



CUMBERLAND  
CITY COUNCIL

**APPLICANT:** Infotrack  
Gpo Box 4029  
SYDNEY NSW 2000

### **PLANNING CERTIFICATE**

Issued under section 10.7(2) & (5) Environmental Planning and Assessment Act 1979

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**Property:** 23 Phillips Avenue REGENTS PARK NSW 2143  
**Title:** Lot 54 DP 35559  
**Land No:** 23091  
**Certificate No:** PC2021/5813  
**Certificate Date:** 22/11/2021  
**Applicant's Ref:** BGJF2 MS

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**Welcome** *Belong Succeed*

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## SECTION 10.7(2)

In accordance with the requirements of section 10.7(2) of the Environmental Planning and Assessment Act (1979) ("the Act"), the following prescribed matters relate to the land at the date of this certificate.

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### ITEM 1 - Names of relevant planning instruments and DCPs

**1. *The following environmental planning instruments apply to the carrying out of development on the land:***

Cumberland Local Environmental Plan 2021

State Environmental Planning Policy No. 19 – Bushland in Urban Areas  
State Environmental Planning Policy No. 30 – Intensive Agriculture  
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development  
State Environmental Planning Policy No. 50 – Canal Estates  
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 Flat Development  
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)  
State Environmental Planning Policy – SEPP (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy – Building Sustainability Index: BASIX 2004  
State Environmental Planning Policy – (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy – (Infrastructure) 2007  
State Environmental Planning Policy – (Temporary Structures) 2007  
State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy – (Repeal of Concurrence and Referral Provisions) 2008  
State Environmental Planning Policy – (Affordable Rental Housing) 2009  
State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy – (Educational Establishments and Child Care Facilities) 2017  
State Environmental Planning Policy – (Primary Production and Rural Development) 2019  
State Environmental Planning Policy – (State and Regional Development) 2011  
State Environmental Planning Policy – (Concurrences) 2018  
State Environmental Planning Policy No. 21 – Caravan Parks

Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)  
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

**2. *The following proposed environmental planning instruments apply to the carrying out of development on the land and are or have been the subject of community consultation or on public exhibition under the Environmental Planning and Assessment Act 1979:***

No proposed environmental planning instruments apply

**3. *The following development control plans apply to the carrying out of development on the land:***

Cumberland Development Control Plan 2021

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## ITEM 2 - Zoning and land use under relevant LEPs

### 1. (a) Zoning details in the instruments identified in ITEM 1(1) above

#### Zone R2 Low Density Residential

##### 1. Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that maintains the amenity of the surrounding area.
- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.

##### 2. Permitted without consent

Home occupations

##### 3. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hospitals; Hostels; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; Semi-detached dwellings; Tank-based aquaculture; Water recycling facilities

##### 4. Prohibited

Any development not specified in item 2 or 3

#### ***Additional permitted uses***

No additional uses apply

### (b) ***Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?***

No fixed minimum land dimensions apply to this land

### (c) ***Does the land include or comprise critical habitat?***

The land does not include or comprise critical habitat

### (d) ***Is the land within a heritage conservation area?***

The land is not within a heritage conservation area

### (e) ***Is there a heritage item situated on the land?***

There are no heritage items situated on the land

**2. (a) Zoning details in the instruments identified in ITEM 1(2) above**

No draft zoning applies to the land

**Additional permitted uses**

No draft additional uses apply

**(b) Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?**

No fixed minimum land dimensions apply to the land under a draft environmental planning instrument

**(c) Does the land include or comprise critical habitat?**

The land does not include or comprise critical habitat under a draft environmental planning instrument

**(d) Is the land within a draft heritage conservation area?**

The land is not within a draft heritage conservation area

**(e) Is there a draft heritage item situated on the land?**

There are no draft heritage items situated on the land

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

*Is the land identified within any zone under Part 3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, a Precinct Plan, or a Proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act?*

No

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**ITEM 3 – Complying Development Exclusions**

*Is the land, land on which complying development may be carried out under clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?*

*Complying development can be carried out subject to the land not being affected by flooding referred to in ITEM 7A(1).*

**Housing Code**

Yes, under the Housing Code complying development may be carried out on the land.

**Low Rise Housing Diversity Code**

Yes, under the Low Rise Housing Diversity Code complying development may be carried out on the land.

