



PRELIMINARY CONTAMINATION SITE INVESTIGATION REPORT

PROJECT: 15-17 Garswood Road, Glenmore Park

CLIENT: Rammy Associates Pty Ltd

DATE: 21/09/20

REPORT No.: NE728



Contents

1.	INTRODUCTION	4
2.	PLANNING GUIDELINES	5
3.	OBJECTIVE AND SCOPE	6
4.	SITE DESCRIPTION	7
4.1	Site Details, Location and Topography	7
4.2	Surrounding Land Use	7
4.3	Geological, Soil Landscapes and Drainage	7
4.4	Site Regional Meteorology and Hydrogeology	8
4.5	Registered Bore Search	8
4.6	Acid Sulphate Soils	8
4.7	Site History	8
4.7.1	Historical Background	8
4.7.2	Aerial Photograph Review	9
4.8	Site Walkover	9
4.9	NSW OEH Records	9
4.10	Planning Certificate	10
4.11	Salinity Mapping	10
5.	POTENTIAL RECEPTORS AND SENSITIVE ENVIRONMENTS	12
6.	CONCLUSIONS/RECOMMENDATIONS	13
7.	REFERENCES	14

Appendices

- A **Aerial Photographs**
- B **Planning Certificate Under Section 10.7**

EXECUTIVE SUMMARY

Geotesta was engaged by Rammy Associates Pty Ltd to conduct a preliminary site contamination investigation on the property known as 15-17 Garswood Road (Lot 4211 DP 1150762), Glenmore Park, NSW 2748. The PSI includes a review of current and historical activities on the site, an assessment of the potential risk of soil contamination existing on the land. It is understood that the property will be used for the development of a Childcare.

In accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, the site is considered to have a low potential risk of soil and groundwater contamination.

Based on the results of this investigation, the following conclusions are drawn:

- The site history, desk study and the site inspection indicate past activities on the site have a low potential for environmental impacts on the soil and groundwater.
- Based on the above findings the site subject to this PSI is suitable for the proposed childcare development.
- The demolition of the existing building and sheds must be carried out by a qualified and licenced contractor and site clearance certificate should be provided before any construction begins. The site should be cleared from any ACM (if applicable) potentially used in the construction of the building and sheds.
- In accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, the site is suitable for the proposed Childcare Development and no further investigation is required.

1. INTRODUCTION

Geotesta was engaged by the Rammy Associates Pty Ltd to conduct a preliminary Site Investigation of the site referred to as 15-17 Garswood Road (Lot 4211 DP 1150762), Glenmore Park, NSW 2748. The site location and features is shown in Figure 1. The PSI is a review of current and historical activities on the site and an assessment of the potential risk of soil/groundwater contamination existing on the land.

The site is currently occupied with a large single-story dwelling located in the centre of the site. Adjacent to the large dwelling there is a double garage. The is covered shed next to the building. A small hexagon shaped structure is located to the east of the site. A shed with hot water tank is located in the east of the site and a poultry shed is located to the north-west of the site.

The site is relatively flat with an average slope of < 5%. Located approximately 212 m south is an unnamed creek. Surveyors Creek lies approximately 1.3km to the west of the site. The site is located within Penrith City Council.

This report is based only on the information provided at the time of this report preparation and may not be valid if changes are made to the site conditions and/or soil and groundwater.



Figure 1. Site Location and features

2. PLANNING GUIDELINES

It is understood that the land is to be used for residential development. This Site Investigation was conducted in general accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998.

Land contamination is most often the result of past uses. It can arise from activities that took place on or adjacent to a site and be the result of improper chemical handling or disposal practices, or accidental spillages or leakages of chemicals during manufacturing or storage. Activities not directly related to the site may also cause contamination; for example, from diffuse sources such as polluted groundwater migrating under a site or dust settling out from industrial emissions.

When carrying out planning functions under the EPA Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. Decisions must then be made as to whether the land should be remediated, or its use of the land restricted, in order to reduce the risk. Failure to consider the possibility of contamination at appropriate stages of the planning decision process may result in:

- inappropriate land use decisions
- increased risk to human health
- detrimental effects on the biophysical environment
- impacts on the safety of existing and new structures
- delay in realising developments
- substantial fall in the land value and the passing on of unanticipated development costs to other parties

When an authority carries out a planning function, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in these Guidelines should be followed.

