

**28/08/2024**

**InfoTrack  
GPO Box 4029  
SYDNEY NSW 2000**

Dear Sir/ Madam,

Following is your planning certificate as requested. Should you have any further queries please contact Council on (02) 9725 0821.

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**PLANNING CERTIFICATE**

(under section 10.7 of the Environmental Planning and Assessment Act 1979 as amended)

<b>Applicant:</b>	<b>InfoTrack</b>
<b>Certificate No.:</b>	<b>3233/2024</b>
<b>Applicant's Reference:</b>	<b>BGWYN-JP-#143829578#</b>
<b>Issue Date:</b>	<b>28/08/2024</b>
<b>Receipt No.:</b>	

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<b>PROPERTY ADDRESS:</b>	<b>96 Brenan Street SMITHFIELD NSW 2164</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 28 DP: 35591</b>

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**Marcus Rowan**  
**MANAGER STRATEGIC LAND USE PLANNING**

**PLEASE NOTE:** This is page 1 of 24. Should this certificate or any subsequent copy not contain this many pages, please confirm with Council prior to acting on the basis of information contained in this certificate under Section 10.7(2) & (5) and inclusive of Flood Information Sheet.

## Information provided under Section 10.7(2) of the Environmental Planning and Assessment Act 1979

### Notes:

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- (1) The following prescribed matters may apply to the land to which this certificate relates.
  - (2) Where this certificate refers to a specific allotment (or allotments) within a strata plan, the certificate is issued for the whole of the land within the strata plan, not just the specific allotment(s) referred to, and any information contained in the certificate may relate to the whole, or any part, of the strata plan.
  - (3) The following information is provided pursuant to Section 10.7(2) of the Environmental Planning and Assessment Act 1979 as prescribed by Schedule 3 of the Environmental Planning and Assessment Regulation 2021 and is applicable as at the date of this certificate.
  - (4) Information provided in this certificate should be interpreted in conjunction with the relevant plans, policies and documents held at Council. In order to obtain copies of these documents you may purchase them by either contacting Council on (02) 9725 0821 or attending Council's Administration Centre at 86 Avoca Road, Wakeley.
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### 1. Names of relevant planning instruments and development control plans

- (1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

State Environmental Planning Policies (SEPP)

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**State Environmental Planning Policy (Primary Production) 2021**

**State Environmental Planning Policy (Resilience and Hazards) 2021**

**State Environmental Planning Policy (Industry and Employment) 2021**

**State Environmental Planning Policy (Resources and Energy) 2021**

**State Environmental Planning Policy (Planning Systems) 2021**

**State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

**State Environmental Planning Policy (Housing) 2021**

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**State Environmental Planning Policy (Sustainable Buildings) 2022**

Regional Environmental Plans (Deemed SEPP)

**There is no Regional Environmental Plan applying to this land.**

Local Environmental Plans (LEP)

**Fairfield Local Environmental Plan 2013**

**Published on NSW Legislation Website: 17/05/2013.**

**In Force from: 31/05/2013.**

**As Amended.**

Development Control Plans (DCP)

**The land is subject to adopted Development Control Plans. (See attached schedule).**

- (2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been the subject of community consultation or on public exhibition under the Act that will apply to the carrying out of development on that land.

Draft State Environmental Planning Policies (SEPP)

**There is no draft SEPP applying to this land.**

Draft Local Environmental Plan (LEP)

**There is no other draft LEP applying to this land.**

Draft Development Control Plan (DCP)

**No Draft DCP applies**

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if –
- a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or
  - b) for a proposed environmental planning instrument – the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

**None relevant.**

- (4) In this section, ***proposed environmental planning instrument*** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **2. Zoning and land use under relevant planning instruments**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in any zone, however described –

