ Title searches dating back to 1900;
- ▶ Historical Aerial photographs for 1956, 1965, 1978, 1986, 1994, 2005;
- ▶ NSW EPA's Public Register searches;
- ▶ Enquiries with Penrith City Council and NSW Environment Protection Authority;
- ▶ Publically available information from online searches; and
- ▶ Local residents during the site walkover.

Summary of Site History

Item	Details
Past Ownership:	Based on a review of likely historical risks at the site, a selection of four titles were reviewed (from the 20 listed properties) for historical ownership. These have been summarised as follows (see Title Certificate summary in Appendix C for details): Lot 90 DP 752041 ▶ <i>Parts there of:</i> ○ 1928-1944: within Reserve 1819 from Occupation under Mining Rights or Business Lease ○ 1944-1961: Part of Special Lease 44/1 Penrith to Henry Charles Hoyer ○ 1961-1989: Dedicated for Public School Site ▶ Prior-1989: Crown Land ▶ 1989-2007: State of New South Wales (Portion 90 Parish Melville – Area 1 Acre 0 Rood 20 ½ Perches) ▶ 2007- to date: John Egberts and Linda Egberts Lot 206 DP 1013539 ▶ <i>Parts there of:</i> ○ 1944-1969: Part of Special Lease 44/1 Penrith to Henry Charles Hoyer ○ 1969-1971: Settlement Purchase 69/1 Penrith to Riccardo Pisaturo ▶ Prior-1971: Crown Lands ▶ 1971-1980: Riccardo Pisaturo, grantee (Portion 76 Parish Melville – Area 238 Acres 3 Roods 32 Perches) ▶ 1980-1987: Ricardo Pisaturo (Portion 76 Parish Melville – CTVol 11508 Fol 225) ▶ 1987-2000: Ricardo Pisaturo (Lots 9 to 12 & 15 DP 259146-CTVol 14043 Fol's 9 to 12 and 15) ▶ 2000- to date: Saintly Investments Pty Limited

Item	Details
	Lot 210 DP 1013539  <i>Parts there of:</i> ○ 1944-1969: <i>Part of Special Lease 44/1 Penrith to Henry Charles Hoyer</i> ○ 1969-1971: <i>Settlement Purchase 69/1 Penrith to Riccardo Pisaturo</i>  Prior-1971: Crown Lands  1971-1980: Riccardo Pisaturo, grantee (Portion 76 Parish Melville – Area 238 Acres 3 Roods 32 Perches)  1980-1987: Ricardo Pisaturo (Portion 76 Parish Melville – CTVol 11508 Fol 225)  1987-2000: Ricardo Pisaturo (Lots 8 to 10 DP 259146 - CTVol 14043 Fol's 8 to 10)  2000- to date: Guerino Blasioli and Rita Blasioli Lot 2172 DP 1153854 (including previous subdivisions Folio Identifiers 217/1013539, and 1 to 7 and 13 to 14 / 259146)  1900-1917: Robert Stewart Hamilton (farmer)  1917-1949 William Wentworth Victor Hamilton and Robert Stewart Hamilton (farmers)  1947-1949: Franklin Richard Rooke (grazier)  1949-1955: Cecil Auckland Adams (manufacturer representative)  1955-1962: Malcolm John Walker (farmer)  1962- to date: Mandalong Investments Pty Ltd Lot 2172 DP 1153854 (including previous subdivision Folio Identifier 1/1011880)  Prior-2000: Crown Road  2000-2001: Crown Road Parish Melville (State of NSW)  2001-to date: Mandalong Investments Pty Limited
Summary of Council Records:	A selection of section 149(2) planning certificates were obtained from Penrith City Council for the following titles:  Lot 90 DP 752041;  Lot 206 DP 1013539  Lot 210 DP 1013539 The certificates indicated that the site is not subject to a Site Audit Statement or any notation of contamination, and that no matters arising under the Contaminated Land Management Act 1997 pertaining to the site. The Site is within land impacted by the draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Significance of Resource) 2015.
EPA Records:	The NSW Environment Protection Authority (EPA) Contaminated Land Record was accessed by Zoic on 30 July 2015. The register indicated that there are currently no notices issued for the site, or properties immediately surrounding the site, under the <i>NSW Contaminated Land Management Act 1997</i>.

Item	Details
	The list of NSW Contaminated Sites Notified to the EPA was accessed on 30 July 2015. The list indicated that the site and premises immediately surrounding the site, have not been notified to the NSW EPA.
WorkCover Dangerous Goods Licenses:	Given the rural land use, no WorkCover searches were conducted. It is noted that during the site walkover, a historical UST (reportedly 1000L) was noted adjacent to the former dairy. The bowser and filler points were visible (Photo 2, Appendix B).
Summary of Aerial Photographs (both on and offsite):	Historic and current aerial photographs sourced from the NSW Department of Land and Property Information were reviewed to identify any major land use changes for the property and to review land use on adjoining properties. Findings from the review of aerial photography is summarised below: ► <u>1956</u> Site ○ The Site is cleared for agricultural purposes. The majority of the site appears to be utilised for grazing, with scattered trees present across the mostly grassed land. ○ Several dams are visible in the northern portion of the site. ○ Clusters of buildings are present near the intersection of James Erskine Drive (in Lot 1 DP 1119416). ○ Clusters of buildings are present at the end of the private driveway that leads into Lot 2172 DP 1153854. Surrounds ○ The properties surrounding the site appear to be cleared for rural agricultural purposes. ○ To the east of the site, along James Erskine Drive, the construction workings of the quarry are visible in the area that is now the Erskine Park Industrial Estate. ► <u>1965</u> Site ○ The site appears similar to the 1956 aerial photograph. ○ Additional structures are present in the southern portion of the site (within Lot 2172 DP1153854) Surrounds ○ East of the site, construction works continue associated with the quarry. ○ Clearing is evident adjacent to Mamre Road, north of the pipeline. ○ West of the site, beyond South Creek, rural residential subdivision has occurred, with construction of dwellings visible. ○ The presumed horse stud farm is visible. ► <u>1978</u> Site ○ The site appears similar to the 1965 aerial photograph. ○ The structures present in 1965 in southern portion of the site (within Lot 2172 DP1153854) have largely been removed.

Item	Details
	○ The clusters of buildings present since 1956 near the intersection of James Erskine Drive (in Lot 1 DP 1119416) have been demolished. ○ Additional buildings have been constructed near the cluster of buildings present at the end of the private driveway leading to Lot 2172 DP 1153854. Surrounds ○ East of the site, construction works continue associated with the quarry. ○ West of the site, beyond South Creek, rural residential subdivision has occurred, with construction of dwellings visible. ○ The horse stud farm has been expanded with additional paddocks constructed. ▶ <u>1986</u> Site ○ The site appears similar to the 1978 aerial photograph (grazing / agricultural land). ○ Some dams in the northern portion of the site have been filled in and are now grazing lands. Surrounds ○ The site surrounds are similar to those seen in 1978. ○ To the north east of the site, a residential housing estate has been constructed. ▶ <u>1994</u> Site and Surrounds ○ The site and surrounds are similar to those seen in 1986, with the exception of the canine facility which has now been constructed to the north west of the site. ▶ <u>2005</u> Site ○ The northern portion of the site has been subdivided and developed into rural residential lots, and the Old MacDonald Childcare Centre. Surrounds ○ To the east of the site, the quarry has been filled, and the Erskine Park Industrial Estate has commenced construction, with warehousing visible. ▶ <u>2015</u> Site ○ The northern portion of the site appears as it did in 2005. ○ The southern portion of the site appears largely unchanged since 1986 Surrounds ○ To the east of the site, the Erskine Park Industrial Estate has been further developed. ○ Further residential estates have been developed to the north east of the site

Item	Details
	○ Twin Creeks Golf and Country Club is visible to the south west of the site.
Inventory of Chemicals and Wastes and their Location:	No documentation regarding chemicals or wastes was available for review for the site. Due to the nature of site operations (rural residential land use), it is considered that only small chemical usage would have occurred at the properties within the site area. Individual land owners confirmed that any machinery kept onsite was serviced and maintained at licensed facilities (off premises). Any unexpected chemical spills will be accounted for within an UFP prepared for the redevelopment of the site.
Description of Manufacturing / Industrial Processes and Location:	No history of manufacturing / industrial processes have occurred at the site.
Product Spill and Loss History:	No documentation regarding spill or product loss was available for the site. It is noted that no documentation was available for the UST. Due to the age, location (near a water course) and disused nature of the UST, it is recommended that this tank be decommissioned.
Discharges to Land, Air & Water:	At the time of the site inspection no discharges to land, air or water were observed.
Complaint History:	Based on the information reviewed there was no evidence of complaints for the site.
Sewer & Service Plans:	No sewer or service plans were available for review. Several overland stormwater depressions and swales were visible across the site. The access driveway to 579 Mamre includes a culvert where the road crosses a stormwater drainage line. The Sydney Water above ground dual pipeline runs along the southern boundary of the site.
Permits, Licenses and Approvals:	Based on a review of the NSW EPA Register under PoEO Act, there have been no registrations for permits, licenses or the requirement for approvals across the site.
Summary of Previous Land Use & Chronological List:	The site history can be summarised as follows: ▶ The site was crown land, with the majority used for agricultural (including dairy and horse stud) land from the early 1900s until present day. ▶ The northern portions of the site were subdivided for rural residential land use circa 2000. ▶ A childcare facility was constructed circa 2000.
Integrity Assessment:	All sources of information referenced above were in general agreement. This degree of consistency suggests that the historical assessment described above has an appropriate level of accuracy necessary to achieve the objectives of this report.

