

Appendix H

Contamination assessment

Penrith Waste Recycling and Transfer Facility

Preliminary Contamination Assessment

Prepared for Benedict Recycling Pty Limited (Benedict Recycling) | 20 April 2017



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Penrith Waste Recycling and Transfer Facility

Final

Report J16099RP1 | Prepared for Benedict Recycling Pty Limited (Benedict Recycling) | 20 April 2017

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Date 20 April 2017

Date 20 April 2017

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1 Introduction

1.1 Background

This preliminary contamination assessment has been prepared as part of the environmental impact statement (EIS) for Benedict Recycling Pty Ltd's (Benedict Recycling) application to develop a waste recycling and transfer facility. It is a state significant development as it is a waste and resource management facility that will handle up to 180,000 tonnes per year of waste.

The site is located at 46–48 Peachtree Road in Penrith, NSW, and is legally described as Lot 45 in DP 793931 (Figure 1.1). The site is within predominantly industrial surrounds. It is 4,367 m² in area. The site is currently used by an auto wrecker.

This preliminary contamination assessment identifies potential contamination issues that could preclude the intended land use as a recycling facility.

1.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (2014) (SEPP 55) provides a state wide planning approach to the management and remediation of contaminated land, and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human and environmental health.

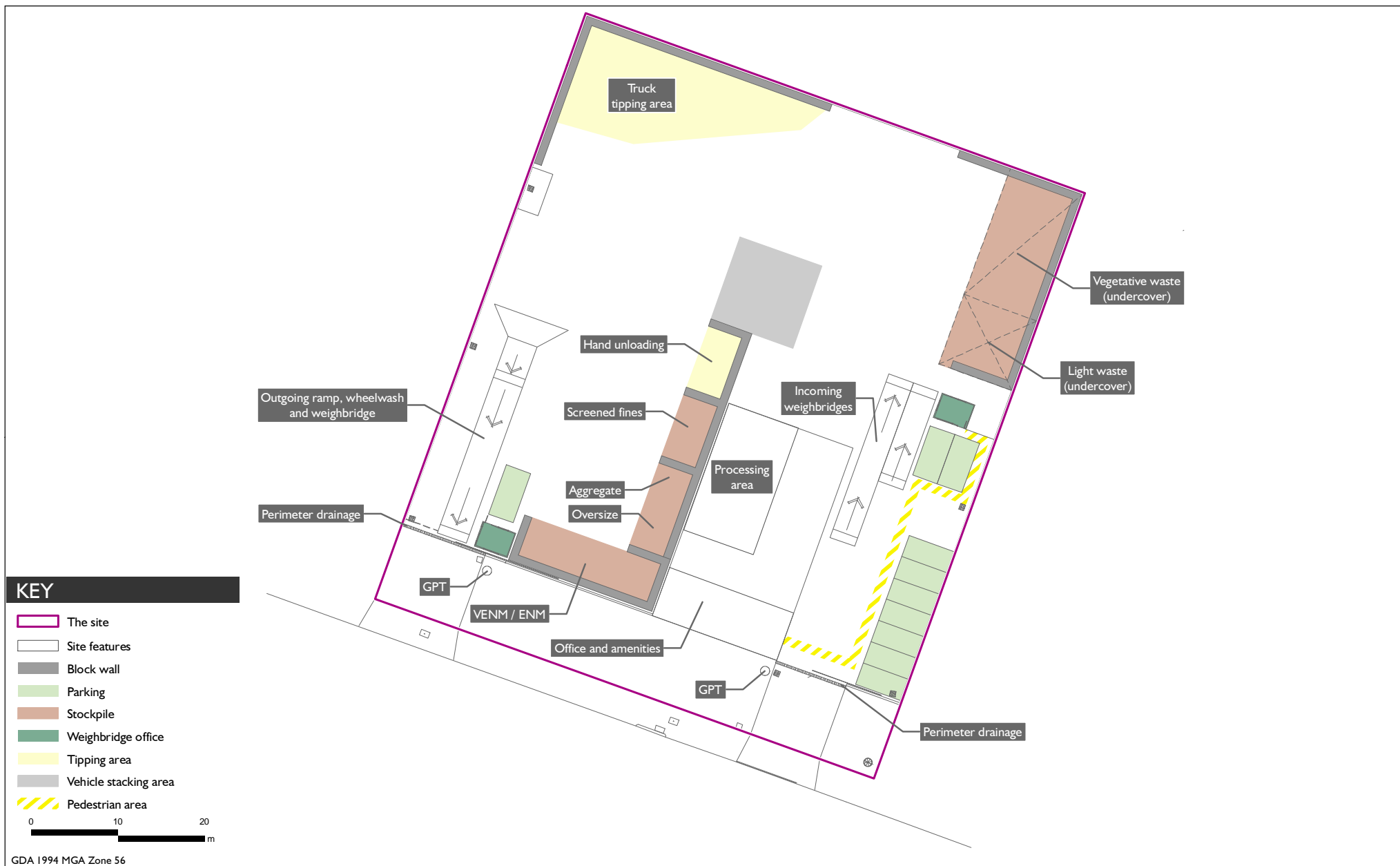
When carrying out planning functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning authority must consider the possibility that a previous land use has caused contamination of the site, and the potential risks to human and environmental health from that contamination. Clause 7(4b) of SEPP 55 specifies categories of land that have the potential to be contaminated via reference to Table 1 of *Managing Land Contamination Planning Guidelines: SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning 1998) (*Managing Land Contamination Planning Guidelines*). Scrap yards, and waste storage and treatment facilities are activities listed that may cause contamination.