**Rural Housing Code**

Yes, under the Rural Housing Code complying development may be carried out on the land.

***Housing Alterations Code***

Yes, under the Housing Alterations Code complying development may be carried out on the land.

***General Development Code***

Yes, under the General Development Code complying development may be carried out on the land.

***Commercial and Industrial Alterations Code***

Yes, under the General Commercial and Industrial Code complying development may be carried out on the land.

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

Yes, under the General Commercial and Industrial (New Buildings and Additions) Code complying development may be carried out on the land.

***Container Recycling Facilities Code***

Yes, under the Container Recycling Facilities Code complying development may be carried out on the land.

***Subdivisions Code***

Yes, under the Subdivisions Code complying development may be carried out on the land.

***Demolition Code***

Yes, under the Demolition Code complying development may be carried out on the land.

***Fire Safety Code***

Yes, under the Fire Safety Code complying development may be carried out on the land.

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**ITEM 4 – (Repealed)**

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**ITEM 4A – (Repealed)**

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**ITEM 4B – Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

***Has the owner (or any previous owner) of the land consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act)?***

No

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## ITEM 5 – Mine subsidence

***Is the land proclaimed to be in a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017?***

No

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## ITEM 6 – Road widening and road realignment

***Is the land affected by any road widening or road realignment under:***

- (a) Division 2 of Part 3 of the Roads Act 1993; or  
(b) Any environmental planning instrument; or  
(c) Any resolution of the Council?***

No

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## ITEM 7 – Council and other public authority policies on hazard risk restrictions

- (a) Whether or not the land is affected by a policy adopted by the Council that restricts the development of the land because of the likelihood of:-***

(i)	land slip	No
(ii)	bushfire	No
(iii)	tidal inundation	No
(iv)	subsidence	No
(v)	acid sulphate soils	Yes
(vi)	land contamination	No
(vii)	Other Risk	No

- (b) Whether or not the land is 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:-***

(i)	land slip	No
(ii)	bushfire	No
(iii)	tidal inundation	No
(iv)	subsidence	No
(v)	acid sulphate soils	No
(vi)	land contamination	No
(vii)	Other Risk	No

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### ITEM 7A – Flood related development controls information

1. ***Is the land or part of the land within the flood planning area and subject to flood - related development controls.***

Yes

2. ***Is the land or part of the land between the flood planning area and the probable maximum flood (PMF) and subject to flood-related development controls.***

No

3. ***In this clause -***

***flood planning area*** has the same meaning as in the Floodplain Development Manual.

***Floodplain Development Manual*** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

***probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

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### ITEM 8 – Land reserved for acquisition

***Is there an environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 which makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Environmental Planning and Assessment Act 1979?***

No

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### ITEM 9 – Contributions plans

***The name of each contributions plan applying to the land is:-***

Cumberland Local Infrastructure Contributions Plan 2020

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### ITEM 9A - Biodiversity certified land

***Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016 (including land certified under Part 7AA of the Threatened Species Conservation Act 1995)?***

No

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### ITEM 10 – Biodiversity stewardship sites

***Has Council been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (including biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995)?***

No

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**ITEM 10A – Native vegetation clearing set asides**

Under section 60ZC of the Local Land Service Act 2013, has Council been notified by Local Land Services (or is it registered in the public register under that section) that the land contains a set aside area?

No

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**ITEM 11 – Bush fire prone land**

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|-----|--|-----|
| (a) | <i>All of the land is bush fire prone land.</i>  | No  |
| (b) | <i>Some of the land is bush fire prone land.</i> | No  |
| (c) | <i>None of the land is bush fire prone land.</i> | Yes |

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**ITEM 12 – Property vegetation plans**

*Has Council been notified (by the person or body that approved the plan) of the existence of a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applying to the land?*

No

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**ITEM 13 – Orders under Trees (Disputes Between Neighbours) Act 2006**

*Has Council 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?*

No

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**ITEM 14 – Directions under Part 3A**

*Is there a direction by the Minister in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979 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?*

No

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**ITEM 15 – Site compatibility certificates and conditions for seniors housing**

- (a) *Has a current site compatibility certificate (seniors housing), of which the Council is aware, been issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land?*

No

- (b) *Have 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 been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?*