4.2. Previous Assessment

Zoic was provided with a copy of the Coffey Stage 1 Contamination Assessment (GEOTLCOV25265AA-R01a, 17 November 2014), completed for 585-649 Mamre Road, Orchard Hills (November 2014), which lies to the south east of the site (Adjacent to the Mamre West Precinct).

The purpose of the Coffey Assessment was to support the due diligence negotiations associated with the acquisition of the site and support initial planning activities for the development of the proposed Business/Industrial Park.

The project reportedly comprised the development and preparation of 10 industrial lots for subsequent release to market. The development structures are expected to include warehouses, industrial sheds, and freight handling facilities.

Coffey concluded that based on the results of the Phase 1 Contamination Assessment, no sources of contamination were identified at the site. Coffey considered there was a low potential for contamination of the subsurface of the site, given the area has not been previously developed, and only used for grazing.

Coffey further concluded that after consideration of the Decision Process for Assessment of Site Suitability (DUAP, 1998), that the site is suitable for the proposed industrial estate development from a contamination perspective, and the land uses permitted under the current rural landscape zoning (RU2).

5. Geology, Hydrogeology and Hydrology

The geology, hydrogeology and hydrology is summarised in this section. This information has been sourced from:

- ▶ Penrith 1:100,000 Geological Series Sheet;
- ▶ Soil Landscape Series Sheet (9030 Edition 1988); and
- ▶ NSW Natural Resource Atlas for groundwater bores in the vicinity of the site.

Summary of Regional Geology, Hydrogeology and Hydrology

Title	Details
Geology Map Conditions:	Based on the Penrith Geological Series Sheet (1:100 000), the site is underlain by Quaternary fluvial sediments. The alluvial sediments are described as fine-grained sand, silt and clay. The fluvial soils are described as often very deep layered sediments over bedrock or relict soils. Potential issues for development in this fluvial landscape are noted as erosion and frequent flooding. Parts of the north eastern portion of the site comprise Bringelly Shale of the Wianamatta Group. Soils associated within the Bringelly Shale comprise Blacktown residual soils. The Bringelly Shale is described as shale, claystone, laminite and lithic sandstone. The Blacktown residual soils are described as shallow to moderately deep (<1m) hard settling soils. Issues for development are moderately reactive, highly plastic subsoil with poor drainage.
Acid Sulfate Soils:	The NSW Natural Resources Atlas indicates that there is no known occurrence of acid sulphate soils within the site.
Location of Fill Materials:	Several small stockpiles of reworked natural material and surplus building construction materials were observed within the residential properties along Mandalong Close. Mounds of presumably reworked natural material were noted throughout the horse stud, presumably created for overland water flow management. Several buildings within both the residential development and horse stud area appear to have been raised above the flood level. Anecdotal information obtained during the site visit indicated that materials were imported to site to achieve raised levels prior to housing construction. No information on the source or nature of this fill was available.
Summary of Registered Bores:	Zoic carried out a NRAtlas search in July 2015, which revealed that there are three registered groundwater wells within a 500m radius of the site (GW110029, GW110030, GW110031). These bores are located approximately 500m east of the site, within the industrial estate beyond Mamre Road.

Title	Details
	No details regarding the depths of the wells, standing water level or licensed purpose were available.
Depth to Groundwater:	No detail was available to assess the depth to groundwater at the site.
Direction and Rate of Groundwater Flow:	Perched groundwater on the site is likely to be present, given the proximity of the creek. Groundwater flow is anticipated to be to the north west towards South Creek.
Use of Water Abstraction:	There is no indication that water abstraction has occurred at the site. Two bores have been installed in Lot 2172, however, due to the unsuitable quality of this water for stock watering, have not been used. A standpipe was visible within Lot 206, however, the use of this standpipe was not known.
Nearest Water Body:	The nearest surface water body is South Creek, which forms the northern, partial southern and western border of the site.
Direction of Surface Water Run Off:	Surface water runoff would be towards the localised drainage channels, and South Creek to the north, partial south and west of the site. Due to the local undulation across the site, the direction of surface water runoff is varied, and has been largely altered by localised filling and construction of drainage swales and berms. South Creek ultimately discharges to the Hawkesbury River System. Worley Parsons completed a flood study of South Creek (represented in Appendix A of this report). The study indicates that a portion of the site (located adjacent to South Creek) falls within the Floodway, Flood Storage, or Flood Fringe zones nominated for a 1 in 100 year flood event. It is understood that a detailed flood study has yet to be prepared for the site.

6. Integrity Assessment of Historical Data

The following sources of historical data were relied upon for this assessment:

- ▶ NSW Natural Resources Atlas;
- ▶ Aerial photographs provided by NSW Land & Property Information and Google Earth;
- ▶ Historic land title records;
- ▶ Penrith City Council;
- ▶ New South Wales Environment Protection Authority (NSW EPA); and
- ▶ Observations made in the field during the site walkover.

The observations made during the site walkover were generally consistent with the documented records provided by third parties. The aerial photographs support the information presented in the title certificates that suggest the site has been historically used for agricultural (including dairy and horse husbandry) and grazing purposes.

Zoic considers the historical data assessed was generally adequate, reliable and suitable for the objectives of this assessment.

7. Conclusions

The scope of works was completed as part of the assessment to support the development decision by the Minister (Department of Planning & Environment), regarding assessment of the suitability of the land for proposed future use as IN1 General Industrial.

The following observations were made during the site inspection conducted by Diana Turner (Zoic) on 8 August 2015:

- ▶ The study area was a combination of rural agricultural (grazing) land, and rural/residential properties.
- ▶ The overall site has historically been used for agricultural (grazing) including Dairy and horse husbandry.
- ▶ Site structures within Lot 2172 date back to pre 1956 aerial photography, understood to be associated with the former grazier use of land, with the most recent buildings at the horse stud being post 1960s.
- ▶ The site is largely influenced by seasonal waterflow, with drainage channels, swales, berms, and dams present across the site.
- ▶ The site currently comprises a horse stud, located at 579 Mamre Road (incorporating Lot 2172 DP 1153584 and Lot 214 DP1013539), and the adjacent subdivided rural residential properties located along Mandalong Close (Lots 201-213 inclusive, and 215 DP 1013539) and Mamre Road (Lot 90 DP 752041 and Lot 1 DP 1117416), and a childcare centre (Lot 216 DP 1013539).
- ▶ A disused UST (reportedly 1000L) was identified adjacent to the former Dairy building within the horse stud property. The filler point, bowser and breather pipe are still visible. It is understood that this tank is no longer in use, however, has not been decommissioned.
- ▶ South Creek runs along the western, northern and partial southern boundary of the Site, Mamre Road to the east, beyond which is the Erskine Park Industrial Estate, and the Sydney Water above ground dual pipeline on the remainder of the southern boundary.
- ▶ Home businesses are run out of Lot 210 (tow truck and haulage), Lot 207 (trucking and haulage) and Lot 206 (fork lift) within Mandalong Close. From discussions with the land owners, all of the vehicles associated with these businesses are serviced offsite at licensed mechanic facilities, and no fuels (other than small jerry cans, and oil cans) are stored onsite.
- ▶ Several of the houses have been raised up to 0.5m above the surrounding land form to prevent potential flooding issues (specifically Lot 209, and 208).
- ▶ The entire site area is fenced, with access to each property through gates.

Based on the results of the Phase 1 ESA, Zoic considers that the potential for land contamination is low, and that the sites are likely to be suitable for future Industrial land use.