Clause 7(3) of SEPP 55 requires the applicant to carry out an investigation and report for the planning authority. The main objective of the investigation is to identify any past or present potentially contaminating activities, providing a preliminary assessment of any site contamination activities. The investigation is required to be undertaken in accordance with the *Contaminated Land Planning Guidelines*.

1.3 Project description

The site is currently sealed with a large concrete slab and there is a large shed in the southern corner. The majority of waste processing will occur inside this shed which will also contain waste stockpiles, a flip-flow waste sorter and a picking line. The removal of the existing concrete slab will not be necessary but, ground disturbance works, including maintenance to the stormwater system and the installation of building anchors may be required. Some minor cracks are evident in the existing concrete seal and these will be repaired where necessary. Stormwater management structures will require 2 m deep excavations. The project layout is shown in Figure 1.2.





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The waste recycling and transfer facility will receive comingled and segregated pre-classified general solid waste (non-putrescible) for recycling. Some material will be transferred to other regional recycling facilities for further processing or to an EPA licensed waste facility if the material is not able to be recycled. The recycled materials produced will include soils, metals and dry paper/cardboard. These products will meet recycled material specifications while recovering a range of materials that will otherwise be used for lower order uses or be disposed to landfill.

No special, liquid, hazardous, restricted solid waste or general solid waste (putrescible), as defined in the NSW *Protection of the Environment Operations Act 1997* (POEO Act) and EPA (2014), will be accepted at the development. There will be no land-filled or materials disposed of anywhere within the site.

1.4 Assessment requirements

This assessment has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued on 29 July 2016. The SEARs identify matters which must be addressed in the EIS. A copy of the SEARS is attached to the EIS as Appendix B, while Table 1.1 below lists requirements relevant to this *Preliminary Contamination Assessment* and where they are addressed in this report.

Table 1.1 Relevant Secretary's Environmental Assessment Requirements

Requirement	Section addressed
Characterisation of the nature and extent of any contamination on the site and surrounding area.	Chapter 3 and sections 5.2 and 5.5
Details of any remediation that has occurred to date and associated management measures and plans.	Sections 5.2 and 6.1

1.5 Assessment objectives

The preliminary contamination assessment comprised:

- identification of the owner of the site and its zoning;
- review of the site's history based on publicly available information sources, including historic aerial photographs;
- review of the site's environment, including: topography, geology, surface water, groundwater and land use based on a review of publicly available information sources;
- identification of surrounding land uses;
- identification of past and present potentially contaminating activities based on a review of publically available contaminated land registers and the site's planning certificate; and
- preliminary assessment of the contamination status of the site, including consideration of the type, source, extent and exposure pathways of any contamination.

This assessment was completed in general accordance with the following relevant guidelines made or approved by the NSW Environment Protection Authority (EPA) under the NSW *Contaminated Land Management Act 1997* (CLM Act):

- *Guidelines for consultants reporting on contaminated sites* (OEH 2011); and
- *National Environment Protection (Assessment of Site Contamination) Measure 2013*.

2 Site identification

The site is currently a sealed and levelled block industrial lot (Figure 1.2), accessed by Peachtree Roads. The site identification details are included in Table 2.1.

Table 2.1 Site identification details

Site particulars	
Street number, name and suburb	46–48, Peachtree Road, Penrith, NSW, 2750
Lot and Deposited Plan (DP) number	Lot 45, DP 793931
Area	4,367 m ²
Local council	Penrith City Council
Parish, County	Cumberland, Castlereagh
Coordinates	1504120 E, 224440 S
Owner	Benedict Recycling Pty Limited
Occupier	Benedict Recycling Pty Limited
Current zoning	IN1 General Industrial
Current land use	Metal recycling

2.1 Land zoning

The site is zoned as IN1 General Industrial, this zoning extends in all directions around the site (Figure 1.1). The land use table for IN1 General Industrial is as follows:

1. Objectives of zone:

- to provide a wide range of industrial and warehouse land uses;
- to encourage employment opportunities;
- to minimise any adverse affect of industry on other land uses;
- to promote development that makes efficient use of industrial land; and
- to permit facilities that serve the daily recreation and convenience needs of persons working in industrial areas.

2. Permitted without consent:

Nil.

3. Permitted with consent:

Animal boarding or training establishments; boat building and repair facilities; car parks; depots; environmental facilities; environmental protection works; flood mitigation works; freight transport facilities; garden centres; general industries; hardware and building supplies; industrial retail outlets; industrial training facilities; industries; kiosks; landscaping material supplies; light industries; neighbourhood shops; places of public worship; plant nurseries; recreation areas; roads; rural industries; self-storage units; signage; storage premises; take away food and drink premises; timber yards; transport depots; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres.

4. Prohibited:

Hazardous industries; offensive industries; any other development not specified in item 2 or 3.

3 Site history

3.1 Site observations

The site was initially used for agricultural purposes and was rezoned and redeveloped by Investa Property Group (the previous site owners) for industrial purposes in the last 20 years. Since development from agricultural land the site has been used by an auto wrecker, although it has been vacant for periods.