**(a) what is the identity of the zone,**

**R3 Medium Density Residential**

**(b) the purposes for which development in the zone**

**(i) may be carried out without development consent**

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

**(ii) may not be carried out except with development consent**

**Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item (b)(i) or (b)(iii).**

**(iii) is prohibited,**

**Agriculture; Air transport facilities; Airstrips; 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; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.**

**c) whether any additional uses apply to the land,**

**There are no additional uses permitted with consent.**

- d) 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 fixed minimum land dimensions,

**No development standards that fix the minimum land dimensions for the erection of a dwelling house apply to this land. Controls in other policies and plans may apply.**

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,

**No.**

- (f) whether the land is in a conservation area, however described,

**No**

- (g) whether an item of environmental heritage, however described, is located on the land.

**No.**

**Attention is drawn however to Clause 5.10(5) of Fairfield Local Environmental Plan 2013:**

**"The consent authority may, before granting consent to any development:**

**(a) on land on which a heritage item is located, or**

**(b) on land that is within a heritage conservation area, or**

**(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),**

**require a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."**

### **3. Contributions plans**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

**Fairfield City Local Infrastructure Contributions Plan 2023 applies to all land within the City of Fairfield.**

- (2) If the land is in a special contributions area under the Act, Divisions 7.1, the name of the area.

**None.**

### **4. Complying development**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* because of that Policy clause 1.17A (1) (c)- (e), (2), (3) or (4), 1.18 (1)(c3) or 1.19.

**Housing Code:**

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

**Rural Housing Code:**

**No. The Rural Housing Code does not apply to this land.**

**Low Rise Housing Diversity Code:**

**Complying development under the Low Rise Housing Diversity Code may be carried out on the land.**

**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.**

**Industrial and Business Alterations Code:**

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

**Industrial and Business Buildings Code:**

**No. The Industrial and Business Buildings Code does not apply to the land.**

**Container Recycling Facilities Code:**

**No. The Container Recycling Facilities Code does not apply to the land.**

**Subdivisions Code:**

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

**Demolition Code:**

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

**Fire Safety Code:**

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

**Agritourism Code:**

**No. The Agritourism Code does not apply to the land.**

- (2) If complying development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

**None relevant.**

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that –
- (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

**Council does not have any relevant statement to make in relation to any further restrictions that may apply to complying development being carried out on the land. All information in relation to the extent that complying development can be carried out on the land is provided under Part 4(1) & (2) of this certificate.**

**Note: Part 4(1) and (2) refers only to land based exclusions as listed in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP (Exempt and Complying Development Codes) 2008. To be complying development, the development must be complying development that meets the standards and other requirements specified for that development as required by the SEPP. Please contact your accredited certifier or Council for further information.**

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

**The Housing Code is varied in its application by omitting clauses 3.16(1(a) and 4 and 3.23(3).**

## **5. Exempt development**

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.

**Yes - exempt development may be carried out on the land.**

- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

**Not applicable**

- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
- (a) a restriction applies to the land, but it may not apply to all of the land, and

**None relevant**

- (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

**To be exempt development, the development must meet the requirements and criteria specified under the SEPP (Exempt and Complying Development Codes) 2008 that can be viewed on the NSW Legislation Website at [www.legislation.nsw.gov.au/browse/inforce](http://www.legislation.nsw.gov.au/browse/inforce).**

- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.

**None.**

## **6. Affected building notices and building product rectification orders**

- (1) Whether the council is aware that –
- (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section –  
***affected building notice*** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.  
***building product rectification*** order has the same meaning as in the Building Products (Safety) Act 2017.

**None relevant.**

## **7. Land reserved for acquisition**

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

**The land is not reserved for acquisition under Fairfield Local Environmental Plan 2013.**

## **8. Road widening and road realignment**



Whether the land is affected by road widening or road realignment under-

- (a) the *Roads Act* 1993, Part 3, Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the council.

**The land is not affected by any road widening proposal under Division 2 of Part 3 of the Roads Act or Fairfield Local Environmental Plan 2013.**

## **9. Flood related development controls**

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.