Should the precinct be the subject of future development applications and redevelopment, further assessment should be considered, to confirm suitability for proposed land use changes. Potential areas of environmental concern identified across the site, and subsequent investigation recommendations are listed below:

- ▶ Whole of Site:
 - Due to the scale of the Site, all areas of land were not able to be inspected. Consequently, the presence of localised contamination should not be discounted. Based on the findings of the Phase 1 ESA, this localised contamination could include:
 - Uncontrolled filling (used in areas to raise above the flood plain)
 - Historical backfilling of dams
 - Demolition of former structures (including historical buildings that may contain ACM)

- Burial or incineration of wastes
- Localised chemical usage related to rural residential actives.

► Lot 2172 DP 1153854, and Lot 214 DP 1013539;

- Completion of a hazardous materials building survey (primarily focused on buildings constructed pre 1970), to understand whether or not such materials exist in any onsite structures, as access to buildings was not permitted during the site inspection conducted by Zoic.
- An underground storage tank (UST) was located adjacent to the former Dairy building at 579 Mamre Road. The tank falls within 500m of a water course (an environmentally sensitive area specific in the Guidance), and has not been used within the past two years, nor is proposed for future use. It is recommended that this tank be decommissioned in accordance with the Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation (2014), and NSW OEH Guidelines for Consultants Reporting on Contaminated Sites (2011). Due to the proximity of this tank to buildings, it may be suitable to empty the tank, and decommission *in situ*, by filling with an inert material (such as concrete slurry, sand or foam). An assessment of groundwater quality in the vicinity of the tank may also be required.
- Assessment and characterisation of fill present beneath the building footprints onsite, which was imported prior to the construction of the residential premises and sheds to raise development above flooding levels. Assessment is to be completed in accordance with NEPM (2013), and / or the Waste Classification Guidelines (NSW EPA, 2014).

► Lots 201 – 213 inclusive and 215 DP 1013539, Lot 90 DP 752041 and Lot 1 DP 1117416.

- Stockpiles of material were located within these Lots during the site visit. Stockpiles included soil, surplus building materials/fill, scrap metals, surplus road aggregate and general farm materials. These materials require assessment and characterisation for either re-use onsite (in accordance with NEPM 2013) or offsite disposal (in accordance with the Waste Classification Guidelines (NSW EPA, 2014)), should the site be proposed for redevelopment. After removal of the stockpiled materials, validation sampling may be required within their original footprint to ensure that the underlying soils were not cross contaminated.
- Assessment and characterisation of fill present beneath the building footprints onsite, which was imported prior to the construction of the residential premises and sheds (specifically Lots 206 – 215 DP 1013539, Lot 90 DP 752041 and Lot 1 DP 1117416). Assessment is to be completed in accordance with NEPM (2013) and / or the Waste Classification Guidelines (NSW EPA, 2014)).
- Assessment and characterisation of fill across Lot 209 DP 1117416 in a similar manner to that outlined above, which has been raised (beyond the building footprints) above the flood level.

To address the above uncertainties, should the sites be subject to a future Development Application, a site specific investigation should be completed, or an Unexpected Finds Protocol (UFP) prepared and implemented during redevelopment works across the overall site.

8. Limitations

This report has been prepared for use by the Client who commissioned the works in accordance with the project brief only, and has been based in part on information obtained from the client and other parties. The findings of this report are based on the scope of work outlined in Section 1. The report has been prepared specifically for the Client for the purposes of the commission, and use by any nominated third party in the agreement between Zoic and the Client. No warranties, express or implied, are offered to any third parties and no liability will be accepted for use or interpretation of this report by any third party (other than where specifically nominated in an agreement with the Client).

This report relates to only this project and all results, conclusions and recommendations made should be reviewed by a competent person with experience in environmental investigations, before being used for any other purpose. This report should not be reproduced without prior approval by the Client, or amended in any way without prior approval by Zoic.

Subject to the scope of work, Zoic's assessment was limited strictly to identifying typical environmental conditions associated with the subject property area and does not include evaluation of any other issues.

Changes to the subsurface conditions may occur subsequent to the investigations described herein, through natural processes or through the intentional or accidental addition of contaminants. The conclusions and recommendations reached in this report are based on the information obtained at the time of the investigation.

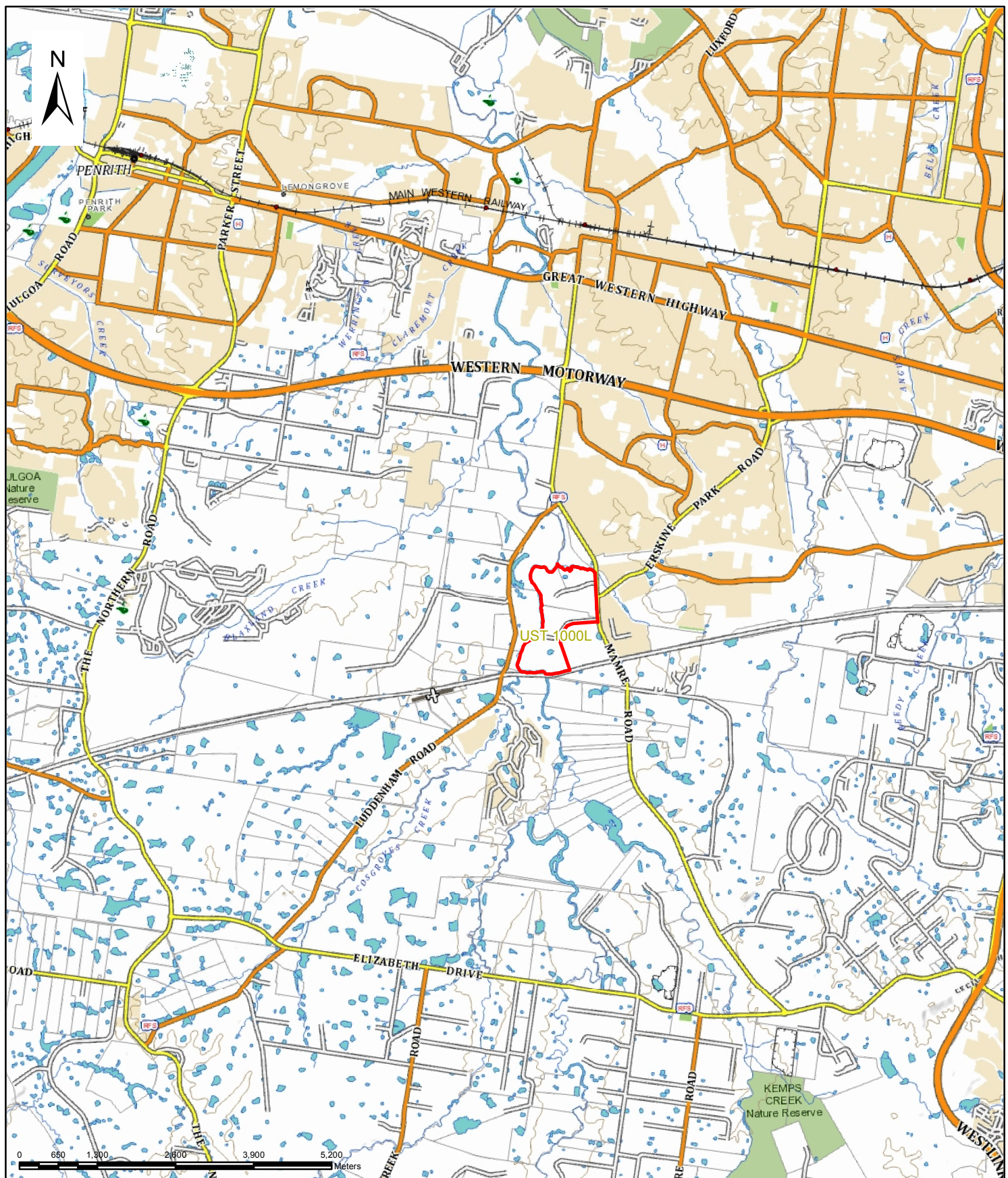
This report does not comment on any regulatory obligations based on the findings. This report relates only to the objectives stated and does not relate to any other work conducted for the Client.

The absence of any identified hazardous or toxic materials on the site should not be interpreted as a guarantee that such materials do not exist on the site.

All conclusions regarding the site are the professional opinions of the Zoic personnel involved with the project, subject to the qualifications made above. While normal assessments of data reliability have been made, Zoic assumes no responsibility or liability for errors in any data obtained from regulatory agencies, statements from sources outside of Zoic, or developments resulting from situations outside the scope of this project.

Zoic is not engaged in environmental assessment and reporting for the purpose of advertising sales promoting, or endorsement of any client interests, including raising investment capital, recommending investment decisions, or other publicity purposes. The Client acknowledges that this report is for its exclusive use.