Its historic and current use by auto wrecking businesses means there is the potential for contamination in the site consistent with the *Managing Land Contamination Planning Guidelines* Table 1, activities that may cause contamination.

There is an 'oily sheen' in many areas on the concrete slab (Photograph 3.1). It is believed that grease and oil has gradually accumulated on top of the slab after being washed off of scrap during rainfall. The oil has also filled up a small cutting in the concrete. The depth of the cutting is unknown. The oil was not observed to be leaving the site and is considered to be a minor, residual waste from the previous occupiers.

While the site is sealed with concrete there are minor cracks in the seal (Photograph 3.2), and this creates a potential pathway for minor subsurface contamination of hydrocarbons.



Photograph 3.1 'Oily sheen' observed in run-off



Photograph 3.2 **Cracks in the concrete seal**

3.2 Historical aerial imagery

Historical aerial imagery was obtained from NSW Land and Property Information (Appendix A).

The findings of the review of aerial imagery for the site and surrounds are summarised in Table 3.1.

Table 3.1 **Review of historical aerial imagery**

Year	Site	Surrounds
1991	A large shed and a small car park are situated in the south-east of the site as well as another smaller building along the eastern boundary. The front of the site is landscaped. A concrete seal is present over the remainder of the site which is largely covered by cars (indicative of industrial land use).	Immediately north of the site are large, levelled plots, remnant of the agricultural setting in the area. Major roads are present in the vicinity of the site. Further north there are levelled plots and a small number of industrial buildings. There is also a large man-made pond. To the west of the site is the Nepean River and the Emu Plains Boral Quarry. Further west of the quarry is open pasture. Immediately south of the site are numerous industrial lots, with residential property adjacent to the Nepean River to the south-west. Further south there are residential lots and the 'Aqua Golf' golf club. Immediately east of the site are large industrial lots, undeveloped lots and the Peachtree Hotel. Further east is residential housing.
1998	As above.	As above with further development at the 'Aqua Golf' golf club.

Table 3.1 **Review of historical aerial imagery**

Year	Site	Surrounds
2005	As above.	As above with the plot immediately north of the site now cleared. Many of the levelled blocks further north now comprise industrial lots. Large industrial area to the east has been levelled. The water storage area to the far north has reduced in extent.
2014	As above but the site is empty.	As above with further industrial development immediately north of the site and in the far north. Industrial area to the east has been redeveloped. The water storage areas look to have further dried and been partially rehabilitated.

4 Environmental setting and surrounding environment

4.1 Environmental setting

4.1.1 Topography

The site is flat and at approximately 26 m Australian Height Datum (AHD). The site is in the Hawkesbury-Nepean River catchment area and the area gently slopes towards the Nepean River. The catchment area is situated on the Cumberland Plain which comprises gently undulating plains and low hills rising gradually from the flat, low lying areas (just above sea level) in the north to an altitude of around 350 m on the rolling hills of the Razorback Range to the south.

4.1.2 Soils

The site falls into the Cranebrook soil landscape (OEH 2016). This consists of a terrace on Cranebrook Tertiary Alluvium in the Cumberland Plain. The soils likely to be encountered beneath the slab at the site include:

- Red Kandosols which are soils that lack a strong texture contrast with a massive subsoil;
- Yellow and Brown Sodosols which are soils that lack a strong texture contrast and have a sodic subsoil;
- Yellow and Brown Chromosols which are soils are lacking a strong texture contrast with a pH > 5.5 in the subsoil; and
- Stratic Rudosols which are soils that have negligible pedological organisation. The upper 0.5 m of the soil profile consists mainly of unconsolidated materials.

4.1.3 Geology

The site is within the Sydney Basin comprising Triassic and Permian sedimentary rocks. The Tertiary sedimentary rocks consist of stratified sandstone, siltstone and shale formations with interbedden coal seams at depth within the upper Permian sequences.

Locally, the site is situated on an alluvial plain adjacent to the Nepean River. Reference to the *Penrith 1:100 000 Geological Map* regional geology map (Clarke and Jones 1991) indicates that the site is situated on unconsolidated Quaternary gravel, sand, silt and clay which forms part of the Cranebrook formation.

Further from the river Triassic Wianamatta Group, Liverpool Sub Group (Ashfield Shale) comprises the surficial geology. The Liverpool Sub Group shales form a thin cap (ie 10 m in thickness) over the Triassic Hawkesbury Sandstone. The Hawkesbury Sandstone is a massive, flay lying sedimentary units comprised of major medium to coarse grained quartz sandstone, with interbedded siltstone, shale and claystone (Ross 2014). Shale is assumed to underlie the unconsolidated deposits and is seen in monitoring bores 500 m to the north of the site. However, this cap could have been eroded by the Nepean River meaning the Hawkesbury Sandstone unconformably underlies the alluvium.

4.1.4 Surface water

The nearest watercourse is Peach Tree Creek, approximately 240 m from the western boundary of the site. Peachtree Creek drains to the Nepean River approximately 500 m north-west of the site. Boundary creek is 380 m north of the site and runs east-west, draining into the Nepean River. The Nepean River flows north eventually forming the Hawkesbury River before discharging into Broken Bay approximately 60 km north-east of the site. The Nepean River is a major ephemeral river and the broader Hawkesbury-Nepean River forms one of the largest coastal rivers in NSW.