Essentially, the Guidelines recommend that re-zonings, development control plans and development applications (DAs) are backed up by information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used.

3. OBJECTIVE AND SCOPE

The objective of this PSI report is to comply with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998 and gain a better understanding of the environmental risks associated with the site for human health and/or the environment as a result of previous and current land use. The general objective to be adhered is recommending the suitability of the site for residential development in relation to the management of contamination.

The PSI was conducted in general accordance and consideration of the Planning Guidelines and the Australian Standard AS 4482.1-2005 Guide to the sampling and investigation of potentially contaminated soil - Part 1: Non-volatile and semi-volatile compounds, the Australian Standard AS 4482.2-1999 Guide to the sampling and investigation of potentially contaminated soil - Part 2: Volatile substances, the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (amended 2013), and other relevant NSW guidelines and legislation.

The scope of work carried out to achieve this objective consisted of:

- Performing a desktop assessment of the available information on the site history from historical aerial photographs, Section 149 Certificate and Geological and hydrogeological review;
- Searching records on previous notices issued by OEH and Penrith City Council,
- Inspecting the site to identify potential areas of environmental concerns;
- Preparing a report summarising above.

Activities undertaken to achieve the above objectives are reported and discussed in the following sections.

4. SITE DESCRIPTION

4.1 Site Details, Location and Topography

The site under investigation is situated at 15-17 Garswood Road, Glenmore Park, NSW 2748 on the northern side of Garswood Road and is approximately 55 km (by road) west of Sydney CBD. This site is located in Lot 4211 DP 1150762. The site location is shown in Figure 1. The proposed site is vacant and occupied with a large single-story dwelling in the centre of the site. A large double garage is attached to the dwelling. To the back of the property is an outhouse with hot water tank adjacent. A hexagon shaped gazebo is situated to the east of the property with a shed adjacent. To the north of the property is a poultry shed. The site is relatively flat with an average slope of < 5%. The site is rectangular in shape with an area of approximately 9,024 m². The site is located within Penrith City Council.

The site lies at an elevation of approximately 56 metres above sea level (ASL) referenced to Australian Height Datum (AHD) (<http://en-au.topographic-map.com>).

The site identification detail is presented in Table 1.

Table 1: Site Identification

Site Details	Site Observations
Address	15-17 Garswood Road, Glenmore Park, NSW 2748
Lot/DP	4211 in DP 1150762
Local Government Area	Penrith City Council
Site Area	9024 m ²
Zoning	E4: Environmental Living
Current Land Use	Residential

4.2 Surrounding Land Use

The surrounding land use is summarised as follows:

- The northern side of the site is bound by residential properties and a big shed which is possibly being used for storage of building material.
- The site is bound by residential properties from both west and east.
- The site is bound to Garswood road from south.

4.3 Geological, Soil Landscapes and Drainage

The geological origin of the soil profile was identified from our visual examination of the soil samples, geotechnical experience, and reference to geological maps of the area. The geological map of the area indicates that the site is underlain by Bringelly Shale of the Wianamatta Group and comprises shale, carbonaceous claystone, claystone, laminate, fine to medium-grained lithic sandstone, rare coal and tuff (Penrith, 1:100 000, Geological Sheet 9030).

4.4 Site Regional Meteorology and Hydrogeology

The following climate information from the Commonwealth Bureau of Meteorology website (<http://www.bom.gov.au/>) can be obtained:

- Mean maximum temperature of 23.3°C from January to December at Orchard Hills Treatment Works, approximately 2.8km away from site.
- Mean minimum temperature of 11.6°C from January to December at at Orchard Hills Treatment Works, approximately 2.8km away from site.
- Mean annual rainfall of 810.6mm from January to December at Orchard Hills Treatment Works, approximately 2.8km away from site.

Groundwater salinity is mapped >14000mg/l and therefore unsuitable for stock use. The direction of the regional groundwater flow is expected to follow the slight slope of the regional topography.

4.5 Registered Bore Search

A search of Department Primary Industries - Office of Water records identified no existing groundwater well is located within an approximate distance of 500 metre from the site.

