

Prepared for:

Goodman International Limited

**Level 10, 60 Castlereagh Street
Sydney NSW 2000**



Phase I Environmental Site Assessment

Oakdale Concept Plan, Kemps Creek / Horsley Park, NSW

Final

ENSR Australia Pty Ltd (HLA ENSR)

13 December 2007

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Oakdale Concept Plan, Kemps Creek / Horsley Park, NSW
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This document was prepared for the purpose described in our proposal dated 19 September 2006. From a technical perspective, the subsurface environment at any site may present substantial uncertainty. It is a heterogeneous, complex environment, in which small subsurface features or changes in geologic conditions can have substantial impacts on water and chemical movement. Uncertainties may also affect source characterisation assessment of chemical fate and transport in the environment, assessment of exposure risks and health effects, and remedial action performance.

HLA ENSR's professional opinions are based upon its professional judgement, experience, and training. It is possible that testing and analysis might produce different results and/or different opinions. HLA has limited its investigation to the scope agreed upon with its client. HLA ENSR believes that its opinions are reasonably supported by the reviews and analysis that have been done, and that those opinions have been developed according to the professional standard of care for the environmental consulting profession in this area at this time. That standard of care may change and new methods and practices of exploration, testing, analysis and remediation may develop in the future, which might produce different results. HLA ENSR's professional opinions contained in this document are subject to modification if additional information is obtained, through further investigation, observations, or validation testing and analysis during remedial activities.

FIGURES

1. Site Location Map
2. Site Layout Plan (Aerial Photograph, 2005)
3. Aerial Photograph, 1947
4. Aerial Photograph, 1956
5. Aerial Photograph, 1965
6. Aerial Photograph, 2002

PLATES

- 1-12. Site Photographs

Appendices

Appendix A Section 149 Certificates

Appendix B Certificates of Title

Appendix C Background Searches (dangerous goods, groundwater bore, site plan, DEC web-site)

Executive Summary

ENSR Australia Pty Ltd (HLA ENSR) was engaged by Goodman International Limited (Goodman) to undertake a Phase 1 Environmental Site Assessment (ESA) of a proposed commercial/industrial development, located in Kemps Creek and Horsley Park, NSW. This ESA was undertaken to evaluate whether significant contamination is likely to have occurred from historical or current use, that could affect the development potential of the proposed development.

Goodman is proposing to develop a 421 hectare portion of the Western Sydney Employment Hub for industrial/commercial purposes. The development, referred to as the Oakdale Concept Plan, comprises Lots 1 and 2 in DP 120673, Lots 82 and 87 in DP 752041 and Lot 1 in DP 843901. The land is owned by The Austral Brick Company Pty Limited (Austral).

The majority of the land is currently used for rural activities (grazing), however Lot 1 in DP 843901 accommodates one of Austral's quarries and a brick-making plant. This quarry and brick-making plant is proposed to continue operating for the foreseeable future in accordance with existing approvals. Accordingly, this lot has not been considered in any detail in this report. This lot would require further assessment after the cessation of quarrying and brick-making and prior to development of the lot. For the purposes of this report, references to 'the site' exclude Lot 1 in DP 843901.

The site is located within a predominantly rural area, although quarries and brick-making facilities are located to the south and east. The site predominantly comprises pasture. Ropes Creek flows through the site from south to north, and the majority of the site slopes towards this water course.

The site is expected to be underlain by clay soils, overlying shale bedrock. Groundwater under aquifer conditions is likely present within bedrock at an approximate depth of 20 m, however, shallow, perched (and possibly seasonal) groundwater may occur at the soil-bedrock interface and in proximity to Ropes Creek.

Reviewed available information indicates that the site has comprised rural (pastoral lands) since the early to mid 1800s.

The Phase I ESA involved a review of historical data and a site inspection to evaluate whether significant contamination is likely to have occurred from historical or current use, that could affect the development potential of the site.

Based on the available information, the findings of the ESA indicated that the site has not been subject to significant development and there is no evidence of significant contamination-related constraint to future industrial development.

Relatively small areas of potential environmental (i.e. contamination) concern were identified, which HLA ENSR recommends should be subject to additional investigation. It is envisaged that future, additional investigation could be undertaken on a 'progressive-basis', targeting future development parcels of the site.

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1.0 Introduction

ENSR Australia Pty Ltd (HLA ENSR) (HLA ENSR¹) was engaged by Goodman International Limited (Goodman) to undertake a Phase 1 Environmental Site Assessment (ESA) of a proposed commercial/industrial development located in Kemps Creek and Horsley Park, NSW. The proposed development is referred to as the Oakdale Concept Plan (the Site).

The Site is currently owned by The Austral Brick Company Pty Ltd (Austral) and comprises Lots 1 and 2 in Deposited Plan (DP) 120673, Lots 82 and 87 in DP 752041 and Lot 1 in DP 843901 and has a total land area of 421 hectares. Lot 1 in DP 843901 accommodates one of Austral's quarries and a brick-making plant. This quarry and brick-making plant is proposed to continue operating for the foreseeable future in accordance with existing approvals. Accordingly, this lot has not been considered in any detail in this report. This lot would require further assessment after the cessation of quarrying and brick-making and prior to development of the lot. For the purposes of this report, references to 'the Site' exclude Lot 1 in DP 843901. The location of the Site is shown on Figure 1 and the Site layout is shown on Figure 2.

The Site is currently utilised for rural (grazing) activities.

HLA ENSR understands that Goodman proposes to develop the Site for commercial/industrial land use (e.g. warehouses and distribution).

This ESA was undertaken to evaluate whether significant contamination is likely to have occurred from historical or current use, that could affect the development potential of the Site.

¹ A subsidiary of ENSR Corporation, an AECOM company.

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2.0 Scope of Work

The scope of the ESA undertaken is generally in accordance with the:

- NSW Environment Protection Authority (NSW EPA²) (1997) Guidelines for Consultants Reporting on Contaminated Sites;
- NSW EPA (2006) Guidelines for the NSW Site Auditor Scheme, 2nd Edition;
- Planning NSW³ (1998) State Environmental Planning Policy (SEPP) 55: *Managing Land Contamination: Planning Guidelines*; and
- National Environment Protection Council (NEPC) (1999) National Environmental Protection (Assessment of Site Contamination) Measure.

Specifically, the ESA included:

- Review of Section 149 Planning Certificates;
- Review of Penrith Council's records;
- Review of Land Title Office records to evaluate previous site owners and possible land use;
- Review of Department of Lands historical aerial photographs to evaluate changes in land use over time;
- Review of Department of Natural Resources database for registered groundwater bores in the site's vicinity, to evaluate expected hydrogeological conditions;
- Review of published information to evaluate expected sub-surface (soil and geology) conditions at the site;
- Review of the DECC website, to assess if the subject site or nearby properties were listed under the Contaminated Land Management Act;
- Review of WorkCover NSW historical records for the storage of dangerous goods;
- Site inspection with Austral personnel, including a limited evaluation of surrounding properties; and
- Preparation of this report detailing the methodologies used during the investigation, results of the reviews and our conclusions regarding the site's potential contamination status.

² Now part of the NSW Department of Environment and Climate Change (DECC)

³ Now Department of Planning

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3.0 Site Identification

Item	Description
Site Owner	The Austral Brick Company Pty Ltd
Lot and DP Number	i) Lot 1, DP 120673 ii) Lot 2, DP 120673 iii) Lot 82, DP 752041 iv) Lot 87, DP 752041
Site Address ¹	i) 2-18 Aldington Road, Kemps Creek ii) 400-564 Burley Road, Horsley Park iii) 2a Aldington Road, Kemps Creek iv) 90a Aldington Road, Kemps Creek
County / Parish	Cumberland / Melville
Local Government Authority	i) Penrith City Council ii) Fairfield City Council iii) Penrith City Council iv) Penrith City Council
Current Zoning ²	i) 1(a) (Rural "A" – General) ii) Non Urban Residential 1(a) iii) 1(a) (Rural "A" – General) iv) 1(a) (Rural "A" – General)
Distance from Sydney CBD	Approximately 35 km west
Site Area ³	333 ha, comprising: i) 127ha ii) 62 ha iii) 141ha iv) 3 ha
Site Elevation ⁴	90 m (south-west site area) to 60 m (Ropes Creek)
Coordinates ⁵	297000 E, 6254500 N
Locality Map	Refer to Figure 1
Site Layout	Refer to Figure 2

Notes:

1. As referenced on the section 149 planning certificates.
2. As referenced on the section 149 planning certificates.
3. Based on information provided by Goodman.
4. Elevation is approximate and relative to Australian Height Datum (AHD), per Prospect 1:25000 Topographic Map 9030-II-N
5. Coordinates for approximate centre of site, sourced from Prospect 1:25000 Topographic Map 9030-II-N

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4.0 Site Background and History

The following sections detail the information obtained during the ESA. The information includes but is not limited to, an evaluation of current and historical site use.

4.1 Current Land Use

At the time of inspection in March 2007, the site was primarily utilised for grazing activities, although an on-site caretaker resided in the south-western portion of the site. Part of the site comprised an electricity transmission easement (overhead power lines).

Further details pertaining to the site use are provided in Section 5.9 of this report.

4.2 Section 149 Certificates

Copies of the Planning Certificates from Penrith and Fairfield Councils, issued under Section 149 of the Environmental Planning and Assessment Act 1979 were obtained and reviewed by HLA ENSR. The reviews are summarised below.

Lot 1 / DP 120673 and Lots 82 and 87 / DP 752041 (Penrith City Council)

The certificates, dated 29 and 27 March 2007 and 14 June 2007 (respectively), provided the following information:

- Penrith Development Control Plan (DCP) 2006 applies to the land;
- The land is located within Zone 1(a) (Rural "A" Zone – General);
- The land does not include or comprise critical habitat;
- The land is not in a conservation area;
- An item of environmental heritage is not situated on the land;
- 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;
- The land is not proclaimed to be located in a mine subsidence district;
- The land is not affected by road widening and/or realignment under the Roads Act 1993;
- The land is not affected by a 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);
- With respect to the Contaminated Land Management Act, 1997;
 - The land is not within an investigation area or remediation site;
 - The land is not subject to an investigation order or remediation order;
 - The land is not the subject of a voluntary investigation or remediation proposal; and
 - The land is not the subject of site audit statement for the land is held by the Council.

- The land is affected by easements for transmission lines, and it is Council's policy not to allow development within the easements.
- Lot 2/ DP 120673 (Fairfield City Council)

The certificate, dated 30 March 2007 provided the following information:

- Fairfield DCP No 29 (December 1999) applies to the land. Review of Fairfield Council web-site indicates that the DCP was up-dated in September 2006;
- The land is zoned Non-urban residential 1(a);
- No matters arising under the Contaminated Land Management Act 1997 were noted on the certificate;
- The land is not affected by a 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;
- The land does not include or comprise critical habitat;
- The land is not in a conservation area; and
- Development controls may apply for land areas located within floodplains. "Part or all of the land is within the floodplain and affected by the 100-year mainstream floodplain" however, "this parcel is not in an area in which Council's current programme of mainstream flood risk mapping has been completed".

Copies of the certificates are included in Appendix A.

4.3 Council Archives

HLA ENSR requested Penrith City Council to undertake a search of its historical records for Development Applications (DA's) and Building Applications (BA's). Penrith Council advised HLA ENSR on 17 April 2007 that no records were held.

Penrith City Council did not undertake a search of records for Lot 87. However, based on the lack of information for Lot 1 and 82, and aerial photographs (no historical development apparent on Lot 87), HLA ENSR considers that Council are unlikely to provide any beneficial information for Lot 87.

Information for Lot 2 was not requested from Fairfield Council as aerial photographs indicated no (or minimal) historical development had occurred.

4.4 Historical Certificates of Title

Certificate of Title information for Lots 1, 2 and 82 was obtained from the Land Titles Office to provide an indication of previous site owners and possible land uses (refer Appendix B). Site ownership history is summarised below:

Lot	Dates	Owner/s	Possible Site Use
1 and 2	1961-to date	The Austral Brick Company Pty Ltd	Rural (grazing)
	1954-1961	Colin Stockman (grazier) Arthur Stockman (1939) Pty Ltd Haddon Moase (company director) Arthur Poolman (farmer and grazier)	Rural (grazing) Piggery
	Prior to 1954	Crown Land	Rural (grazing)
82	1960-to date	The Austral Brick Company Pty Ltd	Rural (grazing)
	1953-1960	Colin Stockman	Rural (grazing)
	1950-1953	Harrie Davis	Rural (grazing)
	Prior to 1954	Crown Land	Rural (grazing)

Review of a diagram of the Lenore Estate (circa 1920) provided by the Land Titles Office indicated that Lot 82 was identified as "Farm G" and was a pastoral holding. The diagram indicated that lands to the east, north and west were also farms.

Certificate of Title information was not requested for Lot 87. However, reference to this Lot is provided in the records provided for Lots 1, 2 and 82. Based on the information provided in the Land Titles Office records, and Certificate of Title dated 12 July 2007 (refer Appendix B), the ownership history of Lot 87 is generally consistent with Lot 82

In summary, the title information indicates that the site has been utilised for rural activities.

4.5 Anecdotal Information

Anecdotal information was obtained from Mr Mark Gallagher (Austral, site caretaker) during the site inspection undertaken on 30 March 2007. Mr Gallagher has lived at the site for 25 years, and during this time has managed the herd of (beef) cattle. Mr Gallagher provided the following information:

- A piggery may have been located at Lot 1 (refer aerial photographs);
- There are no known animal carcass burial pits at the site;
- No cattle dips have been located at the site. Cattle at the site are treated with a product called "Pour On", which is undertaken in the cattle yard / race. Review of the internet indicates that this product controls worms and parasites, and is applied as a spray along the animals' back;
- Spraying of herbicides to control weeds (e.g. thistles, blackberries, small trees and other woody weeds) is undertaken on an 'as needs basis'. Spraying is typically targeted to the area of infestation (i.e. spot applications). Typically applied herbicides include 'Roundup' (non-selective, glyphosate), 'Grazon' (for woody weeds, phenoxyacetic acid) and "Brush-Off" (for woody weeds, sulfonyleurea);

- “Enviro-soil⁴” has been applied to the southern portion and north-eastern of Lot 82, the eastern and western portions of Lot 2 (not near the creek line), a northern portion of Lot 1, and on Lot 87. Enviro-soil was sourced from Sydney Water Corporation, and was reportedly applied in both liquid and ‘cake’ form. Application occurred in areas distant from creek and drainage lines, and was typically applied as a thin layer and subsequently ploughed into the ground to an approximate depth of 80 mm. Application of enviro-soil reportedly ceased approximately five years ago;
- Two dams located in the northern portion of Lot 2 are settlement ponds associated with the Austral facility to the east. HLA ENSR understands that these ponds receive excess surface water from the adjacent site. To manage potential over-flow events, water from the ponds may be periodically pumped over the adjacent paddock (Lot 2);
- A stockpile of clay material situated on the north-eastern portion of Lot 82 was sourced from the settlement ponds. The material was reportedly excavated to manage an ‘over-flow’ event;
- The following compounds have been used as additives to clay for the production of bricks:
 - Manganese (to produce dark tinting);
 - Barium carbonate (salt neutraliser); and
 - Dextron and glucose sugars (salt neutraliser).
- Two ‘wells’ are present at the site, one in Lot 1 and one in Lot 82. The ‘wells’ more likely represent holding tanks for water that was pumped from down-gradient creeks and/or dams. Old steel pipes were visible in the vicinity of both structures;
- A small hill (or ‘knoll’) located in the north-eastern portion of Lot 82 has had historical exploratory excavations, to assess for clay reserves. These excavations have resulted in a ‘bench-like’ appearance to the sides of the knoll;
- An area of bare ground in the south-western portion of Lot 1 was formerly utilised for tipping of general house-hold related waste. The materials were scraped from the area, and re-positioned slightly down-slope;
- An old building located down-slope of the residence represents an old farmhouse, which Mr Gallagher believed to date from the 1880s; and
- A drill rig was undertaking exploratory works on Lot 2 at the time of HLA ENSR’s site inspection, which was reportedly assessing clay reserves on that portion of the site (for potential use in the adjacent plant).

With respect to large embankments located along the eastern, southern and part of the northern perimeters of Lot 2, Mr Phil Jones of Goodman, based on his correspondence with Austral, indicated that:

- The embankments comprises virgin natural excavated materials (VENM), reportedly sourced from another Austral site; and
- Were placed to provide a ‘visual-bund’ for quarry extension works that were planned for Lot 2.

⁴ Recycled waste from sewage treatment plants, used as a fertiliser.

4.6 Aerial Photographs

The following information was derived from reviewing historical aerial photographs for the Site and the surrounding area. Enlarged sections of selected aerial photographs are included as Figures 2 to 6.

Photograph Details	Description
January 1947 Run 30 Black and White (Figure 3)	<p>Site: appears to be rural land, comprising paddocks and scrub and numerous access tracks. Some cropping activities appear visible in the north-eastern portion of Lot 82, and some small buildings are present in this area. Whilst detail is difficult to discern, one building appears to be present in the central portion of Lot 1 and some other buildings ('old-farmhouse') in the south-western portion of Lot 1.</p> <p>Surrounds: rural and/or scrub land. Water supply pipeline easement is visible at site northern boundary area.</p>
January 1956 Run 19 Black and White (Figure 4)	<p>Site: appears to be rural land, as per the 1947 photograph. An area of apparently more-intensive agricultural activity is visible in the central portion of Lot 1 (possible piggery). Numerous buildings are present in this area, and the area appears to comprise holding yards. One large dam is present in the northern portion of Lot 1 and two smaller dams in the western portion. The old-farmhouse is visible, as well as the 'residence'. The building in the central portion of Lot 1 (noted in the 1947 photograph) appears to be present.</p> <p>A large dam is visible in the north-western portion of Lot 82 and a smaller dam in the eastern portion. Small buildings noted in the 1947 photograph appear to be present on Lot 82.</p> <p>Surrounds: no significant changes visible from 1947 photograph.</p>
1961 Run 32W Map 1048-5137 Black and White	<p>Photograph only covers part of Lot 1 and western half of Lot 82.</p> <p>Site: site appears to be rural land. Area of possible piggery appears to be 'over-grown' with individual holding yards less well defined than in the 1956 photograph. Numerous small building structures are visible in this area. The residence and old-farmhouse are visible. A small building is visible, situated between the two small dams located at the western boundary area of Lot 1. Two buildings are visible to the north-east of the residence.</p> <p>Surrounds: no significant changes visible from 1956 photograph.</p>
August 1965 Run 19W 1404-5034 Black and White (Figure 5)	<p>Photograph covers Lot 1, Lot 82 and north-western corner of Lot 2.</p> <p>Site: site layout appears consistent with the 1961 photograph. Electricity powerlines (easement) visible in eastern portion of Lot 1 and western portion of Lot 82.</p> <p>Surrounds: no significant changes visible from 1961 photograph. However, due to scale of photograph, quarrying activities are visible to the north-west of the site (current Enviroguard landfill facility).</p>
July 1970 Run 15 1911-5059 Black and White	<p>Photograph covers Lot 1, northern portion of Lot 82 and western portion of Lot 2.</p> <p>Site & Surrounds: no significant changes visible from 1965 photograph. Buildings formerly present in north-eastern portion of Lot 82 are not visible.</p>
April 1978 Run 14 2707-197 Black and White	<p>Photograph covers Lot 1, Lot 82 and western portion of Lot 2.</p> <p>Site & Surrounds: generally as per 1970 photograph. Bakers Lane visible to south-west. A small area located to the north-east of the former (possible) piggery displays a shading contrast (i.e. is lighter) to the surrounding paddocks, and whilst not confirmed, may represent a stockpile of waste materials or 'scrape' containing waste materials.</p>

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Photograph Details	Description
August 1982 Run 20 3240-81 Colour	<p>Photograph covers Lot 1, northern portion of Lot 82 and western portion of Lot 2.</p> <p>Site: no significant changes observed from 1978 photograph. Small building near western boundary of Lot 1 is not visible. All building structures, except for one, from former (possible) piggery removed. Area of stockpiling and/or scrape still visible and appears to be approximately the same size as previous photograph.</p> <p>Surrounds: Aldington Road present to the south-west, otherwise no significant changes noted from 1978 photograph.</p>
August 1986 Run 20 3528-129 Colour	<p>Photograph covers Lot 1 and northern portion of Lot 82.</p> <p>Site & Surrounds: no significant changes observed from 1982 photograph.</p>
September 1991 Run 9 4038 Colour	<p>Photograph covers entire site.</p> <p>Site: no significant changes from previous photographs apparent. Site comprises cleared land (paddocks) and trees along Ropes Creek and other drainage lines.</p> <p>Surrounds: Austral and CSR/PGH facilities (quarries, brickworks) present to the east. The CSR/PGH site (DP 106143 on Figure 1) has a dam located in the north-west corner of that property, immediately up-stream of the creek that runs through Lot 2.</p> <p>Land to the west of Lot 1 has been partially developed (Catholic colleges). Land to the south comprises rural and market gardens.</p>
October 1994 Run 9 4244 Colour	<p>Photograph covers Lot 1 and 82 and western portion of Lot 2.</p> <p>Site & Surrounds: no significant changes from previous photographs apparent. Increase in development on Catholic College site to west.</p>
September 1998 Run 9 4452 (M2136) Colour	<p>Photograph covers entire site, except southern portion Lot 82.</p> <p>Site & Surrounds: no significant changes from previous photographs apparent. Increase in development on Catholic College site to west.</p>
March 2002 Run 9 4724 (M2302) Colour (Figure 6)	<p>Photograph covers entire site.</p> <p>Site: small area of bare ground visible in the south-west portion of Lot 1 (rubbish disposal area). Small area of bare ground visible in north-east corner of Lot 82 (clay stockpiles). Areas of darker shading of paddocks in southern and eastern portions of Lot 82 and Lot 2. Whilst not confirmed, may represent pasture growth in response to application of enviro-soil.</p> <p>Surrounds: No significant changes from previous photographs.</p>
December 2005 Run 9 4937 Colour (Figure 2)	<p>Photograph covers entire site.</p> <p>Site: small area of bare ground visible in the south-west portion of Lot 1 (rubbish disposal area). Small area of bare ground visible in north-east corner of Lot 82 (clay stockpiles). Areas of darker shading of paddocks in north-eastern portion of Lot 1 and northern portion of Lot 82. Whilst not confirmed, may represent application of enviro-soil. Southern and eastern boundaries and part of northern boundary of Lot 2 display evidence of earthworks (construction of visual 'bunds').</p> <p>Surrounds: No significant changes from previous photographs.</p>

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In summary, review of the aerial photographs generally indicated that the site has been rural land since the 1940s. Information collated from the viewed photographs are presented on Figure 2.

No obviously significantly contaminating activities were noted on the photographs reviewed (for the areas visible in the photographs), although there is a possibility that localised zones of contamination may be present. Principal areas of potential environmental concern, inferred from the photographs viewed and from the site inspection (refer Section 5.9), include:

- Former (possible) piggery and possible rubbish disposal area (Lot 1);
- Rubbish disposal area (Lot 1);
- Old-farmhouse building (Lot 1);
- Wells (Lot 1 and Lot 82);
- Clay stockpile/s (Lot 82);
- Application of enviro-soils (portions of Lots 1, 2, 82 and 87); and
- Visual bunds (Lot 2).

4.7 Dangerous Goods

HLA ENSR requested WorkCover NSW to undertake a search of the Stored Chemical Information Database to identify if historical dangerous goods license information was available for the site. WorkCover information (refer Appendix C) indicated that no dangerous goods licenses have applied to the subject site.

It is noted that a number of dangerous goods depots have been (or still are) present on the adjacent Austral and PGH sites. These depots include underground and above ground storage tanks of diesel fuel, minor quantities of paints and an acetylene cylinder store.

4.8 NSW DECC Website

The NSW EPA register did not contain notices relating to the site under the provisions of the Contaminated Land Management Act 1997 (refer Appendix C). The register listed seven properties in Penrith and four properties in Fairfield local government area. All properties are well removed from the subject site and are unlikely to have the potential to impact the site.

4.9 Unexploded Ordnance

The NSW Department of Lands indicated that the Department of Defence advises that there is no record of Lots 1, 2 and 82 having been used for military purposes of a nature that may have resulted in ordnance related contamination (Appendix C).

Information for Lot 87 was not requested. However, given the search results for the majority of the Site, HLA ENSR considers it likely that results for Lot 87 would be the same.

4.10 Previous Contamination Assessment Reports

HLA ENSR has not been advised if previous contamination assessment reports for the site have been undertaken.

4.11 Internet Search

HLA ENSR accessed Penrith and Fairfield Council web-sites and the NSW Department of Lands parish maps web-site (1828-1947). These searches indicated:

- Horsley Park: Colonel George Johnstone received a grant of some 2000 acres of land in the early 1880s;
- Erskine Park: was the name of a 3,000 acre grant made in 1818 to James Erskine. This land was located immediately to the north of, and possibly incorporated some of the subject site;
- Ropes Creek: named after Anthony Rope who was a convict who arrived with the First Fleet in 1788; and
- Parish Maps (refer Appendix C) show large rural land-holdings in the general area (e.g. James Erskine, George Johnstone, Henry Bayly, Nicholas Bayly etc). Whilst the exact date of the parish map is not known, the web-site information indicated that the maps were typically produced from the late 1820s and up-dated to the 1940s. Based on this, it appears possible that the subject site has been utilised for rural purposes since the early to mid 1800s.

5.0 Site Conditions and Surrounding Environment

The following section details site-related information. The information includes, but is not limited to, identification of topographical features, review of published geological and hydrogeological data, site inspection findings and surrounding land uses.

5.1 Current Land Use

At the time of this ESA, the site was primarily utilised for grazing activities. One residential building was present (in Lot 1).

5.2 Surrounding Land Uses

Land use surrounding the site includes:

- North: water supply pipeline, then rural-type lands, some of which were undergoing redevelopment;
- East: Austral Bricks facility to the east of Lot 2, and rural properties to the east of Lot 82;
- South: rural properties; and
- West: Catholic colleges to the west of Lot 1 and rural properties to the west of Lot 82.

No obvious encroachments onto the subject site from the surrounding land uses were observed.

Based on local and regional topography, the potential for impact to the subject site from surrounding properties is considered to be low.

5.3 Topography and Drainage

Review of the Prospect 1:25,000 Topographic Map indicated the following:

- The western portion of the site (Lot 1) is elevated approximately 90 m above AHD and the eastern portion (at the knoll) to approximately 70 m AHD;
- Ropes Creek (and associated smaller tributaries) runs through the site from south to north. The site surface generally slopes towards Ropes Creek, with the exception of the western most portion of Lot 1, which falls towards the west; and
- Land in the immediate vicinity of Ropes Creek is relatively flat, although displays a slight fall toward the north. Slope gradients become steeper with distance away from the creek.

Overall, the majority of site drainage is towards the north, with the exception of the western-most portion of Lot 1.

5.4 Surface Water and Flood Potential

At the time of HLA ENSR's site inspection (30 March 2007) surface water was observed at the site, as summarised below:

- Numerous farm dams: water was generally turbid, although less so in the main dam located in the northern portion of Lot 1. No obvious signs of contamination (e.g. sheens, unusual odours etc) were observed. All farm dams appeared to support vegetation such as grasses, rushes etc and were inhabited by water fowl;

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- Settlement ponds: water was turbid. No obvious signs of contamination (e.g. sheens, unusual odours etc) were observed. Vegetation (i.e. grasses, rushes etc) were present. Water fowl observed and frogs heard in the general area; and
- Ropes Creek was flowing and generally appeared to have a sediment load (i.e. turbid). Turbidity was observed in the creek to the south of the site. Small fish were observed in the creek at the site. No obvious signs of contamination (e.g. sheens, unusual odours etc) were observed.

Based on topography and elevation, the potential for flooding is considered to be low.

Further information on flooding potential for lands in proximity to Ropes Creek may need to be sourced from the appropriate regulatory bodies.

5.5 Proximity to Local Sensitive Environments

The closest local sensitive environment is considered to be Ropes Creek. The potential for contamination to this identified receptor from current site activities is considered to be low, based on our observations of site conditions.

5.6 Regional Meteorology

According to the Bureau of Meteorology Stations located at Penrith and Orchard Hills, located in proximity to the site, the site could be expected to experience:

- Warm to hot summers, with average January maximum temperatures of 30 °C and average January minimum temperatures of 18 °C;
- Mild winters, with average July maximum temperatures of 17 °C and average July minimum temperatures of 5.5 °C; and
- Average annual rainfall of approximately 800 mm, which is generally highest in January (95 mm) and lowest in August (45 mm).

5.7 Geology

Review of published information indicates the following:

- Bedrock is expected to comprise Bringelly shale of the Wianamatta Group (Penrith 1:100,000 Geological Series Sheet 9030, Edition 1, 1991). Bringelly shale can typically include lenses of carbonaceous claystone, laminate, fine to medium grained lithic sandstone and coal;
- Geological series sheet 9030 also indicates that quaternary alluvial deposits of fine grained sand, silt and clay are likely to be present along and in the near vicinity of Ropes Creek. These alluvial deposits would likely be underlain by Bringelly shale; and
- Penrith 1:100,000 Soil Landscape Series Sheet 9030 maps three soil landscape groups that are expected to be present, as follows:
 - Fluvial soils of the South Creek Soil Landscape Group (SLG): located along and in the near vicinity of Ropes Creek. Usually associated with floodplains, valley flats and drainage depressions of the channels on the Cumberland Plain. Soils are usually clay based and often deep layered;
 - Residual soils of the Blacktown SLG: associated with gently undulating rises on Wianamatta shales, typically located on broad rounded crests and ridges (to 30 m relief) with gently inclined slopes. Soils are typically clay based and shallow to moderately deep and have poor drainage; and

- Erosional soils of the Luddenham SLG: associated with undulating to rolling hills on Wianamatta group shales and often associated with Minchinbury sandstone. Local relief typically 50 to 80 m. Predominantly clay based soils that are shallow to moderately deep.

Acid Sulfate Soil (ASS) Risk Maps do not cover this area, however it is noted that:

- The section 149 certificates do not restrict development due to the presence of ASS; and
- Given site elevation and expected geology, the potential for ASS to be present is considered to be low.

HLA ENSR notes that the section 149 certificate issued by Fairfield Council states that “*Council’s policy ‘Building in Saline Environments’ applies to all areas of Fairfield City and requires use of construction measures and materials in new development to minimise risk of salt damage to buildings from urban salinity*”.

5.8 Hydrogeology

HLA ENSR requested The Department of Natural Resources to undertake a search of its database for registered groundwater bores within a one kilometre radius of the site. No registered groundwater bores were located within the search area (refer Appendix C).

Nine bores were located to the north-west of the site (Enviroguard). Review of the information provided indicated the following:

- Groundwater occurs within sedimentary rock units at depths generally greater than 20 m below ground surface;
- Water quality is generally ‘fresh’; and
- Bores were installed for monitoring purposes.

It is anticipated that seasonal shallow groundwater may exist at the site, generally at the interface between clay soils and shale bedrock on crests and rises.