Appendix A – Figures



LEGEND

Site Boundary

FIGURE 1

Site Location

Phase 1 Environmental Site Assessment
Mandalong Precinct, Orchard Hills NSW

Hansen Yuncken, on behalf of Altis Property Partners

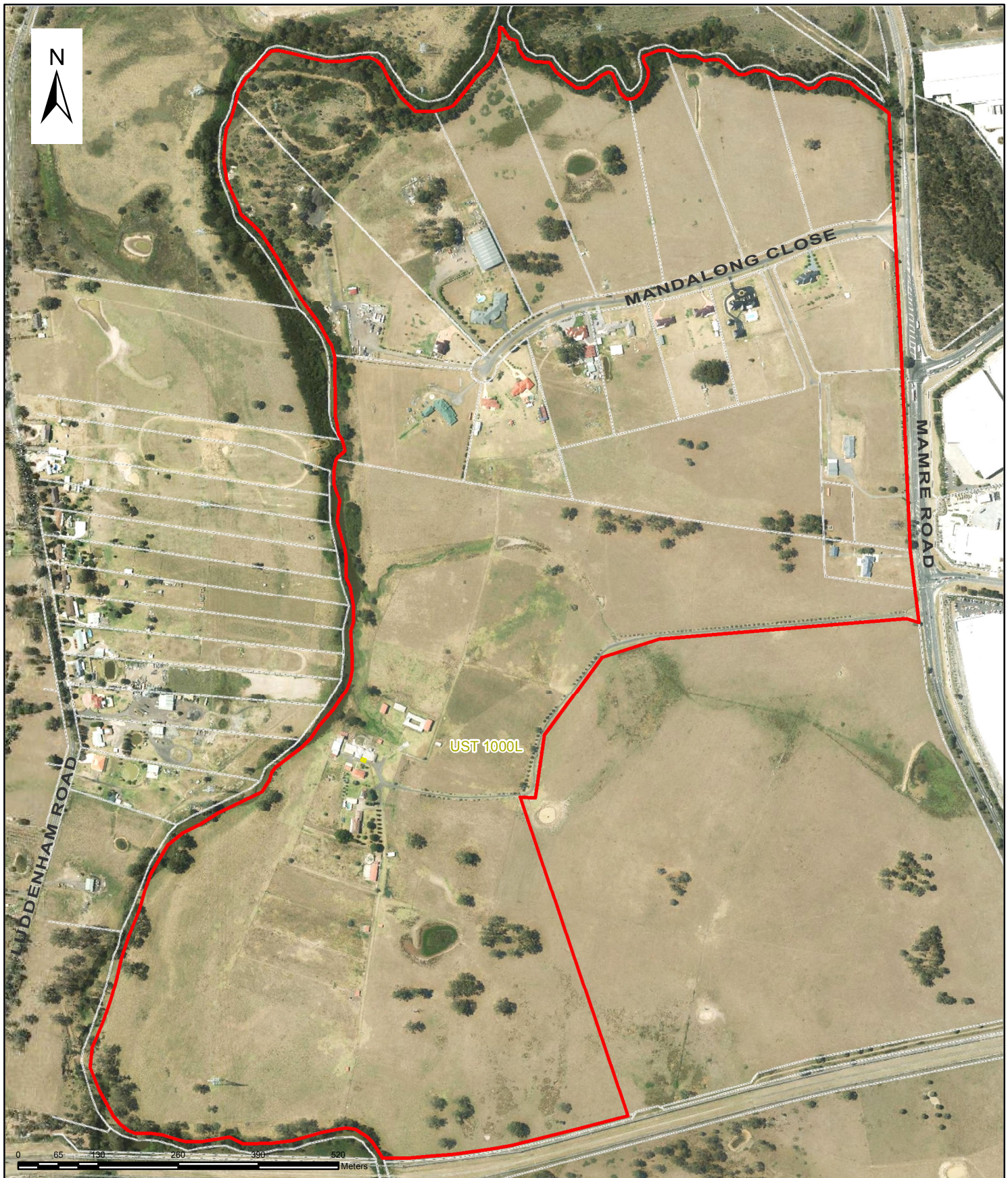
August 2015

15045

This product has been created to support the main report and is not suitable for other purposes. Background imagery has been sourced from Land and Property Information (LPI), a division of the Department of Finance and Services of the NSW government, without warranty in relation to the information.

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LEGEND

Site Boundary

FIGURE 2

Site Layout

Phase 1 Environmental Site Assessment
Mandalong Precinct, Orchard Hills NSW

Hansen Yuncken, on behalf of Altis Property Partners

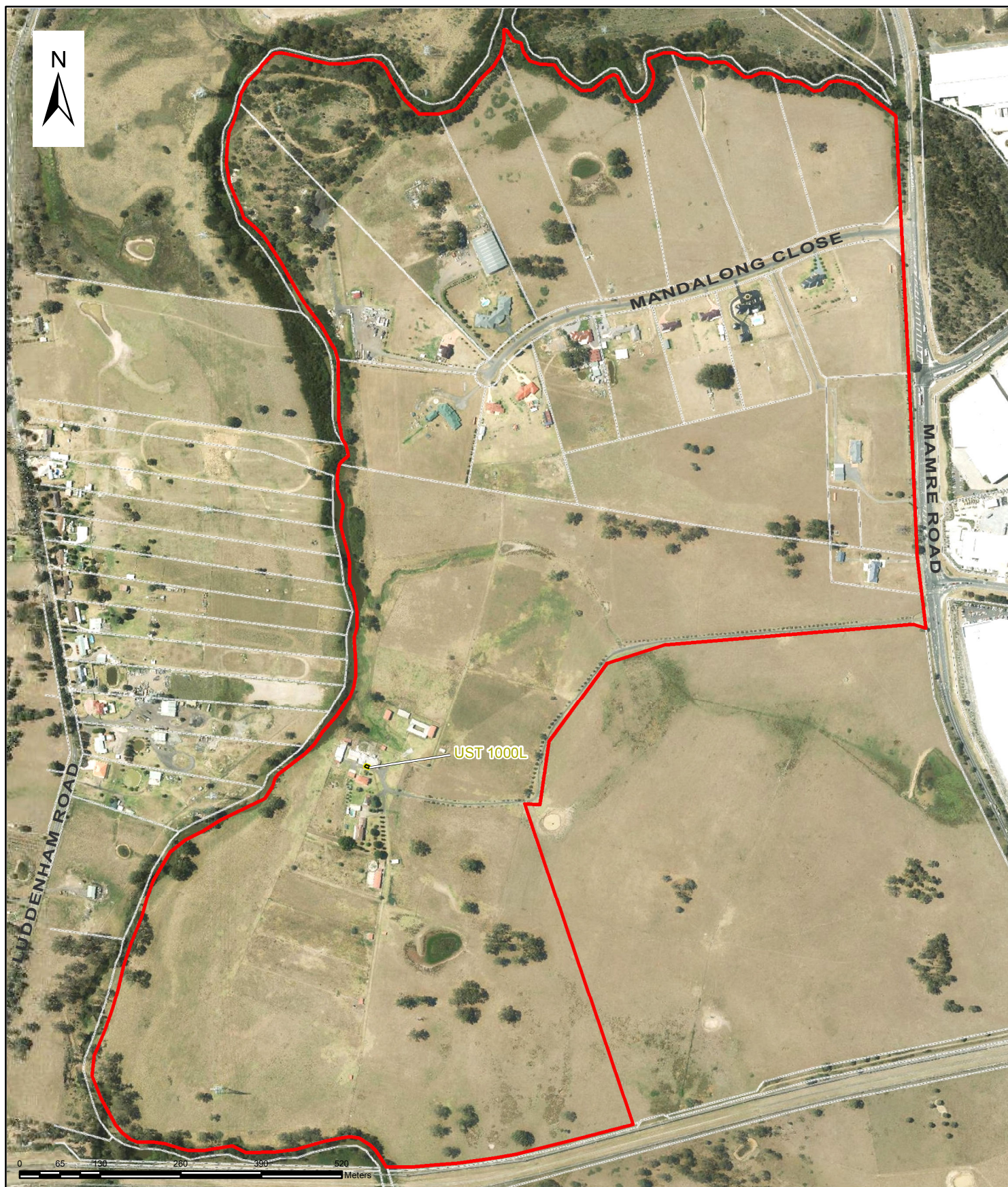
August 2015

15045

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LEGEND

- Site Boundary
- Site Features / Areas of Environmental Concern

FIGURE 3

Site Features

Phase 1 Environmental Site Assessment
Mandalong Precinct, Orchard Hills NSW

Hansen Yuncken, on behalf of Altis Property Partners

August 2015

15045

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Appendix B – Photographic Log

	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 1 View of the former Dairy (now chemical and feed store associated with the horse stud).	
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Photograph 2 Former 1000L UST, reportedly used in association with the former Dairy (prior to 1960) Former UST bowser visible in the foreground adjacent to the building.	
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	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 3 Local drainage swale and ponded water within 579 Mamre Road.	
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Photograph 4 Access driveway to 579 Mamre Road, with stormwater culverts constructed over drainage swales.	
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	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 5 Localised mounding and drainage swales within paddocks of 579 Mamre Road.	
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Photograph 6 Homestead, office and stables buildings within 579 Mamre Road.	
--	--

	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 7 Concrete stock water trough – linked to mainswater	
--	---

	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 8 75 Mandalong Close. Stockpiles visible in the foreground, and adjacent to residence behind the parked cars.	
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Photograph 9 Grassed stockpile / mound at the rear of 75 Mandalong Close	
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	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 10 Two residence located at 65 Mandalong Close. The area where the residential dwellings and gardens were constructed has been filled and raised approximately 20-30cm.		
Photograph 11 Drainage swale at the rear of 79 Mandalong Close.		