4.1.5 Groundwater

The Quaternary alluvial deposits support a discontinuous and unconfined local groundwater system adjacent to the Nepean River. The alluvial groundwater system is relatively permeable and is recharged via rainfall (Ross 2014). The local groundwater flow direction is assumed to be towards the Nepean River. These systems are expected to be hydraulically connected.

A database is maintained by Department of Primary Industries - Office of Water (DPI Water) that contains information on all groundwater bores (including private landholder bores, private monitoring bores and DPI Water monitoring bores), such as location, date drilled, depth drilled, drillers logs, screen interval and type of installation. This database was reviewed and the depth to groundwater in the alluvium in the vicinity of the site was recorded between 6.6–8.1 m below ground level (BGL).

The Wianamatta Group shales generally have low permeability and yields, and act as a local aquitard (Ross 2014). The underlying Hawkesbury Sandstone forms an extensive confined to semi-confined regional aquifer within the Sydney Basin sequence (Ross 2014). Regionally groundwater flow is predominately towards the north or north-east with major discharge zones being the Georges, Parramatta or Hawkesbury Rivers, with ultimate discharge offshore to the east (Ross 2014).

There are a number of groundwater monitoring bores in the vicinity of the site. There are nine monitoring bores 500 to 600 m north to north-north-west of site. These are shallow bores (ie to 15 m deep) drilled between 2003 and 2009 into alluvium.

4.2 Surrounding land uses

The land immediately surrounding the site is dominated by industrial lots. The site is surrounded to the east, south, west and north-east by industrial buildings, and undeveloped land to the north-west (adjacent to the Nepean River), likely remnant from the previous agricultural setting. In the 250 m radius around the site are the following light industries: Boral Concrete, Thurston Signs, Norman's Scrap Metals, Diamond Laundry Services, Peachtree Auto Electrical Service, Penrith City Exhaust, Bunnings North Penrith and Kennards Self Storage Penrith. These businesses comprise warehouses or buildings and sealed surfaces; there are no obvious unsealed surfaces where industrial works take place.

In a 2 km radius industrial and commercial users include: a former Mobil depot, Caltex service stations, Crane Enfield Metals, 7-eleven service stations, Mirvac industrial sites, Penrith sewage treatment system, LD&D Milk, Vibrac Australia, LD&D Milk processing, ACI glass packaging, Aluminium Extrusion and Distribution Pty Limited and Boral Emu Plains Quarry. Excluding the quarry and sewage treatment system, these businesses comprise warehouses or buildings and sealed surfaces; there are no obvious unsealed surfaces where industrial works take place.

The Peachtree Hotel is approximately 60 m east of the site. The shopping centre Westfield Penrith is approximately 500 m south-east of the site. The Penrith Valley Inn is about 570 m south-west of the site and a McDonald's restaurant is located approximately 100 m to the south-east of the site.

Table 4.1 **Groundwater bores**

Work number	Easting	Northing	Elevation (mAHD) ¹	Distance from site boundary (m)	Bore depth (m BGL)	Standing water level (m BGL)	Reporting yied (L/s)	Salinity (mg/L)	Owner category	Date drilled
GW105511	285826	6264430	0	613	14.5	8.3	N/A	N/A	Monitoring Bore	14/05/2003
GW108081	286033	6264515	0	708	14.35	7.5	N/A	N/A	Monitoring Bore	2/05/2006
GW105510	286117	6264451	0	668	14.5	7	N/A	N/A	Monitoring Bore	15/05/2003
GW105512	285849	6264287	0	468	15	9.6	N/A	N/A	Monitoring Bore	12/05/2003
GW110648	286004	6264302	0	493	9.7	8.2	N/A	N/A	Monitoring Bore	26/11/2009
GW110649	285991	6264211	0	402	10	8.7	N/A	N/A	Monitoring Bore	25/11/2009
GW110647	286226	6264281	0	567	10	8.1	N/A	N/A	Monitoring Bore	26/11/2009
GW109667	286158	6264450	0	682	13.7	13.4	0.1	N/A	Monitoring Bore	2/10/2008
GW105509	286271	6264245	0	567	14.1	7	N/A	N/A	Monitoring Bore	27/08/2003

Source: Department of Primary Industries - Office of Water, Continuous Water Monitoring Network (allwaterdata.water.nsw.gov.au/water.stm).

Note: 1. As reported in database.

Castlereagh Road and the Great Western Highway are approximately 200 m east and 500 m south-west of the site. The main western railway lies 420 m south of the site. This is zoned as SP3 Tourist.

Approximately 240 m to the west of the site there is a strip of undeveloped land adjacent to the Nepean River. This is zoned as RE1 Public Recreation and extends to the south.

The closest residential areas are about 620 m to the south-west and east of the site.

There are other minor land uses in the area.

5 Desktop contamination assessment

5.1 Development controls and planning policies

Planning certificates, obtained under section 149 of the EP&A Act, specify the development controls and planning policies that apply to the land, including contamination issues.

The planning certificate for Lot 45, DP 793931 (see Appendix B) was reviewed for reference to contamination. There is no information provided in Section 19 where matters relating to contaminated would be listed, including:

- a) land that is significantly contaminated land within the meaning of the CLM Act 1997;
- b) land that is subject to a management order within the meaning of the CLM Act 1997;
- c) land that is the subject of an approved voluntary management proposal within the meaning of the CLM Act 1997;
- d) land that is subject to an ongoing maintenance order within the meaning of the CLM Act 1997; and
- e) land that is the subject of a site audit statement within the meaning of the CLM Act 1997 – a copy of which has been provided to Council.