Shallow groundwater is also likely present in alluvial soils along the drainage lines. Based on local topography, shallow groundwater flow is expected to follow site topography.

5.9 Site Inspection

An HLA ENSR Associate Environmental Scientist (Alex Latham) completed a site inspection on 30 March 2007 to assess the current use and conditions of the site. The site inspection was initially undertaken in the company of Mr Mark Gallagher (Austral, Site Caretaker), which entailed a site ‘drive-over’ and collection of anecdotal information. The remainder of the inspection entailed a combination of site ‘drive-over’ and ‘walk-over’, principally targeting areas of potential concern identified from the review of historical information.

HLA ENSR notes that due to the large site area, detailed inspection of the entire site has not been undertaken. Photographs taken at the time of the site inspection are presented in the Plates section of this report. Observed site conditions are summarised below and pertinent information shown on Figure 2.

Prior to the date of inspection, the site had experienced above average amounts of rainfall and as a consequence, was covered in long pasture growth. The presence of this pasture effectively negated inspection of site surface soils. No visibly stressed or dying vegetation was observed in the site areas inspected.

All dams, including settlement ponds were inspected, and no obvious indications of water contamination, such as sheens, unusual odours or discolouration were observed. The settlement ponds appeared to be slightly more turbid than the farm dams.

The site comprised pasture land, with no obvious potential significantly contaminated areas observed, or areas of widespread soil disturbance. Exceptions to this are summarised below, although it is noted that these areas were relatively small (or limited) compared to the total site area:

- A small excavation, approximately 30 metres by 30 metres, was observed in the south-western portion of Lot 1 (refer Plate 1). Natural soils appeared to be clay based, however, a minor quantity of imported soil (topsoil with rounded gravels) was present. Minor quantities of rubbish, including plastic bottles, crushed brick/concrete, plastic pipe etc were observed;
- According to Mr Gallagher, the materials excavated from the area described above, principally comprised 'household' waste and were relocated down-slope (refer Plate 2). Inspection of the surface of this area indicated that minor quantities of steel plate, bricks and concrete were present;
- Further down the creek line from the 're-located soils', concrete blocks were present in the incised channel (refer Plate 3), presumably placed for erosion control. Clay based soils were observed in the channel sides;
- A small well, or water holding tank, was present in Lot 2 (refer Plate 4). Minor quantities of waste materials (e.g. steel, wire, tyres etc) were observed;
- The old-farmhouse was noted to be in a dilapidated condition (refer Plate 5). The building appeared to be constructed of timber slabs and had a corrugated iron roof. Some timber slabs, with cracked and peeling paint, were detached from the building and lay on the ground. Approximately three engine blocks were present in the vicinity of the building. Immediately to the east of the building, fragments of probable cement bonded asbestos containing material (ACM) were present on the ground surface (refer Plate 6). The ACM appeared to cover an area of approximately 5 m by 5 m;
- The area of the former (possible) piggery was well vegetated with pasture (refer Plate 7). Crushed bricks and concrete and some steel pipe was observed across the ground surface;
- A small farm dam-like excavation, approximately 30 m by 30 m, was present in the north-east portion of Lot 82 (refer Plate 8). Filling material comprising concrete slabs/blocks, timber, bricks and sheet metal were observed in the excavation. Whilst not confirmed, this material may represent the remains of former buildings previously located in this portion of the site;
- Stockpiles of clay material were observed near the eastern boundary of Lot 82 (refer Plate 9 and Section 4.5). The stockpiles appeared to comprise clay soils with shale, although two large pieces of terracotta pipe and some crushed concrete were observed. The stockpiles covered an area of approximately 50 m by 10 m to an average height of approximately 0.3 m;
- An old well, or water holding tank, was present in the north-east portion of Lot 82 (refer Plate 10). The structure was partially filled with rubbish, which appeared to comprise sheet metal/corrugated iron; and

- Large embankments or visual bunds (refer Section 4.5) were present along the southern, eastern and northern (partially) boundary areas of Lot 2 (refer Plates 11 and 12). The bunds were approximately 6 m high and 20 m wide and appeared to comprise clay soils with inclusions of shale, sandstone, concrete, blue metal gravel and crushed brick.

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6.0 Areas of Potential Environmental Concern

Based on the reviewed site history information, inspection of the site and surrounding land uses, identified potentially contaminated areas are considered to include:

- Portions of Lots 1, 2, 82 and 87 where application of enviro-soil has occurred;
- On-site disposal of waste materials, such as former building structures potentially containing ACM. HLA notes that materials such as concrete, timber, bricks and steel would likely be classified as inert waste in accordance with NSW EPA (2004) Guidelines. Identified areas of waste material disposal include:
 - The 'rubbish scrape' and associated down-slope depositional area on Lot 1;
 - Two wells/water storage tanks, located on Lot 1 and Lot 82;
 - The former (possible) piggery located on Lot 1;
 - Former farm dam located on Lot 82;
 - Old-farmhouse located on Lot 1.
- Visual bunds on Lot 2. Anecdotal information indicates that the material is VENM however, inclusions of shale, sandstone, concrete and blue metal gravel were noted; and
- Clay stockpiles on Lot 82.

HLA ENSR notes that:

- The areas of identified waste disposal, when compared to the total site area, represent a relatively small zone of concern;
- Whilst enviro-soil has been applied to pasture lands at the site, the application (after tilling) has reportedly only occurred to shallow depth; and
- No obvious indications of contamination to surface soils in the vicinity of the visual bunds were observed.

HLA ENSR recommends that additional investigation should be undertaken in the areas of identified concern. It is envisaged that these assessments could be undertaken on a 'progressive basis', targeting (assumed) site development parcels and would likely entail the excavation of exploratory test pits and collection of soil samples for analysis by commercial analytical laboratories.

Based on the data obtained, additional investigation should assess for the presence of the following contaminants of potential concern:

- Asbestos: historically used in pre 1980's building materials; and
- Suite of heavy metals, principally arsenic (As), barium (Ba), cadmium (Cd), chromium (Cr), copper (Cu), manganese (Mn), mercury (Hg), nickel (Ni), lead (Pb) and zinc (Zn): associated with waste disposal and enviro-soil.

Select samples of soils may also require assessment for the presence of:

- Total petroleum hydrocarbons (TPH): associated with storage and use of fuels and oils;
- Benzene, toluene, ethylbenzene and xylenes (BTEX): associated with storage and use of fuels;

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- Polycyclic aromatic hydrocarbons (PAH): associated with oils, creosote, tar, diesel fuels and the incomplete combustion of materials (eg: ash, slag etc);
- Organochlorine pesticides (OCP): potentially associated with application of insecticides/termiticides and to a lesser extent, with previous market gardening activities; and
- Organophosphorus pesticides (OPP): as for OCP.

7.0 Conclusions and Recommendations

The Phase I ESA of Oakdale Concept Plan involved a review of historical data and a site inspection to evaluate whether significant contamination is likely to have occurred from historical or current use, that could affect the development potential of the site.

Based on the available information, the findings of the ESA indicated that the site has not been subject to significant development and there is no evidence of significant contamination-related constraint to future industrial development.

Relatively small areas of potential environmental (i.e. contamination) concern were identified, which HLA ENSR recommends should be subject to additional investigation. It is envisaged that future, additional investigation could be undertaken on a 'progressive-basis', targeting future development parcels of the site.

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8.0 References

Central Mapping Authority NSW (1983), *Prospect 1:25 000 Topographic Map 9030-II-N*, 2nd Edition.

Department of Mineral Resources (1991). *Penrith 1:100,000 Geological Series Sheet 9030* (Edition 1), 1991.

National Environment Protection Council. (1999), *National Environment Protection (Assessment of Site Contamination) Measure*. NEPM, December 1999.

NSW Department of Environment and Conservation (2006), *Guidelines for the NSW Site Auditor Scheme*. 2nd Edition, April 2006.

NSW Environment Protection Authority (2004), *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes*.

NSW Environment Protection Authority (1997), *Guidelines for Consultants Reporting on Contaminated Sites*. November 1997.

Soil Conservation Service of NSW (1989) *Penrith 1:100000 Soil Landscape Series Sheet 9030*.

Planning NSW (1998), *Managing Land Contamination, Planning Guidelines, SEPP55-Remediation of Land*.

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Glossary of Abbreviations and Acronyms

General Terms				
ACM	Asbestos containing material(s)			
ANZECC	Australian and New Zealand Environment and Conservation Council			
AHD	Australian Height Datum			
ASS	Acid Sulfate Soil			
AST	Above ground Storage Tank			
BaP	Benzo(a)pyrene (a PAH)			
BTEX	Benzene, toluene, ethylbenzene and xylenes			
CCA	Copper chrome arsenate			
DEC	NSW Department of Environment and Conservation			
DQOs	Data Quality Objectives			
DQIs	Data Quality Indicators			
EPA	New South Wales Environment Protection Authority			
EMP	Environmental Management Plan			
Heavy metals	Generally, arsenic (a metalloid), cadmium, chromium, copper, mercury, nickel, lead and zinc			
NEHF	National Environmental Health Forum			
NEPC	National Environment Protect Council			
NEPM	National Environmental Protection Measure			
NSW EPA	New South Wales Environment Protection Authority			
OCP	Organochlorine pesticides			
OPP	Organophosphorus pesticides			
PAH	Polynuclear Aromatic Hydrocarbons			
PCB	Polychlorinated biphenyls			
QA/QC	Quality Assurance/Quality Control			
RAP	Remedial Action Plan			
SAQP	Sampling, Analytical ad Quality Plan			
SMP	Soil or Site Management Plan			
SVOC	Semi-volatile Organic Compound			
SWL	Standing Water level			
TPH	Total petroleum hydrocarbons			
UST	Underground Storage Tank			
VOC	Volatile Organic Compound			
Units				
ha	hectare		g/kg	micrograms/kilogram
km	kilometre		µg/L	micrograms/litre
m	metre		ppb	parts per billion
mg/kg	milligrams/kilogram		ppm	parts per million
mg/L	milligrams/litre		t	Tonne

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Figures

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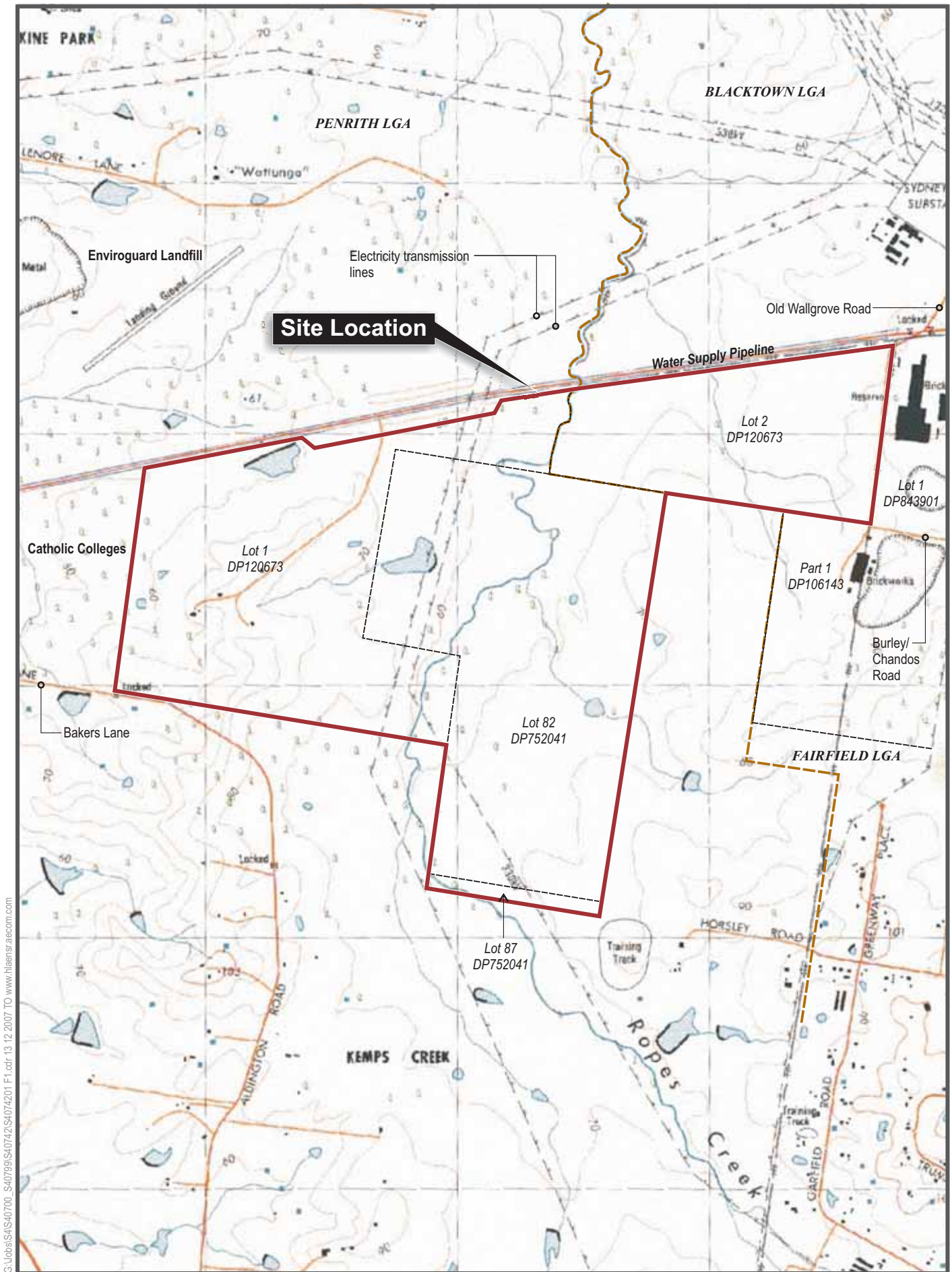






Figure 5 Aerial Photograph - 1965



Plates

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**PLATE 1**

Lot 1, excavation to remove tipped rubbish.

**PLATE 2**

Lot 1, steel plate in area of deposited excavated materials.

**PLATE 3**

Lot 1, concrete blocks in incised creek channel

**PLATE 4**

Lot 1, Well (water holding tank)

**PLATE 5**

Lot 1, old-farmhouse

**PLATE 6**

Lot 1, engine block and ACM on ground surface near old-farmhouse

**PLATE 7**

Lot 1, view of area of former (possible) piggery

**PLATE 8**

Lot 82, former farm dam with concrete blocks



PLATE 9
Lot 82, clay stockpiles



PLATE 10
Lot 82, well (water holding tank) with rubbish fill



PLATE 11
Lot 2, visual bunds



PLATE 12
Lot 2, surface of visual bund, western end near southern boundary

Appendix A

Section 149 Certificates

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PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 403842
Your Reference: f63274(s4201-po:148905) dx
Contact No: 96570080

Issue Date: 29/03/2007
Certificate No: 07/01302
Receipt Date: 29/03/2007
Receipt No: 2256214

Issued to: Property Enquiry Services
Foster & Foster Pty Ltd
DX 208
SYDNEY

PRECINCT 823

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 2-18 Aldington Road KEMPS CREEK NSW 2178

Land Description: Lot 1 DP 120673

- 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 SEPPs, REPS, LEPs AND DCPs

1(1)(a) The names of each local environmental plan and deemed environmental planning instrument applying to the land:

Penrith Local Environmental Plan No.201 (Rural Lands), gazetted 12 July 1991, as amended, applies to the land.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 – St Marys applies, except as provided by clause 43 of SREP No. 30 – St Marys.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.

1(1)(b) The names of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1) (b) of the Act:

Draft Penrith Local Environmental Plan 1999 (Flora And Fauna Conservation) applies to the land. (See attached copy)

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1(1)(c) The names of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections):

Penrith Development Control Plan 2006 applies to the land. ✓

1(2)(a) The names of each regional environmental plan applying 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, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

1(2)(b) The names of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act:

No draft regional environmental plan that has been placed on exhibition under section 47(b) of the Act applies to the land.

1(3)(a) The names of each State environmental planning policy applying to the land:

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

State Environmental Planning Policy (Seniors Living) 2004 (Note: This policy applies to land that is zoned primarily for urban purposes, or adjoins land so zoned, and on which development for the purposes of dwelling-houses, residential flat buildings, hospitals or special uses (including (but not limited to) churches, convents, educational establishments, schools and seminaries) are permitted.

This policy does not apply to land described in Schedule 1 (Environmentally sensitive land), land zoned for industrial purposes, land to which an interim heritage order made under the Heritage Act 1977 applies, or land to which a listing on the State Heritage Register kept under the Heritage Act 1977 applies.)

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

State Environmental Planning Policy No. 8 - Surplus Public Land. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974, the Crown Lands Consolidation Act 1913 and the Forestry Act 1916; land to which State Environmental Planning Policy No. 26 Littoral Rainforest applies; and land identified as open space, recreation, national park or coastal lands acquisition under an environmental planning instrument.)

State Environmental Planning Policy No. 9 - Group Homes.

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

State Environmental Planning Policy No. 11 - Traffic Generating Developments.

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. 22 - Shops and Commercial Premises. (Note: This policy does not apply to land within Zone No. 3(b) or 3(c) under Penrith Local Environmental Plan 1997 (Penrith City Centre).)

State Environmental Planning Policy No. 27 - Prison Sites.

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.)

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

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State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.
State Environmental Planning Policy No. 50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)
State Environmental Planning Policy No. 55 - Remediation of Land.
State Environmental Planning Policy No. 64 - Advertising and Signage.
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.
State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes).
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
State Environmental Planning Policy (ARTC Rail Infrastructure) 2004.
State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004.
State Environmental Planning Policy (Major Projects) 2005.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

1(3)(b) The names of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act:

Draft State Environmental Planning Policy (SEPP 66) - Integrated Landuse and Transport applies to the land.

Draft State Environmental Planning Policy (Application of Development Standards) 2004 applies to the land.

Draft State Environmental Planning Policy (Infrastructure) 2006 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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. If these sections apply to the land details are shown below and/or in annexures.

(Note: If a draft local environmental plan applies to the land details regarding sections 2(a)-2(h) of this certificate relevant to that draft local environmental plan may be found in the attached copy of the draft local environmental plan.)

Under the terms of Penrith Local Environmental Plan No. 201 (Rural Lands) the land is zoned as Zone No. 1(a) (Rural "A" Zone - General).

Zone No. 1(a) (Rural "A" Zone - General)

1. Objectives of zone

The objectives are:

- (a) to protect and enhance the scenic quality and rural character of the locality; and
- (b) to ensure that development is compatible with the environmental capabilities of the land and to encourage the conservation and enhancement of natural resources by means of appropriate land management techniques; and
- (c) to protect productive agricultural and horticultural land which supplies produce to the Sydney markets; and
- (d) to protect valuable deposits of extractive materials; and
- (e) to ensure that development does not create unreasonable demands, now or in the future, for provision or extension of

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- public amenities or services; and
- (f) to ensure that traffic generating developments are suitably located so as not to adversely affect the safety and efficiency of roads; and
- (g) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities; and
- (h) to ensure that where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality; and
- (i) to ensure that views from main roads and the rural character of the locality will not be adversely affected; and
- (j) to ensure that the development will not lead to excessive soil erosion or run-off.

2. Without development consent

Agriculture (other than intensive livestock keeping establishments).

3. Only with development consent

Any purpose, other than a purpose included in Item 2 or 4 of the matter relating to this zone.

4. Prohibited

Boarding houses; caravan parks; commercial premises; extractive industries; health care consulting rooms; industries (other than rural and home industries); junkyards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; rural exhibition grounds; sawmills; shops (other than convenience stores, general stores and produce stores); traffic sensitive land uses; transport terminals.

Notwithstanding any other provision of Penrith Local Environmental Plan No.201 (Rural Lands) under clause 33a of the LEP Council shall not grant consent to the carrying out of development on the subject land for the purpose of waste disposal or for any other purpose involving waste disposal unless, in both cases, it is satisfied that the waste to be disposed of does not include foodstuffs or the by-products of the manufacture or processing of foodstuffs, garbage from litter bins, dead animals or parts thereof, any other organic matter ordinarily liable to putrefaction when exposed to the air or domestic garbage, other than lawn clippings, grass, tree and shrub prunings and general garden waste.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development.

In addition to any controls detailed above Penrith Local Environmental Plan No. 255 – Exempt and Complying Development sets out further circumstances where development consent may or may not be required for certain development known as “exempt development” or “complying development”. Please see attached lists for development that may be exempt or complying and refer to the local environmental plan (and the accompanying development control plan) for full details. (See note on page 1 regarding the application of this plan to land to which Sydney Regional Environmental Plan No.30 – St Marys applies.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

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:

Provisions fixing the minimum area upon which a dwelling-house may be erected at 40 hectares apply to the land.

Note: Council may also consent to the erection of a dwelling-house on vacant land that existed as a lot or portion of land as at 12 July, 1991, or on an allotment created by subdivision in accordance with clause 11 of Local Environmental Plan No.201 (Rural Lands).

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

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

The land does not include or comprise critical habitat. ✓

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

The land is not in a conservation area. ✓

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

An item of environmental heritage is not situated on the land. ✓

3 DECLARED STATE SIGNIFICANT DEVELOPMENT

This item has been omitted from Planning Certificates vide Government Gazette No. 96 of 29 July 2005.

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 not affected by a 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).

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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: Penrith Development Control Plan 2006 Section 2.10 Flood Liable Land applies to this land. Council's Environmental Planning Directorate may be able to provide further advice on the effect of this section of the Development Control Plan and the extent of any flood liability.

On application and payment of the prescribed fee (\$380) Council will issue a report on the subject land detailing relevant ground levels on the property, existing floor levels of any buildings erected on the land, together with details of the flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and floodway if the latter is available.

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land, provides for acquisition of the land by a public authority as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.
The Cultural Facilities Development Contributions Plan applies to the land.

10 MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

(a) The land to which the certificate relates is not within land declared to be an **investigation area** or **remediation site** under Part 3 of the Contaminated Land Management Act 1997.

(b) The land to which the certificate relates is not subject to an **investigation order** or a **remediation order** within the meaning of the Contaminated Land Management Act 1997.

(c) The land to which the certificate relates is not the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

(d) The land to which the certificate relates is not the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

11 BUSH FIRE PRONE LAND

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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.)

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.

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

149(5) Certificate

**This Certificate is directed to the following
relevant matters affecting the land**

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

Note: Interested persons should make their own enquiries as to whether any development consent mentioned in this certificate has lapsed.
This certificate does not contain information relating to Complying Development Certificates.
This certificate may not provide full details of development rights over the land.

* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

* The land is affected by a Tree Preservation Order.

* Council has resolved to prepare a draft local environmental plan which intends to define "telecommunications facility" and "telecommunications network" as provided under the *Commonwealth Telecommunications Act 1997*; include these as permissible uses in all land use zones with the consent of Council; and identify the circumstances where telecommunications facilities may be considered as exempt and complying development.

Council has also resolved to prepare a development control plan to control the siting, design and installation of telecommunications facilities, which is generally consistent with the Model Telecommunications and Radiocommunications Development Control Plan. (File 4163/4)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

* The land is subject to a minimum building line of 15 metres. See Penrith Development Control Plan 2006 Section 4.9 Rural Development.

* The land is affected by an easement for transmission line 60.96 metres wide.
It is Council's policy not to allow development within the easement.

* The land is affected by an easement for a transmission line 121.92 metres wide.
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* Rural Lands Study and Strategy

Council has adopted a Rural Lands Study and Strategy for the rural lands of Penrith. These documents relate to the subject property. These documents were adopted by Council on 29 September 2003 and are available for viewing at Council's libraries or by visiting Council's website at <http://www.penrithcity.nsw.gov.au>

The Strategy nominates land use designations and controls that will be included in a new draft rural local environmental plan.

* Agricultural Activities Within Rural Areas

This property is located in a rural area and there may be certain agricultural activities occurring that some people may find offensive (for example noise, dust and odours). This should be considered if you purchase the subject property or build a dwelling thereon.

If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

Alan Travers,
General Manager.

Per *L. Haller*

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 403842
Your Reference: f63274 (s4074501-po:148905) dx
Contact No: 96570080
Issue Date: 27/03/2007
Certificate No: 07/01247
Receipt Date: 15/03/2007
Receipt No: 2255045

Issued to: Property Enquiry Services
Foster & Foster Pty Ltd
DX 208
SYDNEY

PRECINCT 823

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 2a Aldington Road KEMPS CREEK NSW 2178

Land Description: Lot 82 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 SEPPs, REPS, LEPs AND DCPs

1(1)(a) The names of each local environmental plan and deemed environmental planning instrument applying to the land:

Penrith Local Environmental Plan No.201 (Rural Lands), gazetted 12 July 1991, as amended, applies to the land.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 – St Marys applies, except as provided by clause 43 of SREP No. 30 – St Marys.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.

1(1)(b) The names of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1) (b) of the Act:

Draft Penrith Local Environmental Plan 1999 (Flora And Fauna Conservation) applies to the land. (See attached copy)

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

1(1)(c) The names of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections):

Penrith Development Control Plan 2006 applies to the land.

1(2)(a) The names of each regional environmental plan applying 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, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

1(2)(b) The names of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act:

No draft regional environmental plan that has been placed on exhibition under section 47(b) of the Act applies to the land.

1(3)(a) The names of each State environmental planning policy applying to the land:

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

State Environmental Planning Policy (Seniors Living) 2004 (Note: This policy applies to land that is zoned primarily for urban purposes, or adjoins land so zoned, and on which development for the purposes of dwelling-houses, residential flat buildings, hospitals or special uses (including (but not limited to) churches, convents, educational establishments, schools and seminaries) are permitted.

This policy does not apply to land described in Schedule 1 (Environmentally sensitive land), land zoned for industrial purposes, land to which an interim heritage order made under the Heritage Act 1977 applies, or land to which a listing on the State Heritage Register kept under the Heritage Act 1977 applies.)

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

State Environmental Planning Policy No. 8 - Surplus Public Land. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974, the Crown Lands Consolidation Act 1913 and the Forestry Act 1916; land to which State Environmental Planning Policy No. 26 Littoral Rainforest applies; and land identified as open space, recreation, national park or coastal lands acquisition under an environmental planning instrument.)

State Environmental Planning Policy No. 9 - Group Homes.

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

State Environmental Planning Policy No. 11 - Traffic Generating Developments.

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. 22 - Shops and Commercial Premises. (Note: This policy does not apply to land within Zone No. 3(b) or 3(c) under Penrith Local Environmental Plan 1997 (Penrith City Centre).)

State Environmental Planning Policy No. 27 - Prison Sites.

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.)

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

PLANNING CERTIFICATE UNDER SECTION 149

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State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.

State Environmental Planning Policy No. 50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

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

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

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

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

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

State Environmental Planning Policy (ARTC Rail Infrastructure) 2004.

State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004.

State Environmental Planning Policy (Major Projects) 2005.

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

1(3)(b) The names of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act:

Draft State Environmental Planning Policy (SEPP 66) - Integrated Landuse and Transport applies to the land.

Draft State Environmental Planning Policy (Application of Development Standards) 2004 applies to the land.

Draft State Environmental Planning Policy (Infrastructure) 2006 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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. If these sections apply to the land details are shown below and/or in annexures.

(Note: If a draft local environmental plan applies to the land details regarding sections 2(a)-2(h) of this certificate relevant to that draft local environmental plan may be found in the attached copy of the draft local environmental plan.)

Under the terms of Penrith Local Environmental Plan No. 201 (Rural Lands) the land is zoned as Zone No. 1(a) (Rural "A" Zone - General).

Zone No. 1(a) (Rural "A" Zone - General)

1. Objectives of zone

The objectives are:

- (a) to protect and enhance the scenic quality and rural character of the locality; and
- (b) to ensure that development is compatible with the environmental capabilities of the land and to encourage the conservation and enhancement of natural resources by means of appropriate land management techniques; and
- (c) to protect productive agricultural and horticultural land which supplies produce to the Sydney markets; and
- (d) to protect valuable deposits of extractive materials; and
- (e) to ensure that development does not create unreasonable demands, now or in the future, for provision or extension of

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

- public amenities or services; and
- (f) to ensure that traffic generating developments are suitably located so as not to adversely affect the safety and efficiency of roads; and
- (g) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities; and
- (h) to ensure that where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality; and
- (i) to ensure that views from main roads and the rural character of the locality will not be adversely affected; and
- (j) to ensure that the development will not lead to excessive soil erosion or run-off.

2. Without development consent

Agriculture (other than intensive livestock keeping establishments).

3. Only with development consent

Any purpose, other than a purpose included in Item 2 or 4 of the matter relating to this zone.

4. Prohibited

Boarding houses; caravan parks; commercial premises; extractive industries; health care consulting rooms; industries (other than rural and home industries); junkyards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; rural exhibition grounds; sawmills; shops (other than convenience stores, general stores and produce stores); traffic sensitive land uses; transport terminals.

Notwithstanding any other provision of Penrith Local Environmental Plan No.201 (Rural Lands) under clause 33a of the LEP Council shall not grant consent to the carrying out of development on the subject land for the purpose of waste disposal or for any other purpose involving waste disposal unless, in both cases, it is satisfied that the waste to be disposed of does not include foodstuffs or the by-products of the manufacture or processing of foodstuffs, garbage from litter bins, dead animals or parts thereof, any other organic matter ordinarily liable to putrefaction when exposed to the air or domestic garbage, other than lawn clippings, grass, tree and shrub prunings and general garden waste.

Badgery's Creek is the Commonwealth Government's preferred site for Sydney's second major airport. The land the subject of this certificate is within the vicinity of the proposed airport site and is located within the Australian Noise Exposure Forecast (ANEF) included in the 1985 draft Environmental Impact Statement for Sydney's Second Airport.

The land is partially affected by the 20 - 25 ANEF.

Clause 31 of Local Environmental Plan No.201 requires that, notwithstanding any other provision of the LEP, Council shall not consent to the carrying out of development for the purposes of:

- (a) schools, hospitals, churches and theatres on land within the boundaries of the 20 ANEF contour line; or
- (b) hotels, motels or public buildings on land within the boundaries of the 30 ANEF contour line; or
- (c) a dwelling on land within the boundaries of the 25 ANEF contour line unless it is satisfied that:
 - (1) no practical alternative location exists for the proposed dwelling; and
 - (2) the dwelling is designed so that interior noise levels will meet Australian standard 2021; or
- (d) converting a dwelling-house into 2 dwellings on land within the boundaries of the 25 ANEF contour line.

It should be noted that the Commonwealth Department of Transport and Regional Services is again considering the establishment of an international airport at Badgery's Creek. Preliminary flight path information received by Council from that Department suggests that the subject land may be affected by the operations (including noise) of such an airport. You should make your own enquiries concerning possible effects on the above property with the Commonwealth Department of Transport and Regional Services (Telephone: 02 6274 7111 or Website: www.dotars.gov.au).