**Based on the information currently available to Council, the land is not within the flood planning area. However, this is subject to future flood studies and reviews.**

### **Mainstream Flooding**

**Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.**

### **Overland Flooding**

**Based on the information currently available to Council, this land is not affected by overland flooding. However, this is subject to future flood studies and reviews.**

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

**Based on the information currently available to Council, the land is not between the flood planning area and the probable maximum flood. However, this is subject to future flood studies and reviews.**

**Note:** The flood information is the current information to date. However, Council reviews flood studies on an on-going basis and new information may become available in future. Please contact Council's Catchment Planning Division on 9725 0222 for any updated information.

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- (3) In this clause –
    - flood planning area** has the same meaning as the Flood Risk Management Manual.
    - Flood Risk Management Manual** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.
    - probable maximum flood** has the same meaning as in the Flood Risk Management Manual.
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## **10. Council and other public authority policies on hazard risk restrictions**

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

**Policies on hazard risk restrictions are as follows:**

**(i) Landslip**

The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of landslide risk or subsidence.

**(ii) Bushfire**

Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.

**(iii) Tidal Inundation**

No.

**(iv) Subsidence**

No, the land is not so affected

**(v) Acid Sulfate Soils**

The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of acid sulfate soils.

**(vi) Contamination**

The provisions of Section 3.6 - Land Contamination of the Fairfield City Wide DCP applies to all land in the Fairfield Local Government Area. Under State Government planning legislation, this requires Council to take into consideration the potential for contamination of land when a development application or a rezoning proposal is considered by Council, having regard to current or previous uses of the land

**(vii) Aircraft Noise**

**None relevant**

**(viii) Salinity**

**A Council adopted policy No 67. Building in saline environments applies to the land.**

**(ix) Coastal hazards**

**None relevant.**

**(x) Sea level rise**

**None relevant.**

**(xi) Any other risks**

**No, the land is not so affected**

(2) In this section—

***adopted policy*** means a policy adopted—

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

**11. Bush fire prone land**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

**Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.**

**12. Loose-fill asbestos insulation**

If the land includes any residential premises, within the meaning of the *Home Building Act 1989, Part 8, Division 1A*, that are listed on the register kept under that Division, a statement to that effect.

**Not Applicable.**

**13. Mine Subsidence**

Whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

**No, this land is not affected.**

**14. Paper subdivision information**

- (1) The name of any development plan adopted by a relevant authority that –
  - (a) applies to the land, or
  - (b) is proposed to be subject to a ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

**No such plan or order applies to the land.**

**15. Property vegetation plans**

If the land is land in relation to which a property vegetation plan approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

**No.**

**16. Biodiversity stewardship sites**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the the Biodiversity Conservation Trust.

**Note:** "Biodiversity stewardship agreements include biobanking agreements under the *Threatened Species Conservation Act 1995*, Part 7A that are taken to be biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016*, Part 5.

**No such agreement applies to the land.**

**17. Biodiversity certified land**

If the land is biodiversity certificate land under the *Biodiversity Conservation Act 2016*, Part 8, a statements to that effect.

**Note :** Biodiversity certified land includes land certified under the *Threatened Species Conservation Act*, Part 7AA that is taken to be certified under the *Biodiversity Conservation Act 2016*, Part 8.

**The land is not biodiversity certified land.**

**18. Orders under Trees (Disputes between Neighbours) Act 2006**

Whether 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, but only if the council has been notified of the order.

No

**19. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

(1) If the *Coastal Management Act 2016* applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

(2) In this section –  
**existing coastal protection works** has the same meaning as in the *Local Government Act 1993*, section 553B.