	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 12 Gravel road base stockpile at the rear of 79 Mandalong Close	
--	--

	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 13 Stored materials in the rear yards of 79 Mandalong Close.		
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Photograph 14 Stored materials in the rear yards of 79 Mandalong Close		
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	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 15 Read yards of 79 Mandalong Close		
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Photograph 16 Inground concrete water tank at the rear of 83 Mandalong Close		
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	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045



	PHOTOGRAPH LOG (8 August 2015)	
Client Name Hansen Yuncken, on behalf of Altis Property Partners	Site Location Mandalong Precinct, Orchard Hills, NSW	Project No. 15045

Photograph 19 Cattle paddocks of 103 Mandalong Close		
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Appendix C – Title Searches

ADVANCE LEGAL SEARCHERS PTY LIMITED

(ACN 147 943 842)

ABN 82 147 943 842

PO Box 149
Yagoona NSW 2199

Telephone: +612 9644 1679

Mobile: 0412 169 809

Facsimile: +612 8076 3026

Email: alsearch@optusnet.com.au

23rd July, 2015

ZOIC ENVIRONMENTAL PTY LTD

Suite 4, Level 3,
105 Pitt Street,
SYDNEY NSW 2000

Attention: Silja Kuerzinger,

RE:

**Mamre Road,
Orchard Hill
Reference No 15045**

Note 1:	Lot 90	DP 752041	(page 1)
Note 2:	Lot 206	DP 1013539	(page 3)
Note 3:	Lot 210	DP 1013539	(page 5)
Note 4:	Lot 2172	DP 1153854	(page 7)

Note 1:

Current Search

Folio Identifier 90/752041 (title attached)

Crown Plan 8322-2030 (plan attached)

Dated 21st July, 2015

Registered Proprietor:

JOHN EGBERTS

LINDA EGBERTS

Title Tree
Lot 90 DP 752041

Folio Identifier 90/752041

Crown Land

Summary of Proprietor(s)
Lot 90 DP 752041

Year **Proprietor**

	(Lot 90 DP 752041)
2007 – todate	John Egberts Linda Egberts
1989 – 2007	State of New South Wales
	(Portion 90 Parish Melville – Area 1 Acre 0 Rood 20 ½ Perches)
Prior – 1989	Crown Land
<i>(1961 – 1989)</i>	<i>(Dedicated for Public School Site)</i>
<i>(1944 – 1961)</i>	<i>(Part of Special Lease 44/1 Penrith to Henry Charles Hoyer)</i>
<i>(1928 – 1944)</i>	<i>(Within Reserve 1819 from Occupation under Mining Rights or Business Lease)</i>

Note 2:

Current Search

Folio Identifier 206/1013539 (title attached)
DP 1013539 (plan attached)
Dated 21st July, 2015
Registered Proprietor:
SAINTLY INVESTMENTS PTY LIMITED

Title Tree
Lot 206 DP 1013539

Folio Identifier 206/1013539

Folio Identifiers 9/259146 to 12/259146 & 15/259146

CTVol 14043 Fol's 9 to 12 & CTVol 14043 Fol 15

Certificate of Title Volume 11508 Folio 225

Crown Land

Summary of Proprietor(s)
Lot 206 DP 1013539

Year Proprietor

	(Lot 206 DP 1013539)
2000 – todate	Saintly Investments Pty Limited
2000 – 2000	Riccardo Pisaturo
	(Lots 9 to 12 & 15 DP 259146)
1987 – 2000	Riccardo Pisaturo
	(Lots 9 to 12 & 15 DP 259146 – CTVol 14043 Fol's 9 to 12 & 15)
1980 – 1987	Riccardo Pisaturo
	(Portion 76 Parish Melville – CTVol 11508 Fol 225)
1971 – 1980	Riccardo Pisaturo, grantee
	(Portion 76 Parish Melville – Area 238 Acres 3 Roods 32 Perches)
Prior – 1971	Crown Land
<i>(1969 – 1971)</i>	<i>(Settlement Purchase 69/1 Penrith to Riccardo Pisaturo)</i>
<i>(1944 – 1969)</i>	<i>(Part of Special Lease 44/1 Penrith to Henry Charles Hoyer)</i>

Note 3:

Current Search

Folio Identifier 210/1013539 (title attached)

DP 1013539 (plan attached)

Dated 21st July, 2015

Registered Proprietor:

GUERINO BLASIOLI

RITA BLASIOLI

Title Tree

Lot 210 DP 1013539

Folio Identifier 210/1013539

Folio Identifiers 8/259146 to 10/259146

CTVol 14043 Fol's 8 to 10

Certificate of Title Volume 11508 Folio 225

Crown Land

Summary of Proprietor(s)
Lot 210 DP 1013539

Year	Proprietor
	(Lot 210 DP 1013539)
2000 – todate	Guerino Blasioli Rita Blasioli
2000 – 2000	Riccardo Pisaturo
	(Lots 8 to 10 DP 259146)
1987 – 2000	Riccardo Pisaturo
	(Lots 8 to 10 DP 259146 – CTVol 14043 Fol's 8 to 10)
1980 – 1987	Riccardo Pisaturo
	(Portion 76 Parish Melville – CTVol 11508 Fol 225)
1971 – 1980	Riccardo Pisaturo, grantee
	(Portion 76 Parish Melville – Area 238 Acres 3 Roods 32 Perches)
Prior – 1971	Crown Land
<i>(1969 – 1971)</i>	<i>(Settlement Purchase 69/1 Penrith to Riccardo Pisaturo)</i>
<i>(1944 – 1969)</i>	<i>(Part of Special Lease 44/1 Penrith to Henry Charles Hoyer)</i>

Note 4:

Current Search

Folio Identifier 2172/1153854 (title attached)
DP 1153854 (plan attached)
Dated 21st July, 2015
Registered Proprietor:
MANDALONG INVESTMENTS PTY LIMITED

Title Tree
Lot 2172 DP 1153854

Folio Identifier 2172/1153854

(a)

Folio Identifier 1/1011880

Crown Road

(b)

Folio Identifier 217/1013539

Folio Identifier's 1 to 7 & 13 to 14 /259146

(bi)

CTVol 14043 Fol's 1 to 6 & 13

CTVol 13523 Folio 236

IVA 21794

Conveyance Book 2612 No 345

Conveyance Book 2338 No 269

Conveyance Book 2081 No 304

Conveyance Book 2035 No 316

Conveyance Book 2021 No 488

Conveyance Book 2021 No 487

(bii)

CTVol 14043 Fol's 7 & 14

CTVol 10712 Folio 105

Crown Road

Summary of Proprietor(s)
Lot 2172 DP 1153854

Year Proprietor

	(Lot 2172 DP 1153854)
2012 – todate	Mandalong Investments Pty Limited

See Notes (a) & (b)

Note (a)

	(Lot 1 DP 1011880)
2001 – 2012	Mandalong Investments Pty Limited
2000 – 2001	State of New South Wales
	(Crown Road Parish Melville)
Prior – 2000	Crown Road

Note (b)

	(Lot 217 DP 1013539)
2000 – 2012	Mandalong Investments Pty Limited
2000 – 2000	National Australia Bank Limited, mortgagee <i>(Mandalong Investments Pty Limited)</i>
	(Lots 1 to 7 & 13 & 14 DP 259146)
1987 – 2000	National Australia Bank Limited, mortgagee <i>(Mandalong Investments Pty Limited)</i>
	(Lots 1 to 7 & 13 & 14 DP 259146 – CTVol 14043 Fol's 1 to 7 & 13 & 14)
1980 – 1987	The Commercial Banking Company of Sydney Limited, mortgagee <i>(Mandalong Investments Pty Limited)</i>