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

In addition to any controls detailed above Penrith Local Environmental Plan No. 255 – Exempt and Complying Development sets out further circumstances where development consent may or may not be required for certain development known as “exempt development” or “complying development”. Please see attached lists for development that may be exempt or complying and refer to the local environmental plan (and the accompanying development control plan) for full details. (See note on page 1 regarding the application of this plan to land to which Sydney Regional Environmental Plan No.30 – St Marys applies.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

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:

Provisions fixing the minimum area upon which a dwelling-house may be erected at 40 hectares apply to the land.

Note: Council may also consent to the erection of a dwelling-house on vacant land that existed as a lot or portion of land as at 12 July, 1991, or on an allotment created by subdivision in accordance with clause 11 of Local Environmental Plan No.201 (Rural Lands).

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

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

The land does not include or comprise critical habitat.

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

The land is not in a conservation area.

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

An item of environmental heritage is not situated on the land.

3 DECLARED STATE SIGNIFICANT DEVELOPMENT

This item has been omitted from Planning Certificates vide Government Gazette No. 96 of 29 July 2005.

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.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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 not affected by a 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.

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The Strategy nominates land use designations and controls that will be included in a new draft rural local environmental plan.

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If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

Alan Travers,
General Manager.

Per *J. Hollis*

Exempt and Complying Development

NOTE: For development to be "Exempt Development" or "Complying Development" it MUST comply with the requirements specified within Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, and Penrith Development Control Plan 2006 Part 5 Exempt and Complying Development.

Exempt Development

Advertisement / Signs	Minor Ancillary Development (cont.)
<ul style="list-style-type: none"> Advertisement displaying a message changed from that displayed by a previously approved advertisement. Advertisement erected on land zoned Rural Conservation under SREP No. 13 – Mulgoa Valley; or land zoned Agriculture Protection or Rural under SREP No. 25 – Orchard Hills. Advertisement within a site being a sign which is not visible from outside the site on which it is displayed. Advisory or directional sign (traffic directional, street signs). Business identification sign. Exhibition village sign being an advertisement erected on a property on which Council has approved an "exhibition home or homes". Public notice. Real estate sign. Sponsorship advertising in sporting fields or grounds. Temporary sign. 	<ul style="list-style-type: none"> Minor internal (non-structural) alterations to existing business or office premises, and shops (other than food shop, take-away food shop or restaurant). Minor internal (non-structural) alterations to existing dwelling or dwelling house. Outdoor eating area in conjunction with a restaurant or refreshment room. Outdoor trading area in conjunction with an approved shop. Park and street furniture (seats, bins, picnic tables, minor shelters and bus shelters) by Penrith City Council. Pergola (no roof covering). Playground equipment on land classified as Community Land by Penrith City Council. Privacy screen for domestic purposes on a residential property. Re-cladding of walls to existing dwelling, dwelling house, ancillary residential or rural building. Replace or repair existing roof to a dwelling, dwelling house, ancillary residential or rural building. Retaining walls required as a result of excavations associated with the construction of a building or structure. Satellite dish for domestic purposes. Screen enclosure attached to existing dwelling house.
Minor Ancillary Development	Use of Land or Building
<ul style="list-style-type: none"> Access ramps for people with disabilities. Aerials and antennae but not including satellite dishes. (Domestic purposes only.) Air conditioners and exhaust fans for existing dwelling house. Awning, canopy or stormblind attached to existing dwelling house. Aviary (an enclosure in which birds are kept for domestic purposes, not including poultry or pigeons). Barbecue associated with existing dwelling or dwelling house. Bollards erected for security purposes to existing business premises, office premises, or shop. Bridges and staircases in Penrith City Council's public parks and recreation areas. Cabana or gazebo. Carport for existing dwelling house. Childproof enclosures for dangerous dogs or restricted dogs as defined under the Companion Animals Act, 1998. 	<ul style="list-style-type: none"> Shade structure to be erected on land owned by Penrith City Council. Skylight or rooflight for existing dwelling or dwelling house. Solar water heater, solar panels and solar lighting. Tennis court for private / non-commercial use on a rural zoned property and associated with a dwelling house. Waste storage container (waste / skip bin) temporarily being placed in a public place. Water heater excluding solar systems. Windows, glazed areas and external door replacement for existing dwelling, dwelling house, or other ancillary residential building. Water storage tank. <ul style="list-style-type: none"> In Residential zones (water tanks at or above ground level). In Rural zones (water tanks at or above ground level, or below ground level). On land owned, controlled or managed by Penrith City Council (water tank at or above ground level.)
<ul style="list-style-type: none"> Clothes line or hoist for domestic purposes. Cubby house at ground level. 	<ul style="list-style-type: none"> Agriculture not including aquaculture, dams, intensive animal industries and intensive horticulture establishments. Ancillary building associated with the agricultural use of the land. Bed and breakfast establishment in existing dwelling house. Class 9b building for the purpose of a public meeting. Family day-care home in existing dwelling house. Home activity or home occupation in existing dwelling or dwelling house. New use of existing business premises or office premises to another business premises or office premises. New use of existing business premises to another business premises. New use of existing shop to another shop (other than a food shop, take-away food shop or a shop trading principally in bulky goods). Temporary use of existing building as a place of public entertainment.

Other Minor Development

- Boundary adjustment.
- Demolition of:
 - Single storey residential construction and ancillary, single storey development (including swimming pools), and
 - All exempt activities in this Schedule (other than 'Isolation Swimming Pool Fencing').
- Fences other than swimming pool fencing covered by the Swimming Pools Act 1992.
 - In Industrial zones.
 - In Residential zones.
 - In Rural zones (including entrance gates).
 - In Open Space zones.

Complying Development

- Dwelling house (single storey detached dwelling house, but not a re-sited dwelling).
- Single storey additions and alterations to existing single storey dwelling house (including awning, screen enclosure and / or pergola).
- Ground and first floor additions and alterations to existing dwelling house in rural areas (including awning, screen enclosure and / or pergola).
- Carport or garage (including garden shed) associated with existing dwelling house.
- Farm shed (building used for farm or agricultural purposes only).
- Swimming pool (above or in-ground) associated with existing dwelling house. Non – commercial swimming pool.
- Internal structural works associated with a bed and breakfast establishment in an existing dwelling house.
- Demolition of a building up to 2 storeys (of residential construction).
- Strata subdivision of completed development only.
- New use to a business premises in an approved industrial building or unit.
- New use to a light industry in an approved industrial building or unit.
- Change in building classification as a result of new use of existing unit or building and may include internal alterations. New use may involve a commercial premises, business premises, office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing commercial, business or office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing industrial unit or building.
- New use of existing commercial or industrial unit or shop as a food shop or take-away food shop including internal alterations.
- Internal alterations to an existing food shop or take-away food shop.

Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development

1 Name of plan

This plan is *Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development*.

2 Aims of plan

This plan aims to:

- (a) require development consent for dwelling houses on residentially zoned land within the City of Penrith, and
- (b) require development consent for dwelling houses on land within the Non-urban zone under the *Penrith Planning Scheme Ordinance* and on land within the Special Business zone under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*, and
- (c) require development consent for dwelling houses attached to and used in conjunction with shops on land within the Neighbourhood Business zone under the *Penrith Planning Scheme Ordinance*, and
- (d) require development consent for the following:
 - (i) the erection of a building or structure ordinarily associated with a dwelling house,
 - (ii) a change of building use,

Note. At the commencement of this plan, a **change of building use** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

- (iii) demolition of a building or structure,
- (iv) carrying out structural alterations to a building, internal alterations to a building, or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops,
- (v) the subdivision of land,

to the extent to which such development does not already require development consent because of another environmental planning instrument in order to be carried out.

3 Land to which plan applies

This plan applies to all land within the City of Penrith.

4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and any other local environmental planning instrument or deemed environmental planning instrument, this plan shall prevail to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) This plan amends:
 - (a) *Penrith Planning Scheme Ordinance* in the manner set out in Schedule 1,
 - (b) *Penrith Local Environmental Plan 1997 (Penrith City Centre)* in the manner set out in Schedule 2, and
 - (c) *Penrith Local Environmental Plan 1998 (Urban Land)* in the manner set out in Schedule 3.
- (3) This plan does not affect the application of:
 - (a) *State Environmental Planning Policy No 3 – Castlereagh Liquid Waste Disposal Depot*,
 - (b) *State Environmental Planning Policy No 27 – Prison Sites*,
 - (c) *Sydney Regional Environmental Plan No 9 – Extractive Industry*,

- (d) *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme,*
 - (e) *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997),*
 - (f) *Sydney Regional Environmental Plan No 30 – St Marys, or*
 - (g) *Penrith Local Environmental Plan No 255 – Exempt and Complying Development,*
- to land to which this plan applies.

5 Definitions

- (1) In this plan:

a building or structure ordinarily associated with a dwelling house means a garage, carport, pergola, swimming pool, and the like, and includes alterations and additions to an existing dwelling house.

change of building use has the same meaning as in the Act.

Note. At the commencement of this plan, a ***change of building use*** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

dwelling house means a dwelling which is the only dwelling erected on an allotment of land.

subdivision of land has the same meaning as in the Act.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) The list of contents and notes in this plan are not part of this plan.

6 Dwelling houses require development consent

- (1) The erection of a dwelling house must not be carried out without development consent.
- (2) This clause applies to residentially zoned land within the City of Penrith.
- (3) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument.

7. Miscellaneous development that requires development consent

- (1) The following development must not be carried out without development consent:
- (a) erection of a building or structure ordinarily associated with a dwelling house, or
 - (b) development that results in a change of building use, or
 - (c) demolition of a building or structure, or
 - (d) structural, internal or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops.
- (2) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

8 Subdivisions require development consent

- (1) A subdivision of land must not be carried out without development consent.
- (2) This clause applies if the subdivision of land:
 - (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

Schedule 1 Amendment of Penrith Planning Scheme Ordinance

(Clause 4 (2) (a))

[1] Clause 4 Interpretation

Omit the definition of *Country dwelling*.

[2] Clause 26 Erection or use of buildings or works

Omit “country dwellings;” from Column III for Zone No 1 of the Table to the clause.

[3] Clause 26, Table

Omit “dwelling-houses other than country dwellings and rural dwellings;” from Column V for Zone No. 1.

[4] Clause 26, Table

Omit “Dwelling-houses other than semi-detached and terrace buildings.” from Column III for Zone No 2(a).

[5] Clause 26, Table

Omit “Residential buildings.” from Column III for Zone No 2 (b).

[6] Clause 26, Table

Omit “Dwelling-houses other than semi-detached or terrace buildings.” from Column III for Zone No 2 (c).

[7] Clause 26, Table

Omit “;dwelling-houses attached to and used in conjunction with shops” from Column III for Zone No 3 (c).

[8] Clause 26, Table

Omit “Purposes” from Column IV for Zone No 3(c).

Insert instead “Buildings or other structures ordinarily associated with dwelling houses; changes of building use (as defined in the *Environmental Planning and Assessment Act 1979*); dwelling-houses attached to and used in conjunction with shops; demolition of buildings or other structures; land uses and premises”.

[9] Clause 26, Table

Insert “; structural or internal alterations to, or external building work in association with, commercial premises or refreshment rooms” after “roads” in Column IV for Zone No 3(c).

[10] Clause 38 Development in residential zones

Omit the clause.

[11] Clause 46 Variation of area required for country dwelling

Omit the clause.

Schedule 2 Amendment of Penrith Local Environmental Plan 1997 (Penrith City Centre)

(Clause 4 (2) (b))

- [1] **Clause 9 Zone objectives and development control table**
Omit from item (b) (i) **Without development consent** for Zone No 2 (f) in the Development Control Table:
- dwelling-houses
- [2] **Clause 9, table**
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 2 (f):
- buildings or other structures ordinarily associated with dwelling-houses
 - demolition of buildings or other structures
 - dwelling-houses
- [3] **Clause 20 Development of land within Zone No 3 (a)**
Insert “where the new use does not involve structural or internal alterations or external buildings works” after the words “or take away food shops”.

Schedule 3 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

(Clause 4 (2) (c))

- [1] **Clause 9 Zone objectives and development control table**
Omit wherever occurring from item (b) (i) **Without development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e) in the Development Control Table:
- dwelling houses
- [2] **Clause 9, table**
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e):
- buildings or other structures ordinarily associated with dwelling houses
 - changes of building use (as defined in the Act)
 - demolition of buildings or other structures
 - dwelling houses
 - internal structural work in bed and breakfast establishments
- [3] **Clause 9, table**
Insert in alphabetical order in item b (ii) **Only with development consent** for Zones Nos 2 (r) and 2 (r1);
- buildings or other structures ordinarily associated with dwelling houses
 - changes of building use (as defined in the Act)
 - demolition of buildings or other structures
 - structural or internal alterations to bed and breakfast establishments
- [4] **Clause 9, table**
Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 3 (f):
- changes of building use (as defined in the Act)
 - demolition of buildings or other structures
 - external building work associated with an existing land use carried out with consent
 - structural or internal alterations to a building or other structure erected with consent or building approval

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Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (F99/.....)

Minister for Urban Affairs and Planning

Sydney,

1999.

PART 1 - PRELIMINARY

1. Title

This plan may be cited as "Penrith Local Environmental Plan No 1999 (Flora and Fauna Conservation)".

2. Aims, objectives, etc.

(1) The general aims of this plan are:

- to protect and preserve native vegetation and natural biological diversity in the City of Penrith as a major contribution to the achievement of ecologically sustainable development; and
- to improve the condition of existing native vegetation and encourage the revegetation and rehabilitation of land with appropriate native vegetation management; and
- to rationalise vegetation management controls in certain environmental planning instruments applying to non urban areas to ensure a consistent approach to the control and management of biological resources; and
- to manage exotic vegetation in accordance with its cultural and landscape significance; and
- to protect native vegetation and existing landforms for their scenic values, and to retain the unique visual identity of the landscape; and

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PART 2 - LAND USE CONTROLS

6. Flora and fauna corridors

(1) This clause applies to the land shown distinctively marked by cross-hatching on the map.

(2) The objectives of the flora and fauna corridors are:

- to provide effective links between native vegetation areas within the Penrith local government area and other adjoining local government areas; and
- to promote the unhindered movement of native animals and plants by limiting the density of development, or by modifying development; and
- to facilitate the rehabilitation of flora and fauna corridors to maintain and increase fauna habitat; and
- to ensure that clearing or other development takes into account the objectives of this plan, and that measures are taken to implement the objectives; and
- to protect significant native vegetation outside conservation reserves.

(3) For the purpose of this clause, "work" means:

- erection of any structure or fence on the land; and
 - removal of soil, rock or any natural material from the land; and
 - deposit of soil, rock or any material on the land; and
 - destruction, removal or clearing of native vegetation on the land; and
 - alteration to natural watercourse or drainage; and
 - cultivation, slashing or underscrubbing; and
 - bushfire hazard reduction; and
 - irrigation; and
 - destruction of exotic vegetation,
- but does not include the carrying out of work for the purposes of maintaining existing structures and driveways.

(4) A person must not carry out development or work on land to which this clause applies except with the consent of the council.

(5) Except as otherwise provided by this plan, the council must not grant consent to work on land to which this clause applies that, in the opinion of the council, is contrary to one or more aims of this plan, or one or more objectives of this clause.

(6) Subject to subclause (5), the council must not consent to development on land, unless it has considered a flora and fauna assessment for that land.

(7) The council must not grant consent to development on land to which this clause applies unless it is of the opinion that the proposed development has taken into account the following matters:

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- to promote the management of native vegetation in a manner which is compatible with its conservation status; and
- to identify and maintain flora and fauna corridors between remnant areas of native vegetation.

(3) The objectives of the flora and fauna corridors and native vegetation areas are set out in Part 2.

3. Land to which plan applies

This plan applies to non-urban land within the City of Penrith which is shown edged by a heavy black line on the map.

4. Relationship with other environmental planning instruments, etc

- This plan affects the provisions of Penrith Planning Scheme Ordinance, local environmental plans, and deemed environmental planning instruments in the manner set out in Schedule 1.
- Clauses 6 and 10 of State Environmental Planning Policy No.4 - Development without Consent do not apply to a flora and fauna corridor within the meaning of this plan.
- Nothing in this plan affects the application of Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) to land to which this plan applies.

5. Interpretation

- Terms used in this plan which are defined in Schedule 2 have the meanings set out in that Schedule.
- In this plan:
 - a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
 - a reference to a map is to a map kept in the office of the council.

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- the effect of clearing, including bushfire mitigation measures on flora and fauna species existing on or likely to utilise the land; and
- the presence of threatened species, populations and ecological communities in accordance with the Act; and
- the local and regional significance of the vegetation; and
- any measures to be taken to ameliorate any impacts; and
- the significance of any flora and fauna species, population or ecological community listed under the Threatened Species Conservation Act 1995; and
- the requirements of any species recovery plan under the Threatened Species Conservation Act 1995.

(8) Subject to subclause (7), the council must not consent to development on land to which this plan applies unless the type and location of that development is generally in accordance with any development control plan applying to the land.

(9) Despite subclause (8), the council may consent to a development which is not generally in accordance with a development control plan where it is of an opinion that the development otherwise satisfies the objectives of that plan.

(10) Where a development application is made in respect of land to which a development control plan having provisions about the type and location of development does apply, in determining the application the council:

- must have regard to the provision of any general development control plan applying to the land; and
- may have regard to any overall plan for development of an area, including the land, prepared by or on behalf of the applicant.

7. Native vegetation areas

(1) This clause applies to the land shown distinctively marked by stippling on the map.

(2) The objectives of the native vegetation areas are:

- to prevent inappropriate clearing of native vegetation not located within flora and fauna corridors; and
- to protect flora and fauna habitat and maintain natural ecosystem processes; and
- to encourage and promote native vegetation management; and
- to promote sustainable agriculture; and
- to promote and maintain a diverse local rural landscape and associated amenity.

(3) A person must not clear native vegetation on land to which this clause applies except with the consent of the council.

(4) Despite subclause (3), consent is not required where native vegetation:

- is a danger to life or property; or
- is less than five metres from a building or work approved by the council.

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- (5) Except as otherwise provided by this plan, the council must not grant consent to work on land to which this clause applies that, in the opinion of the council, is contrary to one or more aims of this plan, or one or more objectives of this clause.
- (6) Subject to subclause (5), the council must not consent to development on land, unless it has considered a flora and fauna assessment for that land.
- (7) The council must not grant consent to clearing of vegetation on land to which this clause applies unless the council is of the opinion that the proposed development has taken into account the following matters:
 - (a) the effect of clearing, including bushfire mitigation measures on flora and fauna species existing on or likely to utilise the land; and
 - (b) the presence of threatened species, populations and ecological communities in accordance with the Act; and
 - (c) the local and regional significance of the vegetation; and
 - (d) any measures to be taken to ameliorate any impacts; and
 - (e) the significance of any flora and fauna species, population or ecological community listed under the Threatened Species Conservation Act 1995; and
 - (f) the requirements of any species recovery plan under the Threatened Species Conservation Act 1995.
- (8) Subject to subclause (7), the council must not consent to development on land to which this plan applies unless the type and location of that development is generally in accordance with any development control plan applying to the land.
- (9) Despite subclause (8), the council may consent to a development which is not generally in accordance with a development control plan where it is of an opinion that the development otherwise satisfies the objectives of that plan.
- (10) Where a development application is made in respect of land to which a development control plan having provisions about the type and location of development does apply, in determining the application the council:
 - (a) must have regard to the provision of any general development control plan applying to the land; and
 - (b) may have regard to any overall plan for development of an area, including the land, prepared by or on behalf of the applicant.

8. Management of Exotic Vegetation

- (1) This clause applies to exotic vegetation on land to which this plan applies.
- (2) A person must not ringbark, cut down, poison, dig up, lop, remove, injure, or wilfully destroy any exotic vegetation to which this clause applies by any action except with the consent of the council.

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- (3) Despite subclause (2), consent is not required where:
 - (a) the plant or plants are dead; or
 - (b) the plant or plants are a declared noxious weed under the Noxious Weeds Act 1993; or
 - (c) the plant or plants are less than five metres from a building or work approved by the council; or
 - (d) the plant or plants are fruit trees that require an annual pruning, or is within a timber plantation; or
 - (e) the plant or plants is of a species identified in a development control plan as having potential to cause damage to foundations and sewer lines; or is of a species that is identified as undesirable.

- (4) This clause does not apply to tree trimming, tree removal or other similar measures carried out by an electricity authority, if the work being undertaken is in accordance with a tree management plan agreement approved by the council.

10. Plans of Management

- (1) Where the council considers it necessary or desirable to provide more detailed provisions than are contained in this plan, it may prepare or cause to be prepared a plan of management in respect of native vegetation on the land to which this plan applies.
- (2) Nothing in this plan requires the consent of the council to be obtained for any activity that is carried out in the ordinary course of occupation, use or management of land, where that activity is carried out in accordance with a plan of management which has been consented to by the council pursuant to this clause.

11. Public authorities

A public authority shall not disturb native vegetation within a flora and fauna corridor or native vegetation area or on land adjoining those areas unless it has first had regard to the aims and objectives of this Plan, and it is satisfied that any activity that is carried out is consistent with the aims and objectives.

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Schedule 1 – Relationship to Other Environmental Planning Instruments

[Clause 4(1)]

1. This plan:

- (a) amends Penrith Planning Scheme Ordinance in the manner set out in item 2;
- (b) amends Interim Development Order No. 2 – City of Penrith in the manner set out in item 3;
- (c) amends Interim Development Order No. 28 – City of Penrith in the manner set out in item 4;
- (d) amends Interim Development Order No. 56 – City of Penrith in the manner set out in item 5;
- (e) amends Interim Development Order No. 81 – City of Penrith in the manner set out in item 6;
- (f) amends Interim Development Order No. 93 – City of Penrith in the manner set out in item 7;
- (g) amends Penrith Local Environmental Plan No. 201 in the manner set out in item 8;
- (h) amends Penrith Local Environmental Plan 1994 (Erskine Park Employment Area) in the manner set out in item 9;
- (i) amends Sydney Regional Environmental Plan No. 13 in the manner set out in item 10;
- (j) amends Sydney Regional Environmental Plan No. 25 in the manner set out in item 11.

2. The Penrith Planning Scheme Ordinance is amended by inserting at the end of clause 1 the following words:
Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
1B. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

3. Interim Development Order No. 2 – City of Penrith is amended by inserting at the end of clause 1B the following words:
Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

4. Interim Development Order No. 28 – City of Penrith is amended by inserting at the end of clause 1B the following words:
Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

5. Interim Development Order No. 56 – City of Penrith is amended by inserting at the end of clause 1A the following words:
Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
1B. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

6. Interim Development Order No. 81 – City of Penrith is amended by inserting after clause 1A the following subclause:
(2) In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that Plan shall prevail to the extent of the inconsistency.

7. Interim Development Order No. 93 – City of Penrith is amended by inserting at the end of clause 1B the following words:
Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

8. Penrith Local Environmental Plan No. 201 is amended by inserting at the end of clause 4(4) the following subclause:
(5) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.

9. Penrith Local Environmental Plan No. 1994 (Erskine Park Employment Area) is amended by inserting at the end of clause 4(5) the following subclause:
(6) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.

10. Sydney Regional Environmental Plan No. 13 (Mulgoa Valley) is amended by inserting at the end of clause 4(2) the following subclause:
(3) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.

11. Sydney Regional Environmental Plan No. 25 (Orchard Hills) is amended by inserting at the end of clause 4(4) the following subclause:
(4) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.

Schedule 2 - Definitions

(Clause 5)

"biological diversity" means the variety of life forms, the different plants, animals and micro organisms, the genes they contain and the ecosystem of which they form a part;¹

"bushfire hazard reduction" means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard;²

"clearing" means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting, or burning of native vegetation,
- (c) severing, topping or lopping branches, limbs, stems or trunks of native vegetation,
- (d) substantially damaging or injuring native vegetation in any other way;³

"corridor" applies to both fauna and flora and means areas, or networks of areas, of native vegetation which allow migration of plants and animals, and provide examples of local biological diversity and habitat for various species in their own right;

"council" in relation to the carrying out of any proposed development, means the Council of the City of Penrith;

"development" has the meaning as in the Act;

"exotic vegetation" means one or more plant species of vegetation that did not occur in the City of Penrith before European settlement and is:

- (a) a living perennial plant which exceeds 5 metres in height, being the distance measured vertically between the horizontal plane of the base of the plant which is immediately above the ground and the horizontal plane of the uppermost point of the plant; or
- (b) individual trees or gardens listed in any Significant Tree and Garden Register or development control plan, adopted by the council;

"flora and fauna corridor" means that land shown distinctively marked with hatching on the map;

"flora and fauna impact assessment" means a survey and analysis of habitat by an appropriately qualified person which includes:

- (a) a written and mapped description of the plant and animal species present and their habitat;
- (b) a description of the proposed activities or development including measures to mitigate adverse impacts; and
- (c) an objective assessment of the whether the development is likely to significantly affect threatened species, populations or ecological communities.

"habitat" means an area or areas occupied, or periodically or occasionally occupied, by a native species, population, or ecological community and includes any biotic or abiotic component;

"indigenous vegetation" means one or more plant species of vegetation that existed in the City of Penrith before European settlement;

"plan of management" means:

- (a) a plan of management for community land adopted under the Local Government Act, 1993; or
- (b) a plan of management relating to a Crown Reserve adopted under the Crown Lands Act, 1989; or
- (c) a plan of management relating to a wildlife refuge approved under the National Parks and Wildlife Act, 1974; or
- (d) a plan of management relating to a conservation agreement entered into under the National Parks and Wildlife Act, 1974; or
- (e) a bushfire management plan adopted under the Bushfire Management Act, 1974; or
- (f) a management statement relating to land under community title registered under the Community Land (Management) Act, 1989; or
- (g) a plan of management prepared as a condition of development consent; or
- (h) a regional vegetation plan management plan adopted under the Native Vegetation Conservation Act 1997; or
- (i) a plan of management prepared by or on behalf of a landowner;

"native vegetation" means any of the following types of indigenous vegetation:

- (a) a tree or trees,
- (b) a shrub or shrubs,
- (c) understorey plants,
- (d) groundcover,
- (e) plants occurring in a wetland;⁴

"native vegetation area" means that land shown distinctively marked with stippling on the map;

"the Act" means the Environmental Planning and Assessment Act 1979;

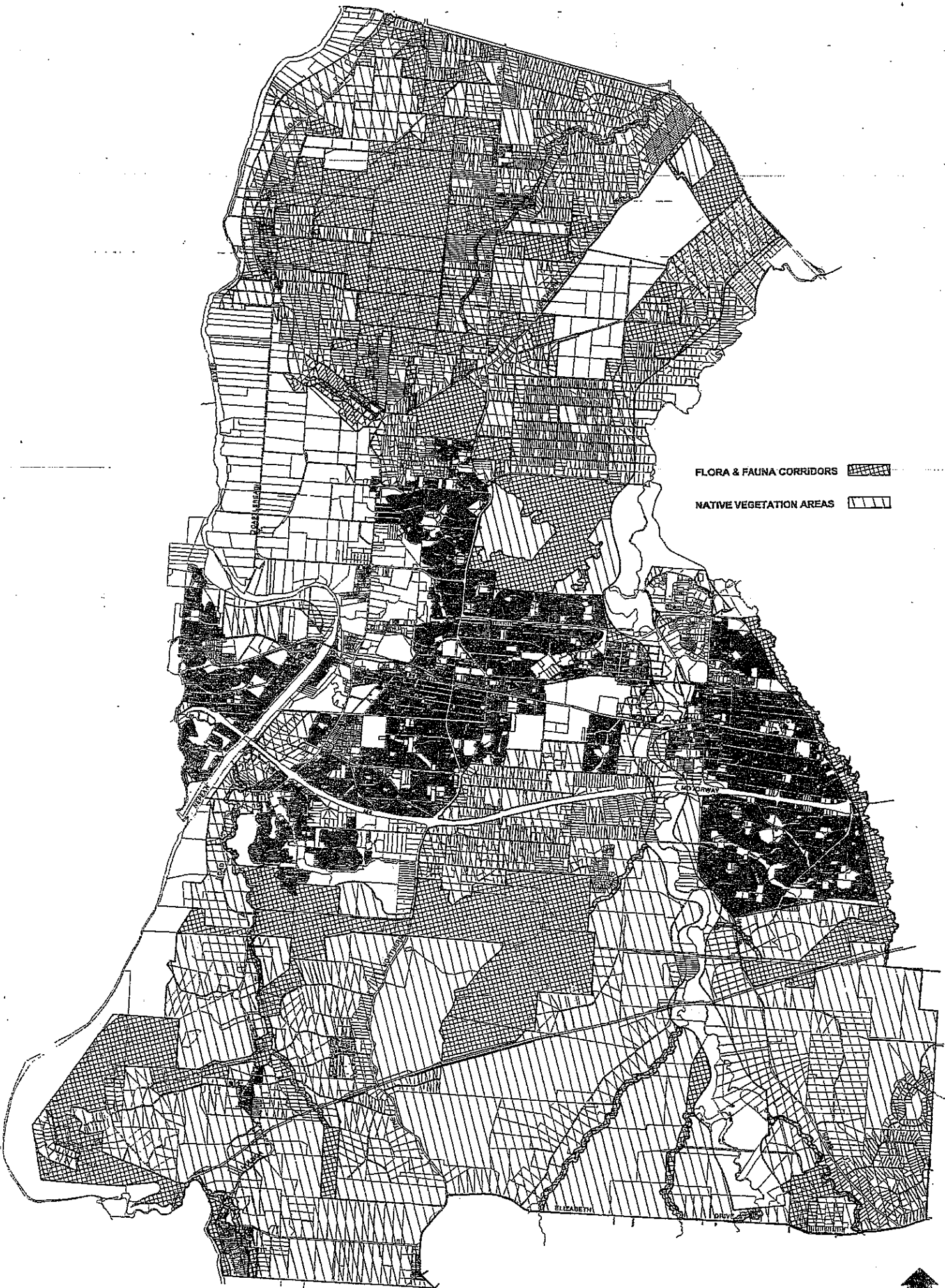
"the map" means the map marked "Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)" as amended.


¹ Commonwealth State of the Environment Report 1996


² SEPP 4 - excludes "chemical".