5.2 NSW EPA contaminated land: record of notices

NSW EPA's contaminated land public record of notices contains a publically available list of sites for which the EPA has issued regulatory notices under Section 58 of the CLM Act, and includes the details of current and former regulatory notices issued. The record of notices only includes contaminated sites where the contamination is significant enough to warrant regulation and the EPA has issued a regulatory notice under the CLM Act. A search of this register did not return any information on reported contamination or any regulatory notices issued for the site.

Crane Enfield Metals, 0.5 km north-east from the site (2115 Castlereagh Road), has a record of notice but is currently declared to be a 'remediation site' under the CLM Act. Metal processing and metal waste generation occurs at this industrial site where. Contamination was first documented in 1999 when chlorinated hydrocarbons: trichloroethylene (TCE), dichloroethylene (DCE) and chlorinated volatiles (CV) were detected in groundwater. In 2004, migration of contaminants south-west and north-west from the site in the groundwater was documented. In 2006, further off-site contaminated groundwater migration was found to be discharging into the Nepean River, north of the site.

Later in 2006 the site was declared as undergoing remediation with the installation of a pump and activated carbon treatment pilot plant. Remediation targets volatile chlorinated hydrocarbons in the groundwater at the site and down hydraulic gradient. In 2009, a voluntary management proposal was approved by the EPA and this established ongoing remediation and monitoring.

5.3 NSW EPA contaminated land: sites notified

NSW EPA's list of sites notified to the EPA under Section 60 of the CLM Act provides an indication of the management status of that particular site. Under Section 60, the EPA is required to be notified of properties if there is reason to suspect the land is contaminated, and one or more of the notification triggers in the Duty to Report guidelines exist at the site. Upon receipt of a section 60 notification, the EPA assesses the contamination status of the site to determine whether the contamination is significant enough to warrant regulation by the EPA (under section 58 of the CLM Act).

A search of this public register on 21 June 2016, for the suburb of Penrith did not return any information on reported contamination or any regulatory notices issued for the site.

However there are seven sites undergoing investigation in the suburb of Penrith:

- A former Mobil depot (174 Coreen Avenue) is listed as 'under assessment'. This site is located approximately 0.9 km north-east from the site.
- A former Caltex service station (153 Coreen Avenue) is both listed as 'under assessment'. This site is located approximately 0.4 km north from the site.
- A Mirvac industrial site (2101 Castlereagh Road) is listed as 'regulation under CLM Act not required'. The property is approximately 1.2 km north from the site and is currently vacant.
- A Caltex service station (Castlereagh Road Cnr Lugard Street) is listed as 'under assessment'. The site is located approximately 1.2 km north of the site.
- A 7-Eleven service station (212-222 Andrews Road) is listed as 'under assessment'. This site is located approximately 1.6 km north from the site.
- A 7-Eleven service station (30 Henry Road) is listed as 'under assessment'. This site is located approximately 1.8 km south-east from the site.

The exact nature and extent of the potential contamination from these notified sites is unknown, however it can be reasonably assumed that hydrocarbon based contamination (ie petrol, diesel or oil) is associated with the notified service stations. There is no publically available information about the Mirvac industrial site, and it has been determined to not require regulation under the CLM Act.

If contamination was to migrate from the service station sites it would be via the alluvium groundwater system, assumed to be a minimum 6.6 m BGL. Based on the expected alluvial groundwater flow direction, ie west towards the Nepean River, the mobilisation of potential contaminants that could affect the site could be associated with the Mobil depot (174 Coreen Avenue). However, this is 0.9 km from the site. The proximity of the former Caltex service station at 153 Coreen Avenue (0.4 km), indicates that groundwater contamination could also pose a risk to the site. However, the former Caltex service station site is not directly hydraulically upgradient from the site.

All other sites under investigation are not hydraulically upgradient from the site and are too far away to be considered as contamination risks.

5.4 NSW EPA environmental protection licenses

The NSW EPA's public register, under Section 308 of the POEO Act, contains information on environment protection licences (EPLs). Environment protection licences are issued by the EPA to owners or operators of industrial premises where the site activities are indicated as potential polluting activities under Schedule 1 of the POEO Act. An EPL typically includes conditions that relate to pollution prevention, monitoring and reporting.

A search of the EPA's POEO public register on 3 July 2015 was undertaken for the site and the suburb of Penrith. No records were found for the site.

Seven records issued by Penrith City Council in the surrounding 2 km from the site were identified:

- Crane Enfield Metals: EPL 1098 allows: metal processing and metal waste generation.
- Penrith Sewage Treatment Systems (including the sewage treatment plant): EPL 1409 allows: sewage treatment processing by large plants.
- LD&D Milk: EPL 2869 allows: dairy processing.
- Vibrac Australia: EPL 5269 allows: chemical production waste generation, and pharmaceutical and veterinary products production.
- ACI Glass Packaging: EPL 6347 allows: ceramic waste generation, glass production (container) and recovery of general waste.
- Aluminium Extrusion and Distribution Pty Limited: EPL 12405 allows: metal processing and metal waste generation.
- Boral Emu Plains Quarry: EPL 2062 allows: metal processing and metal waste generation.