See Notes (bi) & (bii)

Note (bi)

	(Lots 7 & 14 DP 259146 – CTVol 14043 Fol's 7 & 14)
1980 – 1980	Mandalong Investments Pty Limited
	(Portion 94 Parish Melville – CTVol 10712 Fol 105)
1968 – 1980	Mandalong Investments Pty Limited, grantee
	(Crown Road Parish Melville)
Prior – 1968	Crown Road

Note (bii)

	(Lot 3 DP 229770 – CTVol 13523 Fol 236)
1978 – 1980	The Commercial Banking Company of Sydney Limited, mortgagee <i>(Mandalong Investments Pty Limited)</i>
	(Part Portions 50 & 51 Parish Melville – Area 294 Acres 1 Rood 20 Perches – Conv Bk 2612 No 345)
1962 – 1978	Mandalong Investments Pty Limited
	(Part Portions 50 & 51 Parish Melville – Area 294 Acres 1 Rood 20 Perches – Conv Bk 2338 No 269)
1955 – 1962	Malcolm John Walker, farmer Alma Marion Walker
	(Part Portions 50 & 51 Parish Melville – Area 294 Acres 1 Rood 20 Perches – Conv Bk 2081 No 304)
1949 – 1955	Cecil Auckland Adams, manufacturer representative
	(Part Portions 50 & 51 Parish Melville – Area 294 Acres 1 Rood 20 Perches – Conv Bk 2035 No 316)
1947 – 1949	Franklin Richard Rooke, grazier
	(Part Portions 50 & 51 Parish Melville – Area 294 Acres 1 Rood 20 Perches – Conv Bk 2021 No 488)
1947 – 1947	William Wentworth Victor Hamilton, grazier
	(Part Portions 50 & 51 Parish Melville and other lands – Conv Bk 2021 No 487)
1947 – 1947	Joseph Alexander Mackay, company manager
	Part Portions 50 & 51 Parish Melville and other lands)
1917 – 1947	William Wentworth Victor Hamilton, farmer Robert Stewart Hamilton, farmer
1900 – 1917	Robert Stewart Hamilton, farmer / executor John Hamilton, estate

-10-

Appendix D – Section 149 Certificates

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 771463
Your Reference: 15045 - post
Contact No. 9231 1045

Issue Date: 21/07/2015
Certificate No: 15/04218
Receipt Date: 21/07/2015
Receipt No: 2564487

Issued to: Silja Kuerzinger
Suite 4 Level 3 105 Pitt Street
SYDNEY NSW 2000

PRECINCT 2010

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 83-91 Mandalong Close ORCHARD HILLS NSW 2748

Land Description: Lot 206 DP 1013539

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs

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

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies).

The following State environmental planning policies apply to the land (subject to the exclusions noted below):

State Environmental Planning Policy No.1 - Development Standards. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 2010 or State Environmental Planning Policy (Western Sydney Employment Area) 2009 apply.)

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.30 - Intensive Agriculture.

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

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.

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

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the land.

1(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:

(Information is provided in this section only if a proposed environmental planning instrument that is or has been the subject of community consultation or on public exhibition under the Act will apply to the carrying out of development on the land.)

Draft State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Significance of Resource) 2015 applies to the land.

1(3) The name of each development control plan that applies to the carrying out of development on the land:

Penrith Development Control Plan 2014 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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

2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)

Zone E2 Environmental Conservation (Penrith Local Environmental Plan 2010)

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

2 Permitted without consent

Nil

3 Permitted with consent

Environment facilities; Environmental protection works; Flood mitigation works;
Recreation areas; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone RU2 Rural Landscape (Penrith Local Environmental Plan 2010)

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Flood planning

All or part of the subject land is identified in Penrith Local Environmental Plan 2010 (PLEP 2010) Clause 7.2 Flood Planning. Development consent is required for any development on land to which Clause 7.2 of PLEP 2010 applies.

Rural subdivision

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

Residential development and subdivision prohibited in certain rural, residential and environment protection zones

Under the terms of Clause 4.2A of Penrith Local Environmental Plan 2010 (PLEP 2010) on land within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan. This requirement does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Additional information relating to Penrith Local Environmental Plan 2010

Note 1: Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

Note 2: Under the terms of Clause 2.6 of Penrith Local Environmental Plan 2010 land may be subdivided but only with development consent, except for the exclusions detailed in the clause.

Note 3: Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

Note 4: A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

Note 5: Under the terms of Clause 4.1A of Penrith Local Environmental Plan 2010, despite any other provision of this plan, development consent must not be granted for dual occupancy on an internal lot in Zone R2 Low Density Residential.

Note 6: Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note 7: Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

Note 8: Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to relevant sections of Penrith Development Control Plan 2014 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

Note 9: Under the terms of Clause 5.9AA of Penrith Local Environmental Plan 2010 (PLEP 2010) any tree or other vegetation that is not of a species or kind prescribed for the purposes of Clause 5.9 of PLEP 2010 by Penrith Development Control Plan 2014 may be ringbarked, cut down, topped, lopped, removed, injured or destroyed without development consent.

Note 10: Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

Note 11: Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note 12: Under the terms of Clause 7.1 of Penrith Local Environmental Plan 2010 (PLEP 2010) development consent is required for earthworks unless the work is exempt development under PLEP

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

2010 or another applicable environmental planning instrument, or the work is ancillary to other development for which development consent has been given.

Note 13: Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 7.23 of Penrith Local Environmental Plan 2010.

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

(Information is provided in this section only if any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.)

2(f) whether the land includes or comprises critical habitat:

(Information is provided in this section only if the land includes or comprises critical habitat.)

2(g) whether the land is in a conservation area (however described):

(Information is provided in this section only if the land is in a conservation area (however described).)

2(h) whether an item of environmental heritage (however described) is situated on the land:

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

3 COMPLYING DEVELOPMENT

GENERAL HOUSING CODE

(The General Housing Code only applies if the land is within Zones R1, R2, R3, R4 or RU5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

- The land is affected by environmentally sensitive land identified by an environmental planning instrument. If the land is within the relevant zones complying development under the General Housing Code **may not** be carried out on any part of the land identified by an environmental planning instrument as being environmentally sensitive land. Complying development **may** be carried out on any part of the land that is not identified by an environmental planning instrument as being environmentally sensitive land. For the purposes of this section “environmentally sensitive land” means any land that is identified in Schedule 3 of Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2); any land defined as “environmentally sensitive areas” in Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997); any land zoned Zone E2 Environmental Conservation under State Environmental Planning Policy (Western Sydney Employment Area) 2009; any Natural Resources Sensitive Land under Penrith Local Environmental Plan 2010; and any land zoned either Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone W1 Natural Waterways or Zone W2 Recreational Waterways under Penrith Local Environmental Plan 2010.

RURAL HOUSING CODE

(The Rural Housing Code only applies if the land is within Zones RU1, RU2, RU3, RU4, RU6 or R5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

- The land is affected by environmentally sensitive land identified by an environmental planning instrument. If the land is within the relevant zones complying development under the Rural Housing Code **may not** be carried out on any part of the land identified by an environmental planning instrument as being environmentally sensitive land. Complying development **may** be carried out on any part of the land that is not identified by an environmental planning instrument as being environmentally sensitive land. For the purposes of this section “environmentally sensitive land” means any land that is identified in Schedule 3 of Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2); any land defined as “environmentally sensitive areas” in Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997); any land zoned Zone E2 Environmental Conservation under State Environmental Planning Policy (Western Sydney Employment Area) 2009; any Natural Resources Sensitive Land under Penrith Local Environmental Plan 2010; and any land zoned either Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone W1 Natural Waterways or Zone W2 Recreational Waterways under Penrith Local Environmental Plan 2010.

HOUSING ALTERATIONS CODE

Complying development under the Housing Alterations Code **may** be carried out on the land.

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Environmental Planning and Assessment Act, 1979

GENERAL DEVELOPMENT CODE

Complying development under the General Development Code **may** be carried out on the land.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

SUBDIVISIONS CODE

Complying development under the Subdivisions Code **may** be carried out on the land.

DEMOLITION CODE

Complying development under the Demolition Code **may** be carried out on the land.