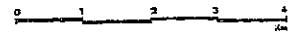
³ Native Vegetation Conservation Act 1997

⁴ Native Vegetation Conservation Act 1997



FLORA & FAUNA CORRIDORS 

NATIVE VEGETATION AREAS 

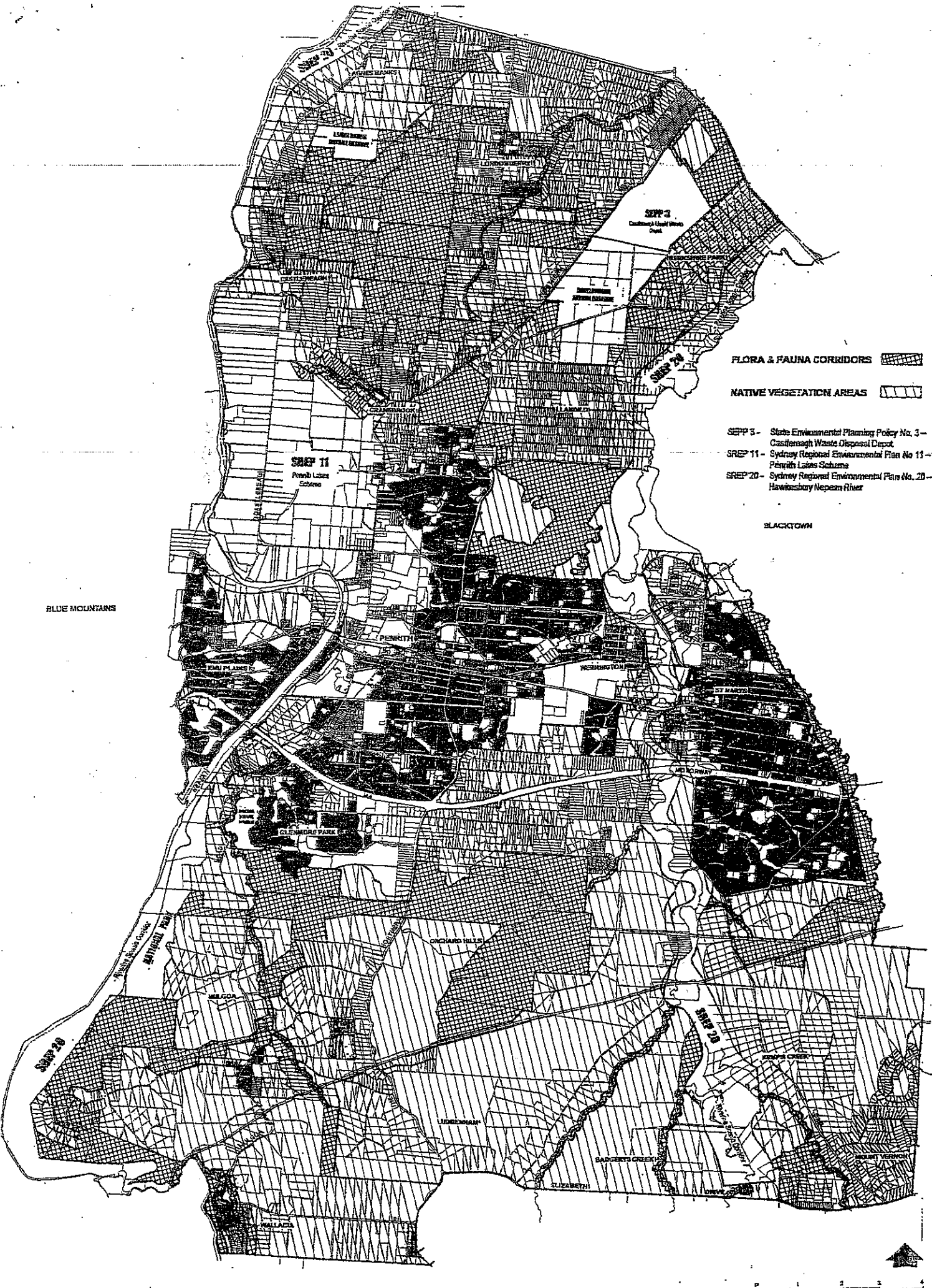


OWNER OF S.C. LAND	DATE: 14-10-88
SUBMITTING OFFICER: J. G. Cappadona	
PLANNING OFFICER: J. R. McInnes	
CORPORATE PLAN No.: 654/87	
COMPLIANCE No.: 1106/13	

ENVIRONMENTAL PLANNING & ASSESSMENT ACT
CITY OF PENRITH
PENRITH DRAFT LOCAL ENVIRONMENTAL PLAN

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
REFER TO CLAUSE (A) OF INSTRUMENT

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979, IN PROVISIONS



- FLORA & FAUNA CORRIDORS** [diagonal hatching pattern]
- NATIVE VEGETATION AREAS** [cross-hatching pattern]
- SEPP 3 - State Environmental Planning Policy No. 3 -
Castlereagh Waste Disposal Depot
- SREP 11 - Sydney Regional Environmental Plan No 11 -
Penrith Lakes Scheme
- SREP 20 - Sydney Regional Environmental Plan No. 20 -
Hawkesbury Nepean River

BLUE MOUNTAINS

BLACKTOWN

Note

The additional planning instruments referred to on this map

FLORA & FAUNA CONSERVATION AREAS

**PLANNING CERTIFICATE UNDER
SECTION 149 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979.**

Cert. No.: 961/2007
Page No.: 1
Receipt 910915
Date: 30/03/2007

F63358(S4074201 PO.148905

Applicant:
Foster & Foster
Gpo Box 5463
SYDNEY 2001

Property Description: **400-564 Burley Rd**
Horsley Park 2175
DP 120673 Lot 2

**PLANNING CERTIFICATE
INFORMATION UNDER SECTION 149(2) :**

PLANNING INSTRUMENT

LOCAL ENVIRONMENTAL PLAN 1994
GOVERNMENT GAZETTE NO. 104
12TH AUGUST, 1994
AS AMENDED
Non Urban Residential 1(a)

INSTRUMENT ZONING

1. The provisions of the local planning instrument (copy/extract attached) detail the purposes for which development may be carried out without consent, the purposes for which development may be carried out only with consent, and the purposes for which the carrying out of development is prohibited. Development Control Plan (DCP) No. 29 came into force on the 17 December 1999, and allow certain forms of development to be carried out (subject to a range of criteria) as either exempt or complying development. Further details on exempt and complying development can be gained by obtaining a copy of DCP No. 29 or contacting Council's Customer Service Branch.
2. Local Environmental Plan (amendment 59), Gazetted 12 May 2000 (Gaz No. 57), introduced changes to Fairfield LEP in light of changes to State Planning Legislation and to rationalise local planning controls. Changes include; requiring development consent for dwellings and group homes in zones 1(a), 2(a), 2(a1) and 2(b), allowing ancillary development under or over roads as identified in DCP 32, introducing planning provisions in relation to bus shelters, temporary use of Council land and development near zone boundaries, modifying the definition of "Light industry" and introducing a definition for "Telecommunications facility".
3. Local Environmental Plan (Amendment 71), Gazetted 8 June 2001, (Gaz No. 95), expanded the definitions of brothels and telecommunications facilities so that they relate to a wider range of premises and facilities.
4. Local environmental Plan (amendment 92), Gazetted 24 October 2003, (Gaz No.43), introduced new requirements covering exempt and complying development, clarifies areas

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to where the narrow lot housing restrictions apply, highlights the need for a footpath license for outdoor seating in Cabramatta and Fairfield and clarifies meaning of motor orientated activities as referred to under the objectives applying to industrial zones.

5. The following State Environmental Planning Policies (SEPP), Regional Environmental Plans (REP) affect land in the City of Fairfield in the manner described.
6. State Environmental Planning Policy No. 1 - Development Standards
7. State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development
8. State Environmental Planning Policy No. 6 - Number of Storeys In A Building.
9. State Environmental Planning Policy No. 10 - Retention of Low-Cost Rental Accommodation
10. State Environmental Planning Policy No. 11 - Traffic Generating Developments.
11. State Environmental Planning Policy No. 21 - Caravan Parks.
12. State Environmental Planning Policy No. 27 - Prison Sites.
13. State Environmental Planning Policy No. 30 - Intensive Agriculture.
14. State Environmental Planning Policy No. 33 - Hazardous and Offensive Development
15. State Environmental Planning Policy No. 35 - Maintenance Dredging of Tidal Waterways.
16. State Environmental Planning Policy No. 37 - Continued Mines and Extractive Industries
17. State Environmental Planning Policy No. 45 - Permissibility of Mining
18. State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.
19. State Environmental Planning Policy No. 50 - Canal Estate Development
20. State Environmental Planning Policy No. 55 - Remediation of Land
21. State Environmental Planning Policy No. 63 - Major Transport Projects
22. State Environmental Planning Policy No. 64 - Outdoor Advertising and Signage
23. State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.
24. State Environmental Planning Policy - Building Sustainability Index: BASIX 2004.
25. State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004
26. State Environmental Planning Policy (ARTC Rail Infrastructure) 2004
27. State Environmental Planning Policy - Major Projects.
28. Draft State Environmental Planning Policy - Subdivision
29. "On 5 December 2005, the New South Wales State Government identified the subject land as falling within the Western Sydney Employment Hub.
At the same time the New South Wales State Government announced that land falling within the Western Sydney Employment Hub would be investigated as to its suitability and may ultimately be declared a State Significant site.

Further information can be obtained by contacting the Department of Planning, 23-33 Bridge Street, Sydney or by telephoning 1300 305 695."

30. Sydney Regional Environmental Plan No.9 - Extractive Industries
31. Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2-1997)
32. The land is subject to Draft & adopted Development Control Plans. (See attached schedule).
33. Council's Retail and Commercial Centres/Activities Policy No.1-203 applies to the whole of Fairfield City. It sets out a range of criteria that must be addressed for all rezoning proposals and range of development applications involving new retail/commercial

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development or expansion of existing retail/commercial development.

34. Fairfield City Council Section 94 Developer Contributions Plan No. 1999 applies to all land within the City of Fairfield.

Fairfield City Council Section 94A Levy Development Contributions Plan 2006 applies to all land within the City of Fairfield.

35. Council has resolved to prepare a draft Local Environmental Plan (DLEP) affecting the land, pursuant to Section 66 1(b) of the Environmental Planning & Assessment Act (E.P. & A.), 1979. (See attached Draft L.E.P. list.)
36. The land is not affected by any road widening proposal under Division 2 of Part 3 of the Roads Act, the Environmental Planning and Assessment Act, 1979 or any resolution of the Council.
37. No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in section 27 of the EP & A Act.
38. A dam may not be constructed or filled except with the consent of Council.
39. Fairfield Local Environmental Plan 1994 requires development consent for the demolition of a building.
40. No structure must be erected within 20 metres of the top of the bank or mean high water mark of any creek or waterway except with the consent of Council.
41. The land is identified as land in the vicinity of extractive industry under the provisions of Sydney Regional Environmental Plan No. 9 (Extractive Industries) which aims to prevent any adverse effect between extractive industry and other incompatible land uses.
42. Clause 21(3) of Fairfield LEP 94, provides that the Council may consent to the subdivision of land within Zone 1(a) only if each allotment to be created will have an area of not less than 1 hectare. Otherwise under Fairfield LEP 1994 there are no other minimum or maximum land dimension requirements for a dwelling house on the land.
43. Council has adopted by resolution a policy (commencing 1 August 2000), on contaminated land which may restrict the development of land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under the State Legislation is warranted.
44. The land is not subject to an investigation order or a remediation order within the meaning of the Contaminated Land Management Act 1997.
45. The land is not within an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.
46. The land is not subject to a voluntary investigation proposal (or voluntary remediation proposal) that is the subject of the Environment Protection Authority's agreement under Section 19 or 26 of the Contaminated Land Management Act 1997.
47. The land is not subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997.
48. The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulfate soils or any other risk.

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49. Land must not be cleared or filled except with the consent of Council.
50. Council's policy 'Building in Saline Environments', applies to all areas of Fairfield City and requires use of construction measures and materials in new development to minimise risk of salt damage to buildings from urban salinity.
51. Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is bush fire prone as defined in section 4 of the Environmental Planning and Assessment Act, 1979. Council is also required to have regard to the guidelines "Planning for Bushfire Protection" (published by the NSW Rural Fire Service and Planning NSW) or comments provided by the NSW Rural Fire Service pursuant to s.79BA of the Environmental Planning and Assessment Act 1979 (as amended) which may place restrictions on development located on bush fire prone land.
52. Council is in receipt of information by the NSW National Parks and Wildlife Service indicating the land either contains or is in close proximity to an area possibly containing remnant vegetation associated with a Cumberland Plains Endangered Ecological Community that is listed under the Threatened Species Conservation Act. On request Council will supply such information available from its records; however, interested parties must take and rely on their own advice and enquiries.
53. The land is not within an area proclaimed to be a Mine Subsidence District within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.
54. There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.
55. The land does not include or comprise critical habitat.
56. Operations at Sydney Airport West, Badgerys Creek, may subject the land to a level of aircraft noise which may require the insulation of buildings against noise penetration in order to provide for an acceptable living environment. Council has adopted a policy requiring the incorporation of noise attenuating features as specified in AS 2021-1994 in the construction of dwellings on land located west of Wallgrove Road. A report from a qualified Acoustical Engineer must accompany a Building Application for a new dwelling or major addition.
57. The land is not in a conservation area.
58. The land has been identified or in close proximity to an area identified as having potential significance for Aboriginal Heritage. Please contact Council's Environmental Standards Department on 9725 0222 for further information.

FLOODING

59. Development on the subject land (or part) for the purposes of dwelling houses, dual occupancies, multi-unit housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to the Fairfield City-Wide Development Control Plan 2006 (which includes provisions for flood management) and applies to all of the Fairfield Local Government Area. Development controls will apply to residential development of the above types if the land (or part of the land) is within the floodplain.

Development for any other purpose on the subject land (or part) is also subject to the

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Fairfield City-Wide Development Control Plan 2006 (which includes provisions for flood management) and applies to all of the Fairfield Local Government Area. Development controls will apply to development for any other purpose if the land (or part of the land) is within the floodplain.

NOTE: These controls apply to development only if that form of development is permissible on the subject land. Please refer to the land use zone indicated in this certificate and then determine, based on the objectives of that zone and the list of prohibited uses, whether the proposed use is permissible.

60. Based on information currently available to Council, part or all of the land is within the floodplain and affected by the 100-year mainstream floodplain. This parcel is not in an area in which Council's current programme of mainstream flood risk mapping has been completed.

The term mainstream flooding means inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.

61. Local Environmental Plan (Amendment 86), Gazetted 11 October 2002 (Gaz No.170), amends the permissibility criteria in relation to filling of land (which now includes drainage works) and clarifies "reasonable economic use" for filling of land in Zone 1(a).
62. The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 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.

SPECIAL INFORMATION UNDER S.149(5) E.P.A.ACT,1979

63. The Proposed Second Sydney International Airport:
The Commonwealth Department of Transport and Regional Development is considering the establishment of another International airport at Badgerys Creek. Preliminary flight path information received suggests that the subject land may be affected by the operations (including noise) of such an airport. You should make your own enquiries concerning possible effects on the above property with the Commonwealth Department of Transport and Regional Development (telephone: 02-62747111) or Fax (02) 62746719.
64. The applicant's attention is drawn to the Department of Infrastructure, Planning and Natural Resources map at the 1:100,000 scale 'Salinity Potential in Western Sydney 2002' that indicates there is potential for salinity in the Region. The map can be viewed at Council's Customer Service Centre (86 Avoca Road Wakeley).

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**PURSUANT TO SECTION 149(5) OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979 THE COUNCIL PROVIDES THE FOLLOWING ADVICE
CONCERNING:**

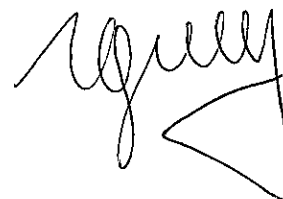
1. Information from NSW National Parks and Wildlife Service indicates that the land either contains or is in close proximity to an area possibly containing remnant vegetation associated with a Cumberland Plain Endangered Ecological Community. NPWS have identified the community as Sydney Coastal River-Flat Forest (Alluvial Woodland) that is listed as endangered under Pt. 3 Sch. 1 of the NSW Threatened Species Conservation Act 1995.
2. The land is subject to Draft & adopted Development Control Plans. (See attached schedule)
3. The attached Flood Information Sheet provides flood levels where they are available together with other relevant flooding information.
4. The subject land is affected by a Tree Preservation Order.
5. Information from NSW National Parks and Wildlife Service indicates that the land either contains or is in close proximity to an area possibly containing remnant vegetation associated with a Cumberland Plain Endangered Ecological Community. NPWS have identified the community as Cumberland Plain Woodland (Shale Hills Woodland, Shale Plains Woodland) that is listed as endangered under Pt. 3 Sch. 1 of the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.
6. NPWS mapping indicates that the remnant vegetation is part of an area that is greater than 0.5 hectares and has greater than 10% crown cover.
7. NPWS mapping indicates that the remnant vegetation is part of an area that is greater than 0.5 hectares with tree cover with agriculture but no major urban or suburban development.
8. The land is not affected by a Residential District Proclamation.
9. Local Government (Approvals) Regulation 1999. The property is subject to the Local Government (Approvals) Regulation 1999, which requires owners of properties serviced by an On-Site Sewage Management System (OSMS) to obtain Annual Council Approval to Operate the OSMS.

Please Note:

- (i) purchasers of land where there is an existing OSMS are to obtain an Annual Approval to operate the OSMS within three (3) months of settlement of purchase.
- (ii) an OSMS is not transferrable between a vendor and purchaser of a property. For further details please contact Council's Community Health Section.

For further information, please contact
Environment Services Ph.9725-0848

A. Young
City Manager, per





Flood Information Sheet

Fairfield City Council
Administration Centre
86 Avoca Road
WAKELEY NSW 2176
PO Box 21
FAIRFIELD NSW 1860
Telephone: (02) 9725 0222
Facsimile: (02) 9609 3257

Applicant's Details:

Applicant's Name	Foster & Foster
Postal Address	GPO Box 5463 SYDNEY NSW 2001
Phone	
Fax	

Property Particulars:

House No.	400-564
Street & Suburb	Burley Rd Horsley Park 2175
Lot Description	Lot 2 DP 120673

Council has adopted a policy on flooding which may restrict the development of land. The Fairfield City-Wide Development Control Plan 2006 (which includes provisions for flood management) applies to all of the Fairfield Local Government area.

Part or all of this land may be affected by mainstream flooding.

MAINSTREAM FLOODING

Description

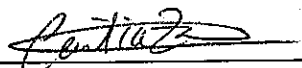
Part or all of the land may be affected by the 100-year mainstream floodplain. This parcel is **not** in an area covered by mainstream flood risk mapping completed by Council.

Mainstream Flood Details

Size of Flood	Flood Level (m AHD)
Probable Maximum Flood (PMF)	Not known
100 Year ARI	53.8-55.4
50 Year ARI	Not known
20 Year ARI	Not known

Flood levels in the vicinity of the above property have been extracted from the Fairfield City Council (1994) *Eastern Creek, Ropes Creek & Reedy Creek Flood Study*.

Alan Young
City Manager

Prepared by: 
3 April 2007

Glossary over page

GLOSSARY

m AHD	metres Australian Height Datum (AHD).
Australian Height Datum (AHD)	A common national plane of level approximately equivalent to the height above sea level. All flood levels, floor levels and ground levels are normally provided in metres AHD.
Average Recurrence Interval (ARI)	The long term average number of years between the occurrence of a flood as big as the selected event. For example, floods with a discharge as great as the 20 year ARI event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.
flood	A relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam. It also includes local overland flooding associated with major drainage before entering a watercourse, or coastal inundation resulting from raised sea levels, or waves overtopping the coastline.
flood risk precinct	<p>An area of land with similar flood risks and where similar development controls may be applied by a Council to manage the flood risk. The flood risk is determined based on the existing development in the precinct or assuming the precinct is developed with normal residential uses. Usually the floodplain is categorised into three flood risk precincts 'low', 'medium' and 'high', although other classifications can sometimes be used.</p> <p>High Flood Risk: This has been defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.</p> <p>Medium Flood Risk: This has been defined as land below the 100-year flood level that is not within a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties.</p> <p>Low Flood Risk: This has been defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.</p>
local overland flooding	The inundation of normally dry land by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
mainstream flooding	The inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.
probable maximum flood (PMF)	The largest flood that could conceivably occur at a particular location.

DEVELOPMENT CONTROL TABLE

ZONE 1(a) NON URBAN - RESIDENTIAL

1. What are the objectives of the zone?

The objectives of the zone are:

- (a) to allow rural-residential development;
- (b) to achieve attractive high quality development which is sympathetic to the rural environment and minimises risks from natural and man-made hazards;
- (c) to ensure that development does not unreasonably increase demand for public facilities and services;
- (d) to allow people to carry out a reasonable range of agricultural activities which are compatible with the living environment of neighbours; and
- (e) to limit activities that have a detrimental effect on the environment, particularly on noise levels and on the quality of soil, air and water.

2. What is allowed without development consent?

Nil.

3. What is allowed only with development consent?

Any purpose other than a purpose included in item 2 or 4.

4. What is prohibited?

Abattoirs	Hazardous storage establishments	Plant hire
Advertisements	Heliports	Refreshment Rooms
Amusement Centres	Hospitals	Residential flat buildings
Amusement Parks	Hostels	Sawmills
Brothels	Hotels	Service stations
Bulky goods salesrooms or showrooms	Industry	Serviced apartments
Business premises	Institutions	Shops
Camping grounds & caravan parks	Intensive agriculture	Stock and sales yards
Carparks other than those provided by the Council	Junkyards	Transport depots
Clubs	Light industry	Transport terminals
Communication facilities	Medical centres	Vehicle body repair workshops
Entertainment facilities	Mines	Vehicle repair stations
Extractive industry	Motels	Warehouses
Gaming taverns	Motor showrooms	
Generating works	Multi-unit housing	
Hazardous industry	Offensive industry	
	Offensive storage establishments	

DEVELOPMENT CONTROL PLANS - As at 13 December, 2006 (*Note: Some "In Force" Development Control Plans may be under review, check with Council for date of last amendment)

TITLE	STATUS*	DATE APPLIES FROM
GENERAL		
Fairfield City-Wide Development Control Plan 2006	In Force	July 2006
Fairfield City-Wide Development Control Plan 2006 - Amendment 1 (Chapter 5 – Single Dwelling)	Adopted August 2006	Effective Sept. 2006
Fairfield City-Wide Development Control Plan 2006 - Amendment 2 (Chapter 6 – Multi-Unit Housing)	Adopted November 2006	Effective December 2006
Fairfield City-Wide Development Control Plan 2006 - Amendment 3 (Subdivision and other anomalies)	Adopted November 2006	Effective December 2006
Exempt and Complying Development (No.29)	In Force	Oct 1999
Development Standards Relating to Public Roads (No.32)	In Force	Dec 1999
SITE SPECIFIC		
Fairfield Town Centre (2006)	In Force	Dec 2006
Cabramatta Town Centre (5/2000)	In Force	Aug-2000
Canley Corridor DCP No. 37 – Canley Vale and Canley Heights Local Town Centres - Amendment No. 1: Development controls for Master Plan Site No. 2, Adams Reserve, Canley Vale Road, Canley Vale	In Force Adopted September 2006	March 2006 Effective October 2006
Fairfield Heights Town Centre (10/94)	In Force	October 1994
Bonnyrigg Town Centre (28)	In Force	May 2004
PROPOSED AMENDMENTS TO DCPs		
Site Specific (Sunnybrook Hotel)	Not to commence until gazettal of LEP 106.	To be advised
Draft Fairfield City-Wide Development Control Plan 2006 (Amendment No.4 – Review of Chapter 10 Miscellaneous Development)	On public exhibition from the 8 November to 13 December 2006.	To be advised

Fairfield City Council

Draft LEP Register

(Exhibited Draft Plans or Draft Plans on Exhibition) as at 18 October 2006

DRAFT LEP NO.	PURPOSE	LOCATION
47	Rezone part of site from 6(a) Existing & Proposed Recreation to 4(a) General Industrial	10-16 Robert Street, Smithfield (lots 1-4, DP499648)
82	Clarify certain requirements in relation to heritage items and include an additional property as a heritage item	All heritage listed items in Fairfield City. Property at 112 Cumberland St (lot 1, DP771455) – include as a heritage item
84	Permit the additional use of mixed use development comprising professional office suites on the ground floor level of Residential flat buildings.	Street block bounded by Hughes and Hill Streets, Park and Mcburney Roads, Cabramatta
96	Permit business premises, car parking and shops (provided subject site is amalgamated with adjoining parcel at 154 The Boulevard).	181 Station Street, Fairfield Heights (Lot P, DP 383407)
99	To rezone properties in Harden Street, Canley Heights {from 6(a) Existing & Proposed Recreation to 3(c) Local Business} & Humphries Road, Mt Pritchard {from 6(a) Existing & Proposed Recreation to 6(b) Private Recreation} and to reclassify both sites from community to operational.	Lot 67, DP 30466, Harden Street, Canley Heights and 1, DP 204583, Humphries Road, Mt Pritchard.
102	To <ul style="list-style-type: none"> rezone properties bounded by Nelson Street Lane as Business 3(a1) – Sub-Regional Business Centre – Retail/Commercial which will not permit residential development amend the existing Business 3(a) – Sub Regional Business Centre – Mixed Use and amending the objectives of this zone so they reflect the objectives in the Strategic Plan for the Fairfield Town Centre 	Applies to the Fairfield Town Centre which is the area currently zoned Business 3(a) – Sub Regional Business Centre.

SEE OVER →

	<ul style="list-style-type: none"> prohibit Strata subdivision of new building stock or future redevelopments 	
106	To establish site-specific development standards and principles that promote the orderly development of the Sunnybrook Hotel site, and to rezone part of the land to which this plan applies to 2(b)	Sunnybrook Hotel, cnr of Hume Highway and Liverpool Street, Cabramatta, being lot 1, DP 583848, lot 2, DP 617315 and lot 10, DP 748219
111	To reclassify particular parcels of land in Canley Vale and Fairfield from community land to operational land in accordance with the provisions of the Local Government Act 1993.	<p>This plan applies to:</p> <ul style="list-style-type: none"> -No. 65-67 Canley Vale Road, Canley Vale being Lots A and B, DP 35362, Part of No. 243 Sackville Street (Adams Reserve) being Part Lot D in DP 35362 and No. 25, DP 414988, and Part Lot 5, DP 202980, and - No.10 Kenyon Street, Fairfield being Lots 79 and 80, DP 435395, and No.7 Wrentmore Street, Fairfield being Lot 102, DP 736901.
112	Adjust references within the Local Environmental Plan that refer to Development Control Plans that will become obsolete, or required updated referencing, for when the new City-Wide Development Control Plan comes into effect. This LEP is prepared in accordance with Section 73A of the Environmental Planning and Assessment Act 1979.	Applies to all land in the City of Fairfield.
113	To reclassify Council's car park located in Canley Heights from Community land to Operational land. The reclassification of this land, if approved, will enable a laneway to be constructed which will provide vehicular access to properties fronting Canley Vale Road and the Cumberland Highway.	The draft plan applies to 47 and 49A Derby Street and 237A Canley Vale Road, being Lot 2, DP 624129, Lot 2, DP 701329 and Lot 2, DP 706753.

PLANNING CERTIFICATE UNDER SECTION 149
Environmental Planning and Assessment Act, 1979

Property No: 403842
Your Reference: hdy dx
Contact No: 92300630

Issue Date: 14/06/2007
Certificate No: 07/02293
Receipt Date: 14/06/2007
Receipt No: 226349

Issued to: Ausearch Pty Ltd
DX 315
SYDNEY

PRECINCT 823

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MELVILLE

Location: 90a Aldington Road KEMPS CREEK NSW 2178

Land Description: Lot 87 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 SEPPs, REPS, LEPs AND DCPs

1(1)(a) The names of each local environmental plan and deemed environmental planning instrument applying to the land:

Penrith Local Environmental Plan No.201 (Rural Lands), gazetted 12 July 1991, as amended, applies to the land.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 – St Marys applies, except as provided by clause 43 of SREP No. 30 – St Marys.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.

1(1)(b) The names of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1) (b) of the Act:

Draft Penrith Local Environmental Plan 1999 (Flora And Fauna Conservation) applies to the land. (See attached copy)

1(1)(c) The names of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the

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council under section 72, or the Director-General under section 51A, before the repeal of those sections):

Penrith Development Control Plan 2006 applies to the land.

1(2)(a) The names of each regional environmental plan applying 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, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

1(2)(b) The names of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act:

No draft regional environmental plan that has been placed on exhibition under section 47(b) of the Act applies to the land.

1(3)(a) The names of each State environmental planning policy applying to the land:

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

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

State Environmental Planning Policy No. 8 - Surplus Public Land. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974, the Crown Lands Consolidation Act 1913 and the Forestry Act 1916; land to which State Environmental Planning Policy No. 26 Littoral Rainforest applies; and land identified as open space, recreation, national park or coastal lands acquisition under an environmental planning instrument.)

State Environmental Planning Policy No. 9 - Group Homes.

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

State Environmental Planning Policy No. 11 - Traffic Generating Developments.

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. 22 - Shops and Commercial Premises. (Note: This policy does not apply to land within Zone No. 3(b) or 3(c) under Penrith Local Environmental Plan 1997 (Penrith City Centre).)

State Environmental Planning Policy No. 27 - Prison Sites.

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.)

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

State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.

State Environmental Planning Policy No. 50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

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

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

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

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

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State Environmental Planning Policy (Seniors Living) 2004 (Note: This policy applies to land that is zoned primarily for urban purposes, or adjoins land so zoned, and on which development for the purposes of dwelling-houses, residential flat buildings, hospitals or special uses (including (but not limited to) churches, convents, educational establishments, schools and seminaries) are permitted.
This policy does not apply to land described in Schedule 1 (Environmentally sensitive land), land zoned for industrial purposes, land to which an interim heritage order made under the Heritage Act 1977 applies, or land to which a listing on the State Heritage Register kept under the Heritage Act 1977 applies.)

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

State Environmental Planning Policy (ARTC Rail Infrastructure) 2004.

State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004.

State Environmental Planning Policy (Major Projects) 2005.

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

1(3)(b) The names of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act:

Draft State Environmental Planning Policy (SEPP 66) - Integrated Landuse and Transport applies to the land.

Draft State Environmental Planning Policy (Application of Development Standards) 2004 applies to the land.

Draft State Environmental Planning Policy (Infrastructure) 2006 applies to the land.

Draft State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

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. If these sections apply to the land details are shown below and/or in annexures.

(Note: If a draft local environmental plan applies to the land details regarding sections 2(a)-2(h) of this certificate relevant to that draft local environmental plan may be found in the attached copy of the draft local environmental plan.)

Under the terms of Penrith Local Environmental Plan No. 201 (Rural Lands) the land is zoned as Zone No. 1(a) (Rural "A" Zone - General).

Zone No. 1(a) (Rural "A" Zone - General)

1. Objectives of zone

The objectives are:

- (a) to protect and enhance the scenic quality and rural character of the locality; and
- (b) to ensure that development is compatible with the environmental capabilities of the land and to encourage the conservation and enhancement of natural resources by means of appropriate land management techniques; and
- (c) to protect productive agricultural and horticultural land which supplies produce to the Sydney markets; and

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- (d) to protect valuable deposits of extractive materials; and
- (e) to ensure that development does not create unreasonable demands, now or in the future, for provision or extension of public amenities or services; and
- (f) to ensure that traffic generating developments are suitably located so as not to adversely affect the safety and efficiency of roads; and
- (g) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities; and
- (h) to ensure that where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality; and
- (i) to ensure that views from main roads and the rural character of the locality will not be adversely affected; and
- (j) to ensure that the development will not lead to excessive soil erosion or run-off.

2. Without development consent

Agriculture (other than intensive livestock keeping establishments).

3. Only with development consent

Any purpose, other than a purpose included in Item 2 or 4 of the matter relating to this zone.