**Note** – Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existing before 1 January 2011.

**No annual charges under section 553B of the *Local Government Act 1993*, are applicable to the land.**

**20. Western Sydney Aerotropolis**

Whether under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, Chapter 4 the land is –

(a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Chapter, section 4.17, or

**No**

(b) shown on the Lighting Intensity and Wind Shear Map, or

**No**

(c) shown on the Obstacle Limitation Surface Map, or

**No**

(d) in the “public safety area” on the Public Safety Area Map, or

**No**

(e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

**No**

## 21. Development consent conditions for seniors housing

If *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, clause 88(2).

None.

## 22. Site compatibility certificates and development consents for affordable rental housing

- (1) Whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

None.

- (2) If *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, clause 21(1) or 40(1).

None.

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

None.

- (4) In this section—  
**former site compatibility certificate** means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

## 23. Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

### Note –

A public water utility may not be the provider of some or all the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage

services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

### **Not applicable.**

**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) that the land to which the certificate relates is significantly contaminated land—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

**Continuously updated information in relation to the above matters can also be found by searching the records of the Environmental Protection Authority (EPA) at the website of the EPA. The search page can be found at: <http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx>.**

**The following information is available to Council but may not be current:**

**The land is not within an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.**

**The land is not subject to a management order within the meaning of the Contaminated Land Management Act 1997.**

**The land is not subject to a Voluntary Management Proposal that is the subject of the Environment Protection Authority's agreement under Section 17 of the Contaminated Land Management Act 1997.**

**The land is not subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997.**

**Note 2:** Any advice received by Council pursuant to section 26(2) of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009, is included below.

**No such certificate applies to the land.**

**The following additional information is provided under  
Section 10.7(5) of the Environmental Planning and Assessment Act 1979**

**Note:**

- (1) When information pursuant to section 10.7(5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section.
- (2) Council draws your attention to section 10.7(6), which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).
- (3) 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.

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**The land is subject to the provisions of the SEPP (Biodiversity and Conservation) 2021, Vegetation in non-rural areas which sets the rules for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.**

**Land must not be cleared or filled except with the consent of Council.**

**Potential for Salinity - The applicant's attention is drawn to the Department of Infrastructure, Planning and Natural Resources map at the 1:100,000 scale 'Salinity Potential in Western Sydney 2002' that indicates there is potential for salinity in the Region. The map can be viewed at Council's Customer Service Centre (86 Avoca Road Wakeley).**

**Building In Saline Environments - Council's policy 'Building in Saline Environments', applies to all areas of Fairfield City and requires use of construction measures and materials in new development to minimise risk of salt damage to buildings from urban salinity.**

**Western Sydney Airport - On 15th April 2014, the Australian Government announced its intention to proceed with an airport at Badgerys Creek in the Liverpool City Council area. The Western Sydney Airport Environmental Impact Statement (EIS) was finalised by the Commonwealth Government on 15 September 2016. You should make your own enquiries with the Commonwealth Government Department responsible for the airport via the following website: <https://www.westernsydneyairport.gov.au/media-resources/resources/environmental-assessment>. A draft Environmental Impact Statement (EIS) for the Western Sydney International Airport (WSIA) airspace and flight path design is now on public exhibition. The draft EIS consists of the development and implementation of proposed flight paths and a new controlled airspace volume for single runway operations at WSIA which are due to commence in 2026. The draft EIS is on public exhibition until 31 January 2024 and can be accessed via the following link: <https://www.wsiflightpaths.gov.au/digital-draft-eis/>. /#**

**Demolition of a building or work requires development consent under clause 2.7 of Fairfield Local Environmental Plan 2013.**

**There is no draft SEPP applying to this land.**



# FAIRFIELD CITY COUNCIL DEVELOPMENT CONTROL PLANS

## Fairfield Citywide Development Control Plan

Title	Adopted by Council*	Effective Date
Fairfield Citywide Development Control Plan 2013	13 November 2012	31 May 2013
Fairfield Citywide Development Control Plan 2024	13 August 2024	22 August 2024