4.6 Acid Sulphate Soils

The Department for Infrastructure, Planning and Natural Resources (DIPNR) Acid Sulphate Soils Risk Mapping (1998) indicates that the site is not expected to be underlain by acid sulphate soils.

4.7 Site History

4.7.1 Historical Background

The original inhabitants of the Penrith area were the Darug people. First incorporated as a municipality on 12 May 1871, on 1 January 1949, the municipalities of Penrith, St Marys and Castlereagh and part of the Nepean Shire amalgamated to form a new Municipality of Penrith. Penrith was declared a City on 21 October 1959, and expanded westwards to include Emu Plains and Emu Heights, formerly part of the City of Blue Mountains, on 25 October 1963. As at the 2016 census the City of Penrith had an estimated population of 196,066.

4.7.2 Aerial Photograph Review

An aerial photograph search was conducted for the site and the local area. The 1970, 1986, 1994, 2002, 2006, 2009, 2014, and 2018 aerial photographs were viewed with the observations presented in Table 2 below. Photographs are presented in Appendix A for reference.

Table 2: Aerial Photography Observations

Year	Site Observations	Surrounding Area
1970	The site is a grass area, possibly used for farming of stock animals	A small dwelling is adjacent to the site to the north-west. Farmland surrounds the site
1986	A dwelling has been built in the centre of the site	No change from the previous photograph
1994	A swimming pool has been built next to the dwelling. A shed has been built to the north-east of the site	No change from the previous photograph
2002	The dwelling has been redeveloped. The poultry shed has been built to the north-west	A dwelling has been built in the lot north of the site
2006	A shed has been built west of the dwelling. An outhouse north of the dwelling has been built	A dwelling has been built in the lot east of the site
2009	No change from the previous photograph	No change from the previous photograph
2014	The shed has been demolished	An additional dwelling has been built to the north
2018	A hexagon shaped building has been built to the east	An additional dwelling

4.8 Site Walkover

Results of the site walkover inspection carried out on 7 September 2020 is presented below:

- A large single-story dwelling is in the centre of the site
- A double garage is located adjacent to the dwelling
- A small hexagon shaped structure is located to the east of the site
- A shed with hot water tank is located in the east of the site
- A covered shed is located adjacent to the dwelling
- A poultry shed is located to the north-west of the site

4.9 NSW OEH Records

The site or nearby surrounding areas have no notices under the Contaminated Land Management Act (1997) or the Environmentally Hazardous Chemicals Act (1985). No sites were identified in the List of NSW Contaminated Sites Notified to the EPA as of 15th June 2020 in the surrounding area.

4.10 Planning Certificate

Planning Certificate Under Section 10.7 (Certificate No: 20/04175) for the site was sourced from Penrith City Council on 16 September 2020. The certificate is presented in Appendix B. The Planning Certificate, which is applicable to Lot 4211 DP 1150762, indicates that there are no matters arising under Section 59(2) of the Contaminated Land Management Act 1997 (Act), as follows:

- The land is NOT significantly contaminated land (or part of the land) within the meaning of the Act at the date when the certificates were issued.
- The land is NOT the subject to a management order within the meaning of the Act at the date when the certificates were issued.
- The land is NOT the subject of an approval voluntary management proposal within the meaning of the Act at the date when the certificates were issued.
- The land is NOT the subject of an ongoing maintenance order within the meaning of the Act at the date when the certificates were issued.
- The land is NOT the subject of a site audit statement within the meaning of the Act at the date when the certificates were issued.

4.11 Salinity Mapping

The 1:100,000 Salinity Potential in Western Sydney Sheet indicates that the site is in located in an area of moderate to high salinity potential (see Figure 2)

As a result of the following observations/inspections at the site:

- ✓ Vegetation growth appeared healthy and uninhibited.
- ✓ No water marks or salt crystals were observed on the ground surface.