4. Prohibited

Boarding houses; caravan parks; commercial premises; extractive industries; health care consulting rooms; industries (other than rural and home industries); junkyards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; rural exhibition grounds; sawmills; shops (other than convenience stores, general stores and produce stores); traffic sensitive land uses; transport terminals.

Notwithstanding any other provision of Penrith Local Environmental Plan No.201 (Rural Lands) under clause 33a of the LEP Council shall not grant consent to the carrying out of development on the subject land for the purpose of waste disposal or for any other purpose involving waste disposal unless, in both cases, it is satisfied that the waste to be disposed of does not include foodstuffs or the by-products of the manufacture or processing of foodstuffs, garbage from litter bins, dead animals or parts thereof, any other organic matter ordinarily liable to putrefaction when exposed to the air or domestic garbage, other than lawn clippings, grass, tree and shrub prunings and general garden waste.

Badgery's Creek is the Commonwealth Government's preferred site for Sydney's second major airport. The land the subject of this certificate is within the vicinity of the proposed airport site and is located within the Australian Noise Exposure Forecast (ANEF) included in the 1985 draft Environmental Impact Statement for Sydney's Second Airport. The land is partially affected by the 20 - 25 ANEF.

Clause 31 of Local Environmental Plan No.201 requires that, notwithstanding any other provision of the LEP, Council shall not consent to the carrying out of development for the purposes of:

- (a) schools, hospitals, churches and theatres on land within the boundaries of the 20 ANEF contour line; or
- (b) hotels, motels or public buildings on land within the boundaries of the 30 ANEF contour line; or
- (c) a dwelling on land within the boundaries of the 25 ANEF contour line unless it is satisfied that:
 - (1) no practical alternative location exists for the proposed dwelling; and
 - (2) the dwelling is designed so that interior noise levels will meet Australian standard 2021; or

- (d) converting a dwelling-house into 2 dwellings on land within the boundaries of the 25 ANEF contour line.

(It should be noted that the Commonwealth Department of Transport and Regional Services is again considering the establishment of an international airport at Badgery's Creek. Preliminary flight path information received by Council from that Department suggests that the subject land may be affected by the operations (including noise) of such an airport. You should make your own enquiries concerning possible effects on the above property with the Commonwealth Department of Transport and Regional Services (Telephone: 02 6274 7111 or Website: www.dotars.gov.au).)

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development.

In addition to any controls detailed above Penrith Local Environmental Plan No. 255 – Exempt and Complying Development sets out further circumstances where development consent may or may not be required for certain

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development known as "exempt development" or "complying development". Please see attached lists for development that may be exempt or complying and refer to the local environmental plan (and the accompanying development control plan) for full details. (See note on page 1 regarding the application of this plan to land to which Sydney Regional Environmental Plan No.30 – St Marys applies.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

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:

Provisions fixing the minimum area upon which a dwelling-house may be erected at 40 hectares apply to the land.

Note: Council may also consent to the erection of a dwelling-house on vacant land that existed as a lot or portion of land as at 12 July, 1991, or on an allotment created by subdivision in accordance with clause 11 of Local Environmental Plan No.201 (Rural Lands).

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

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

The land does not include or comprise critical habitat.

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

The land is not in a conservation area.

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

An item of environmental heritage is not situated on the land.

3 DECLARED STATE SIGNIFICANT DEVELOPMENT

This item has been omitted from Planning Certificates vide Government Gazette No. 96 of 29 July 2005.

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.

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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 not affected by a 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.

Note: Penrith Development Control Plan 2006 Section 2.10 Flood Liable Land applies to this land. Council's Environmental Planning Directorate may be able to provide further advice on the effect of this section of the Development Control Plan and the extent of any flood liability.

On application and payment of the prescribed fee (\$380) Council will issue a report on the subject land detailing relevant ground levels on the property, existing floor levels of any buildings erected on the land, together with details of the flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and floodway if the latter is available.

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land, provides for acquisition of the land by a public authority as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

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The Cultural Facilities Development Contributions Plan applies to the land.

10 MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

(a) The land to which the certificate relates is not within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

(b) The land to which the certificate relates is not subject to an investigation order or a remediation order within the meaning of the Contaminated Land Management Act 1997.

(c) The land to which the certificate relates is not the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

(d) The land to which the certificate relates is not the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

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.)

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.

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

149(5) Certificate **This Certificate is directed to the following** **relevant matters affecting the land**

When information pursuant to section 149(5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149(6) which states that a

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council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this certificate.

Note: Interested persons should make their own enquiries as to whether any development consent mentioned in this certificate has lapsed.
This certificate does not contain information relating to Complying Development Certificates.
This certificate may not provide full details of development rights over the land.

* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

* The land is affected by a Tree Preservation Order.

* Council has resolved to prepare a draft local environmental plan which intends to define "telecommunications facility" and "telecommunications network" as provided under the *Commonwealth Telecommunications Act 1997*; include these as permissible uses in all land use zones with the consent of Council; and identify the circumstances where telecommunications facilities may be considered as exempt and complying development.

Council has also resolved to prepare a development control plan to control the siting, design and installation of telecommunications facilities, which is generally consistent with the Model Telecommunications and Radiocommunications Development Control Plan. (File 4163/4)

* The land is subject to a minimum building line of 15 metres. See Penrith Development Control Plan 2006 Section 4.9 Rural Development.

* The land is affected by an easement for transmission line of variable width.
It is Council's policy not to allow development within the easement.

* The land is affected by an easement for transmission line 60.96 metres wide.
It is Council's policy not to allow development within the easement.

*** Rural Lands Study and Strategy**

Council has adopted a Rural Lands Study and Strategy for the rural lands of Penrith. These documents relate to the subject property. These documents were adopted by Council on 29 September 2003 and are available for viewing at Council's libraries or by visiting Council's website at <http://www.penrithcity.nsw.gov.au>

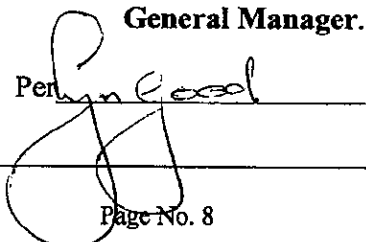
The Strategy nominates land use designations and controls that will be included in a new draft rural local environmental plan.

*** Agricultural Activities Within Rural Areas**

This property is located in a rural area and there may be certain agricultural activities occurring that some people may find offensive (for example noise, dust and odours). This should be considered if you purchase the subject property or build a dwelling thereon.

If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

Alan Travers,
General Manager.



Per _____

Exempt and Complying Development

NOTE: For development to be "Exempt Development" or "Complying Development" it MUST comply with the requirements specified within Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, and Penrith Development Control Plan 2006 Part 5 Exempt and Complying Development.

Exempt Development

Advertisement / Signs
<ul style="list-style-type: none"> Advertisement displaying a message changed from that displayed by a previously approved advertisement. Advertisement erected on land zoned Rural Conservation under SREP No. 13 – Mulgoa Valley; or land zoned Agriculture Protection or Rural under SREP No. 25 – Orchard Hills. Advertisement within a site being a sign which is not visible from outside the site on which it is displayed. Advisory or directional sign (traffic directional, street signs). Business identification sign. Exhibition village sign being an advertisement erected on a property on which Council has approved an "exhibition home or homes". Public notice. Real estate sign. Sponsorship advertising in sporting fields or grounds. Temporary sign.
Minor Ancillary Development
<ul style="list-style-type: none"> Access ramps for people with disabilities. Aerials and antennae but not including satellite dishes. (Domestic purposes only.) Air conditioners and exhaust fans for existing dwelling house. Awning, canopy or stormblind attached to existing dwelling house. Aviary (an enclosure in which birds are kept for domestic purposes, not including poultry or pigeons). Barbecue associated with existing dwelling or dwelling house. Bollards erected for security purposes to existing business premises, office premises, or shop. Bridges and staircases in Penrith City Council's public parks and recreation areas. Cabana or gazebo. Carport for existing dwelling house. Childproof enclosures for dangerous dogs or restricted dogs as defined under the Companion Animals Act, 1998. Clothes line or hoist for domestic purposes. Cubby house at ground level. Deck or patio attached to existing dwelling house. Flag pole not to be used for the display of corporate flags for the purposes of advertisement. Garden shed, greenhouse, and the like. Goal posts, sightcreens and similar ancillary sporting structures on sporting or playing fields (excludes grandstands, dressing sheds and the like). Isolation swimming pool safety fencing for existing pools installed prior to the 1 August 1990, for domestic properties. Lighting of Penrith City Council's sporting or playing fields. Minor external repairs to existing dwelling or dwelling house.

Minor Ancillary Development (cont.)
<ul style="list-style-type: none"> Minor internal (non-structural) alterations to existing business or office premises, and shops (other than food shop, take-away food shop or restaurant). Minor internal (non-structural) alterations to existing dwelling or dwelling house. Outdoor eating area in conjunction with a restaurant or refreshment room. Outdoor trading area in conjunction with an approved shop. Park and street furniture (seats, bins, picnic tables, minor shelters and bus shelters) by Penrith City Council. Pergola (no roof covering). Playground equipment on land classified as Community Land by Penrith City Council. Privacy screen for domestic purposes on a residential property. Re-cladding of walls to existing dwelling, dwelling house, ancillary residential or rural building. Replace or repair existing roof to a dwelling, dwelling house, ancillary residential or rural building. Retaining walls required as a result of excavations associated with the construction of a building or structure. Satellite dish for domestic purposes. Screen enclosure attached to existing dwelling house. Shade structure to be erected on land owned by Penrith City Council. Skylight or rooflight for existing dwelling or dwelling house. Solar water heater, solar panels and solar lighting. Tennis court for private / non-commercial use on a rural zoned property and associated with a dwelling house. Waste storage container (waste / skip bin) temporarily being placed in a public place. Water heater excluding solar systems. Windows, glazed areas and external door replacement for existing dwelling, dwelling house, or other ancillary residential building. Water storage tank. <ul style="list-style-type: none"> In Residential zones (water tanks at or above ground level). In Rural zones (water tanks at or above ground level, or below ground level). On land owned, controlled or managed by Penrith City Council (water tank at or above ground level.)
Use of Land or Building.
<ul style="list-style-type: none"> Agriculture not including aquaculture, dams, intensive animal industries and intensive horticulture establishments. Ancillary building associated with the agricultural use of the land. Bed and breakfast establishment in existing dwelling house. Class 9b building for the purpose of a public meeting. Family day-care home in existing dwelling house. Home activity or home occupation in existing dwelling or dwelling house. New use of existing business premises or office premises to another business premises or office premises. New use of existing business premises to another business premises. New use of existing shop to another shop (other than a food shop, take-away food shop or a shop trading principally in bulky goods). Temporary use of existing building as a place of public entertainment.

Other Minor Development

- Boundary adjustment.
- Demolition of:
 - Single storey residential construction and ancillary, single storey development (including swimming pools), and
 - All exempt activities in this Schedule (other than 'Isolation Swimming Pool Fencing').
- Fences other than swimming pool fencing covered by the Swimming Pools Act 1992.
 - In Industrial zones.
 - In Residential zones.
 - In Rural zones (including entrance gates).
 - In Open Space zones.

Complying Development

- Dwelling house (single storey detached dwelling house, but not a re-sited dwelling).
- Single storey additions and alterations to existing single storey dwelling house (including awning, screen enclosure and / or pergola).
- Ground and first floor additions and alterations to existing dwelling house in rural areas (including awning, screen enclosure and / or pergola).
- Carport or garage (including garden shed) associated with existing dwelling house.
- Farm shed (building used for farm or agricultural purposes only).
- Swimming pool (above or in-ground) associated with existing dwelling house. Non – commercial swimming pool.
- Internal structural works associated with a bed and breakfast establishment in an existing dwelling house.
- Demolition of a building up to 2 storeys (of residential construction).
- Strata subdivision of completed development only.
- New use to a business premises in an approved industrial building or unit.
- New use to a light industry in an approved industrial building or unit.
- Change in building classification as a result of new use of existing unit or building and may include internal alterations. New use may involve a commercial premises, business premises, office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing commercial, business or office premises, or shop (other than a food shop or take-away food shop).
- Internal alterations to existing industrial unit or building.
- New use of existing commercial or industrial unit or shop as a food shop or take-away food shop including internal alterations.
- Internal alterations to an existing food shop or take-away food shop.

Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development

1 Name of plan

This plan is *Penrith Local Environmental Plan No 258 – Consent for Dwelling Houses and Other Development*.

2 Aims of plan

This plan aims to:

- (a) require development consent for dwelling houses on residentially zoned land within the City of Penrith, and
- (b) require development consent for dwelling houses on land within the Non-urban zone under the *Penrith Planning Scheme Ordinance* and on land within the Special Business zone under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*, and
- (c) require development consent for dwelling houses attached to and used in conjunction with shops on land within the Neighbourhood Business zone under the *Penrith Planning Scheme Ordinance*, and
- (d) require development consent for the following:
 - (i) the erection of a building or structure ordinarily associated with a dwelling house,
 - (ii) a change of building use,

Note. At the commencement of this plan, a **change of building use** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

- (iii) demolition of a building or structure,
- (iv) carrying out structural alterations to a building, internal alterations to a building, or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops,
- (v) the subdivision of land,

to the extent to which such development does not already require development consent because of another environmental planning instrument in order to be carried out.

3 Land to which plan applies

This plan applies to all land within the City of Penrith.

4 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this plan and any other local environmental planning instrument or deemed environmental planning instrument, this plan shall prevail to the extent of the inconsistency, subject to section 36 (4) of the Act.
- (2) This plan amends:
 - (a) *Penrith Planning Scheme Ordinance* in the manner set out in Schedule 1,
 - (b) *Penrith Local Environmental Plan 1997 (Penrith City Centre)* in the manner set out in Schedule 2, and
 - (c) *Penrith Local Environmental Plan 1998 (Urban Land)* in the manner set out in Schedule 3.
- (3) This plan does not affect the application of:
 - (a) *State Environmental Planning Policy No 3 – Castlereagh Liquid Waste Disposal Depot*,
 - (b) *State Environmental Planning Policy No 27 – Prison Sites*,
 - (c) *Sydney Regional Environmental Plan No 9 – Extractive Industry*,

- (d) *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme,*
 - (e) *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997),*
 - (f) *Sydney Regional Environmental Plan No 30 – St Marys, or*
 - (g) *Penrith Local Environmental Plan No 255 – Exempt and Complying Development,*
- to land to which this plan applies.

5 Definitions

- (1) In this plan:

a building or structure ordinarily associated with a dwelling house means a garage, carport, pergola, swimming pool, and the like, and includes alterations and additions to an existing dwelling house.

change of building use has the same meaning as in the Act.

Note. At the commencement of this plan, a **change of building use** meant a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

dwelling house means a dwelling which is the only dwelling erected on an allotment of land.

subdivision of land has the same meaning as in the Act.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) The list of contents and notes in this plan are not part of this plan.

6 Dwelling houses require development consent

- (1) The erection of a dwelling house must not be carried out without development consent.
- (2) This clause applies to residentially zoned land within the City of Penrith.
- (3) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument.

7. Miscellaneous development that requires development consent

- (1) The following development must not be carried out without development consent:
- (a) erection of a building or structure ordinarily associated with a dwelling house, or
 - (b) development that results in a change of building use, or
 - (c) demolition of a building or structure, or
 - (d) structural, internal or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops.
- (2) This clause applies if the development:
- (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

8 Subdivisions require development consent

- (1) A subdivision of land must not be carried out without development consent.
- (2) This clause applies if the subdivision of land:
 - (a) does not require development consent because of another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in *Penrith Local Environmental Plan No 255 – Exempt and Complying Development* as exempt development, and
 - (d) does not involve Crown building work as defined in section 116G of the Act.

Schedule 1 Amendment of Penrith Planning Scheme Ordinance

(Clause 4 (2) (a))

[1] Clause 4 Interpretation

Omit the definition of *Country dwelling*.

[2] Clause 26 Erection or use of buildings or works

Omit “country dwellings;” from Column III for Zone No 1 of the Table to the clause.

[3] Clause 26, Table

Omit “dwelling-houses other than country dwellings and rural dwellings;” from Column V for Zone No. 1.

[4] Clause 26, Table

Omit “Dwelling-houses other than semi-detached and terrace buildings.” from Column III for Zone No 2(a).

[5] Clause 26, Table

Omit “Residential buildings.” from Column III for Zone No 2 (b).

[6] Clause 26, Table

Omit “Dwelling-houses other than semi-detached or terrace buildings.” from Column III for Zone No 2 (c).

[7] Clause 26, Table

Omit “;dwelling-houses attached to and used in conjunction with shops” from Column III for Zone No 3 (c).

[8] Clause 26, Table

Omit “Purposes” from Column IV for Zone No 3(c).

Insert instead “Buildings or other structures ordinarily associated with dwelling houses; changes of building use (as defined in the *Environmental Planning and Assessment Act 1979*); dwelling-houses attached to and used in conjunction with shops; demolition of buildings or other structures; land uses and premises”.

[9] Clause 26, Table

Insert “; structural or internal alterations to, or external building work in association with, commercial premises or refreshment rooms” after “roads” in Column IV for Zone No 3(c).

[10] Clause 38 Development in residential zones

Omit the clause.

[11] Clause 46 Variation of area required for country dwelling

Omit the clause.

Schedule 2 Amendment of Penrith Local Environmental Plan 1997 (Penrith City Centre)

(Clause 4 (2) (b))

[1] Clause 9 Zone objectives and development control table

Omit from item (b) (i) **Without development consent** for Zone No 2 (f) in the Development Control Table:

- dwelling-houses

[2] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 2 (f):

- buildings or other structures ordinarily associated with dwelling-houses
- demolition of buildings or other structures
- dwelling-houses

[3] Clause 20 Development of land within Zone No 3 (a)

Insert “where the new use does not involve structural or internal alterations or external buildings works” after the words “or take away food shops”.

Schedule 3 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)

(Clause 4 (2) (c))

[1] Clause 9 Zone objectives and development control table

Omit wherever occurring from item (b) (i) **Without development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e) in the Development Control Table:

- dwelling houses

[2] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zones Nos 2 (a1), 2 (a), 2 (b), 2 (c), 2 (d) and 2 (e):

- buildings or other structures ordinarily associated with dwelling houses
- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- dwelling houses
- internal structural work in bed and breakfast establishments

[3] Clause 9, table

Insert in alphabetical order in item b (ii) **Only with development consent** for Zones Nos 2 (r) and 2 (r1);

- buildings or other structures ordinarily associated with dwelling houses
- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- structural or internal alterations to bed and breakfast establishments

[4] Clause 9, table

Insert in alphabetical order in item (b) (ii) **Only with development consent** for Zone No 3 (f):

- changes of building use (as defined in the Act)
- demolition of buildings or other structures
- external building work associated with an existing land use carried out with consent
- structural or internal alterations to a building or other structure erected with consent or building approval

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Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P99/.....)

Minister for Urban Affairs and Planning

Sydney,

1999.

PART 1 - PRELIMINARY

1. Title
This plan may be cited as "Penrith Local Environmental Plan No 1999 (Flora and Fauna Conservation)".
2. Aims, objectives, etc.
 - (1) The general aims of this plan are:
 - (a) to protect and preserve native vegetation and natural biological diversity in the City of Penrith as a major contribution to the achievement of ecologically sustainable development; and
 - (b) to improve the condition of existing native vegetation and encourage the revegetation and rehabilitation of land with appropriate native vegetation management; and
 - (c) to rationalise vegetation management controls in certain environmental planning instruments applying to non urban areas to ensure a consistent approach to the control and management of biological resources; and
 - (d) to manage exotic vegetation in accordance with its cultural and landscape significance; and
 - (e) to protect native vegetation and existing landforms for their scenic values, and to retain the unique visual identity of the landscape; and

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PART 2 - LAND USE CONTROLS

6. Flora and fauna corridors
 - (1) This clause applies to the land shown distinctively marked by cross-hatching on the map.
 - (2) The objectives of the flora and fauna corridors are:
 - (a) to provide effective links between native vegetation areas within the Penrith local government area and other adjoining local government areas; and
 - (b) to promote the unhindered movement of native animals and plants by limiting the density of development, or by modifying development; and
 - (c) to facilitate the rehabilitation of flora and fauna corridors to maintain and increase fauna habitat; and
 - (d) to ensure that clearing or other development takes into account the objectives of this plan, and that measures are taken to implement the objectives; and
 - (e) to protect significant native vegetation outside conservation reserves.
 - (2) For the purpose of this clause, "work" means:
 - (a) erection of any structure or fence on the land; and
 - (b) removal of soil, rock or any natural material from the land; and
 - (c) deposit of soil, rock or any material on the land; and
 - (d) destruction, removal or clearing of native vegetation on the land; and
 - (e) alteration to natural watercourse or drainage; and
 - (f) cultivation, slashing or underscrubbing; and
 - (g) bushfire hazard reduction; and
 - (h) irrigation; and
 - (i) destruction of exotic vegetation,but does not include the carrying out of work for the purposes of maintaining existing structures and driveways.
 - (4) A person must not carry out development or work on land to which this clause applies except with the consent of the council.
 - (5) Except as otherwise provided by this plan, the council must not grant consent to work on land to which this clause applies that, in the opinion of the council, is contrary to one or more aims of this plan, or one or more objectives of this clause.
 - (6) Subject to subclause (5), the council must not consent to development on land, unless it has considered a flora and fauna assessment for that land.
 - (7) The council must not grant consent to development on land to which this clause applies unless it is of the opinion that the proposed development has taken into account the following matters:

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- (i) to promote the management of native vegetation in a manner which is compatible with its conservation status; and
 - (g) to identify and maintain flora and fauna corridors between remnant areas of native vegetation.
 - (3) The objectives of the flora and fauna corridors and native vegetation areas are set out in Part 2.
3. Land to which plan applies
This plan applies to non-urban land within the City of Penrith which is shown edged by a heavy black line on the map.
4. Relationship with other environmental planning instruments, etc.
 - (1) This plan affects the provisions of Penrith Planning Scheme Ordinance, local environmental plans, and deemed environmental planning instruments in the manner set out in Schedule 1.
 - (2) Clauses 6 and 10 of State Environmental Planning Policy No.4 - Development without Consent do not apply to a flora and fauna corridor within the meaning of this plan.
 - (3) Nothing in this plan affects the application of Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) to land to which this plan applies.
5. Interpretation
 - (1) Terms used in this plan which are defined in Schedule 2 have the meanings set out in that Schedule.
 - (2) In this plan:
 - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
 - (b) a reference to a map is to a map kept in the office of the council.
- (a) the effect of clearing, including bushfire mitigation measures on flora and fauna species existing on or likely to utilise the land; and
 - (b) the presence of threatened species, populations and ecological communities in accordance with the Act; and
 - (c) the local and regional significance of the vegetation; and
 - (d) any measures to be taken to ameliorate any impacts; and
 - (e) the significance of any flora and fauna species, population or ecological community listed under the Threatened Species Conservation Act 1995; and
 - (f) the requirements of any species recovery plan under the Threatened Species Conservation Act 1995.
 - (8) Subject to subclause (7), the council must not consent to development on land to which this plan applies unless the type and location of that development is generally in accordance with any development control plan applying to the land.
 - (9) Despite subclause (6), the council may consent to a development which is not generally in accordance with a development control plan where it is of an opinion that the development otherwise satisfies the objectives of that plan.
 - (7) Where a development application is made in respect of land to which a development control plan having provisions about the type and location of development does apply, in determining the application the council:
 - (a) must have regard to the provision of any general development control plan applying to the land; and
 - (b) may have regard to any overall plan for development of an area, including the land, prepared by or on behalf of the applicant.
 7. Native vegetation areas
 - (1) This clause applies to the land shown distinctively marked by stippling on the map.
 - (2) The objectives of the native vegetation areas are:
 - (a) to prevent inappropriate clearing of native vegetation not located within flora and fauna corridors; and
 - (b) to protect flora and fauna habitat and maintain natural ecosystem processes; and
 - (c) to encourage and promote native vegetation management; and
 - (d) to promote sustainable agriculture; and
 - (e) to promote and maintain a diverse local rural landscape and associated amenity.
 - (3) A person must not clear native vegetation on land to which this clause applies except with the consent of the council.
 - (4) Despite subclause (3), consent is not required where native vegetation:
 - (a) is a danger to life or property; or
 - (b) is less than five metres from a building or work approved by the council.

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- (5) Except as otherwise provided by this plan, the council must not grant consent to work on land to which this clause applies that, in the opinion of the council, is contrary to one or more aims of this plan, or one or more objectives of this clause.
- (6) Subject to subclause (5), the council must not consent to development on land, unless it has considered a flora and fauna assessment for that land.
- (7) The council must not grant consent to clearing of vegetation on land to which this clause applies unless the council is of the opinion that the proposed development has taken into account the following matters:
- (a) the effect of clearing, including bushfire mitigation measures on flora and fauna species existing on or likely to utilise the land; and
 - (b) the presence of threatened species, populations and ecological communities in accordance with the Act; and
 - (c) the local and regional significance of the vegetation; and
 - (d) any measures to be taken to ameliorate any impacts; and
 - (e) the significance of any flora and fauna species, population or ecological community listed under the Threatened Species Conservation Act 1999; and
 - (f) the requirements of any species recovery plan under the Threatened Species Conservation Act 1999.
- (8) Subject to subclause (7), the council must not consent to development on land to which this plan applies unless the type and location of that development is generally in accordance with any development control plan applying to the land.
- (9) Despite subclause (6), the council may consent to a development which is not generally in accordance with a development control plan where it is of an opinion that the development otherwise satisfies the objectives of that plan.
- (10) Where a development application is made in respect of land to which a development control plan having provisions about the type and location of development does apply, in determining the application the council:
- (a) must have regard to the provision of any general development control plan applying to the land; and
 - (b) may have regard to any overall plan for development of an area, including the land, prepared by or on behalf of the applicant.
8. Management of Exotic Vegetation
- (1) This clause applies to exotic vegetation on land to which this plan applies.
- (2) A person must not ringbark, cut down, poison, dig up, lop, remove, injure, or wilfully destroy any exotic vegetation to which this clause applies by any action except with the consent of the council.

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Schedule 1 – Relationship to Other Environmental Planning Instruments

1. This plan:
- (a) amends Penrith Planning Scheme Ordinance in the manner set out in item 2;
 - (b) amends Interim Development Order No. 2 – City of Penrith in the manner set out in item 3;
 - (c) amends Interim Development Order No. 25 – City of Penrith in the manner set out in item 4;
 - (d) amends Interim Development Order No. 56 – City of Penrith in the manner set out in item 5;
 - (e) amends Interim Development Order No. 81 – City of Penrith in the manner set out in item 6;
 - (f) amends Interim Development Order No. 93 – City of Penrith in the manner set out in item 7;
 - (g) amends Penrith Local Environmental Plan No. 201 in the manner set out in item 8;
 - (h) amends Penrith Local Environmental Plan 1994 (Erskine Park Employment Area) in the manner set out in item 9;
 - (i) amends Sydney Regional Environmental Plan No. 13 in the manner set out in item 10;
 - (j) amends Sydney Regional Environmental Plan No. 25 in the manner set out in item 11.
2. The Penrith Planning Scheme Ordinance is amended by inserting at the end of clause 1 the following words:
- Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
- 1B. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.
3. Interim Development Order No. 2 – City of Penrith is amended by inserting at the end of clause 1B the following words:
- Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
- 1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.
4. Interim Development Order No. 28 – City of Penrith is amended by inserting at the end of clause 1B the following words:
- Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
- 1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.

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- (3) Despite subclause (2), consent is not required where:
- (a) the plant or plants are dead; or
 - (b) the plant or plants are a declared noxious weed under the Noxious Weeds Act 1993; or
 - (c) the plant or plants are less than five metres from a building or work approved by the council; or
 - (d) the plant or plants are fruit trees that require an annual pruning, or is within a timber plantation; or
 - (e) the plant or plants is of a species identified in a development control plan as having potential to cause damage to foundations and sewer lines; or is of a species that is identified as undesirable.
- (4) This clause does not apply to tree trimming, tree removal or other similar measures carried out by an electricity authority, if the work being undertaken is in accordance with a tree management plan agreement approved by the council.
10. Plans of Management
- (1) Where the council considers it necessary or desirable to provide more detailed provisions than are contained in this plan, it may prepare or cause to be prepared a plan of management in respect of native vegetation on the land to which this plan applies.
- (2) Nothing in this plan requires the consent of the council to be obtained for any activity that is carried out in the ordinary course of occupation, use or management of land, where that activity is carried out in accordance with a plan of management which has been consented to by the council pursuant to this clause.
11. Public authorities
- A public authority shall not disturb native vegetation within a flora and fauna corridor or native vegetation area or on land adjoining those areas unless it has first had regard to the aims and objectives of this Plan, and it is satisfied that any activity that is carried out is consistent with the aims and objectives.

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5. Interim Development Order No. 55 – City of Penrith is amended by inserting at the end of clause 1A the following words:
- Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
- 1B. In the event of an inconsistency between this Order and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.
6. Interim Development Order No. 81 – City of Penrith is amended by inserting after clause 1A the following subclause:
- (2) In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that Plan shall prevail to the extent of the inconsistency.
7. Interim Development Order No. 93 – City of Penrith is amended by inserting at the end of clause 1B the following words:
- Relationship to Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)
- 1C. In the event of an inconsistency between this order and Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation), that plan shall prevail to the extent of the inconsistency.
8. Penrith Local Environmental Plan No. 201 is amended by inserting at the end of clause 4(4) the following subclause:
- (5) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.
9. Penrith Local Environmental Plan No. 1994 (Erskine Park Employment Area) is amended by inserting at the end of clause 4(5) the following subclause:
- (5) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.
10. Sydney Regional Environmental Plan No. 13 (Mulgool Valley) is amended by inserting at the end of clause 4(2) the following subclause:
- (3) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.
11. Sydney Regional Environmental Plan No. 25 (Orchard Hills) is amended by inserting at the end of clause 4(4) the following subclause:
- (4) In the event of an inconsistency between this plan and Penrith Local Environmental Plan 1999 (Flora and Fauna), that plan shall prevail to the extent of the inconsistency.

Schedule 2 - Definitions

(Clause 5)

"biological diversity" means the variety of life forms, the different plants, animals and micro organisms, the genes they contain and the ecosystem of which they form a part;¹

"bushfire hazard reduction" means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard;²

"clearing" means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting, or burning of native vegetation,
- (c) severing, topping or lopping branches, limbs, stems or trunks of native vegetation,
- (d) substantially damaging or injuring native vegetation in any other way;³

"corridor" applies to both fauna and flora and means areas, or networks of areas, of native vegetation which allow migration of plants and animals, and provide examples of local biological diversity and habitat for various species in their own right;

"council" in relation to the carrying out of any proposed development, means the Council of the City of Penrith;

"development" has the meaning as in the Act;

"exotic vegetation" means one or more plant species of vegetation that did not occur in the City of Penrith before European settlement and is:

- (a) a living perennial plant which exceeds 5 metres in height, being the distance measured vertically between the horizontal plane of the base of the plant which is immediately above the ground and the horizontal plane of the uppermost point of the plant; or
- (b) individual trees or gardens listed in any Significant Tree and Garden Register or development control plan, adopted by the council;

"flora and fauna corridor" means that land shown distinctively marked with hatching on the map;

¹ Commonwealth State of the Environment Report 1996

² SEPP 4 - excludes "chemical".

