



PLANNING CERTIFICATE under Section 10.7(2) & 10.7(5)

Environmental Planning and Assessment Act 1979

Applicant: Urbis Pty Ltd
Angel Place, Level 8, 123 Pit Street
SYDNEY NSW 2000

Certificate number:	7031/2022	Certificate date:	28/07/2022
Receipt number:	1716202	Certificate fee:	\$156.00
Property Number:	305313	Applicant's reference:	P0014571

DESCRIPTION OF PROPERTY

Title: LOT: 2 DP: 1043580
Property: 35 Noorebar Avenue GRIFFITH 2680

LAND TO WHICH CERTIFICATE RELATES

The land to which this certificate relates, being the lot or one of the lots described in the corresponding application, is shown in the Council's records as being situated at the street address described on page 1 of this certificate. The information contained in this certificate relates only to the lot described on the certificate. Where the street address comprises more than one lot in one or more deposited plans or strata plans, separate planning certificates should be obtained upon application for the other lots. Those certificates may contain different information than is contained in this certificate.

PART A: SECTION 10.7(2) DETAILS

In accordance with section 10.7(2) of the *Environmental Planning and Assessment Act 1979*, at the date of this certificate the following information is provided in respect of the prescribed matters to be included in a planning certificate.

1 NAMES OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS (Item 1 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

(1) Environmental Planning Instruments

- a) The following is a list of Local Environmental Plans that apply to the Griffith City Council area.

Griffith Local Environmental Plan 2014 (Amendment No.6) as gazetted on 14 July 2021.

A copy of GLEP 2014 may be viewed at www.legislation.nsw.gov.au

- b) The following is a list of State Environmental Planning Policies and deemed State Environmental Planning Policies (formerly Regional Environmental Plans) that apply to the Griffith City Council area. The policy may or may not be specifically applicable to the land that is the subject of this certificate. You will need to examine the policy for the necessary details.

Any enquiries regarding State Environmental Planning Policies should be directed to the NSW Department of Planning and Environment website – www.planning.nsw.gov.au

SEPP	Biodiversity and Conservation 2021
SEPP	Industry and Employment 2021
SEPP	Housing 2021
SEPP	Planning Systems 2021
SEPP	Precincts—Regional 2021
SEPP	Primary Production 2021
SEPP	Resilience and Hazards 2021
SEPP	Resources and Energy 2021
SEPP	Transport and Infrastructure 2021
SEPP No. 65	Design Quality of Residential Flat Development
SEPP	Building Sustainability Index (BASIX) 2004
SEPP	Exempt and Complying Development Code 2008

(2) Proposed Environmental Planning Instruments

- a) There are no draft local environmental plans applying to the subject land.
- b) Any enquiries regarding the draft Environmental Planning Instruments should be directed to the NSW Department of Planning and Environment website – www.planning.nsw.gov.au. The following draft environmental planning instrument has been exhibited by the Department:

- Draft Environment SEPP

(3) Development Control Plans

The following Development Control Plans adopted by Griffith City Council are in force.

DCP No. 1	Non-Urban Development
DCP No. 3	Industrial Development
DCP No. 11	Urban Subdivision
DCP No. 19	Mixed Development
DCP No. 20	Off Street Parking (2011)
DCP	Residential Development (2020)

It should be noted that the relevance of some of the listed development control plans are dependent on the zoning of the land, the type of development proposed or the locality of the site.

2 ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS (Item 2 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

(a) Zoning

The subject land is within the **R1 – General Residential** zone as identified in the Land Use Table and on the zoning map.

1. Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To facilitate development of social and community infrastructure to meet the needs of future residents.
- To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.

- **Development that may be carried out within the zone without the need for development consent**

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

- **Development that may not be carried out within the zone except with development consent**

3. Permitted with consent

Attached dwellings; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified item 2 or 4

- **Development that is prohibited within the zone**

4. Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage

treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

(b) Development standards applying to the land that fixes the minimum land dimension for the erection of a dwelling house on the land

The provisions of Part 4 of Griffith Local Environmental Plan 2014 sets down the principal development standards applying to the land including those that fix a minimum land dimension for the erection of a dwelling house on the land.

The Lot Size Map of Griffith Local Environmental Plan identifies that the minimum lot size for the subject land is:

- 300 m²

(c) Conservation Areas

No.

(d) Items of Environmental Heritage

No.

Note: On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the [Planning Portal](#).

3. CONTRIBUTIONS PLANS (Item 3 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Contribution plans apply to the Griffith City Council Local Government Area.

From 1 July 2010 a contribution plan compiled in accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 will apply.

4. COMPLYING DEVELOPMENT (Item 4 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- A. May complying development be carried on the land out under each of the codes for complying development because of the provisions of Clause 1.17A (1) (c) to (e), (2), (3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

Complying development may be carried out on the land under each of the codes identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- B. May complying development may be carried out on the land under each of the codes for complying development because of the provisions of Clause 1.18(1)(c3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

Complying development may be carried out on the land under each of the codes identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- C. May complying development may be carried out on the land under each of the codes for complying development because of the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

This is land upon which complying development may be carried out under each of the codes for complying development because of the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

DISCLAIMER

Disclaimer: This certificate only addresses matters raised in Clause 1.17(1)(c) to (e), (2), (3), 1.18(1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure to comply with any other general requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

5. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL WORKS (Item 4B of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Griffith City Council is not a coastal Council and therefore the provisions Section 496B of the Local Government Act, 1993 in respect to annual charges for coastal protection services that relate to existing coastal works do not apply.