The surrounding industrial land uses have the potential for contamination with the bulk of the industries relating to waste processing and management. However only one site, Crane Enfield Metals, is listed as a contaminated site, and therefore there is no reason to suspect contamination at the remaining locations. In addition, the majority of the surrounding industrial land uses are not close to the site.

5.5 Contamination in surrounding land uses

The nearby Crane Enfield Metals facility is one of the closest and only sites notified under the CLM Act. However as there is ongoing remediation and monitoring at this site, and the direction of potentially contaminated groundwater is west and not towards the site. Therefore potential contamination originating from Crane Enfield Metals is not considered to pose a contamination risk to the site.

While currently undergoing assessment for contamination, assumed petroleum hydrocarbon contamination from a former Mobil depot and a Caltex service station (153 Coreen Avenue and 174 Coreen Avenue) is possible if groundwater is significantly impacted. For this to occur, contaminants from these sites would have had to migrate downwards to the alluvial groundwater, up to 6.6 m BGL, with further lateral mobilisation 0.9 km and 0.4 km respectively for contamination to occur at the site. Figure 5.1 shows the potentially contaminated sites surrounding the site.



Potentially contaminated sites
 Penrith Waste Recycling and Transfer Facility
 Preliminary Contamination Assessment
 Figure 5.1

6 Conclusion

Benedict Recycling proposes to develop a waste recycling and transfer facility at 46–48 Peachtree Road, Penrith, NSW. This preliminary contamination assessment forms part of the development application and identifies potential site contamination issues that could preclude the intended land use. Potential contaminants of concern, potentially affected media and potential areas of contamination were assessed by reviewing publically available information relating to the sites history, physical setting, condition and surrounding land uses.

The site is in an industrial zone and was previously used as a scrap metal and car recycling facility for about the previous 15–20 years. Prior to this the area was agricultural land. The site is currently sealed with a concrete slab and has a large shed in the southern corner.

An 'oily sheen' and an oil filled concrete cutting has been observed on the slab. It is believed that grease and oil has gradually accumulated after being washed off of scrap metal during rainfall. While the site is sealed with concrete there are minor cracks in the seal. This creates a potential pathway for minor subsurface hydrocarbon contamination.

Contaminated sites (both notified and under assessment) were identified in the surrounding area; groundwater migration could potentially mobilise contaminants from these sites. The Crane Enfield Metals facility to the north is a notified site with groundwater contaminated with chlorinated hydrocarbons. However as the groundwater contamination is undergoing remediation and the groundwater flow direction is towards the west, this does not present an obvious contamination risk to the site.

The former Mobil depot and Caltex service station (153 Coreen Avenue and 174 Coreen Avenue) are close to the site. These are sites are being assessed for contamination, assumed to be related to petroleum hydrocarbons. If contamination is significant and groundwater is impacted there is the potential for contamination at the site.

This preliminary site contamination investigation concludes there have been potentially contaminating activities in the site and surrounds. This is consistent with the sites setting in an industrial area and industrial activities at the site.

Minor ground disturbance works, could expose contractors to potentially contaminated soil, groundwater and soil vapour. However ground disturbance works are not expected to extend to depths greater than 2 m BGL, meaning the likely interaction with contaminated groundwater is low (as this is deeper and assumed to be around 6.6 m BGL). There is the potential for interaction by contractors with impacted soil and soil vapour during the construction phase only, if contamination is present. There are no significant environmental receptors close to the site.

The proposed development is not expected to exacerbate potential subsurface contamination as the planned ground disturbance works are minimal.

No contamination issues have been identified that would preclude the proposed future land use as a waste recycling and transfer facility with minimal opportunities for soil access.

6.1 Recommendations

This preliminary contamination assessment identified potentially contaminating activities associated with the historic use of the site as a scrap metal recycling facility and surrounding land uses comprising industrial activity. As contamination has not been confirmed the following is recommended:

1. The concrete slab is steam cleaned/hot water pressure washed to remove the residual oil.
2. The concrete cutting is drained of oil and steam cleaned/hot water pressure washed to remove the residual oil. The cutting will then be backfilled with concrete.
3. A construction environmental management plan is prepared for the development phase of the site, this will include an unexpected finds protocol to ensure that if any contamination is encountered during construction it can be appropriately managed. This plan will inform contractors of the potential for subsurface soil contamination and will be required to look out for staining and odours when excavating. Contractors will also use a photoionization detector during excavations so volatile organic compounds (petroleum hydrocarbons) can be assessed.

If subsurface contamination is suspected excavation works in the immediate area will stop and an environmental consultant will be contracted to collect soil samples for laboratory analysis of petroleum hydrocarbons and chlorinated hydrocarbons consistent with the potentially contaminating activities in and around the site. The results of the soil testing will determine whether further action is required.

4. All excavated material will be tested for petroleum hydrocarbons at a laboratory and if results exceed the applicable guideline limits the material will be disposed of at a licensed facility.

References

Clark, N and Jones, D 1991, *Penrith 1:100 000 Geological Map*, 1st Ed., NSW Department of Industry; Resources & Energy, accessed 9 June 2016, <http://www.resourcesandenergy.nsw.gov.au/geoproducts/details?editionid=123&productid=131>.

Department of Urban Affairs and Planning/Environment Protection Authority (DUAP/EPA) 1998, *Managing Land Contamination: Planning Guidelines SEPP 55, Remediation of Land*.

Environment Protection Authority (EPA) 2014, *Waste Classification Guidelines - Part 1: Classification of Waste*.