³ Native Vegetation Conservation Act 1997

"flora and fauna impact assessment" means a survey and analysis of habitat by an appropriately qualified person which includes:

- (a) a written and mapped description of the plant and animal species present and their habitat;
- (b) a description of the proposed activities or development including measures to mitigate adverse impacts; and
- (c) an objective assessment of the whether the development is likely to significantly affect threatened species, populations or ecological communities.

"habitat" means an area or areas occupied, or periodically or occasionally occupied, by a native species, population, or ecological community and includes any biotic or abiotic component;

"indigenous vegetation" means one or more plant species of vegetation that existed in the City of Penrith before European settlement;

"plan of management" means:

- (a) a plan of management for community land adopted under the Local Government Act, 1983; or
- (b) a plan of management relating to a Crown Reserve adopted under the Crown Lands Act, 1983; or
- (c) a plan of management relating to a wildlife refuge approved under the National Parks and Wildlife Act, 1974; or
- (d) a plan of management relating to a conservation agreement entered into under the National Parks and Wildlife Act, 1974; or
- (e) a bushfire management plan adopted under the Bushfire Management Act, 1974; or
- (f) a management statement relating to land under community title registered under the Community Land (Management) Act, 1989; or
- (g) a plan of management prepared as a condition of development consent; or
- (h) a regional vegetation plan management plan adopted under the Native Vegetation Conservation Act 1997; or
- (i) a plan of management prepared by or on behalf of a landowner;

"native vegetation" means any of the following types of indigenous vegetation:

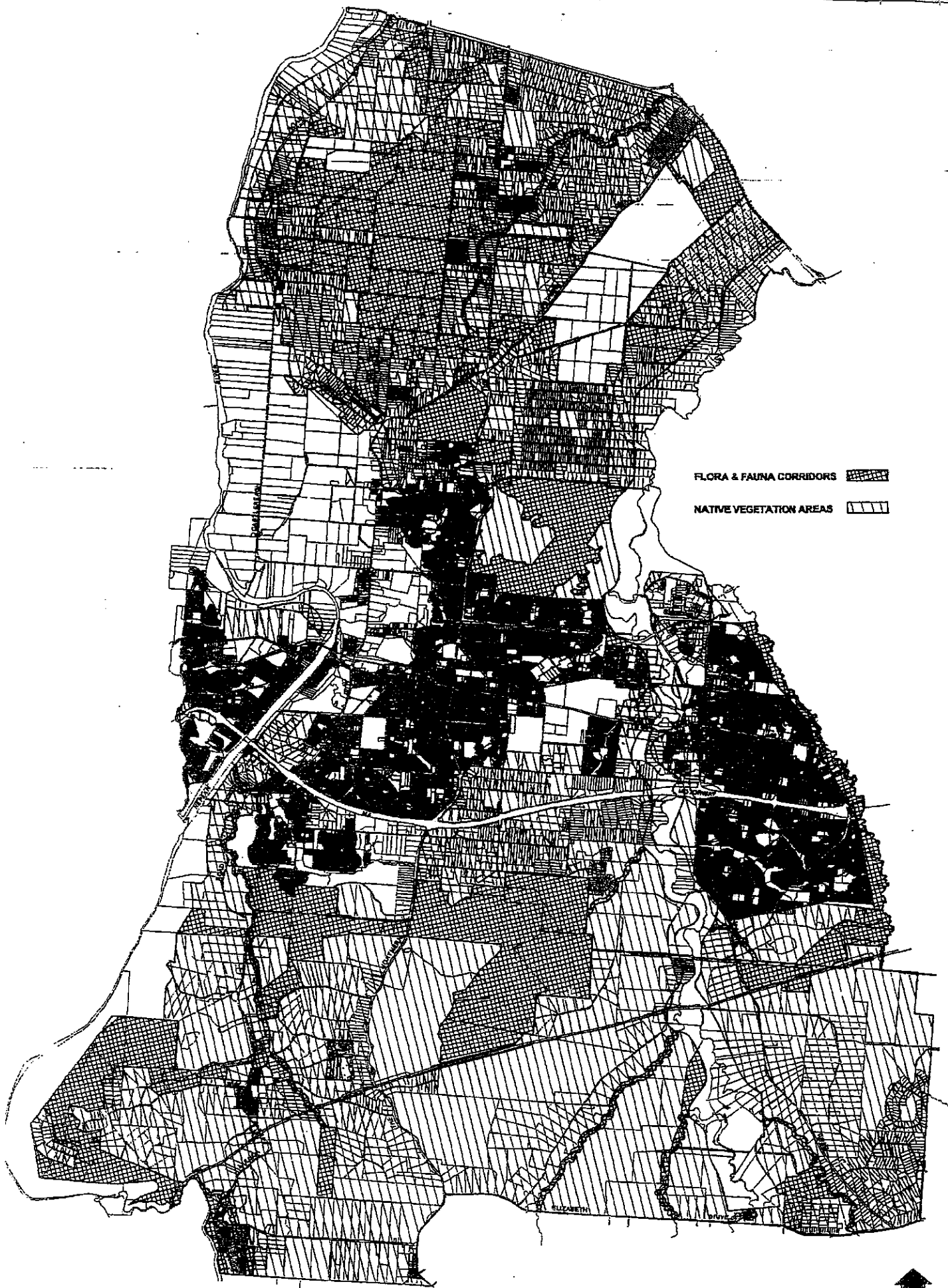
- (a) a tree or trees,
- (b) a shrub or shrubs,
- (c) understorey plants,
- (d) groundcover,
- (e) plants occurring in a wetland;⁴



"native vegetation area" means that land shown distinctively marked with stippling on the map;

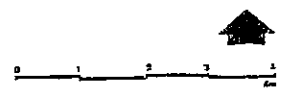
"the Act" means the Environmental Planning and Assessment Act 1979;

"the map" means the map marked "Penrith Local Environmental Plan 1999 (Flora and Fauna Conservation)" as amended.

⁴ Native Vegetation Conservation Act 1997



FLORA & FAUNA CORRIDORS 
 NATIVE VEGETATION AREAS 



PROJECT NO. 1.0.0000	DATE: 11/01/98
APPROVED BY: J. A. C. C.	
APPROVED BY: J. A. C. C.	
APPROVED BY: J. A. C. C.	
APPROVED BY: J. A. C. C.	
APPROVED BY: J. A. C. C.	
APPROVED BY: J. A. C. C.	

ENVIRONMENTAL PLANNING & ASSESSMENT ACT
 CITY OF PENRITH
PENRITH DRAFT LOCAL ENVIRONMENTAL PLAN

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REFER TO CLAUSE (5) OF INSTRUMENT
 CONTAINS IN ADDITION TO THE ENVIRONMENTAL PLANNING AND
 ASSESSMENT ACT 1979, A REGULATING

Appendix B

Certificates of Title

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ADVANCE LEGAL SEARCH PTY LIMITED

(ACN 077 067 068)
ABN 49 077 067 068

PO Box 149
Yagoona NSW 2199

Telephone: +612 9754 1590
Mobile: 0412 169 809
Facsimile: +612 9754 1364
Email: alsearch@optusnet.com.au

21 March 2007

HLA-ENVIROSCIENCES PTY LIMITED

P O Box 726
PYMBLE NSW 2073

Attention: Alex Latham

RE:

**Erskine Park
Reference No. S4074201
Purchase Order: 148906**

Note 1: Auto Consol 7967-201
Note 2: Auto Consol 10628-6

Note 1:

Current Search

Auto Consol 7967-201 (title attached)
Lot 1 & 2 DP 120673 (plan attached)
Dated 13 March 2007
Registered Proprietor:
THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED

Title Tree
Lots 1 & 2 DP 120673

Auto Consol 7967-201

Certificate of Title Volume 7967 Folio 201

Certificate of Title Volume 6887 Folio 107

Summary of proprietors
Lots 1 & 2 DP 120673

Year	Proprietor
	(Lots 1 & 2 DP 120673 - A/C 7967-201)
1988 – todate	The Austral Brick Company Proprietary Limited
	(Part Portions 79 & 80 Parish Melville - Area 467 acres 0 Roods 1 ½ Perches - CT Vol 7967 Fol 201)
1961 – 1988	The Austral Brick Company Proprietary Limited
1960 – 1961	Colin Henry Stockman, grazier
	(Portions 79 & 80 Parish Melville - Area 781 Acres 3 Roods 33 Perches - CT Vol 6887 Fol 107)
1959 – 1960	Arthur Stockman (1939) Pty Limited
1959 – 1959	Colin Henry Stockman, company director Haddon Abbey Moase, company director
1954 – 1959	Arthur Renwick Poolman, farmer & grazier Arthur Stockman, merchant/grantee
	(Portions 79 & 80 Parish Melville - Area 781 Acres 3 Roods 33 Perches)
Prior – 1954	Crown Land

Note 2:

Current Search

Auto Consol 10628-6 (title attached)

Lots 82 & 87 DP 752041 (plan attached)

Dated 13 March 2007

Registered Proprietor:

THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED

Title Tree
Lots 82 & 87 DP 752041

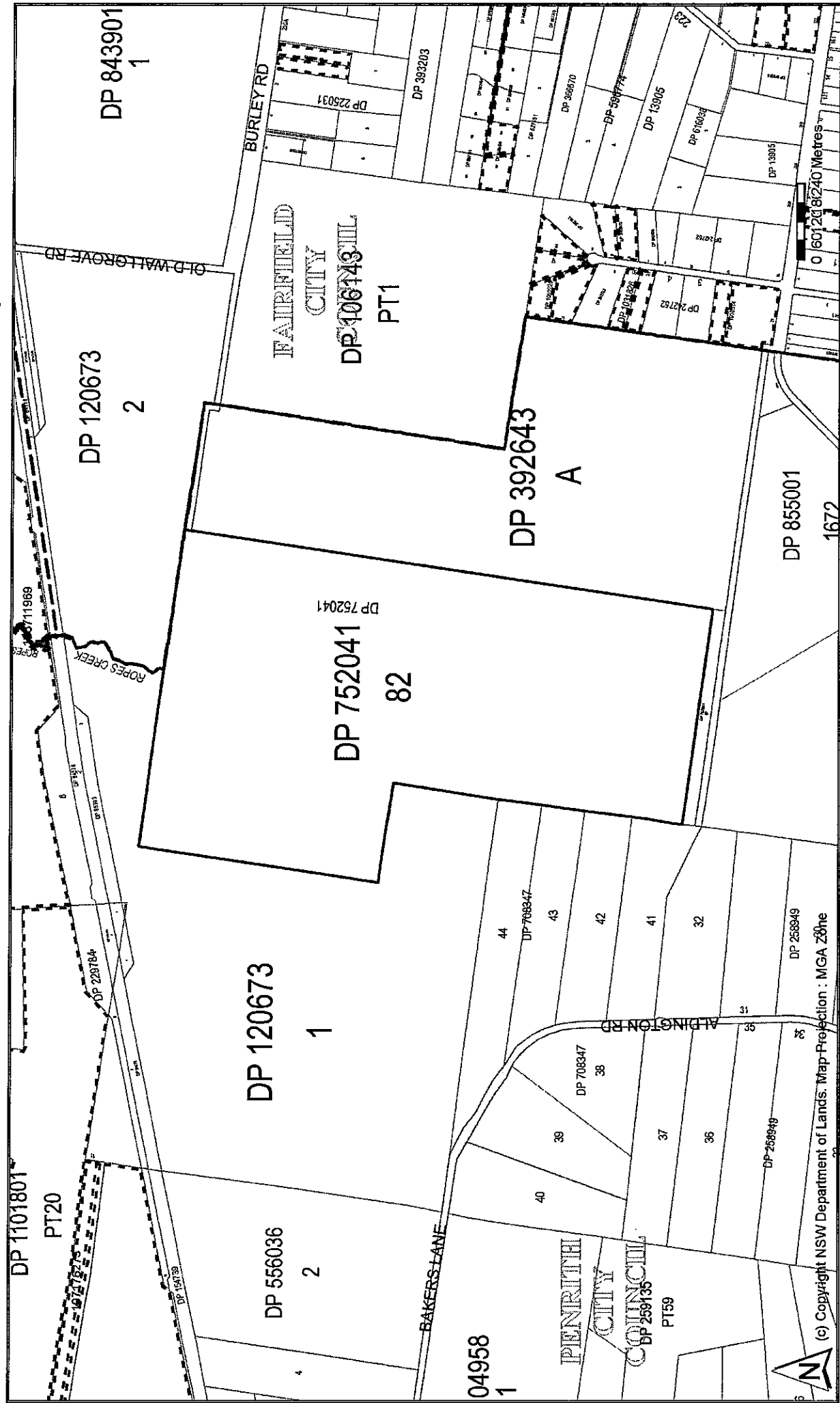
Auto Consol 10628-6

Certificate of Title Volume 10628 Folio 6

Certificate of Title Volume 6116 Folio 211

Summary of proprietors
Lots 82 & 87 DP 752041

Year	Proprietor
	(Lots 82 & 87 DP 752041)
1988 – todate	The Austral Brick Company Proprietary Limited
	(Lots 82 & 87 Parish Melville - CT Vol 10628 Fol 6)
1967 – 1988	The Austral Brick Company Proprietary Limited
	(Portions 82 & 87 Parish Melville - Area 356 Acres 2 Roods 9 Perches - CT Vol 6116 Fol 211)
1960 – 1967	The Austral Brick Company Proprietary Limited
1953 – 1960	Colin Henry Stockman, farmer
1950 – 1953	Harrie Davis, grantee
	(Portions 82 & 87 Parish Melville - Area 356 Acres 2 Roods 9 Perches)
Prior – 1950	CROWN LAND



Information Provided Through
Advance Legal Search Pty Ltd
Ph. 0297541590 Fax. 0297541364

Title Search

EziSearch
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 7967-201

SEARCH DATE	TIME	EDITION NO	DATE
13/3/2007	9:40 PM	-	-

VOL 7967 FOL 201 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT ERSKINE PARK
LOCAL GOVERNMENT AREA: FAIRFIELD, PENRITH.
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM: DP120673

FIRST SCHEDULE

THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED (T H788203)

SECOND SCHEDULE (4 NOTIFICATIONS)

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2. LAND EXCLUDES THE ROAD(S) WITHIN LOT 2 SHOWN IN THE TITLE DIAGRAM
3. J924492 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PARTS OF LOT 1 DESIGNATED (Y) IN THE TITLE DIAGRAM
- * 0861896 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY TRANSMISSION AUTHORITY
4. J946972 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PART OF LOT 1 DESIGNATED (X) IN THE TITLE DIAGRAM
- * 0712312 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY TRANSMISSION AUTHORITY

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 1-2 IN DP120673.

*** END OF SEARCH ***

HLA - Erskine Park ALSP

PRINTED ON 13/3/2007

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFIES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

532

N	O	O	1	D	1	B
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10	20	30	40	50	60	70	Table of mm	110	120	130	140
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Information Provided Through
Advance Legal Search Pty Ltd
Ph. 0297541590 Fax. 0297541364

Title Search

EziSearch
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 10628-6

SEARCH DATE	TIME	EDITION NO	DATE
13/3/2007	9:43 PM	-	-

VOL 10628 FOL 6 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA: PENRITH
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM: SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED

SECOND SCHEDULE (3 NOTIFICATIONS)

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2. J924492 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PARTS OF LOTS 82 & 87 SHOWN SO BURDENED IN PLAN M WITH J924492
- * 0861896 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY TRANSMISSION AUTHORITY
3. J946972 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PART OF LOT 82 SHOWN SO BURDENED IN PLAN O WITH J946972
- * 0712312 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY TRANSMISSION AUTHORITY

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOT 82 IN DP752041
LOT 87 IN DP752041

TITLE DIAGRAM

CROWN PLAN 3299.2030
CROWN PLAN 4001.2030.

*** END OF SEARCH ***

HLA - Erskine Park ALSP

PRINTED ON 13/3/2007

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF TITLE. WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER. ADVANCE LEGAL SEARCH PTY LTD CERTIFIES THAT THE INFORMATION CONTAINED IN THIS DOCUMENT HAS BEEN PROVIDED ELECTRONICALLY BY THE REGISTRAR-GENERAL IN ACCORDANCE WITH SECTION 96B(2) OF THE REAL PROPERTY ACT, 1900.

B97

/Req: B282688

/Doc: CP 03299-2030

/Prt: 14-Mar-2007

CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

DEPARTMENT OF LANDS

CL	3296-2030	
LINKS		METRES
5		1.006
11		2.213
30		6.035
100		20.117
138.2		27.801
150.1		30.195
242		48.683
300		60.350
399.6		80.387
687.9		178.617
922		185.477
1011		203.381
1255		252.466
1557.7		313.359
1563		314.426
1888.5		379.906
1924.5		381.148
2696.7		542.490
3996		803.867
4547.3		914.771
4697.4		944.967
8292.2		1668.125
98000.1		19714.484

AC	RD	P	HA
10	-	-	4.047
200	-	-	80.94
280	-	-	113.3
307	2	-	124.4
316	-	-	127.9
317	2	-	128.5
349	3	-	141.5
384	-	-	155.4
390	-	-	157.8
650	-	-	263
1000	-	-	404.7
1100	-	-	445.2
1300	-	-	526.1
2000	-	-	809.4

CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

DEPARTMENT OF LANDS

CL	3299-2030	
LINKS		METRES
0.1		0.020
10		2.012
106.12		21.348
130.7		26.293
237.4		47.757
300		60.350
380		76.444
400		80.467
418		84.088
1586		319.052
1599.5		321.768
1667.6		335.468
2293.8		461.439
2353.6		473.469
2356		473.952
2374		477.573
2732.6		550.718
3800		764.438
8392.2		1686.242

AC	RD	P	HA
40	-	-	16.19
307	2	-	124.4
317	2	-	128.5
339	1	-	137.3
349	3	-	141.5
371	-	10 1/4	150.2
384	3	-	155.7
390	-	-	157.8
413	2	33 3/4	167.4
436	-	-	176.4
650	-	-	263
1070	-	-	433

CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

DEPARTMENT OF LANDS			
CL	3300-2030		
LINKS	METRES		
100	20.117		
424.2	85.335		
1000	201.168		
1827	367.534		
3100	623.621		
AC RD P			HA
10	-	-	4.047
300	-	-	121.4
625	-	-	252.9

B97

/Req: B282687

/Doc: CP 04001-2030

/Prt: 14-Mar-2007

Municipality of St Mary's

Papers L.B. 29 371

PLAN OF PORTION 87

County of Cumberland Parish of Melville
LAND DISTRICT OF METROPOLITAN LAND BOARD DISTRICT OF SYDNEY

Occupation license N°

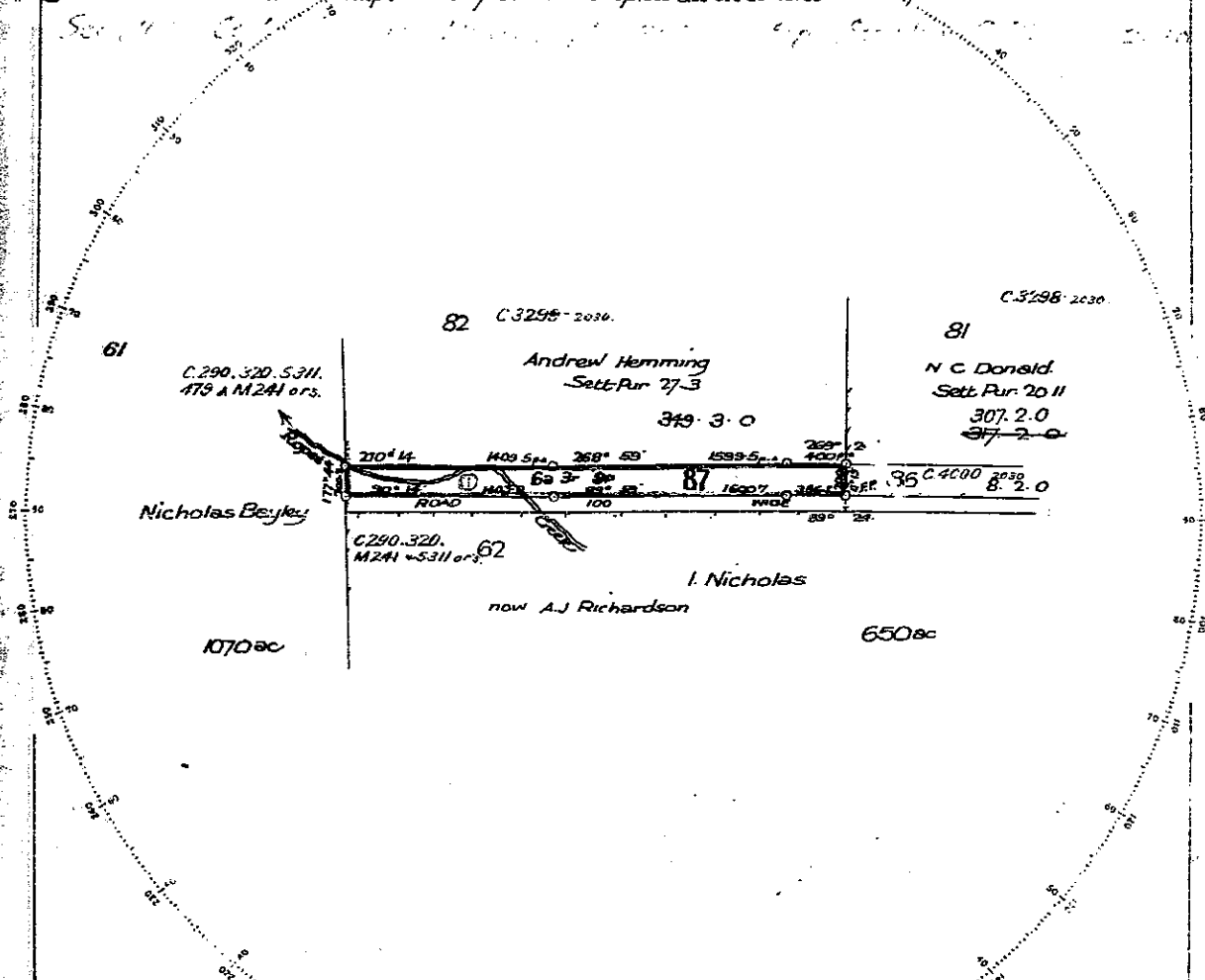
Holding, Eastern Division.

Applied for under the Section of the Crown Lands Consolidation Act 1913 by

To be added to Sett. Pur. 27-3

Por. 87 added to Sett. Pur. 27-3 of 3rd Aug 1927. Andrew Hemming now 356a 2n. 9p. as from 4th April 1928 vide C. Sett. 25 2965

① for: 87. now Harrie Davis. Sett. camp. C.S. 2849/35 P. 356a. 2n. 9p. See also C. 3299. 2030



Azimuth taken from S. by for 81

Field Book 576Y Pages 11

Reference to Corners

Corner	Bearing	From	To	on	on
Numbered pegs on corners					

Value of Improvements

Reference to Traverse

Line	Bearing	Distance

I hereby certify that I in person made and on the 17th May 1929 completed the survey represented on this plan on which are written the bearings and lengths of the lines measured by me and I declare that the survey has been executed in accordance with the regulations published for the guidance of Licensed Surveyors and the practice of the Department of Lands.

J. B. Pope

Licensed Surveyor

Transmitted to the District Surveyor with my letter of 27th May 1929 p. 20

Foucher N° - Passed. Staff.

Calculation Book N° D. 94 folio 15.

Checked and Charted.

Examined.

Plan approved.

E. J. Hughes

Draftsman-in-Charge

Scale 20 Chains to an Inch

Photographed & Printed at the Department of Lands, Sydney, N.S.W.

Holding, Eastern Division.

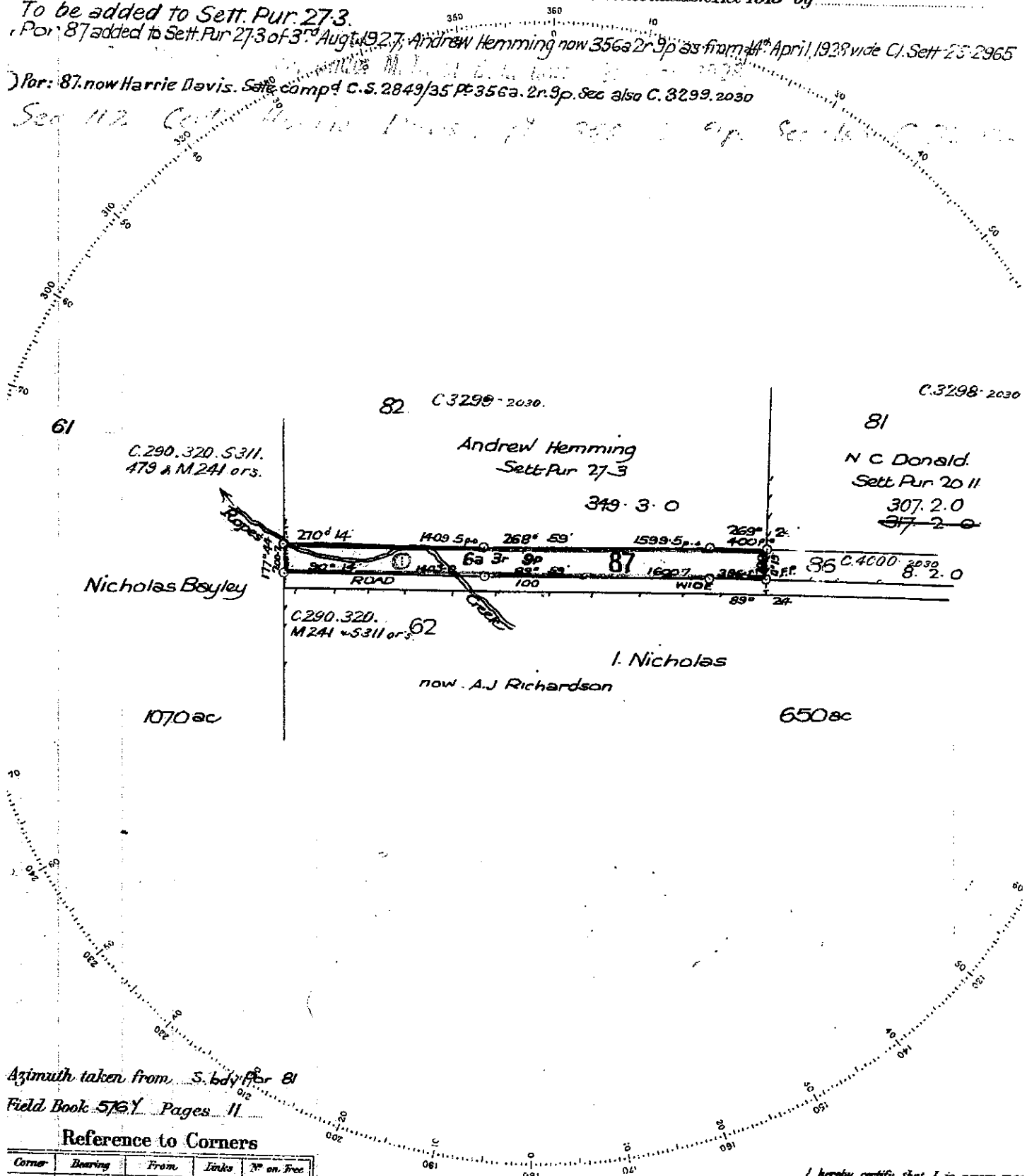
Applied for under the Section of the Crown Lands Consolidation Act 1913 by

To be added to Sett. Pur. 27.3.

To be added to Sett. Pur. 27.3.
 Por. 87 added to Sett. Pur 27.3 of 3rd Augt. 1927. Andrew Hemming now 356a 2nd 3rd as from 1st April, 1928 vide C/ Sett 23 2965

For: 87. now Harrie Davis. ~~Sale comp~~ C.S. 2849/35 Pt 356a. 2r. 3p. See also C. 3299, 2030

Seq 112



Azimuth taken from S. body of 81

Field Book 576Y Pages 11

Reference to Corners

Corner	Bearing	From	Links	N ^o on Tree
Numbered pegs on corners				

Reference to Traverse

[illegible]

on the 17th May 1929 completed the survey represented on this on which are written the bearings and lengths of the lines measured by and I declare that the survey has been executed in accordance with regulations published for the guidance of Licensed Surveyors and the p of the Department of Lands.

J. B. Rople Licensed Surveyor
Transmitted to the District Surveyor with my letter of 27th May 1929 No 3



CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

CL 4000-2030			
LINKS		METRES	
100		20.117	
153.7		30.920	
200		40.234	
1557.7		313.359	
1560.6		313.943	
2695.5		542.248	
2696.7		542.490	
8492.2		1708.359	
AC	RD	P	HA
6	3	9	2.754
8	2	-	3.44
307	-	-	124.2
307	2	-	124.4
316	-	-	127.9
317	2	-	128.5
349	3	-	141.5
650	-	-	263



CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

CL 4001-2030			
LINKS		METRES	
100		20.117	
200		40.234	
200.2		40.274	
396.1		79.683	
400		80.467	
1403		282.239	
1409.5		283.546	
1599.5		321.760	
1600.7		321.10	
4000		804.672	
AC	RD	P	HA
6	2	9	2.653
6	3	9	2.754
8	2	-	3.44
307	2	-	124.4
317	2	-	128.5
349	3	-	141.5
650	-	-	263
1070	-	-	433



CONVERSION TABLE ADDED
DEPARTMENT OF LANDS

CL 4002-2030		
FEET INCHES		METRE
12	-	3.65
42	-	12.80
75	-	22.86
LINKS		METRE
82.4		16.57
100		20.11
103.7		20.86
353.75		71.16
400		80.46
415		83.48
824		165.76
2005		401.34
AC	RD	P
-	1	21
-	1	37
-	3	35
1	-	4 1/2

/Req: B282686
/Doc: CT 10628-006
/Prt: 14-Mar-2007

Vol. 10628 Fol. 6

K717397

CANCELLED

Vol. 6116 Fol. 211



PE

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule. **SEE AUTO FOLIO**

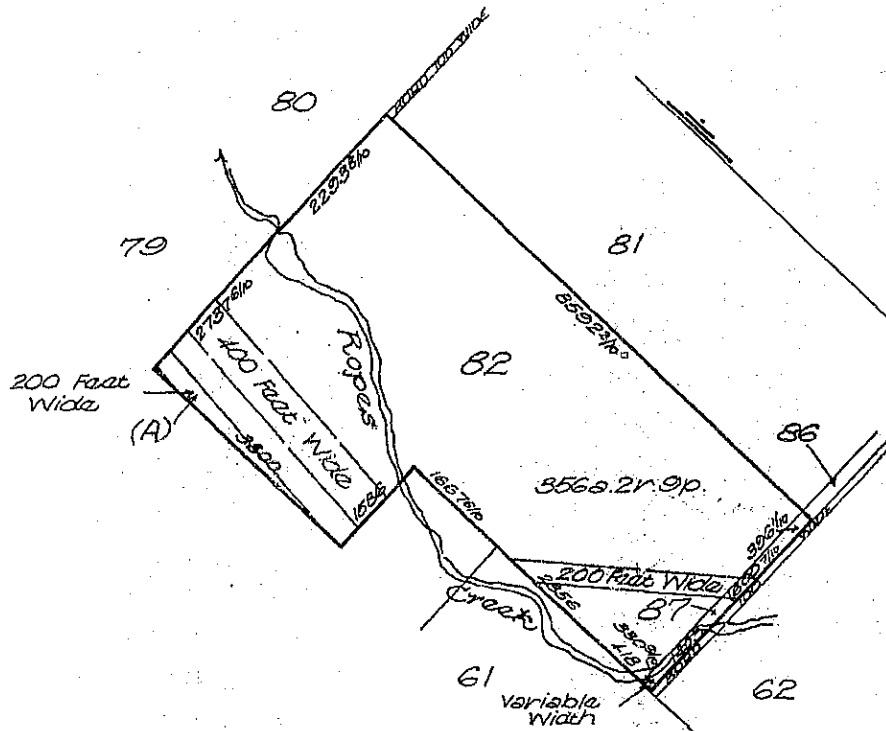
SEE AUTO FOLIO

Witness *Mu Alter*

J. J. J.
Registrar General.



PLAN SHOWING LOCATION OF LAND



All lengths shown hereon are in links.
Scale: 20 chains to one inch

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Portions 82 and 87 in the City of Penrith Parish of Melville and County of Cumberland. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE (Continued overleaf)

THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED.