## Place Based and Site Specific Development Control Plans

Title	Adopted by Council*	Effective Date
Bonnyrigg Town Centre DCP 2018	6 August 2019	4 September 2020
Cabramatta Town Centre DCP (5/2000) - <u>Amendment No.1</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 2</u> (New clause regarding Model Submission – 3.09.2014) - <u>Amendment No. 3</u> (Amended clauses and map regarding Precinct 2- Dutton Lane Car Park) - <u>Amendment No. 4</u> (Precinct 4A – East side market square and station interface)	10 May 2022	07 October 2022
Fairfield City Centre DCP 2013 - <u>Amendment No.1</u> (Outdoor Dining Controls – 5.3. 2014) - <u>Amendment No. 2</u> (Remove reference to Public Art Guide and update signage controls reference – 3.09.2014) - <u>Amendment No. 3</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Canley Corridor DCP No.37 (2013) (Canley Vale and Canley Heights town centres) - <u>Amendment No.1:</u> (Development Controls for Adams Reserve 12.9.2006) - <u>Amendment No.2:</u> (Development Controls for 45-47 Peel St, Canley Heights 9.4.2008) - <u>Amendment No.3:</u> (Awnings controls 3.11.2010) - <u>Amendment No.4:</u> (Development Controls for 190 Canley Vale Rd, Canley Heights 19.4.2011) - <u>Amendment No.5:</u> (References to Fairfield LEP 2013 31.5.2013) - <u>Amendment No.6:</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 7</u> (Remove reference to Public Art Guide – 3.09.2014) - <u>Amendment No. 8</u> (Include 46 Derby Street, Canley Heights into Town Centre Catchment – 01.07.2015) - <u>Amendment No. 9</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Prairiewood Town Centre – Southern Precinct DCP 2013	13 November 2012	31 May 2013
Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
Fairfield Heights Town Centre DCP 2018	06 August 2019	05 June 2020
Villawood Town Centre DCP 2020 - <u>Amendment No. 2:</u> (amend DCP to reflect LEP changes to 899-898 Woodville Road and 15 Hilwa Road, Villawood – 22 August 2024)	28 April 2020	05 June 2020

## Master Plans

Title	Adopted by Council*	Effective Date
Prairiewood Masterplan (December 2005)	13 November 2012	31 May 2013
Fairfield Town Centre Masterplans – The Crescent and Barbara Street Precincts (May 2007)		May 2007

## Urban Design Studies

Title	Adopted by Council
Fairfield City Centre Key Sites Urban Design Study	27 March 2018
Fairfield Heights Town Centre Urban Design Study	27 March 2018
Villawood Town Centre Urban Design Study	27 March 2018
Fairfield City Centre Urban Design Study – Whole of Centre	14 June 2022
Cabramatta Town Centre Urban Design Study	14 June 2022
Canley Vale Local Centre Urban Design Study	14 June 2022
Carramar Neighbourhood Precinct Urban Design Study	14 June 2022
Yennora Neighbourhood Centre Urban Design Study	9 May 2023

\* Note: Some "In Force" Development Control Plans may be under review, check with Council for date of last amendment.

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# Flood Information Sheet

<b>Applicant:</b>	<b>InfoTrack</b>
<b>Certificate No.:</b>	<b>3233/2024</b>
<b>Applicant's Reference:</b>	<b>BGWYN-JP-#143829578#</b>
<b>Issue Date:</b>	<b>28/08/2024</b>
<b>Receipt No.:</b>	

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<b>PROPERTY ADDRESS:</b>	<b>96 Brenan Street SMITHFIELD NSW 2164</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 28 DP: 35591</b>

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*Council has adopted a policy on flooding which may restrict the development of land. The Fairfield City-Wide Development Control Plan 2013 (which includes provisions for flood management) applies to all of the Fairfield Local Government area.*

## Important Notes:

**Not Applicable** values indicate that the subject land is not known to be subject to flooding.

**Not Available** values indicate that Council does not have the required flood information for the subject land.

A Glossary is also attached at the end of this Flood Information Sheet.