Figure 2. Salinity Potential in Western Sydney map (source: Department of Infrastructure, Planning and Natural Resources)



MAPPING CATEGORY	ASSOCIATED SOIL LANDSCAPES	LANDFORM - GEOLOGY
<p>KNOWN SALINITY</p> <p>Areas where there is a known occurrence of saline soil, or where air photo interpretation and field observations have confirmed more than one of these:</p> <ul style="list-style-type: none"> a - scalding b - salt efflorescence c - vegetation dieback d - salt tolerant plant species e - waterlogging <p>A high relative wetness index occurs in these areas.</p>	<ul style="list-style-type: none"> * Salinity outbreaks occur in Blacktown (bt), Luddenham (lu) and Richmond (ri) Soil Landscapes - common at breaks of slope, lower slopes and drainage lines. * Berkshire Park (bp) and Upper Castlereagh (up) Soil Landscapes have localised salinity due to the impermeable nature of the clay parent material. * South Creek (sc), Monkey Creek (mk), Freemans Reach (fr) and Theresa Park (tp) Soil Landscapes have common saline outbreaks due to high run-on and low local relief. * Soils in the above landscapes have high clay content in subsoils and are imperfectly to poorly drained. 	<ul style="list-style-type: none"> * Break of slope, lower slope and drainage lines of Wianamatta Shales (Rwb, Rwa and Rwm). * Localised salinity also occurs at the geological boundary between Tertiary Gravels (T1, Tr) and underlying Wianamatta Shales (Rwb, Rwa/Quaternary Alluvials (Qpd, Qpa, Qpl, Qal). * Localised salinity occurs in Quaternary Alluvium (Qal, Qpn, Qpd) which underlies many of the drainage systems and wetland margins.
<p>HIGH SALINITY POTENTIAL</p> <p>Areas where soil, geology, topography and groundwater conditions predispose a site to salinity. These conditions are similar to areas of known salinity (see above). These areas are most common on lower slopes and drainage systems where water accumulation is high (i.e. high relative wetness index).</p>	<ul style="list-style-type: none"> * Soil Landscapes include Birrong (bi), Blacktown (bt) Berkshire Park (bp), Freemans Reach (fr), South Creek (sc), Theresa Park (tp), Richmond (ri) and Luddenham (lu). Drainage system and convergent slopes are areas of highest risk. * Soils in these landscapes have high clay content in the subsoils, low permeability and high run-on. * Soil profiles may display signs of high salt concentrations at depth (i.e. >0.5m). 	<ul style="list-style-type: none"> * Salinity is most likely to occur in lower slopes, foot-slopes, floodplains and creek lines on Quaternary Sediments (Qal, Qpn, Qpd, Qpc, Qpp, Qha) Wianamatta Shales (Rwb, Rwm, Rwa) where run-on is high, resulting in seasonally high water tables and soil saturation.
<p>MODERATE SALINITY POTENTIAL</p> <p>Areas on Wianamatta Group Shales and Tertiary Alluvial Terraces. Scattered areas of scalding and indicator vegetation have been noted but no concentrations have been mapped. Saline areas may occur in this zone, which have not yet been identified or may occur if risk factors change adversely.</p>	<ul style="list-style-type: none"> * Areas of Agnes Banks (ab), Berkshire Park (bp), Blacktown (bt), Luddenham (lu) and Lucas Heights (lh). * Steeper areas with moderate to high local relief and well drained subsoils such as Picton (pn), West Pennant Hills (wp) and Glenorie (gn) are at a lower risk of developing salinity. * Soils are moderate to well-drained due to their elevated position in the landscape. 	<ul style="list-style-type: none"> * Hill-slopes and hill-crests on Wianamatta Shales (Rwb, Rwm, Rwa). * Raised abandoned alluvial terraces and drainage lines on Quaternary Alluvium (Qal, Qpn, Qpd, Qpc, Qpp) from Richmond to Camden and east to Rookwood. Localised areas of elevated, well-drained Tertiary Gravels (T1, Tr).
<p>VERY LOW SALINITY POTENTIAL</p> <p>Areas where salinity processes do not operate or are of minor significance. Soils are rapidly drained and underlying strata (Hawkesbury/Narrabeen Sandstone) are highly permeable, resulting in continual flushing and removal of salts in the landscape. No salinity has been observed in these areas and is not expected to occur.</p>	<ul style="list-style-type: none"> * Rapidly drained soil landscapes with shallow soils include Warragamba (wb) and Hawkesbury (ha). * Gylmea (gy) and Faulconbridge (fb) Soil Landscapes consist of highly permeable sands with well-drained subsoils. * Soils are well to rapidly drained. * Soils have high sand content. 	<ul style="list-style-type: none"> * Occurring on Hawkesbury and Narrabeen Sandstone (Rh, Rno). * Groundwater is relatively fresh in these areas due to the sandstone's elevated position in the landscape and highly permeable nature, resulting in continuous flushing of the system (removal of any accumulated salts).