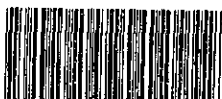
SECOND SCHEDULE (Continued overleaf)

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. Easement for Transmission Line created by Notice of Resumption No. J924492 affecting the pieces of land 200 feet wide, 400 feet wide and variable width shown in the plan hereon.
- E7-3. Easement for Transmission Line created by Notice of Resumption No. J946977 affecting the piece of land 200 feet wide designated (A) in the plan hereon. *shown no burdened in plan & number J946977*

Registrar General

Registrar General.

9008Z90I



DUGH AND AUTHENTICATED BY THE

✓ CISTRAR GENERAL ARE CANCELLED

WARNING THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE

[illegible]

at 17 V.C.N. Blight, Government Printer

11/10/50

[illegible]

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED

Information Provided Through
RUDOV & ASSOCIATES P/L
Ph. 0292678865 Fax. 0292676617

Title Search

EziSearch
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 10628-6

SEARCH DATE	TIME	EDITION NO	DATE
12/7/2007	11:20 AM	-	-

VOL 10628 FOL 6 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA PENRITH
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 J924492 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PARTS
OF LOTS 82 & 87 SHOWN SO BURDENED IN PLAN M WITH J924492
- * 0861896 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY
TRANSMISSION AUTHORITY
- 3 J946972 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PART OF
LOT 82 SHOWN SO BURDENED IN PLAN O WITH J946972
- * 0712312 EASEMENT VESTED IN NEW SOUTH WALES ELECTRICITY
TRANSMISSION AUTHORITY

NOTATIONS

NOTE: THIS FOLIO MAY BE ASSOCIATED WITH A CROWN TENURE WHICH IS
SUBJECT TO PAYMENT OF AN ANNUAL RENT. FOR FURTHER DETAILS CONTACT
THE LOCAL CROWN LANDS OFFICE AT MOREE
UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOT 82 IN DP752041
LOT 87 IN DP752041

TITLE DIAGRAM

CROWN PLAN 3299.2030
CROWN PLAN 4001.2030.

*** END OF SEARCH ***

111348

PRINTED ON 12/7/2007

PLAN OF PORTION 87

County of Cumberland Parish of Melville
LAND DISTRICT OF METROPOLITAN LAND BOARD DISTRICT OF SYDNEY

Occupation License N^o

Holding, Eastern Division.

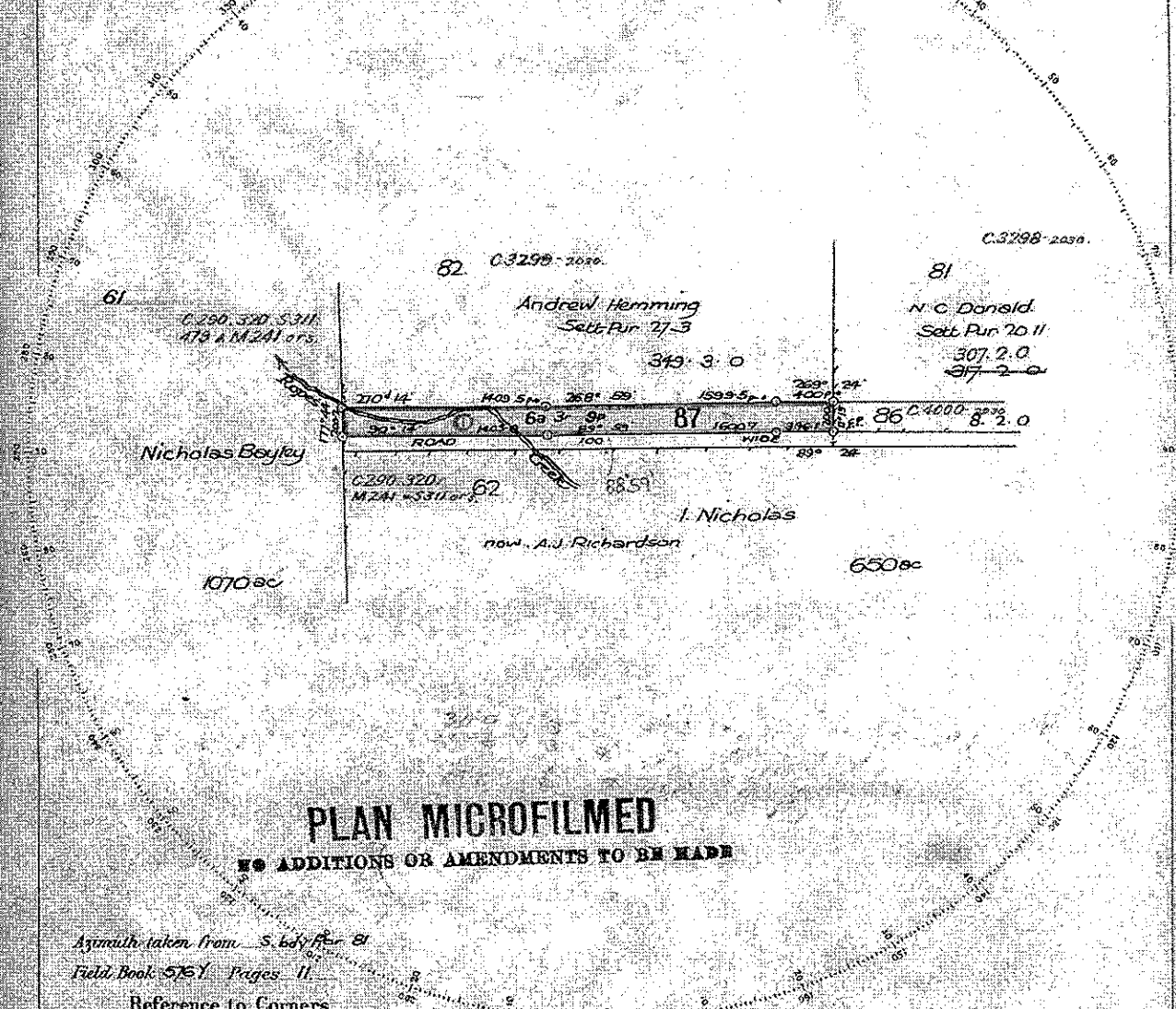
Applied for under the Section of the Crown Lands Consolidation Act 1913 by

To be added to Sett Pur 273

Port 87 added to Sett Pur 273 of 31st Aug 1927. Andrew Hemming now 356a 2r 3p ss from 1st April 1928 vide C. Sett 28-2965

① for 87 now Harrie Davis. Sett comp'd C. 3289/35 P. 356a 2r 3p. See also C. 3289-2030

See 112 Cert Harrie Davis. ph 356a 2r 3p. See also C. 3289-2030



PLAN MICROFILMED

NO ADDITIONS OR AMENDMENTS TO BE MADE

Azimuth taken from S. 64y R. 8

Field Book 5761 Pages 11

Reference to Corners

Corn	Bearing	From	To	N on Pur
Numbered pegs on corners				

Reference to Traverse

Line	Bearing	Distance

I hereby certify that I in person made and on the 17th May 1929 completed the survey represented on this plan on which are written the bearings and lengths of the lines measured by me and I declare that the survey has been executed in accordance with the regulations published for the guidance of Licensed Surveyors and the practice of the Department of Lands.

J. L. Rople

Licensed Surveyor

Transmitted to the District Surveyor with my letter of 27th May 1929 N. 30Touched N^o - Passed 5000Calculation Book N^o D. 24 Folio 15Checked and Checked by J. L. Rople 2nd Aug 29Examined by J. L. Rople 6th Aug 1929

Plan approved

8th August 1929

J. L. Rople

District Surveyor

Value of Improvements

C4001-2030

Scale 20 Chams to an Inch

Illustrated at the Department of Lands, Sydney

Appendix C

Background Searches (dangerous goods, groundwater bore, site plan, DEC web-site)

"This page has been left blank intentionally"

Box: 3026N

Department of Lands



FOSTER & FOSTER
DX 208 Sydney

1 Prince Albert Rd
Sydney NSW 2000
Ph 1300 0LANDS
Fax (02) 9233 4357
lands.nsw.gov.au

UNEXPLODED ORDNANCE SEARCH RESULT

Date: 15/3/2007
Appln No: 775691
Title Ref: 1/120673, 2/120673, 82/752041
Your Ref: F63274
Parish: MELVILLE CUMBERLAND

The Department of Defence advises that there is no record of land within this title having been used for military purposes of a nature that may have resulted in ordnance-related contamination.

For any further details regarding your inquiry, please contact Ms Josephine Velte at the Department of Lands on Phone (02) 9228 6835 or Fax (02) 9221 1323.

* On receipt, please check that the property details above are correct.

Mr Neil Hindmarsh
Manager
Electronic Services LPI



NEW SOUTH WALES GOVERNMENT

Alex Latham

From: SSCboredata@dnr.nsw.gov.au
Sent: Monday, 19 March 2007 8:23 AM
To: Alex Latham
Subject: bore search - Erskine Park
Attachments: sscerskinpark190307.RTF; Windows metafile

Hi Alex, I have completed your bore search for site near Erskine Park at 2kms to find enough bores. Please see attached files.

Regards

Sofie Tanner
GIS Operator
Sydney South Coast GIS
Department of Natural Resources
Level 11 Macquarie Tower, 10 Valentine Avenue
Parramatta NSW 2150

ph 9895 7146
fax 9895 7685
Sofie.Tanner@dnr.nsw.gov.au

The work summary for the bore is in the attached file ***.rtf.

If you requested Water Quality Data and it is available for the bore - see the spreadsheet ****.csv

If you requested a map showing the location of the bore - see the file ***.wmf.

To print the map this procedure must be followed with the file:

1. Save it to your drive,
2. In Word or Excel or another Windows application,
3. Choose Insert, Picture, From File,
4. Select the file (*.wmf),
5. Map should appear.

We recommend that you set the page set up to Landscape

And reduce the margins to the smallest possible size.

If a map fails to open please let me know.

CAUTION TO CLIENTS

Water data have been supplied to the Department of Natural Resources (DNR) by various sources. In some cases, analyses, plots and other data presentations make use of information on the DNR archive. Because of the historic nature of the archive, there may well be errors and omissions in the data provided to you, and the quality of the information may make it unsuitable for the intended purpose.

Data integrity may not have been examined before use in analytical programs and the DNR makes no guarantee that they conform to any guidelines. Users of these data should be aware that the use and any interpretation of the data is at their own risk and the DNR will not be held responsible for any decisions made based on these data.

Should you require further information please call or email me.

Dept. of Natural Resources
Sydney South Coast Region Bore Requests
FAX: 02 4224 9689

26/03/07

PH: 02 9895 7146

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.

Date/Time :19-Mar-2007 08:12 AM
 User :STANNER
 Report :RMGW001D.QRP
 Executable :S:\G5\PROD32\Ground.exe
 Exe Date :07-Mar-2007
 System :Groundwater
 Database :Edbp



NSW Government

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES Work Summary

GW101082

Licence :10BL157654

Licence Status :Active
 Authorised Purpose(s)
 MONITORING BORE

Intended Purpose(s)
 TEST BORE

Work Type :Bore

Work Status :Unknown

Construct. Method :Percussion

Owner Type :

Commenced Date :

Final Depth :

40.30 m

Completion Date :27-May-1996

Drilled Depth :

Contractor Name :INTERTECH DRILLING

Driller :

Assistant Driller's Name :

Property : - N/A

Standing Water Level :

12.43 m

GWMA : -

Salinity :

GW Zone : -

Yield :

Site Details

Site Chosen By

County

Parish

Portion/Lot DP

Form A :

Licensed :CUMBERLAND

MELVILLE

93 838541

Region :10 - SYDNEY SOUTH COAST

CMA Map :

River Basin :

Grid Zone :

Scale :

Area / District :

Elevation :

Northing :6255728

Latitude (S) :33° 49' 8"

Elevation Source :

Easting :296006.995

Longitude (E) :150° 47' 47"

GS Map :

AMG Zone :56

Coordinate Source :

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	40.30	158			Other
1	1	Casing	P.V.C.	-1.02	40.30	50			C: 0-28m
1	1	Opening	Screen	30.40	39.30	.4			(Unknown); PVC Class 18
1		Annulus	(Unknown)	0.00	0.00				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
----------	--------	---------------	----------	------------	------------	-------------	----------------	---------------	-----------------

(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
----------	--------	--------------	----------------------	---------------------	----------

(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
-------------------	------	---------------	------------	------------	-------------	------------------	-------------	------------------------	----------------------	-----------

(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
-------------------	------	-------------	------------	------------	-------------	------------------	-------------	------------------------	----------------------	-----------

(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
-----------	--------	--------------	------

(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
--------	------------	--------------------------

(No Development Details Found)

Warning To Clients: This raw data has been supplied to the Department of Natural Resources (DNR) by drillers, licensees and other sources. The DNR does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101083

Licence :10BL157654

Licence Status :Active
Authorised Purpose(s)
MONITORING BORE

Intended Purpose(s)
TEST BORE

Work Type :Bore
Work Status :Unknown
Construct. Method :Percussion
Owner Type :

Commenced Date :
Completion Date :28-May-1996
Final Depth : 78.00 m
Drilled Depth :

Contractor Name :INTERTECH DRILLING

Driller :

Assistant Driller's Name :

Property : - N/A
GWMA : -
GW Zone : -

Standing Water Level : 9.12 m
Salinity :
Yield :

Site Details

Site Chosen By
County
Form A :
Licensed :CUMBERLAND
Parish
MELVILLE
Portion/Lot DP
93 838541
Region :10 - SYDNEY SOUTH COAST
River Basin :
Area / District :
CMA Map :
Grid Zone :
Scale :
Elevation :
Elevation Source :
Northing :6255332
Easting :294806.187
Latitude (S) :33° 49' 20"
Longitude (E) :150° 46' 60"
GS Map :
AMG Zone :56
Coordinate Source :

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	78.00	158			Other
1	1	Casing	P.V.C.	-0.76	78.00	50			C: 0-58m
1	1	Opening	Screen	58.20	76.00	.4			(Unknown); PVC Class 18
1		Annulus	(Unknown)	58.00	78.00				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
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(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
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(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
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(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
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(No Development Details Found)

Remarks

Bore is called BH17B

*** End of GW101083 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101084

Licence :10BL157654

Licence Status :Activ
 Authorised Purpose(s)
 MONITORING BORE

Intended Purpose(s)
 TEST BORE

Work Type :Bore
 Work Status :(Unknown)
 Construct. Method :Percussion
 Owner Type :

Commenced Date : Final Depth : 50.00 m
 Completion Date :28-May-1996 Drilled Depth :

Contractor Name :INTERTECH DRILLING

Driller :

Assistant Driller's Name :

Property : - N/A
 GWMA : -
 GW Zone : -

Standing Water Level :
 Salinity :
 Yield :

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A : Licensed :CUMBERLAND	MELVILLE	93 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255302	Latitude (S) :33° 49' 21"
Elevation Source :		Easting :294832.572	Longitude (E) :150° 47' 1"
GS Map :	AMG Zone :56	Coordinate Source :	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centrifuges

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	50.00	158			Other
1	1	Casing	PVC Class 18	-0.78	50.00	50			
1	1	Opening	Screen	30.20	48.00	.4			(Unknown); PVC Class 18
1		Annulus	(Unknown)	27.00	50.00				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
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(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
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(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
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(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
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(No Development Details Found)

Remarks

Form A Remarks:
 This bore is called BH-17A

*** End of GW101084 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101085

Licence :10BL157654		Licence Status :Active	Intended Purpose(s) TEST BORE
Work Type :Bore		Authorised Purpose(s) MONITORING BORE	
Work Status : (Unknown)			
Construct. Method :Percussion			
Owner Type :			
Commenced Date :	Final Depth :	99.30 m	
Completion Date :30-May-1996	Drilled Depth :		
Contractor Name :INTERTECH DRILLING			
Driller :			
Assistant Driller's Name :			
Property : - N/A		Standing Water Level :	
GWMA : -		Salinity :	
GW Zone : -		Yield :	

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A : Licensed :CUMBERLAND	MELVILLE	93 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255599	Latitude (S) :33° 49' 12"
Elevation Source :		Easting :295752.456	Longitude (E) :150° 47' 37"
GS Map :	AMG Zone :56	Coordinate Source :	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole		0.00	99.30	158			Other
1	1	Casing	P.V.C.	-0.77	99.30	50			
1	1	Opening	Screen	79.50	97.30	.4			(Unknown); PVC
1		Annulus	(Unknown)	77.00	97.30				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
(No Water Bearing Zone Details Found)									

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
(No Drillers Log Details Found)					

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Summary Details Found)										

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Reading Details Found)										

Chemical Treatment

Treatment	Method	Quantity (L)	Name
(No Chemical Treatment Details Found)			

Development

Method	Time Taken	Other Development Method
(No Development Details Found)		

Remarks

Form A Remarks:
Bore called BH-16B

*** End of GW101085 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101086

Licence :10BL157654		Licence Status :Active	Intended Purpose(s) TEST BORE
Work Type :Bore		Authorised Purpose(s) MONITORING BORE	
Work Status :Unknown			
Construct. Method :Percussion			
Owner Type :			
Commenced Date :	Final Depth :	69.70 m	
Completion Date :29-May-1996	Drilled Depth :		
Contractor Name :INTERTECH DRILLING			
Driller :			
Assistant Driller's Name :			
Property : - N/A		Standing Water Level :	
GWMA : -		Salinity :	
GW Zone : -		Yield :	

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A : Licensed :CUMBERLAND	MELVILLE	93 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255568	Latitude (S) :33° 49' 13"
Elevation Source :		Easting :295753.12	Longitude (E) :150° 47' 37"
GS Map :	AMG Zone :56	Coordinate Source :	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperature;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	69.70	158			Other
1	1	Casing	P.V.C.	-0.79	69.70	50			
1	1	Opening	Screen	49.90	67.70	50			(Unknown); PVC; A: 4mm
1		Annulus	(Unknown)	47.00	67.70				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
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(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
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(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
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(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
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(No Development Details Found)

Remarks

Form A Remarks:
Bore called BH-16A.

*** End of GW101086 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101087

Licence :10BL157654		Licence Status :Active	Intended Purpose(s) TEST BORE
Work Type :Bore		Authorised Purpose(s) MONITORING BORE	
Work Status :Unknown			
Construct. Method :Percussion			
Owner Type :			
Commenced Date :	Final Depth :	90.30 m	
Completion Date :31-May-1996	Drilled Depth :		
Contractor Name :INTERTECH DRILLING			
Driller :			
Assistant Driller's Name :			
Property : - N/A		Standing Water Level :	
GWMA : -		Salinity :	
GW Zone : -		Yield :	

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A :		
	Licensed :CUMBERLAND	MELVILLE	93 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255542	Latitude (S) :33° 49' 13"
Elevation Source :		Easting :294518.609	Longitude (E) :150° 46' 49"
GS Map :	AMG Zone :56	Coordinate Source :	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	90.30	158			Other
1	1	Casing	P.V.C.	-0.70	90.30	50			
1	1	Opening	Screen	70.50	88.30	50			(Unknown); PVC; A: 4mm
1		Annulus	(Unknown)	0.00	0.00				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
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(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
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(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
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(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
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(No Development Details Found)

Remarks

Form A Remarks:
Bore is called BH-15B.

*** End of GW101087 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW101088

Licence :10BL157654

Licence Status :Active
Authorised Purpose(s)
MONITORING BORE

Intended Purpose(s)
TEST BORE

Work Type :Bore
Work Status :(Unknown)
Construct. Method :Percussion
Owner Type :

Commenced Date : Final Depth : 60.20 m
Completion Date :30-May-1996 Drilled Depth :

Contractor Name :INTERTECH DRILLING

Driller :

Assistant Driller's Name :

Property : - N/A
GWMA : -
GW Zone : -

Standing Water Level :
Salinity :
Yield :

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
	Form A : Licensed :CUMBERLAND	MELVILLE	93 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255542	Latitude (S) :33° 49' 13"
Elevation Source :		Easting :294544.328	Longitude (E) :150° 46' 50"
GS Map :	AMG Zone :56	Coordinate Source :	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	60.20	158			Other
1	1	Casing	P.V.C.	-0.76	60.20	50			
1	1	Opening	Screen	40.40	58.20	50			(Unknown); PVC; A: 4mm
1		Annulus	(Unknown)	0.00	0.00				(Unknown); GS: 2mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
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(No Water Bearing Zone Details Found)

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
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(No Drillers Log Details Found)

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Summary Details Found)

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
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(No Pumping Test Reading Details Found)

Chemical Treatment

Treatment	Method	Quantity (L)	Name
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(No Chemical Treatment Details Found)

Development

Method	Time Taken	Other Development Method
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(No Development Details Found)

Remarks

Form A Remarks:
Bore called BFH-15A.

*** End of GW101088 ***

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW102673

Licence :10BL152917		Licence Status :Activ	Intended Purpose(s) MONITORING BORE
Work Type :Bore		Authorised Purpose(s) MONITORING BORE	
Work Status :(Unknown)			
Construct. Method :Rotary			
Owner Type :			
Commenced Date :	Final Depth :	78.00 m	
Completion Date :20-Aug-1993	Drilled Depth :	48.00 m	
Contractor Name :ENGINEERING EXPLORATION			
Driller : Williams, Roy			
Assistant Driller's Name :			
Property : - N/A		Standing Water Level :	
GWMA : -		Salinity :	4,750.00 mg/L
GW Zone : -		Yield :	

Site Details

Site Chosen By	County Form A :CUMBERLAND Licensed :CUMBERLAND	Parish MELVILLE MELVILLE	Portion/Lot DP 77 & 85 91 838541
Region :10 - SYDNEY SOUTH COAST		CMA Map :	
River Basin :		Grid Zone :	Scale :
Area / District :			
Elevation :		Northing :6255584	Latitude (S) :33° 49' 12"
Elevation Source :		Easting :295058.042	Longitude (E) :150° 47' 10"
GS Map :	AMG Zone :56	Coordinate Source :GIS - Geographic Information System	

Construction Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	0.00	24.80	100			(Unknown)
1		Hole	24.80	32.50	96			Cable Tool
1		Hole	32.50	78.00	100			(Unknown)
1	1	Casing	0.00	20.45	50			C: 41.1-47m; Screwed; Seated on Bottom
1	1	Casing	23.40	29.30				C: 49.95-55.9m
1	1	Casing	32.30	38.20				C: 58.8-64.7m
1	1	Casing	32.30	38.20				C: 67.7-73.55m
1	1	Casing	32.30	38.20				C: 76.5-78m
1	1	Opening	20.50	23.40	50			PVC; A: .4mm; Screwed
1	1	Opening	29.30	32.30				Screwed
1	1	Opening	38.20	41.10				Screwed
1	1	Opening	47.00	50.00				Screwed
1	1	Opening	55.90	58.80				Screwed
1	1	Opening	64.70	67.65				Screwed
1	1	Opening	73.60	76.50				Screwed
1		Annulus	13.00	78.00				Graded

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
30.00	78.00	48.00			9.68				

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
0.00	3.00	3.00	FILL	Fill	
3.00	4.00	1.00	CLAY BROWN	Clay Bands	
4.00	9.00	5.00	SILTSTONE/BROWN/CREAM	Siltstone	
9.00	10.00	1.00	SHALE/ GREY	Shale	
10.00	15.00	5.00	SILTSTONE/ GREY/FINE	Siltstone	
15.00	18.00	3.00	SHALE/GREY	Shale	
18.00	21.00	3.00	SANDSTONE/GREY	Sandstone	
21.00	25.30	4.30	SILTSTONE/SANDSTONE/GREY	Siltstone	
25.30	26.00	0.70	SILTSTONE	Siltstone	
26.00	27.30	1.30	SHALE	Shale	
27.30	30.30	3.00	SILTSTONE/SHALE/GREY	Siltstone	
30.30	31.80	1.50	SILTSTONE/SANDSTONE/SHALE	Siltstone	
31.80	40.00	8.20	SHALE	Shale	
40.00	48.00	8.00	SILTSTONE/SANDSTONE/SHALE	Siltstone	

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Summary Details Found)										

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Reading Details Found)										

Warning To Clients: This raw data has been supplied to the Department of Natural Resources (DNR) by drillers, licensees and other sources. The DNR does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

DEPARTMENT OF NATURAL RESOURCES

Work Summary

GW102674

Licence :10BL152917			Licence Status :Active		Intended Purpose(s) MONITORING BORE
Work Type :Bore			Authorised Purpose(s) MONITORING BORE		
Work Status :(Unknown)					
Construct. Method :Rotary					
Owner Type :					
Commenced Date :	Final Depth :	69.70 m			
Completion Date :25-Aug-1993	Drilled Depth :	71.90 m			
Contractor Name :ENGINEERING EXPLORATION					
Driller : Williams, Roy					
Assistant Driller's Name :					
Property : - N/A			Standing Water Level :		
GWMA : -			Salinity : 4,400.00 mg/L		
GW Zone : -			Yield :		

Site Details

Site Chosen By	County	Parish	Portion/Lot DP
Form A :			
Licensed :CUMBERLAND	MELVILLE	91 838541	
Region :10 - SYDNEY SOUTH COAST	CMA Map :		
River Basin :	Grid Zone :	Scale :	
Area / District :			
Elevation :	Northing :6255589	Latitude (S) :33° 49' 12"	
Elevation Source :	Easting :295263.794	Longitude (E) :150° 47' 18"	
GS Map :	AMG Zone :56	Coordinate Source :GIS - Geographic Information System	

Construction

Negative depths indicate Above Ground Level;

H-Hole;P-Pipe;OD-Outside Diameter;ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity;PL-Placement of Gravel Pack;PC-Pressure Cemented;S-Sump;CE-Centralisers

H	P	Component	Type	From (m)	To (m)	OD (mm)	ID (mm)	Interval	Details
1		Hole	Hole	0.00	36.00	100			(Unknown)
1		Hole	Hole	36.00	39.00	96			Cable Tool
1		Hole	Hole	39.00	71.90	100			(Unknown)
1	1	Casing	P.V.C.	0.00	21.00	50			C:0-15m
1	1	Casing	(Unknown)	24.00	29.90				
1	1	Casing	(Unknown)	41.70	47.60				
1	1	Casing	(Unknown)	50.50	56.40				
1	1	Casing	(Unknown)	59.40	65.30				
1	1	Casing	(Unknown)	68.20	69.70				
1	1	Opening	Screen	21.00	23.90	50			PVC; A: .4mm; Screwed
1	1	Opening	Screen	29.90	32.80				A: .4mm; Screwed
1	1	Opening	Screen	38.70	41.70				A: .4mm; Screwed
1	1	Opening	Screen	47.60	50.50				A: .4mm; Screwed
1	1	Opening	Screen	56.40	59.40				A: .4mm; Screwed
1	1	Opening	Screen	65.30	68.20				A: .4mm; Screwed
1		Annulus	(Unknown)	15.00	69.70				Graded

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
(No Water Bearing Zone Details Found)									

Drillers Log

From (m)	To (m)	Thickness(m)	Drillers Description	Geological Material	Comments
0.00	2.00	2.00	SHALE/GREY/BROWN	Shale	
2.00	9.00	7.00	SILTSTONE/SHALE	Siltstone	
9.00	12.00	3.00	SHALE/SILTSTONE	Shale	
12.00	25.00	13.00	SILTSTONE/SANDSTONE/SHALE	Siltstone	
25.00	32.00	7.00	SANDSTONE/SILTSTONE/SHALE	Sandstone	
32.00	37.40	5.40	SILTSTONE, SHALE	Siltstone	
37.40	40.00	2.60	SHALE, CARBONACEOUS	Shale	
40.00	48.00	8.00	SILTSTONE/SHALE	Siltstone	
48.00	53.00	5.00	SHALE/SILTSTONE/SANDSTONE	Shale	
53.00	56.00	3.00	SHALE	Shale	
56.00	60.00	4.00	SANDSTONE/SILTSTONE	Sandstone	
60.00	71.90	11.90	SHALE/SILTSTONE	Shale	

Pumping Tests - Summaries

Pumping Test Type	Date	Duration (hr)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Summary Details Found)										

Pumping Tests - Readings

Pumping Test Type	Date	Time (mins)	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Intake Depth (m)	Test Method	To Measure Water Level	To Measure Discharge	Tested By
(No Pumping Test Reading Details Found)										

Warning To Clients: This raw data has been supplied to the Department of Natural Resources (DNR) by drillers, licensees and other sources. The DNR does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

Our Ref: D07/028799
Your Ref: S4074201

26 March 2007

28 MAR 2007

Attention: Alex Latham
HLA Envirosciences Pty Ltd
PO Box 726
PYMBLE NSW 2073

Dear Alex

RE SITE: Old Wallgrove Road, Horsley Park

I refer to your search request of 15 March 2007 requesting information on a Licence to Keep Dangerous Goods on the above site.

Enclosed are copies of the documents, which WorkCover holds on Dangerous Goods Licence **35/017790** relating to the storage of dangerous goods at the above-mentioned premises as listed on the Stored Chemical Information Database (SCID).

If you have any further queries, please contact WorkCover's Dangerous Goods Licensing staff on (02) 4321 5500.

Ian Gough
Team Leader
Dangerous Goods

WorkCover. **Watching out for you.**



Application - Site Search for Licence to Keep Dangerous Goods

1 Accompanying this application you must also provide:

- * A letter of Authorisation from the owner of the land to be searched
- * A Map showing the actual location of the land to be searched

D07/028799.