# MAINSTREAM FLOODING

## Description

Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.

## Mainstream Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum PMF maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 100 year minimum 1 in 100 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 20 year minimum 1 in 20 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>

## LOCAL OVERLAND FLOODING

### Description

Based on the information currently available to Council, this land is not affected by overland flooding. However, this is subject to future flood studies and reviews.

### Local Overland Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum PMF maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 100 year minimum 1 in 100 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 20 year minimum 1 in 20 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>

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

	buildings (other than development for the purposes of group homes or seniors housing)
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**28/08/2024**

**InfoTrack  
GPO Box 4029  
SYDNEY NSW 2000**

Dear Sir/ Madam,

Following is your planning certificate as requested. Should you have any further queries please contact Council on (02) 9725 0821.

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**PLANNING CERTIFICATE**

(under section 10.7 of the Environmental Planning and Assessment Act 1979 as amended)

<b>Applicant:</b>	<b>InfoTrack</b>
<b>Certificate No.:</b>	<b>3234/2024</b>
<b>Applicant's Reference:</b>	<b>BGWYN-JP-#143829652#</b>
<b>Issue Date:</b>	<b>28/08/2024</b>
<b>Receipt No.:</b>	

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<b>PROPERTY ADDRESS:</b>	<b>98 Brenan Street SMITHFIELD NSW 2164</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 27 DP: 35591</b>

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**Marcus Rowan**  
**MANAGER STRATEGIC LAND USE PLANNING**

**PLEASE NOTE:** This is page 1 of 24. Should this certificate or any subsequent copy not contain this many pages, please confirm with Council prior to acting on the basis of information contained in this certificate under Section 10.7(2) & (5) and inclusive of Flood Information Sheet.

## Information provided under Section 10.7(2) of the Environmental Planning and Assessment Act 1979

### Notes:

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- (1) The following prescribed matters may apply to the land to which this certificate relates.
  - (2) Where this certificate refers to a specific allotment (or allotments) within a strata plan, the certificate is issued for the whole of the land within the strata plan, not just the specific allotment(s) referred to, and any information contained in the certificate may relate to the whole, or any part, of the strata plan.
  - (3) The following information is provided pursuant to Section 10.7(2) of the Environmental Planning and Assessment Act 1979 as prescribed by Schedule 3 of the Environmental Planning and Assessment Regulation 2021 and is applicable as at the date of this certificate.
  - (4) Information provided in this certificate should be interpreted in conjunction with the relevant plans, policies and documents held at Council. In order to obtain copies of these documents you may purchase them by either contacting Council on (02) 9725 0821 or attending Council's Administration Centre at 86 Avoca Road, Wakeley.
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### 1. Names of relevant planning instruments and development control plans

- (1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

State Environmental Planning Policies (SEPP)

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**State Environmental Planning Policy (Primary Production) 2021**

**State Environmental Planning Policy (Resilience and Hazards) 2021**

**State Environmental Planning Policy (Industry and Employment) 2021**

**State Environmental Planning Policy (Resources and Energy) 2021**

**State Environmental Planning Policy (Planning Systems) 2021**

**State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

**State Environmental Planning Policy (Housing) 2021**

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**State Environmental Planning Policy (Sustainable Buildings) 2022**

Regional Environmental Plans (Deemed SEPP)

**There is no Regional Environmental Plan applying to this land.**

Local Environmental Plans (LEP)

**Fairfield Local Environmental Plan 2013**  
**Published on NSW Legislation Website: 17/05/2013.**  
**In Force from: 31/05/2013.**  
**As Amended.**

Development Control Plans (DCP)

**The land is subject to adopted Development Control Plans. (See attached schedule).**

- (2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been the subject of community consultation or on public exhibition under the Act that will apply to the carrying out of development on that land.