5. POTENTIAL RECEPTORS AND SENSITIVE ENVIRONMENTS

A summary of the identified sensitive receptors of contamination potentially sourced from the site are as presented in Table 3. The residents and visitors/workers on site are identified as potential sensitive environmental receptors.

Table 3: Potential Receptors and Sensitive Environments

Receptors/Environments	Potential Pathway
<p>Human Receptors:</p> <ul style="list-style-type: none"> • Future site workers and visitors • Site labourers/workers • Residents of adjacent properties • Trespassers 	<ul style="list-style-type: none"> • Direct skin contact • Ingestion of contaminated soil • Inhalation via airborne dust
<p>Sensitive Environments:</p> <ul style="list-style-type: none"> • Water dam to the east of the site • Unnamed creek located 200m south of the site • Site flora and fauna 	<ul style="list-style-type: none"> • Migration via stormwater run-off or within groundwater • Migration into underlying soil

6. CONCLUSIONS/RECOMMENDATIONS

A preliminary site investigation (PSI) of 15-17 Garswood Road Glenmore Park was undertaken by Geotesta to investigate the likelihood of the presence of contamination on the site. The investigations include a review of site history and a site inspection. Based on the results of this PSI and the scope of works conducted the following conclusions can be made:

- The site has been occupied by the existing residential building from the 1980's. Therefore, it is estimated that the site has been in its current residential configurations for over 30 years. No significant changes were observed on the site during this period.
- Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;
- The site condition and the past and current site activities described in this PSI indicate a low potential for significant or gross contamination of the soil and groundwater; and
- Based on the above findings the site subject to this PSI is suitable for the proposed childcare development.
- The demolition of the existing building and sheds must be carried out by a qualified and licenced contractor and site clearance certificate should be provided before any construction begins.
- In accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, no further investigations are required;

These conclusions are made within the limitations of the work, which has been undertaken. A statement of these limitations is attached to this report.

Should you have further queries about this report, do not hesitate to contact the undersigned.

For and on behalf of

GEOTESTA PTY LTD

DOCUMENT CONTROL

Date	Version	Report Prepared By:	Report Reviewed and issued by:
10 August 2020	NE702	Alex Gibson BSc (Hons) MSc MIEAust Environmental Engineer	Dr. Mohammad Hossein Bazyar BEng MEng Ph.D MIEAust CPEng NER Senior Consultant

7. REFERENCES

Geological Map of Penrith, Geological Series Sheet 9030, Scale 1:100,000 Edition 1, 1991, Department of Minerals and Energy.

Bureau of Meteorology (2017), www.bom.gov.au.

EPA NSW, <http://www.epa.nsw.gov.au/prclmapp/aboutregister.aspx>.

NEPC (1999, amended 2013) National Environmental Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 amended 2013).

NSW Department of Environment & Heritage (eSPADE, NSW soil and land information), www.environment.nsw.gov.au.

NSW EPA (2014), Waste Classification Guidelines, Part 1: Classifying waste.

NSW EPA (2011) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites.

Standards Australia (2005) AS4482.1 2nd Edition: Guide to the Investigation and Sampling of Sites with Potentially Contaminated Soil – Part 1: Non-Volatile and Semi-Volatile Compounds.

NSW EPA (1995), Sampling Design Guidelines.

NSW DEC (2006), 2nd Ed. Contaminated Sites: Guidelines for the NSW Site Auditor Scheme.

WA DoH (2009) Guidelines for the Assessment, Remediation and Management of Asbestos-contaminated Sites in Western Australia.

State Environmental Planning Policy No 55 (1979), Environmental Planning and Assessment Act 1979.