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

(The Commercial and Industrial (New Buildings and Additions) Code only applies if the land is within Zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

- The land is affected by environmentally sensitive land identified by an environmental planning instrument. If the land is within the relevant zones complying development under the Commercial and Industrial (New Buildings and Additions) Code **may not** be carried out on any part of the land identified by an environmental planning instrument as being environmentally sensitive land. Complying development **may** be carried out on any part of the land that is not identified by an environmental planning instrument as being environmentally sensitive land. For the purposes of this section “environmentally sensitive land” means any land that is identified in Schedule 3 of Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2); any land defined as “environmentally sensitive areas” in Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997); any land zoned Zone E2 Environmental Conservation under State Environmental Planning Policy (Western Sydney Employment Area) 2009; any Natural Resources Sensitive Land under Penrith Local Environmental Plan 2010; and any land zoned either Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone W1 Natural Waterways or Zone W2 Recreational Waterways under Penrith Local Environmental Plan 2010.

FIRE SAFETY CODE

Complying development under the Fire Safety Code **may** be carried out on the land.

(NOTE: (1) Council has relied on Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

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

6 ROAD WIDENING AND ROAD REALIGNMENT

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

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

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Council Policies

The land is affected by the Asbestos Policy adopted by Council.

The land is not affected by any other policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

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

(2) Development on the land or part of the land for industrial or commercial purposes (if such uses are permissible on the land) is subject to flood related development controls.

Development on the land or part of the land for purposes other than industrial or commercial, or for purposes other than those referred to in (1) above, will be considered on a merits based approach and flood related development controls may apply.

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Environmental Planning and Assessment Act, 1979

Note: The land is subject to Penrith Development Control Plan 2014 Section C3.5 Flood Planning. On application and payment of the prescribed fee Council may be able to provide in writing a range of advice in regard to the extent of flooding affecting the property.

8 LAND RESERVED FOR ACQUISITION

No 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.

9 CONTRIBUTIONS PLANS

The Cultural Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith.

The Penrith City Local Open Space Development Contributions Plan 2007 applies anywhere residential development is permitted within the City of Penrith, excluding industrial areas and the release areas identified in Appendix B of the Plan (Penrith Lakes, Cranebrook, Sydney Regional Environmental Plan No. 30 - St Marys, Waterside, Thornton, the WELL Precinct, Glenmore Park and Erskine Park). See

[http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP\(1\).pdf](http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP(1).pdf)

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

9A BIODIVERSITY CERTIFIED LAND

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).)

10 BIOBANKING AGREEMENTS

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

11 BUSH FIRE PRONE LAND

Some of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

12 *PROPERTY VEGETATION PLANS*

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

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

(Information is provided in this section only if Council has been notified that 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.)

14 *DIRECTIONS UNDER PART 3A*

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

15 *SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING*

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

16 *SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE*

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

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

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

18 PAPER SUBDIVISION INFORMATION

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

19 SITE VERIFICATION CERTIFICATES

(Information is provided in this section only if there is a current site verification certificate, of which council is aware, in respect of the land.)

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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)

(b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)

(c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)

(d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)

(e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by the relevant government departments.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Note: The following section of this certificate is set aside under section 149(5) of the Act for the inclusion of information about other matters affecting the land of which the Council may be aware. The Council is not required under the Act to include any information in this section. Please be aware that the inclusion of information about a matter does not indicate that there are no other matters affecting the land of which the Council may be aware. Upon payment by an applicant of the required fee the Council may, pursuant to section 149(5) of the Act, provide further advice on other relevant matters affecting the subject land of which it may be aware.

* Second Major Airport for Sydney

The Australian Government announced on 15 April 2014 that Badgerys Creek will be the site for a new airport for Western Sydney. Over the years a number of differing airport options have been proposed for the site some of which may have an effect on the subject property. Enquiries regarding the airport should be made with the Department of Infrastructure and Regional Development.

(Website: www.infrastructure.gov.au)

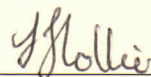
Note: This is a certificate under section 149(2) of the Environmental Planning and Assessment Act, 1979 and is only provided in accordance with that section of the Act.

Further information relating to the subject property can be provided under section 149(5) of the Act. If such further information is required Council indicates that a full certificate under sections 149(2) and 149(5) should be applied for.

Contact Council for details as to obtaining the additional information.

Alan Stoneham
General Manager

Per



PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 394987
Your Reference: 15045 - post
Contact No. 9231 1045

Issue Date: 21/07/2015
Certificate No: 15/04219
Receipt Date: 21/07/2015
Receipt No: 2564487

Issued to: Silja Kuerzinger
Suite 4 Level 3 105 Pitt Street
SYDNEY NSW 2000

PRECINCT 2010

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 563a Mamre Road ORCHARD HILLS NSW 2748

Land Description: Lot 90 DP 752041

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs

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

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies).

The following State environmental planning policies apply to the land (subject to the exclusions noted below):

State Environmental Planning Policy No.1 - Development Standards. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 2010 or State Environmental Planning Policy (Western Sydney Employment Area) 2009 apply.)

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.30 - Intensive Agriculture.

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

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.

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

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the land.

1(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:

(Information is provided in this section only if a proposed environmental planning instrument that is or has been the subject of community consultation or on public exhibition under the Act will apply to the carrying out of development on the land.)

Draft State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Significance of Resource) 2015 applies to the land.

1(3) The name of each development control plan that applies to the carrying out of development on the land:

Penrith Development Control Plan 2014 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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

2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)

Zone RU2 Rural Landscape (Penrith Local Environmental Plan 2010)

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Rural subdivision

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Residential development and subdivision prohibited in certain rural, residential and environment protection zones

Under the terms of Clause 4.2A of Penrith Local Environmental Plan 2010 (PLEP 2010) on land within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan. This requirement does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.

Additional information relating to Penrith Local Environmental Plan 2010

Note 1: Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

Note 2: Under the terms of Clause 2.6 of Penrith Local Environmental Plan 2010 land may be subdivided but only with development consent, except for the exclusions detailed in the clause.

Note 3: Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

Note 4: A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

Note 5: Under the terms of Clause 4.1A of Penrith Local Environmental Plan 2010, despite any other provision of this plan, development consent must not be granted for dual occupancy on an internal lot in Zone R2 Low Density Residential.

Note 6: Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note 7: Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

Note 8: Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to relevant sections of Penrith Development Control Plan 2014 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

Note 9: Under the terms of Clause 5.9AA of Penrith Local Environmental Plan 2010 (PLEP 2010) any tree or other vegetation that is not of a species or kind prescribed for the purposes of Clause 5.9 of PLEP 2010 by Penrith Development Control Plan 2014 may be ringbarked, cut down, topped, lopped, removed, injured or destroyed without development consent.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Note 10: Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

Note 11: Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note 12: Under the terms of Clause 7.1 of Penrith Local Environmental Plan 2010 (PLEP 2010) development consent is required for earthworks unless the work is exempt development under PLEP 2010 or another applicable environmental planning instrument, or the work is ancillary to other development for which development consent has been given.

Note 13: Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 7.23 of Penrith Local Environmental Plan 2010.

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

(Information is provided in this section only if any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.)

2(f) whether the land includes or comprises critical habitat:

(Information is provided in this section only if the land includes or comprises critical habitat.)

2(g) whether the land is in a conservation area (however described):

(Information is provided in this section only if the land is in a conservation area (however described).)

2(h) whether an item of environmental heritage (however described) is situated on the land:

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

3 COMPLYING DEVELOPMENT

GENERAL HOUSING CODE

(The General Housing Code only applies if the land is within Zones R1, R2, R3, R4 or RU5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the General Housing Code **may** be carried out on the land if the land is within one of the abovementioned zones.

RURAL HOUSING CODE

(The Rural Housing Code only applies if the land is within Zones RU1, RU2, RU3, RU4, RU6 or R5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the Rural Housing Code **may** be carried out on the land if the land is within one of the abovementioned zones.

HOUSING ALTERATIONS CODE

Complying development under the Housing Alterations Code **may** be carried out on the land.

GENERAL DEVELOPMENT CODE

Complying development under the General Development Code **may** be carried out on the land.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

SUBDIVISIONS CODE

Complying development under the Subdivisions Code **may** be carried out on the land.

DEMOLITION CODE

Complying development under the Demolition Code **may** be carried out on the land.

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

(The Commercial and Industrial (New Buildings and Additions) Code only applies if the land is within Zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the Commercial and Industrial (New Buildings and Alterations) Code **may** be carried out on the land if the land is within one of the abovementioned zones.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

FIRE SAFETY CODE

Complying development under the Fire Safety Code **may** be carried out on the land.

(NOTE: (1) Council has relied on Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

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

6 ROAD WIDENING AND ROAD REALIGNMENT

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

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

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Council Policies

The land is affected by the Asbestos Policy adopted by Council.

The land is not affected by any other policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if such uses are permissible on the land. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

(2) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for any other purpose not referred to in (1) above. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

8 LAND RESERVED FOR ACQUISITION

No 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.