Draft State Environmental Planning Policies (SEPP)

**There is no draft SEPP applying to this land.**

Draft Local Environmental Plan (LEP)

**There is no other draft LEP applying to this land.**

Draft Development Control Plan (DCP)

**No Draft DCP applies**

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if –
- a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or
  - b) for a proposed environmental planning instrument – the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

**None relevant.**

- (4) In this section, ***proposed environmental planning instrument*** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **2. Zoning and land use under relevant planning instruments**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in any zone, however described –

**(a) what is the identity of the zone,**

**R3 Medium Density Residential**

**(b) the purposes for which development in the zone**

**(i) may be carried out without development consent**

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

**(ii) may not be carried out except with development consent**

**Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item (b)(i) or (b)(iii).**

**(iii) is prohibited,**

**Agriculture; Air transport facilities; Airstrips; 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; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.**

**c) whether any additional uses apply to the land,**

**There are no additional uses permitted with consent.**

- d) 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 fixed minimum land dimensions,

**No development standards that fix the minimum land dimensions for the erection of a dwelling house apply to this land. Controls in other policies and plans may apply.**

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,

**No.**

- (f) whether the land is in a conservation area, however described,

**No**

- (g) whether an item of environmental heritage, however described, is located on the land.

**No.**

**Attention is drawn however to Clause 5.10(5) of Fairfield Local Environmental Plan 2013:**

**"The consent authority may, before granting consent to any development:**

**(a) on land on which a heritage item is located, or**

**(b) on land that is within a heritage conservation area, or**

**(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),**

**require a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."**

### **3. Contributions plans**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

**Fairfield City Local Infrastructure Contributions Plan 2023 applies to all land within the City of Fairfield.**

- (2) If the land is in a special contributions area under the Act, Divisions 7.1, the name of the area.

**None.**

### **4. Complying development**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* because of that Policy clause 1.17A (1) (c)- (e), (2), (3) or (4), 1.18 (1)(c3) or 1.19.

**Housing Code:**

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

**Rural Housing Code:**

**No. The Rural Housing Code does not apply to this land.**

**Low Rise Housing Diversity Code:**

**Complying development under the Low Rise Housing Diversity Code may be carried out on the land.**

**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.**

**Industrial and Business Alterations Code:**

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

**Industrial and Business Buildings Code:**

**No. The Industrial and Business Buildings Code does not apply to the land.**

**Container Recycling Facilities Code:**

**No. The Container Recycling Facilities Code does not apply to the land.**

**Subdivisions Code:**

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

**Demolition Code:**

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

**Fire Safety Code:**

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

**Agritourism Code:**

**No. The Agritourism Code does not apply to the land.**

- (2) If complying development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

**None relevant.**

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that –
- (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

**Council does not have any relevant statement to make in relation to any further restrictions that may apply to complying development being carried out on the land. All information in relation to the extent that complying development can be carried out on the land is provided under Part 4(1) & (2) of this certificate.**

**Note: Part 4(1) and (2) refers only to land based exclusions as listed in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP (Exempt and Complying Development Codes) 2008. To be complying development, the development must be complying development that meets the standards and other requirements specified for that development as required by the SEPP. Please contact your accredited certifier or Council for further information.**

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

**The Housing Code is varied in its application by omitting clauses 3.16(1(a) and 4 and 3.23(3).**

## **5. Exempt development**

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.

**Yes - exempt development may be carried out on the land.**

- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

**Not applicable**

- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
- (a) a restriction applies to the land, but it may not apply to all of the land, and

**None relevant**

- (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

**To be exempt development, the development must meet the requirements and criteria specified under the SEPP (Exempt and Complying Development Codes) 2008 that can be viewed on the NSW Legislation Website at [www.legislation.nsw.gov.au/browse/inforce](http://www.legislation.nsw.gov.au/browse/inforce).**

- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.