Standards Australia, 2005. Guide to the sampling and Investigation of Potentially Contaminated Soil, Part 1: Non-volatile and Semi-volatile compounds. AS 4482.1

Information about this report

The report contains the results of a contamination investigation conducted for a specific purpose and client. The results should not be used by other parties, or for other purposes, as they may contain neither adequate nor appropriate information. In particular, the investigation does not cover contamination issues unless specifically required to do so by the client.

Test Hole Logging

The information on the test hole logs (boreholes, test pits, exposures etc.) is based on a visual and tactile assessment, except at the discrete locations where test information is available (field and/or laboratory results). The test hole logs include both factual data and inferred information.

Groundwater

Unless otherwise indicated, the water levels presented on the test hole logs are the levels of free water or seepage in the test hole recorded at the given time of measuring. The actual groundwater level may differ from this recorded level depending on material permeability (i.e. depending on response time of the measuring instrument). Further, variations of this level could occur with time due to such effects as seasonal, environmental and tidal fluctuations or construction activities. Confirmation of groundwater levels, phreatic surfaces or piezometric pressures can only be made by appropriate instrumentation techniques and monitoring programmes.

Interpretation of Results

The discussion or recommendations contained within this report normally are based on a site evaluation from discrete test hole data. Generalized, idealized or inferred subsurface conditions (including any geotechnical cross-sections) have been assumed or prepared by interpolation and/or extrapolation of these data. As such these conditions are an interpretation and must be considered as a guide only.

Change in Conditions

Local variations or anomalies in the generalized ground conditions do occur in the natural environment, particularly between discrete test hole locations. Additionally, certain design or construction procedures may have been assumed in assessing the soil-structure interaction behaviour of the site. Furthermore, conditions may change at the site from those encountered at the time of the geotechnical investigation through construction activities and constantly changing natural forces.

Any change in design, in construction methods, or in ground conditions as noted during construction, from those assumed or reported should be referred to GEOTESTA for appropriate assessment and comment.

Environmental Verification

Verification of the environmental/contamination assumptions and/or model is an integral part of the design process-investigation, construction verification, and performance monitoring. Variability is a feature of the natural environment and, in many instances,

verification of soil or rock quality, or foundation levels, is required. There may be a requirement to extend foundation depths, to modify a foundation system or to conduct monitoring as a result of this natural variability. Allowance for verification by geotechnical personnel accordingly should be recognized and programmed during construction.

Reproduction of Reports

Where it is desired to reproduce, the information contained in our contamination report, or other technical information, for the inclusion in contract documents or engineering specification of the subject development, such reproductions should include at least all of the relevant test hole and test data, together with the appropriate standard description sheets and remarks made in the written report of a factual or descriptive nature. Reports are the subject of copyright and shall not be reproduced either totally or in part without the express permission of Geotesta.

Appendix A

Aerial Photographs

Aerial Photo 1970



Aerial Photo 1986



Aerial Photo 1994



Aerial Photo 2002



Aerial Photo 2006



Aerial Photo 2009



Aerial Photo 2014



Aerial Photo 2018



Appendix B

Planning Certificate Under Section 10.7

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

Property No: 790766
Your Reference: NE723
Contact No.

Issue Date: 16 September 2020
Certificate No: 20/04175

Issued to:

PRECINCT 2010

DESCRIPTION OF LAND

County: **Parish: MULGOA**

Location: 15-17 Garswood Road GLENMORE PARK NSW 2745

Land Description: Lot 4211 DP 1150762

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 10.7 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 of 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.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.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.64 - Advertising and Signage.

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

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, 4A and 4B of the policy.)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
State Environmental Planning Policy (State Significant Precincts) 2005.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 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 (Vegetation in Non-Rural Areas) 2017.
State Environmental Planning Policy (Education Establishments and Child Care Centre Facilities) 2017.
State Environmental Planning Policy (Primary Production and Rural Development) 2019.

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:

A Planning Proposal seeking an amendment to Penrith Local Environmental Plan 2010 applies to this land.

The Planning Proposal (Penrith Local Environmental Plan 2010 (Review Phase 1)) seeks to align the LEP with the planning priorities set in the Greater Sydney Commission's 'Greater Sydney Region Plan - A Metropolis of Three Cities' and 'Western City District Plan'. It also seeks to respond to immediate outcomes from recent draft planning strategies as well as address minor housekeeping amendments (See www.penrithcity.nsw.gov.au for details)

Draft State Environmental Planning Policy (Environment) applies to the land.