National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013).

Office of Environment and Heritage (OEH) 2011, *Guidelines for Consultants Reporting on Contaminated Sites*.

Office of Environment and Heritage (OEH) 2016, *NSW Soil and Land Information Maps*, accessed 25 February 2016, <http://www.environment.nsw.gov.au/eSpadeWebApp/>.

Ross, JB 2014, Groundwater Resource Potential of the Triassic Sandstones of the Southern Sydney Basin: an Improved Understanding, *Australian Journal of Earth Sciences*, vol. 61, no. 3, pp.463-474.

NSW Government PINNEENA Database, viewed 19 July 2016 <http://waterinfo.nsw.gov.au/pinneena/>.

Ross J. R. 2014, *Groundwater Resource Potential of the Triassic Sandstone of the Southern Sydney Basin: an Improved Understanding*. *Australian Journal of Earth Sciences* 2014, 61: 463-474.

Appendix A

Historical aerial imagery



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Source: EMM (2016); LPI (1991)







Appendix B

Planning certificate

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 470831
Your Reference: Post
Contact No: 07 3839 1800

Issue Date: 4/07/2016
Certificate No: 16/03226
Receipt Date: 4/07/2016
Receipt No: 2603190

Issued to: Emm Consulting
Att Nicholas Jamson
Suite 1 Level 4
87 Wickham Terrace
SPRING HILL QLD 4000

PRECINCT 2010

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: CASTLEREAGH

Location: 46 Peachtree Road PENRITH NSW 2750

Land Description: Lot 45 DP 793931

- PART 1 PRESCRIBED MATTERS -

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

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs

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

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

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

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

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

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

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

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

State Environmental Planning Policy No.21 - Caravan Parks.
State Environmental Planning Policy No.30 - Intensive Agriculture.
State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land).
(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)
State Environmental Planning Policy No.33 - Hazardous and Offensive Development.
State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.
State Environmental Planning Policy No.55 - Remediation of Land.
State Environmental Planning Policy No.62 - Sustainable Aquaculture.
State Environmental Planning Policy No.64 - Advertising and Signage.
State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development.
State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
State Environmental Planning Policy (Major Development) 2005.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.
State Environmental Planning Policy (Infrastructure) 2007.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
State Environmental Planning Policy (Affordable Rental Housing) 2009.
State Environmental Planning Policy (State and Regional Development) 2011.

1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:

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

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

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

Penrith Development Control Plan 2014 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPS

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

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

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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

Zone IN1 General Industrial

(Penrith Local Environmental Plan 2010)

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.
- To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Self-storage units; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3

Flood planning

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

Additional information relating to Penrith Local Environmental Plan 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

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

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

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

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

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

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

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

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

3 COMPLYING DEVELOPMENT

GENERAL HOUSING CODE

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

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

RURAL HOUSING CODE

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

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

HOUSING ALTERATIONS CODE

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

GENERAL DEVELOPMENT CODE

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

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

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

SUBDIVISIONS CODE

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

DEMOLITION CODE

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

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

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

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

FIRE SAFETY CODE

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

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

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

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.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**(a) Council Policies**

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

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

(b) Other Public Authority Policies

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

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

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

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

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

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

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

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

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

The Penrith City Local Open Space Development Contributions Plan 2007 applies anywhere residential development is permitted within the City of Penrith, excluding industrial areas and the release areas identified in Appendix B of the Plan (Penrith Lakes, Cranebrook, Sydney Regional Environmental Plan No. 30 - St Marys, Waterside, Thornton, the WELL Precinct, Glenmore Park and Erskine Park). See
<[http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP\(1\).pdf](http://www.penrithcity.nsw.gov.au/uploadedFiles/Content/Website/Our_Services/Planning_and_Development/Planning_Zoning_Information/Local_Planning_Documents/LocalOpenSpaceDCP(1).pdf)>

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

9A BIODIVERSITY CERTIFIED LAND

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

10 BIOBANKING AGREEMENTS

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

11 BUSH FIRE PRONE LAND

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

12 PROPERTY VEGETATION PLANS

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

13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

(Information is provided in this section only if Council has been notified that an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.)

14 DIRECTIONS UNDER PART 3A

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

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING

(Information is provided in this section only if:

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

16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

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

17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

(Information is provided in this section only if:

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

18 PAPER SUBDIVISION INFORMATION

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

19 SITE VERIFICATION CERTIFICATES

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

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

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

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

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

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

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

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

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

Information is provided only to the extent that Council has been notified by 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:

- Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at www.penrithcity.nsw.gov.au. Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

*** Threatened Species Conservation Act 1995**

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.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

*** Scenic and Landscape Values**

The land is identified as "Land with Scenic and Landscape Values" on the Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map. See Clause 7.5 of Penrith Local Environmental Plan 2010 and Chapter C1 Site Planning and Design of Penrith Development Control Plan 2014.

*** Preservation of Trees and Vegetation**

See Clauses 5.9 and 5.9AA of Penrith Local Environmental Plan 2010 and Chapter C2 of Penrith Development Control Plan 2014 for specific controls relating to the preservation of trees and vegetation.

*** Development Control Plan General Information**

Penrith Development Control Plan 2014 which applies to the land, sets out requirements for a range of issues that apply across the Penrith Local Government Area, including:

- Site Planning and Design Principles
- Vegetation Management
- Water Management
- Land Management
- Waste Management
- Landscape Design
- Culture and Heritage
- Public Domain
- Advertising and Signage
- Transport, Access and Parking
- Subdivision
- Noise and Vibration, and
- Infrastructure and Services.