To Fin 26/3/07

2 Company Applying for Site Search

ABN

HLA-ENVIROSCIENCES P/L

3 Postal Address of Applicant

Postcode

PO BOX 726 PYMBLE NSW

2073

4 Contact for Site Search Inquiries

Name

Phone

Fax

ALEX LATHAM

(02) 8484 8941

(02) 8484 8989

5 Existing Licence Number (if known)

351

NOT KNOWN.

6 Street Address of Site to Be Searched

Unit / No

Street

Suburb / Town

Postcode

??

NO STREET ADDRESS ->

ERSKINE PARK

2759

OLD WALLAROE RD ->

MORSLEY PARK

2164

Nearest Cross Street

N/A

7 Trading Name / Site Occupier's Name / Previous Occupiers Name

AUSTRAL BRICKS.

were the 3 lots reserved or used

8 Payment details

I understand that the fee for a site search is \$132 per site (inclusive of GST)

For multiple sites provide a separate attachment listing the required site details

Total Number of Sites

3

x

\$132

Total amount payable

\$ 396

By Cheque Enclose a cheque made payable to WorkCover NSW

American Express



Bankcard



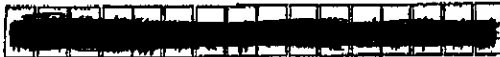
MasterCard



Visa



Card Number



Expiry date

10/08

Cardholder's Name

ALEXANDER LATHAM

Cardholders Signature

9 Printed name of applicant

ALEX LATHAM

Signature of Applicant

WorkCover guarantees that your application will be processed within 10 days of receipt if all information is provided.

Please send your application marked Confidential, to: Dangerous Goods Licensing,
WorkCover NSW, Locked Bag 2906, LISAROW NSW 2252

Hotline: (02) 4321 5500 - Fax: (02) 9287 5500

WorkCover



Dangerous Goods Licensing

ph (02) 4321 5500 fax (02) 9287 5500

Attn: REMI BAGINSKI
Licensee: AUSTRAL BRICK CO PTY LIMITED ACN 000 005 550
P O BOX 6550
WETHERILL PARK DC NSW 1851

LICENCE FOR THE KEEPING OF DANGEROUS GOODS

ISSUED UNDER AND SUBJECT TO THE PROVISIONS OF THE DANGEROUS GOODS ACT, 1975 AND REGULATIONS THEREUNDER

Licence Number 35/017790 Expiry Date 15/01/2006 No. of Depots 7

Licensee Contact REMI BAGINSKI Ph. 9830 7725 Fax. 9830 7807

Premises Licensed to Keep Dangerous Goods PLANT NO 3
AUSTRAL BRICK CO PTY LIMITED
OLD WALLGROVE RD HORSLEY PARK 2164

Nature of Site CLAY BRICK MANUFACTURING

Major Supplier of Dangerous Goods VARIOUS

Emergency Contact for this Site BILL LARFIELD Ph. (M) 0410 422 305

Site staffing 24HRS 7DAYS

Details of Depots

Depot No.	Depot Type	Goods Stored in Depot	Qty
1	EXEMPT - U/G TANK UN 00C1 DIESEL	Class C1	16500 L 16500 L
2	EXEMPT - U/G TANK UN 00C1 DIESEL	Class C1	26500 L 26500 L
3	EXEMPT - U/G TANK UN 00C1 DIESEL	Class C1	26500 L 26500 L
4	EXEMPT - U/G TANK UN 00C1 DIESEL	Class C1	16500 L 16500 L
5	FLAMMABLE LIQUIDS CABINET UN 1263 PAINT RELATED MATERIAL	Class 3	250 L exempt (500L or kg) 150 L
6	CYLINDER STORE UN 1001 ACETYLENE, DISSOLVED	Class 2.1	250 L exempt (5000L) 150 L
7	ABOVE-GROUND TANK UN 00C1 DIESEL	Class 3 Class C1	53400 L - exempt (100,000L) 25000 L

PLEASE RETAIN AS PROOF OF LICENCE

Issued by Workcover Authority of New South
Wales on 10 March 2005

WorkCover. Watching out for you.

WorkCover NSW ABN 77 682 742 966 92-100 Donnison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
Telephone 02 4321 5000 Facsimile 02 4325 4145 WorkCover Assistance Service 13 10 50
DX 731 Website www.workcover.nsw.gov.au

Application for Licence to Keep Dangerous Goods

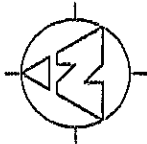
PART A - Applicant and site information (See page 2 of Guidance Notes)

1	Name of applicant	ACN
	Austral Brick Co Pty Limited	Plant No 3 000 005 550
2	Postal Address of Applicant	Suburb/Town Postcode
	PO Box 6560	Wetherill Park NSW DC 1851
3	Trading Name or Site Occupier's Name	
	Austral Bricks	
4	Contact for Licence Inquiries	
	Phone 7225 Fax 9830 7807 Name Remi Baginski	
	9830 7225 9629 1267	
5	Previous Licence Number (if known)	35/ 017 790
6	Previous Occupier (if known)	Nil
7	Site to be Licensed	
	No Street	
	Old Wallgrove Road Horsley Park	
8	Main Business of Site	Clay brick manufacturer
9	Site staffing: Hours per day 24 Days per week 7	
10	Site Emergency Contact	
	Phone 0410422 305 Name Shift Supervisor on Duty Bill Larfield	
11	Major Supplier of Dangerous Goods	CIG Gases and BP
12	If a new site or for amendments to depots - see page 4 of Guidance Notes.	
	Plans Stamped by: Name of Consultant Date Stamped	
	Barry Boné 2-3-05	

I certify that the details in this application (including any accompanying computer disk) are correct and cover all licensable quantities of dangerous goods kept on the premises.

13	Signature of Applicant	Printed Name
	<i>Mark Trudgett</i>	MARK TRUGGETT

Dangerous Goods Licensing
WorkCover NSW, Locked Bag 2906 LISAROW NSW 2252



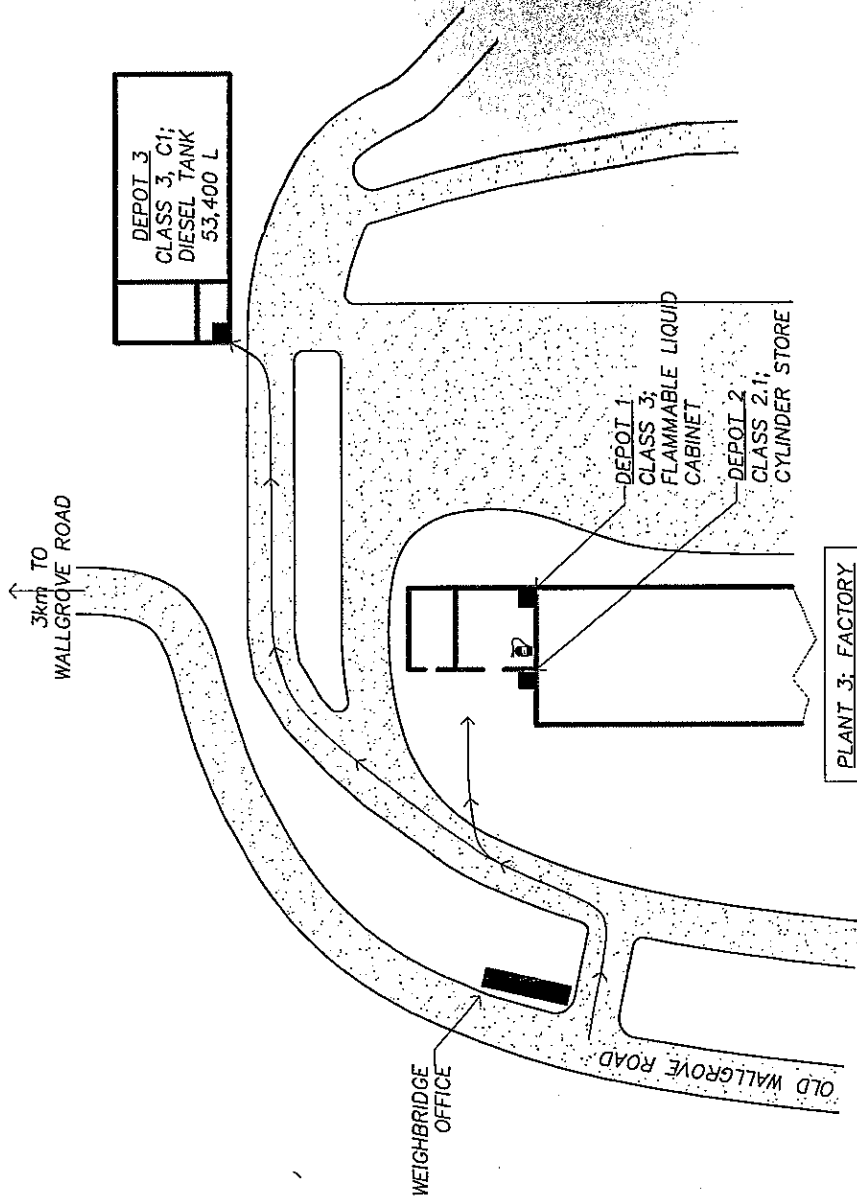
DO NOT SCALE DRAWING IF IN DOUBT ASK

DANGEROUS GOODS DEPOTS			
Depot	DG Class	FG	Quantity
1: (solid)	3	11	25
2: (dashed)	2.1	-	-
3: (breed)	3	C1	53,400

AS SHOWN IN THIS PLAN CONFORMS WITH THE DANGEROUS GOODS ACT 1988 AND AUSTRALIAN STANDARDS AS 4352-1:1995

Name (Printed): *Sammye* Signature: *[Signature]* Date: 2/3/05

BACK DONE



THE AUSTRAL BRICK COMPANY; DANGEROUS GOODS SITE PLAN

		Indicates Dangerous Goods Depot		Fire Hydrant	<div>Copyright - This drawing & design shown thereon is the property of PETROLINK PTY LTD & MUST NOT BE SOLD, LEFT, GIVEN AWAY, REPRODUCED OR OTHERWISE DISCLOSED TO THIRD PARTIES OR USED FOR ANY OTHER PURPOSE WITHOUT PERMISSION OF PETROLINK PTY LTD</div> <div>Petrolink Pty Ltd ABN 35 002 864 002 22 Paschall Road, PENRITH, NSW 2150 Phone 02 4722 9775 Fax 02 4722 9774 E-Mail: petrolink@pnc.com.au Website: www.petrolink.com.au</div>		DATE: 28.05.2005		5758-003		AUS 1111		
		Emergency Isolation Point		Fire Hose Reel			DATE: 23.05.2005						
		Spill Response Station		Fire Extinguisher - Dry Powder			TITLE						
		Emergency Eye Wash		Fire Extinguisher - Foam			AUSTAL BRICK COMPANY PTY. LTD: DANGEROUS GOODS & EMERGENCY SERVICES FACTORY #3 SITE PLAN						
		First Aid		Fire Extinguisher - Carbon Dioxide			AUS 1111						
DIMENSIONS IN METRES										SCALE 1:1000			

What is a depot? See page 5 of the Guidance Notes

PART C - Dangerous Goods Storage Complete one section per depot

If you have more depots than that space provided, photocopy sufficient sheets first

13

What is a depot? See page 5 of the Guidance Notes

PART C - Dangerous Goods Storage Complete one section per depot

If you have more depots than that space provided, photocopy sufficient sheets first

Depot Number	Type of Depot (see page 5)	Depot Class	Maximum Storage Capacity			
1	Indoor Storage Cabinet	3	250 litres			
<div style="display: flex; justify-content: space-between;"> <div> UN Number Proper Shipping Name Class PG (I, II, III) </div> <div> Product or Common Name Typical Quantity Unit eg L, kg, m³ </div> </div>						
1263	Paint Related Materials	3	II	Paint, Solvents, thinners	150	L

Depot Number	Type of Depot (see page 5)	Depot Class	Maximum Storage Capacity			
2	Gas Cylinder Store	2.1	250L			
<div style="display: flex; justify-content: space-between;"> <div> UN Number Proper Shipping Name Class PG (I, II, III) </div> <div> Product or Common Name Typical Quantity Unit eg L, kg, m³ </div> </div>						
1001	Acetylene	2.1		Acetylene	150	Kg

Depot Number	Type of Depot (see page 5)	Depot Class	Maximum Storage Capacity			
3	On ground self-bunded fuel tank	3	53,400 Litres			
<div style="display: flex; justify-content: space-between;"> <div> UN Number Proper Shipping Name Class PG (I, II, III) </div> <div> Product or Common Name Typical Quantity Unit eg L, kg, m³ </div> </div>						
00C1	Diesel	3	C1	Diesel	25,000	L

Depot Number	Type of Depot (see page 5)	Depot Class	Maximum Storage Capacity			
<div style="display: flex; justify-content: space-between;"> <div> UN Number Proper Shipping Name Class PG (I, II, III) </div> <div> Product or Common Name Typical Quantity Unit eg L, kg, m³ </div> </div>						

35/017790
KNIGHT'S SYNDICATE PTY. LTD.

A.C.N. 002 947 588

37 Blackbutt Avenue
Pennant Hills, N.S.W. 2120

Telephone: (02) 9629 5564
Phone/Fax: (02) 9629 5554
Quarry Mgr: (02) 9629 3864

A.B.N 66 320 664 665

WorkCover Authority
Chief Inspector Of Dangerous Goods
Locked Bag 10
Sydney N.S.W. 2000

Contractor Certificate of Dangerous Goods

Knight' Syndicate Pty Ltd hereby certifies that the tank referred to in the schedule of this certificate has been taken out of service in the following method:

Remove and Dispose (certificate attached)

The procedure has been carried out under the provision of the Dangerous Goods Act 1975 and section 9.8.13 of Australian standard 1940-1993 and acceptance of the Chief Inspector of Dangerous Goods.

Owner of Premises: CSR/ PGH
Address of Premises: Old Wallgrove Rd Horsley Park

Schedule: 2 x 25000 ust
1 x 20000 ust

Knight's Syndicate installed one 15000 ast for diesel (class C1) to the Australian Standard AS 1940-1993 and Australian Institute of Petroleum under the supervision of Fairfield City Council.
(copy of diagrams attached)

Dated 3-4-2001

Paul Goodwin



MONIER PGH

QUARRY PRODUCTS

PIPELAYING - SHORING - SHEET PILING - CONTRACT TRENCHING
COMPACTED BACKFILL • EXCAVATIONS • BULK • ROCK • DETAIL
HIRE EXCAVATORS - HYDRAULIC HAMMERS - COMPACTORS - LOW LOADER

KNIGHT'S SYNDICATE PTY. LTD.

A.C.N. 002 947 588

37 Blackbutt Avenue
Pennant Hills, N.S.W. 2120

Telephone: (02) 9629 5564
Facsimile: (02) 9629 5554

20th December 2000

KNIGHT'S SYNDICATE PTY. LTD., 37 BLACKBUTT AVENUE, PENNANT HILLS 2120
A.C.N. 002 947 588 (THE COMPANY) acknowledges and agrees to

CSR/PGH
that all risks and title in the 4 x type 25 & 1 x type 20 ug tanks
ex WALLGROVE RD HORSLEY PARK
passes to (THE COMPANY) from

CSR/ PGH

The tanks were transported by us/you for a safe and legal disposal at our quarry, 105 SCHOFIELDS
ROAD, ROUSE HILL.

They will not be sold for any purpose.

the company seal of
KNIGHT'S SYNDICATE PTY. LTD.
was hereunto affixed by
J. A. KNIGHT
in the presence of
J. T. KNIGHT
on 20th December 2000



QUARRY PRODUCTS

PIPELAYING - SHORING - SHEET PILING - CONTRACT TRENCHING
COMPACTED BACKFILL • EXCAVATIONS • BULK • ROCK • DETAIL
HIRE EXCAVATORS - HYDRAULIC HAMMERS - COMPACTORS - LOW LOADER

914.75

NORTH

VACANT

OLD WILGROVE RD.

AUSTON QUARRY AREA.

RESERVE RD.

477.225

(122.6)

50 mpph

AVG 71 MPH

WELGROVE

ENTRY POINT

197.725

BURLEY RD
(NOT FORMED)

177.726

PROPOSED
DIESEL FUEL TANK
INSTALLATION

44 mpph

FACTORY.

160.85

PORT SITE PLAN
SCALE 1:2000

CORR-ROCK FACTORY, WARE AND QUARRY.
DP. 106147

CONSTRUCTION CERTIFICATE
APPROVED PLANS

Construction Certificate No. 1196/00

Issue Date: 29/9/00

Signature: 

Fairfield City
(Council of the City)

WORKCOVER AUTHORITY



LICENCE TO KEEP DANGEROUS GOODS

(Dangerous Goods Act 1975)

Application for new licence, amendment or transfer

OLD DGI LSS

1. Name of applicant		ACN
Austral Brick Co P/L		000 005 550
2. Site to be licensed		
No	Street	
	Plant no.3 Wallgrove Rd.	
Suburb/Town		Postcode
Horsley Park		2164
3. Previous licence number (if known)	35-017790	
4. Nature of site	BRICK MANUFACTURING	
5. Emergency contact on site:		
Phone	Name	
8307700	MR. DAVID ADLAM	
6. Site staffing:	Hours per day	Days per week
	24	7
7. Major supplier of dangerous goods	N/A	
8. If new site or significant modification		
Plan stamped by:	Accredited consultant's name:	
	N/A	
9. Number of dangerous goods depots at site	2	
10. Trading name or occupier's name	Austral Brick	
11. Postal address of applicant	Suburb/Town	Postcode
PO Box 550	Penrith	2750
12. Contact for licence enquiries:		
Phone	Fax	Name
8307700	8312383	MR. G. SMITH

SCIENTIFIC SERVICES
1994
DANGEROUS
GOODS

DATA
Date stamped
24 OCT 1994
ENTERED

I certify that the details contained in this application (or the accompanying computer disk) are true and correct

13. Signature of applicant

Date

6 OCT 94

Please complete attached site sketch, depot listing and check sheet
(if required) and return to WorkCover Authority in envelope provided.

CHEMICAL STORAGE

Complete one section per depot

If you have more depots than the space provided, photocopy sufficient sheets first.

Depot number	Type of depot	Class			Licensed maximum storage capacity
1	Underground Tank	3			20 000 L

UN number	Shipping name	Pkg. Class Group	EPG	Product or common name	Typical quantity	Unit eg. L, kg, m ³
1203	Petrol	3.1	11	✓	Petrol	20000 L

Depot number	Type of depot	Class			Licensed maximum storage capacity
2	Underground Tank	3			20000 L

UN number	Shipping name	Pkg. Class Group	EPG	Product or common name	Typical quantity	Unit eg. L, kg, m ³
1203	Petrol	3.1	11	✓	Petrol	20000 L

Depot number	Type of depot	Class			Licensed maximum storage capacity

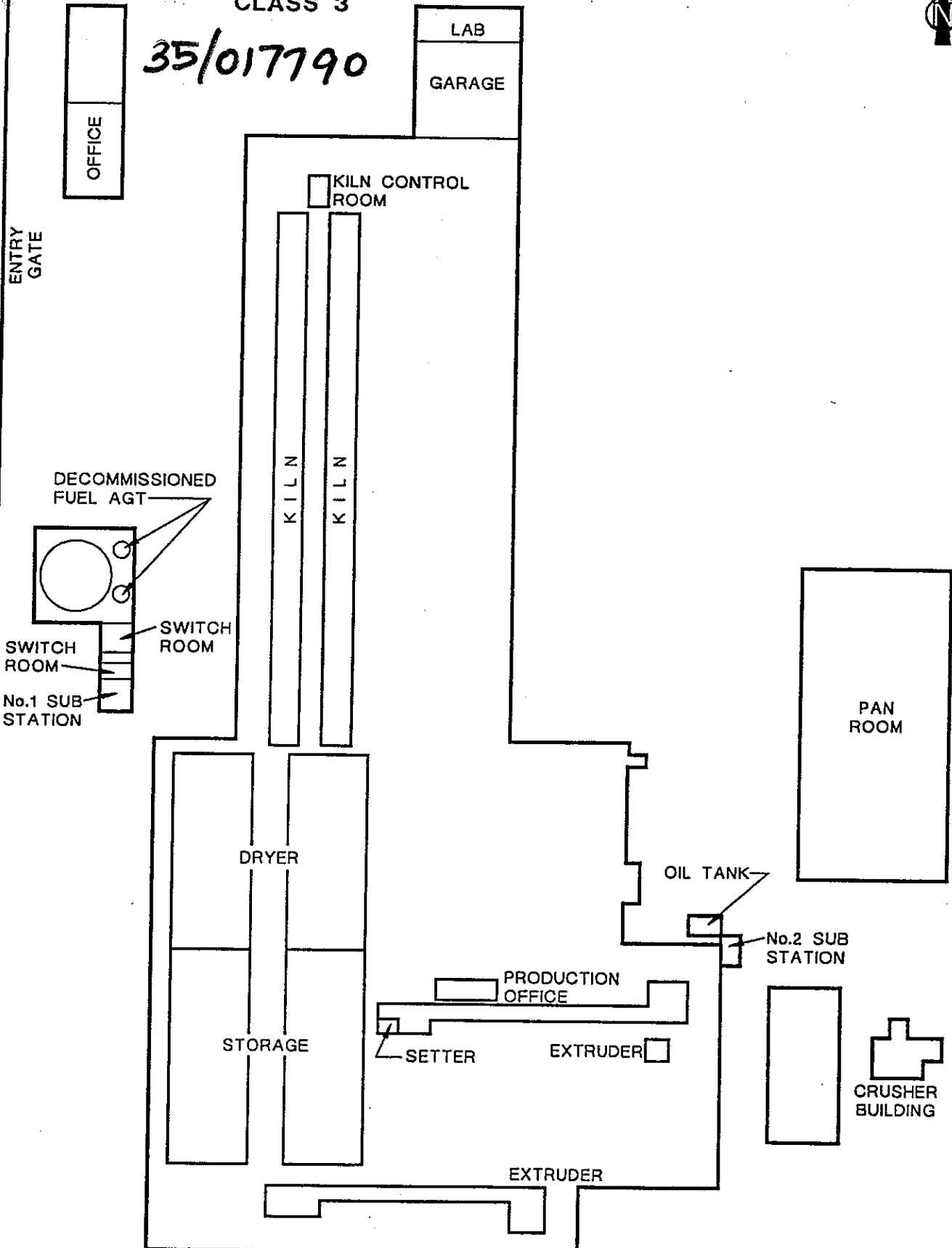
UN number	Shipping name	Pkg. Class Group	EPG	Product or common name	Typical quantity	Unit eg. L, kg, m ³

Depot number	Type of depot	Class			Licensed maximum storage capacity

UN number	Shipping name	Pkg. Class Group	EPG	Product or common name	Typical quantity	Unit eg. L, kg, m ³

ST FUEL
DEPOTS 1 & 2
CLASS 3

35/017790



A4

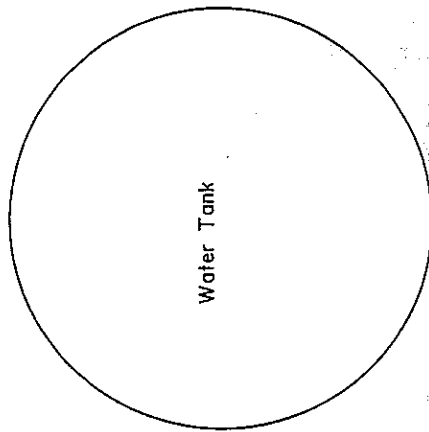
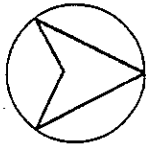
DESIGNED VS	Woodward-Clyde <small>Engineering & sciences applied to the earth & the environment</small> AGC Woodward-Clyde Pty Ltd Level 6, 486-494 Pacific Highway St Leonards, NSW, Australia 2065 Tel (02) 436 4666 Fax (02) 436 4110	REVISION	AUSTRAL BRICKS	
DRAWN HC		SCALE NOT TO SCALE	TITLE:	
APPROVED		DRAWING 3383G.003	PLANT No.3 SITE LAYOUT	
DATE OCT '94		FIGURE 3		

CHANDLER ROAD

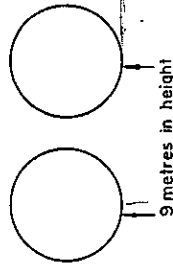
(Not to Scale) (For Brickwork and Vacant Land)

Approx. 30m to
Brick Building

Brick Bund Wall Height 3m



Water Tank



9 metres in height

Brick Bund Ht. 2.1m

Approx. 35m to
Brick Plant

OLD WALLGROVE ROAD

Approx. 50m to Boundary

Approx. 35m
to Weighbridge

AUSTRAL BRICKS
PLANT 3
OLD WALLGROVE ROAD
WALLGROVE NSW

M & M Protection Consultants		2-374
A Technical Division of		Checked by
Marsh & McLennan		V.S.
AS/NZS 6511:1992		Scale
Date		July '92
Drawn		A. Hando
Scale		1:125

INFLAMMABLE LIQUID ACT, 1915 (AS AMENDED)

Application for Registration of Premises or Store License under Division A or for the transfer, amendment or any such Registration, or for the keeping of Inflammable Liquid and/or Dangerous Goods, in accordance with the provisions of the Inflammable Liquid Act, 1915 (as amended); for the ensuing year.

CALTEX

DIRECTIONS

1. Applications must be forwarded to the Chief Inspector of Inflammable Liquid, Explosives Department, Box R.216, Royal Exchange Sydney, N.S.W. 2000 and must be accompanied by the prescribed fee, as set out hereunder:

Registration of Premises (Fee \$3.00 p.a.) - For quantities not exceeding 300 gallons of mineral oil and 100 gallons of mineral spirit, if kept together; or 800 gallons of mineral oil and 100 gallons of mineral spirit, if kept in separate depots; or 500 gallons of mineral spirit, if kept in an underground tank depot; or 800 gallons of mineral oil and 500 gallons of mineral spirit, if mineral spirit is kept in an underground tank depot.

In addition to, or in lieu of the above, similar quantities of Dangerous Goods of Classes 1 and 2 may be kept under the like conditions; reading Dangerous Goods of Class 1 for the words Mineral Spirit and Dangerous Goods of Class 2 for the words Mineral Oil.

Store License, Div. A (Fee, \$6.50 p.a.) - For quantities in excess of those stated above, but not exceeding 4,000 gallons mineral oil and/or mineral spirit, and/or Dangerous Goods of Classes 1, 2 and 9.

Store License, Div. B (Fee, See Regulation 7) - For quantities exceeding 4,000 gallons of mineral spirit, and/or dangerous goods of Classes 1 and 2, and/or dangerous goods of Class 3.

For the keeping of Dangerous Goods of Classes 3 and/or 4. (\$15.00 p.a.).

Fees for the keeping of inflammable liquid and dangerous goods in excess of the above stated quantities and also for Liquid Petroleum Gas storage are set out in Regulation 7.

new license to 15/1/73.

1. Name of occupier including full christian names.

X The Austral Brick Co. Pty. Ltd.

2. Trading Name (if any)

As above..

3. Locality of the premises in which the depot or depots are situated

No. or Name X

Street X Chandos Rd.

Town X Horsley Park.

4. Postal address

X PO Box 136 Liverpool. Postcode X 2170

5. Occupation

X Brickmakers.

6. Nature of premises (dwelling, garage etc.)

X Brickmaking Plant.

7. Particulars of construction of depots and maximum quantities of inflammable liquid and/or Dangerous Goods to be kept at any one time.

PLEASE DETACH PLAN OF PREMISES

Depot No.	Construction of depots *			Inflammable liquid		Dangerous goods					
	Walls	Roof	Floor	Mineral spirit gallons	Mineral oil gallons	Class 1 gallons	Class 2 gallons	Class 3 lb	Class 4 cu ft	Class 5A water gal	Class 9 gallons
1	Underground Tank			2000							
2											
3											
4											
5											
6											
7											
8											
9											
10											

RECEIVED REVENUE A/C
249, 6.50
(Date) 26/4/72
Receipt No. 1957

* If product is kept in tanks describe depots as underground or aboveground tanks.

THE AUSTRAL BRICK CO. PTY. LTD.
Signature of applicant

Date of application 24 APR 1972

CERTIFICATE OF INSPECTION

HLA

Department of Environment and Conservation (NSW)

[Contacts](#) | [Feedback](#) | [Search whole of DEC](#)[Botanic Gardens Trust](#)[Environment Protection Authority](#)[National Parks and Wildlife Service](#)Search [Change text size](#) [EPA home](#)[EPA information ▼](#)[Resource centre ▼](#)[Working](#)[Management overview](#)[Site auditor scheme](#)[Guidelines under the CLM Act](#)[Record of EPA notices](#)[Engaging a consultant](#)[Information on gasworks sites](#)[Regulatory Impact Statement - Proposed Underground Petroleum Storage Systems Regulation](#)[Frequently asked questions](#)[More information about land](#)

Search results

Your search for: LGA: Fairfield City Council

Matched 10 notices relating to 4 sites.

[SearchAgain](#)[RefineSearch](#)

Suburb	Address	Site Name	Notices related to this site
Fairfield	35 Lisbon Street	Fairfield Galvanising	3 former
Lansvale	161 Hume Highway	Mobil/Quix Lansvale	2 current
Smithfield	25 Victoria Street	Drum Reconditioner	3 former
Yennora	44 Larra Street	Metal Plating Works	2 former

Page 1 of 1

[Print-friendly version](#)

3 April 2007

[Send feedback](#)
[Service charter](#)

HLA

Department of Environment and Conservation (NSW)

[Contacts](#) | [Feedback](#) | [Search whole of DEC](#)[Botanic Gardens Trust](#)[Environment Protection Authority](#)[National Parks and Wildlife Service](#)[Search](#)[Change text size](#) [EPA home](#)[EPA information ▼](#)[Resource centre ▼](#)[Working](#)[Management overview](#)[Site auditor scheme](#)[Guidelines under the CLM Act](#)[Record of EPA notices](#)[Engaging a consultant](#)[Information on gasworks sites](#)[Regulatory Impact Statement - Proposed Underground Petroleum Storage Systems Regulation](#)[Frequently asked questions](#)[More information about land](#)

Search results

Your search for: LGA: Penrith City Council Matched 26 notices relating to 7 sites.

[SearchAgain](#)[RefineSearch](#)

Suburb	Address	Site Name	Notices related to this site
Berkshire Park	Northern end of Compartment 5	Castlereagh State Forest	6 former
Colyton	86-88 Great Western Highway	Ampol Service Station	1 current
Luddenham	Lot 4 The Northern Road	Elura Liquid Waste Disposal Site	1 current
Mulgoa	Mulgoa Road	Penrith Waste Services	2 former
Penrith	Castlereagh Road	Crane Enfield Metals and Adjacent Land	4 current
St Marys	Vallance Street	Drum Recycler	5 former
St Marys	60 Links Road	Solvent Recycler	7 former

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