6. MINE SUBSIDENCE (Item 5 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?

No.

7. ROAD WIDENING AND ROAD REALIGNMENT (Item 6 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

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?

The subject land is not affected by any road widening or realignment proposal.

8. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS (Item 7 of Schedule 4 the Environmental Planning and Assessment Regulations 2021)

Is the land or part of the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of adoption by that authority being referred to in planning certificates issued by Council that restricts the development of land because of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils, or any other risk (other than flooding)?

Council in considering the development of any land may refer to the following documents:

- (a) *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*, Department of Urban Affairs & Planning and the Environment Protection

Authority (ISBN 0 7310 9005 5) identifies some activities that may cause land contamination and provides guidelines for the remediation and development of contaminated land.

- (b) Contaminated Land Management Policy (EH-CP-203) adopted by Council 11 July 2017.
- (c) Section 4.14 of the Environmental Planning and Assessment Act, 1979 states the *Planning for Bushfire* Protection, NSW Rural Fire Service (ISBN 0 9751033 2 6) is relevant to land that is bushfire prone.

9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION (Item 7A of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling houses, residential flat buildings (not including development for the purposes of group homes or seniors housing) or for any other purpose subject to flood related development controls?

Council considers the land in question to be outside the Flood Planning Area (FPA). It should however be noted that a minimum floor height above ground level is enforced by Council Policy No. CS-CP-318 – Floor Heights.

10. LAND RESERVED FOR ACQUISITION (Item 8 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is there an Environmental Planning Instrument, deemed Environmental Planning Instrument or Draft Environmental Planning Instrument applying to the land providing for 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.

11. BIODIVERSITY CERTIFIED LAND (Item 9A of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is the land biodiversity certified land within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*?

No.

12. BIODIVERSITY STEWARDSHIP SITES (Item 10 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016?

Council has not received notification from the Coordinator-General of the Environment, Energy & Science Group of the Department of Planning and Environment of any bio-banking agreement on this site.

13. NATIVE VEGETATION CLEARING SET ASIDES (Item 10A of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Does the land contain a set aside area under Section 60ZC of the Local Lands Services Act, 2013?

Council has not received notification from the Local Lands Services of any set aside areas on the land.

14. BUSH FIRE PRONE LAND (Item 11 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is the land or some of the land bush fire prone land (as defined in the Act)?

The site is not bushfire prone land.

15. PROPERTY VEGETATION PLANS (Item 12 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is there a *property vegetation plan* under the *Native Vegetation Act, 2003* applying to the land?

No.

16. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006 (Item 13 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Has an order been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

No.

17. DIRECTIONS UNDER PART 3A (Item 14 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

Is there a direction by the Minister in force under section 75P (2) (c1) of the Act that the 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.

18. SITE COMPATABILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING (Item 15 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

a) Is there a current site compatibility certificate issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*?

No.

b) Has a condition of consent been imposed on a development application granted after 11 October 2007 which sets out terms of a kind referred to under Clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*?

No.

19. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS (Item 16 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- a) Is there a valid site compatibility certificate (infrastructure) or a site compatibility certificate (schools or TAFE establishments) in place?

No.

20. SITE COMPATIBILITY CERTIFICATES FOR AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING (Item 17 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- a) Is there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land?

No.

- b) Have conditions of consent been imposed on a development application in respect of the land with regard to clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*?

There has been no development consent granted under the provisions State Environmental Planning Policy (Affordable Rental Housing) 2009 for the subject land.

21. PAPER SUBDIVISION INFORMATION (Item 18 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- (a) What is the name of any development plan adopted by the relevant authority that applies to the land or that is proposed to be the subject to a consent ballot.

There are no adopted or proposed development plans applicable to the subject land.

- (b) What is the date of any subdivision order applying to the land

There are no subdivision orders applying to subject land.

22. SITE VERIFICATION CERTIFICATES (Item 19 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- (a) Is there a current site verification certificate, of which the council is aware, in respect of proposed development on the land?

No.

23. LOOSE-FILL ASBESTOS INSULATION (Item 20 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- (a) Does the land include 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?

The Loose-fill Asbestos Insulation Register can be viewed on the NSW Government Department of Fair Trading website.

24. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS (Item 21 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- (a) Is Council aware of any affected building notice that is in force in respect to the land?

Council is not aware of any affected building notice in force under Part 4 of the Building Products (Safety) Act, 2017.

- (b) Is Council aware of any building product rectification order that is in force in respect to the land and has not been fully complied with?

Council is not aware of any building product rectification orders applying to the land that have not been complied with.

- (c) Is Council aware of any notice of intention to make a building product rectification order that has been given and is outstanding?