Draft State Environmental Planning Policy (Remediation of Land) applies to the land.

Draft State Environmental Planning Policy (Housing Diversity) 2020 applies to the land.

Draft State Environmental Planning Policy (Cumberland Plain Conservation) 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):

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

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.

(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 E4 Environmental Living
(Penrith Local Environmental Plan 2010)**

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Schools; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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.

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

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

Note 9: 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 10: 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 11: 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.)

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

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.)

3 COMPLYING DEVELOPMENT

HOUSING CODE

(The 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 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.

LOW RISE HOUSING DIVERSITY CODE

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

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

GREENFIELD HOUSING CODE

(The Greenfield 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.)

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

instrument, and if the land is identified as a Greenfield Housing Code Area by the Greenfield Housing Code Area Map.)

Complying development under the Greenfield Housing Code **may** be carried out on the land if the land is within one of the abovementioned zones, and if the land is identified as a Greenfield Housing Code Area by the Greenfield Housing Code Area Map.

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.

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 10.7

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) 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

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

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 3.15 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 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).

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.

Penrith Citywide Section 7.12 Development Contributions Plan for non-residential development applies to all land in the City of Penrith LGA, with the exception of land within the Lambridge Estate, WELL Precinct and Penrith City Centre that are currently subject to other development contributions plans for non-residential development.

9A BIODIVERSITY CERTIFIED LAND

(Information is provided in this section only if the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*.)

10 BIODIVERSITY STEWARDSHIP SITES

(Information is provided in this section only if Council has been notified by the Chief Executive of the Office of Environment and Heritage that the land is land to which a biobanking stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* relates.)

10A NATIVE VEGETATION CLEARING SET ASIDES

(Information is provided in this section only if Council has been notified of the existence of a set aside area by Local Land Services or it is registered in the public register under which section 60ZC of the *Local Land Services Act 2013* relates).

11 BUSH FIRE PRONE LAND

The land is not identified as bush fire prone land according to Council records.

PLANNING CERTIFICATE UNDER SECTION 10.7

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 approved under the *Native Vegetation Act 2003* applies and continues in force.)

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 (repealed on 1st October 2011) 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 10.7

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 10.7(5) information for this property may contain additional information regarding contamination issues.

20 LOOSE FILL ASBESTOS INSULATION

(Information is provided in this section only if there is a residential premises listed on the register of residential premises that contain or have contained loose-fill asbestos insulation (as required by Division 1A of Part 8 of the home Building Act 1989))

21 AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

(Information is provided in this section only if Council is aware of any “affected building notice” and/or a “building product rectification order” in force for the land).

PLANNING CERTIFICATE UNDER SECTION 10.7

Environmental Planning and Assessment Act, 1979

Note: The Environmental Planning and Assessment Amendment Act 2017 commenced operation on the 1 March 2018. 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 (Savings, Transitional and Other Provisions) Regulation 2017, and Environmental Planning and Assessment Regulation 2000.

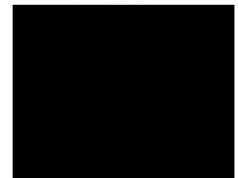
Information is provided only to the extent that Council has been notified by the relevant government departments.

Note: This is a certificate under section 10.7 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 10.7(5) of the Act. If such further information is required Council indicates that a full certificate under sections 10.7(2) and 10.7(5) should be applied for. Contact Council for details as to obtaining the additional information.

Warwick Winn
General Manager

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Please note:

Certain amendments to the Environmental Planning and Assessment Act 1979 No 203 (Act) commenced on 1 March 2018.

The Environmental Planning and Assessment (Amendment) Act 2017 No 60 makes structural changes to the Act and, as a consequence, the Act has been renumbered in a decimal format. For example, Section 149 Planning Certificates have become Section 10.7 Certificates. Some of the information in this certificate may refer to the previous version of the Act.

Council is committed to updating all relevant documents in a timely manner. This will include planning instruments, applications, approvals, orders, certificates, forms and other associated documents in both printed and electronic versions. Council is required to implement these changes and regrets any inconvenience caused to the local business, industry and the community.