The Development Control Plan also specifies requirements relating to various types of land uses including:

- Rural Land Uses
- Residential Development
- Commercial and Retail Development, and
- Industrial Development

as well as for a number of specific activities, including child care centres; health consulting rooms; educational establishments; parent friendly amenities; places of public worship; vehicle repair stations; cemeteries, crematoria and funeral homes; extractive industries; and telecommunication facilities.

The Development Control Plan also details requirements relating to key precincts within the Penrith Local Government Area, including:

- Caddens
- Claremont Meadows Stage 2
- Cranebrook
- Emu Heights
- Emu Plains
- Erskine Business Park
- Glenmore Park

- Kingswood
- Mulgoa Valley
- Orchard Hills
- Penrith
- Penrith Health and Education Precinct
- Riverlink Precinct
- St Clair, and
- St Marys / St Marys North.

Penrith Development Control Plan 2014 may be accessed at
<https://www.penrithcity.nsw.gov.au/Building-and-Development/Planning-and-Zoning/Planning-Controls/Development-Control-Plans/>

Alan Stoneham
General Manager

PER *Ellen*



SYDNEY

Ground floor, Suite 01, 20 Chandos Street
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T 02 9493 9500 F 02 9493 9599

NEWCASTLE

Level 1, Suite 6, 146 Hunter Street
Newcastle, New South Wales, 2300
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BRISBANE

Level 4, Suite 01, 87 Wickham Terrace
Spring Hill, Queensland, 4000
T 07 3839 1800 F 07 3839 1866



Appendix I

Quantity Surveyor's report and Capital Investment Value estimate

Penrith Waste Recycling & Transfer Facility, 46 - 48 Peachtree Rd, Penrith

Benedict

ORDER OF COST SUMMARY USE & DEVELOPMENT SSDA

1-Dec-16

The estimate for the proposed works are based on industry recognised prices and estimated costs have been prepared having regard to the matters set out in Clause 255 of the Environmental Planning and Assessment Regulation 2000. They take into account costs likely to be incurred for the proposed works but do not include an estimate of employment that may be generated.

Item	Quantity	Rate	\$
Use and Development			\$377,488
Plant & Equipment			\$1,110,000
Total for Construction Works as at Nov 2016			\$1,487,488
Design Fees	5.00%		\$74,374
Project Management Fees	2.50%		\$37,187
Total for CIV as at Nov 2016 in accordance with Environmental and Planning Assessment Regulation 2000			\$1,599,049
GST	10%		\$159,905
Total incl Fees and GST as at Nov 2016			\$1,758,954

Notes

Rates above include allowances for prelims and margin.
Contingencies are excluded
Internal fitout of office, equipment, etc are excluded
Figures are based on competitive lump sum tenders
Land costs, legal fees and holding charges are excluded
Scheme as per EMM documents dated Nov 2016
Works outside the site boundary are excluded

Penrith Waste Recycling & Transfer Facility, 46 - 48 Peachtree Rd, Penrith**Benedict****Cost Summary**

1-Dec-16

This estimate summary is prepared for the Use & Development SSDA submission only

Item	Quantity	Rate	\$
Site preparation	5,000 m2	\$5.00	\$25,000.00
Builders works for weighbridges, wheel washer etc	200 m2	\$25.00	\$5,000.00
Footings etc as required for demountable office incl connection to services etc	25 m2	\$300.00	\$7,500.00
Refurbishment of shed incl office & amenities	280 m2	\$100.00	\$28,000.00
Bunded diesel storage tank (30,000 litres) including enclosure & assoc builders work	Item		\$40,000.00
Waste and product Bays	3 No	\$25,000.00	\$75,000.00
Line marking and parking bays	Item		\$5,000.00
Boundary fence and gates (repairs/replacement as required)	560 m2	\$100.00	\$56,000.00
Exit driveway and footpath crossover	70 m2	\$150.00	\$10,500.00
Gross Pollutant Traps (375 diam)	2 No	\$25,000.00	\$50,000.00
Landscaping to site as required	650 m2	\$25.00	\$16,250.00
Connecting plant and equipment to site services	Item		\$10,000.00
sub total			\$328,250.00
Preliminaries	15%		\$49,237.50
Total (excl GST)			\$377,487.50

Notes:

- 1) we have assumed previous tenant will remove their equipment/machinery/plant
- 2) no allowance for removal of contamination or site remediation
- 3) no allowance for any major enhancement or augmentation of site services

Penrith Waste Recycling & Transfer Facility, 46 - 48 Peachtree Rd, Penrith

Benedict

Cost Summary

1-Dec-16

This estimate summary is prepared for the Use & Development SSDA submission only

Item	Quantity	Rate	\$
<u>Plant and equipment (as advised Benedict Ind)</u>			
Front end loader (eg Hyundai HL760)	Item		\$250,000
13t excavator (eg Hyundai R145)	Item		\$190,000
Weighbridges (1 x 22m, 1 x 12m)	Item		\$160,000
Offices - portable (x 2)	Item		\$30,000
Screening plant & picking line	Item		\$430,000
Wheelwasher	Item		\$40,000
Irrigation for dust suppression	Item		\$10,000
Total			\$1,110,000



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