Council is not aware of any outstanding notice of intention to make a building product rectification order.

Disclaimer: This Section 10.7(2) certificate contains information provided to *Griffith City Council* by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information. The following information is sourced from a third party, includes biodiversity certified land (Item 9A); bio-banking agreements (Item 10); bushfire prone land (Item 11); property vegetation plans (Item 12); orders under the *Trees (Disputes Between Neighbours) Act, 2006* (Item 13); site compatibility certificates (items, 15, 16 and 17) and site verification certificates (Item 18).

It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information.

PART B: ADDITIONAL MATTERS

25. MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 No 140 TO BE SPECIFIED IN A PLANNING CERTIFICATE

(Note after Item 19 of Schedule 4 of the Environmental Planning and Assessment Regulations 2021)

- a) Is the land or part of the land to which the certificate relates significantly contaminated land within the meaning of that Act?

Council has not been notified by the Department of Planning and Environment that the subject land has been declared significantly contaminated land within the meaning of the *Contaminated Land Management Act, 1997*. Applicants are advised to make their own investigations.

- b) Is the land to which the certificate relates subject to a management order within the meaning of that Act?

Council has not been notified by the Department of Planning and Environment that the subject land is subject to a management order within the meaning of the *Contaminated Land Management Act, 1997*.

- c) Is the land to which the certificate relates the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,

Council has not been notified by the Department of Planning and Environment that the subject land is subject to a voluntary management proposal within the meaning of the *Contaminated Land Management Act, 1997*.

- d) Is the land to which the certificate relates subject to an ongoing maintenance order within the meaning of that Act?

Council has not been notified by the Department of Planning and Environment that the subject land is subject to an ongoing maintenance within the meaning of the *Contaminated Land Management Act, 1997*.

- e) Is the land to which the certificate relates the subject of a site audit statement within the meaning of that Act?

Council is not aware that the land is the subject of a site audit statement as it has not been provided with any copy of such a statement at the time this certificate is issued.

Disclaimer: *Griffith City Council* and the *NSW Office of Environment and Heritage (OEH)* has taken all reasonable care to ensure that information in the list of contaminated sites notified to OEH (the list) is complete and correct. The OEH does not, however, warrant or represent that the list is free from errors or omissions or that it is exhaustive and may, without notice, change any or all of the information in the list at any time. You should obtain independent advice before you make any decision based on the information in the list.

The list is made available on the understanding that *Griffith City Council*, the OEH, their servants and agents, to the extent permitted by law, accept no responsibility for any damage, cost, loss or expense incurred by you as a result of:

1. any information in the list; or
2. any error, omission or misrepresentation in the list; or
3. any malfunction or failure to function of the list;
4. without limiting (2) or (3) above, any delay, failure or error recording, displaying or updating information.

PART C: SECTION 10.7(5) OTHER RELEVANT MATTERS AFFECTING THE LAND

The following information is provided in good faith and Council shall not incur any liability in respect of such advice in accordance with section 10.7(6) of the Environmental Planning and Assessment Act 1979.

26. RESOLUTION OF COUNCIL TO PREPARE AMENDING LOCAL ENVIRONMENTAL PLANS

Council has not made any resolution to amend Griffith Local Environmental Plan 2014.

27. TREE PRESERVATION ORDER

Griffith City Council has adopted a policy in respect to the preservation of trees. This policy states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such policy applies without the authority conferred by development consent or a permit granted by Council.

28. REMNANT VEGETATION

Not applicable.

29. BUFFER ZONES

The subject site has not been mapped as being within a buffer zone of an industry or other activity.

30. SECTION 64 CONTRIBUTIONS (LOCAL GOVERNMENT ACT, 1993)

The effect of section 64 of the Local Government Act 1993 is to give the functions of the Water Management Act 2021 to Council in the same way it applies to a water supply authority. Section 306(2) of the Water Management Act 2021 enables a water supply authority to require a developer to do either or both of the following:

- (a) *to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
- (b) *to construct water management works to serve the development.*

In this regard Griffith City Council has Development Servicing Plans for water, sewerage and stormwater which may apply to the land, details of which are available of Council's website, www.griffith.nsw.gov.au. For further information pertaining to these development servicing plans please contact Griffith City Council.

31. PROPERTIES NOT CONNECTED TO SEWER

If the property is not connected to the sewer and sewage management facilities are provided, owners of the land need to comply with the performance standards of the Local Government (General) Regulation 2005 and possibly specific Council requirements. Any intending purchaser will need to consider the adequacy of the facilities and sewage management arrangements in place.

32. RURAL NUMBERING

Council is in the process of releasing Rural Numbers to all occupied properties in the Griffith Local Government Area. If the land is within the affected area, you may notice a change of property address however the real property description, being the Lot and Deposited Plan (DP) number remain unchanged. You will need to update your records to take advantage of any roadside delivery service provided by Australia Post.

For further information about Rural Numbering contact Griffith City Council. If you have questions regarding any roadside delivery service you are advised to contact Australia Post.

Signed: 

**Under Delegated Authority
of the General Manager**