9 CONTRIBUTIONS PLANS

The Cultural Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith.

The Penrith City Local Open Space Development Contributions Plan 2007 applies anywhere residential development is permitted within the City of Penrith, excluding industrial areas and the release areas identified in Appendix B of the Plan (Penrith Lakes, Cranebrook, Sydney Regional Environmental Plan No. 30 - St Marys, Waterside, Thornton, the WELL Precinct, Glenmore Park and Erskine Park). See

[http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP\(1\).pdf](http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP(1).pdf)

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

9A BIODIVERSITY CERTIFIED LAND

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).)

10 BIOBANKING AGREEMENTS

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

11 BUSH FIRE PRONE LAND

All of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.

12 PROPERTY VEGETATION PLANS

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

(Information is provided in this section only if Council has been notified that 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.)

14 DIRECTIONS UNDER PART 3A

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

18 PAPER SUBDIVISION INFORMATION

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

19 SITE VERIFICATION CERTIFICATES

(Information is provided in this section only if there is a current site verification certificate, of which council is aware, in respect of the land.)

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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)
- (b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)
- (c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)
- (d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)
- (e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by the relevant government departments.

Note: This is a certificate under section 149(2) of the Environmental Planning and Assessment Act, 1979 and is only provided in accordance with that section of the Act.

Further information relating to the subject property can be provided under section 149(5) of the Act. If such further information is required Council indicates that a full certificate under sections 149(2) **and** 149(5) should be applied for.

Contact Council for details as to obtaining the additional information.

Alan Stoneham
General Manager

Per 

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 771418
Your Reference: 15045 - post
Contact No. 9231 1045

Issue Date: 21/07/2015
Certificate No: 15/04217
Receipt Date: 21/07/2015
Receipt No: 2564487

Issued to: Silja Kuerzinger
Suite 4 Level 3 105 Pitt Street
SYDNEY NSW 2000

PRECINCT 2010

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 53-63 Mandalong Close ORCHARD HILLS NSW 2748

Land Description: Lot 210 DP 1013539

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs

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

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies).

The following State environmental planning policies apply to the land (subject to the exclusions noted below):

State Environmental Planning Policy No.1 - Development Standards. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 2010 or State Environmental Planning Policy (Western Sydney Employment Area) 2009 apply.)

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.30 - Intensive Agriculture.

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

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.

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

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 applies to the land.

1(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:

(Information is provided in this section only if a proposed environmental planning instrument that is or has been the subject of community consultation or on public exhibition under the Act will apply to the carrying out of development on the land.)

Draft State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Significance of Resource) 2015 applies to the land.

1(3) The name of each development control plan that applies to the carrying out of development on the land:

Penrith Development Control Plan 2014 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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

2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)

Zone RU2 Rural Landscape (Penrith Local Environmental Plan 2010)

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Flood planning

All or part of the subject land is identified in Penrith Local Environmental Plan 2010 (PLEP 2010) Clause 7.2 Flood Planning. Development consent is required for any development on land to which Clause 7.2 of PLEP 2010 applies.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Rural subdivision

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

Residential development and subdivision prohibited in certain rural, residential and environment protection zones

Under the terms of Clause 4.2A of Penrith Local Environmental Plan 2010 (PLEP 2010) on land within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, whether before or after the commencement of this Plan. This requirement does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.

Additional information relating to Penrith Local Environmental Plan 2010

Note 1: Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

Note 2: Under the terms of Clause 2.6 of Penrith Local Environmental Plan 2010 land may be subdivided but only with development consent, except for the exclusions detailed in the clause.

Note 3: Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

Note 4: A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

Note 5: Under the terms of Clause 4.1A of Penrith Local Environmental Plan 2010, despite any other provision of this plan, development consent must not be granted for dual occupancy on an internal lot in Zone R2 Low Density Residential.

Note 6: Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note 7: Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Note 8: Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to relevant sections of Penrith Development Control Plan 2014 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

Note 9: Under the terms of Clause 5.9AA of Penrith Local Environmental Plan 2010 (PLEP 2010) any tree or other vegetation that is not of a species or kind prescribed for the purposes of Clause 5.9 of PLEP 2010 by Penrith Development Control Plan 2014 may be ringbarked, cut down, topped, lopped, removed, injured or destroyed without development consent.

Note 10: Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

Note 11: Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note 12: Under the terms of Clause 7.1 of Penrith Local Environmental Plan 2010 (PLEP 2010) development consent is required for earthworks unless the work is exempt development under PLEP 2010 or another applicable environmental planning instrument, or the work is ancillary to other development for which development consent has been given.

Note 13: Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 7.23 of Penrith Local Environmental Plan 2010.

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

(Information is provided in this section only if any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.)

2(f) whether the land includes or comprises critical habitat:

(Information is provided in this section only if the land includes or comprises critical habitat.)

2(g) whether the land is in a conservation area (however described):

(Information is provided in this section only if the land is in a conservation area (however described).)

2(h) whether an item of environmental heritage (however described) is situated on the land:

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

3 COMPLYING DEVELOPMENT

GENERAL HOUSING CODE

(The General Housing Code only applies if the land is within Zones R1, R2, R3, R4 or RU5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the General Housing Code **may** be carried out on the land if the land is within one of the abovementioned zones.

RURAL HOUSING CODE

(The Rural Housing Code only applies if the land is within Zones RU1, RU2, RU3, RU4, RU6 or R5 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the Rural Housing Code **may** be carried out on the land if the land is within one of the abovementioned zones.

HOUSING ALTERATIONS CODE

Complying development under the Housing Alterations Code **may** be carried out on the land.

GENERAL DEVELOPMENT CODE

Complying development under the General Development Code **may** be carried out on the land.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

SUBDIVISIONS CODE

Complying development under the Subdivisions Code **may** be carried out on the land.

DEMOLITION CODE

Complying development under the Demolition Code **may** be carried out on the land.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

(The Commercial and Industrial (New Buildings and Additions) Code only applies if the land is within Zones B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3 under Penrith Local Environmental Plan 2010 or an equivalent zone in a non standard template planning instrument.)

Complying development under the Commercial and Industrial (New Buildings and Alterations) Code **may** be carried out on the land if the land is within one of the abovementioned zones.

FIRE SAFETY CODE

Complying development under the Fire Safety Code **may** be carried out on the land.

(NOTE: (1) Council has relied on Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

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

6 ROAD WIDENING AND ROAD REALIGNMENT

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

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

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Council Policies

The land is affected by the Asbestos Policy adopted by Council.

The land is not affected by any other policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

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

(2) Development on the land or part of the land for industrial or commercial purposes (if such uses are permissible on the land) is subject to flood related development controls.

Development on the land or part of the land for purposes other than industrial or commercial, or for purposes other than those referred to in (1) above, will be considered on a merits based approach and flood related development controls may apply.

Note: The land is subject to Penrith Development Control Plan 2014 Section C3.5 Flood Planning. On application and payment of the prescribed fee Council may be able to provide in writing a range of advice in regard to the extent of flooding affecting the property.

8 LAND RESERVED FOR ACQUISITION

No 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.

9 CONTRIBUTIONS PLANS

The Cultural Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith.

The Penrith City Local Open Space Development Contributions Plan 2007 applies anywhere residential development is permitted within the City of Penrith, excluding industrial areas and the release areas identified in Appendix B of the Plan (Penrith Lakes, Cranebrook, Sydney Regional Environmental Plan No. 30 - St Marys, Waterside, Thornton, the WELL Precinct, Glenmore Park and Erskine Park). See

[http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP\(1\).pdf](http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP(1).pdf)

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

9A BIODIVERSITY CERTIFIED LAND

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*.)

10 BIOBANKING AGREEMENTS

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

11 BUSH FIRE PRONE LAND

Some of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.

12 PROPERTY VEGETATION PLANS

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

(Information is provided in this section only if Council has been notified that 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.)

14 DIRECTIONS UNDER PART 3A

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
 - (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)
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PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

18 PAPER SUBDIVISION INFORMATION

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

19 SITE VERIFICATION CERTIFICATES

(Information is provided in this section only if there is a current site verification certificate, of which council is aware, in respect of the land.)

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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)
- (b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)
- (c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)
- (d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by the relevant government departments.

Note: This is a certificate under section 149(2) of the Environmental Planning and Assessment Act, 1979 and is only provided in accordance with that section of the Act.

Further information relating to the subject property can be provided under section 149(5) of the Act. If such further information is required Council indicates that a full certificate under sections 149(2) **and** 149(5) should be applied for.

Contact Council for details as to obtaining the additional information.

Alan Stoneham
General Manager

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