No

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**ITEM 16 – Site compatibility certificates for infrastructure, schools or TAFE establishments**

*Has a valid site compatibility certificate (infrastructure) or a site compatibility certificate (schools or TAFE establishments), of which the Council is aware, been issued?*

No

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**ITEM 17 – Site compatibility certificates and conditions for affordable rental housing**

1. *Has a current site compatibility certificate (affordable rental housing), of which the Council is aware, been issued in respect of proposed development on the land?*

No

2. *Have any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?*

No

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**ITEM 18 – Paper subdivision information**

*Has a development plan been adopted that applies to the land or that is proposed to be subject to a consent ballot?*

No

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**ITEM 19 – Site verification certificates**

*Has Council been made aware of a current site verification certificate that has been issued in respect of the land?*

No

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**ITEM 20 – Loose – fill asbestos insulation**

*Has Council been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division?*

No

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**ITEM 21 – Affected building notices and building product rectification orders**

1. *Is any affected building notice in force in respect of the land?*

No

2. *Is any building product rectification order in force in respect of the land that has not been fully complied with?*

No

3. Has a notice of intention to make a building product rectification order been given in respect of that land that is outstanding?

No

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**ITEM 22 - State Environmental Planning Policy (Western Sydney Aerotropolis) 2020**

For land to which *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* applies, whether the land is –

- (a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Policy, or
- (b) shown on the *Lighting Intensity and Wind Shear Map* under that Policy, or
- (c) shown on the *Obstacle Limitation Surface Map* under that Policy, or
- (d) in the “public safety area” on the *Public Safety Area Map* under that Policy, or
- (e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the *Wildlife Buffer Zone Map* under that Policy.

The land is not affected.

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**NOTE 1 – Matters arising under the Contaminated Land Management Act 1997**

*Section 59(2) of the Contaminated Land Management Act 1997 prescribes the following additional matters to be specified in planning certificates:-*

- (a) *At the date of this certificate, is the land (or part of the land) to which this certificate relates significantly contaminated land?*

No

- (b) *At the date of this certificate, is the land to which this certificate relates subject to a management order?*

No

- (c) *At the date of this certificate, is the land to which this certificate relates the subject of an approved voluntary management proposal?*

No

- (d) *At the date of this certificate, is the land to which this certificate relates subject to an ongoing maintenance order?*

No

- (e) *At the date of this certificate, is the land to which this certificate relates the subject of a site audit statement and a copy of such a statement has been provided to the Council?*

No

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## SECTION 10.7(5) INFORMATION

In accordance with section 10.7(5) of the Act the following advice is given on other relevant matters affecting the land.

**1. Coastal matters and projected sea level rise**

Council has been notified that the Department of Planning has adopted the New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010). The guideline can be viewed at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au). The applicant should also refer to projected sea level rise low, medium and high scenario maps on [http://www.ozcoasts.org.au/climate/Map\\_images/Sydney/mapLevel2.jsp](http://www.ozcoasts.org.au/climate/Map_images/Sydney/mapLevel2.jsp) for further information.

**2. Acid Sulfate**

Yes. The land is identified as Class 5 on the Acid Sulfate Soils Map. Development consent is required for certain works on this land. Refer to the relevant Environmental Planning Instrument under Item 1 (1).

**3. Other Advice**

No

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## GENERAL INFORMATION

The absence of any reference to a matter affecting the land shall not imply that the land is not affected by that matter not referred to in this certificate.

Information provided under section 10.7(2) is in accordance with the matters prescribed under schedule 4 of the Environmental Planning and Assessment Regulation 2000 and is provided only to the extent that the Council has been notified by the Department of Public Works or Department of Planning.

When advice in accordance with section 10.7(5) is requested the Council is under no obligation to furnish any advice. If advice is provided Council draws your attention to section 10.7(6) and schedule 6 of the *Environmental Planning and Assessment Act 1979* which have the effect that Council shall not incur any liability in respect of advice provided in good faith pursuant to section 10.7(5), including the furnishing of advice in respect of contaminated land.

Any enquiries regarding State and Regional Environmental Planning Policies should be directed to the Department of Planning at [http:// www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Please contact Council's Strategic Planning section for further information about this Planning Certificate.

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Peter J Fitzgerald  
**GENERAL MANAGER**