**None.**

## **6. Affected building notices and building product rectification orders**

- (1) Whether the council is aware that –
- (a) an affected building notice is in force in relation to the land, or
- (b) a building product rectification order is in force in relation to the land that has been fully complied with, or
- (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section –  
***affected building notice*** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.  
***building product rectification*** order has the same meaning as in the Building Products (Safety) Act 2017.

**None relevant.**

## **7. Land reserved for acquisition**

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

**The land is not reserved for acquisition under Fairfield Local Environmental Plan 2013.**

## **8. Road widening and road realignment**



Whether the land is affected by road widening or road realignment under-

- (a) the *Roads Act* 1993, Part 3, Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the council.

**The land is not affected by any road widening proposal under Division 2 of Part 3 of the Roads Act or Fairfield Local Environmental Plan 2013.**

## **9. Flood related development controls**

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.

**Based on the information currently available to Council, the land is not within the flood planning area. However, this is subject to future flood studies and reviews.**

### **Mainstream Flooding**

**Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.**

### **Overland Flooding**

**Based on the information currently available to Council, this land is not affected by overland flooding. However, this is subject to future flood studies and reviews.**

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

**Based on the information currently available to Council, the land is not between the flood planning area and the probable maximum flood. However, this is subject to future flood studies and reviews.**

**Note:** The flood information is the current information to date. However, Council reviews flood studies on an on-going basis and new information may become available in future. Please contact Council's Catchment Planning Division on 9725 0222 for any updated information.

- 
- (3) In this clause –
    - flood planning area*** has the same meaning as the Flood Risk Management Manual.
    - Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.
    - probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
- 

## **10. Council and other public authority policies on hazard risk restrictions**

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

**Policies on hazard risk restrictions are as follows:**

**(i) Landslip**

The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of landslide risk or subsidence.

**(ii) Bushfire**

Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.

**(iii) Tidal Inundation**

No.

**(iv) Subsidence**

No, the land is not so affected

**(v) Acid Sulfate Soils**

The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of acid sulfate soils.

**(vi) Contamination**

The provisions of Section 3.6 - Land Contamination of the Fairfield City Wide DCP applies to all land in the Fairfield Local Government Area. Under State Government planning legislation, this requires Council to take into consideration the potential for contamination of land when a development application or a rezoning proposal is considered by Council, having regard to current or previous uses of the land

**(vii) Aircraft Noise**

**None relevant**

**(viii) Salinity**

**A Council adopted policy No 67. Building in saline environments applies to the land.**

**(ix) Coastal hazards**

**None relevant.**

**(x) Sea level rise**

**None relevant.**

**(xi) Any other risks**

**No, the land is not so affected**

(2) In this section—

***adopted policy*** means a policy adopted—

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

**11. Bush fire prone land**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

**Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.**

**12. Loose-fill asbestos insulation**

If the land includes any residential premises, within the meaning of the *Home Building Act 1989, Part 8, Division 1A*, that are listed on the register kept under that Division, a statement to that effect.

**Not Applicable.**

**13. Mine Subsidence**

Whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

**No, this land is not affected.**

**14. Paper subdivision information**

- (1) The name of any development plan adopted by a relevant authority that –
  - (a) applies to the land, or
  - (b) is proposed to be subject to a ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

**No such plan or order applies to the land.**

**15. Property vegetation plans**

If the land is land in relation to which a property vegetation plan approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

**No.**

**16. Biodiversity stewardship sites**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the the Biodiversity Conservation Trust.

**Note:** "Biodiversity stewardship agreements include biobanking agreements under the *Threatened Species Conservation Act 1995*, Part 7A that are taken to be biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016*, Part 5.

**No such agreement applies to the land.**

**17. Biodiversity certified land**

If the land is biodiversity certificate land under the *Biodiversity Conservation Act 2016*, Part 8, a statements to that effect.

**Note :** Biodiversity certified land includes land certified under the *Threatened Species Conservation Act*, Part 7AA that is taken to be certified under the *Biodiversity Conservation Act 2016*, Part 8.

**The land is not biodiversity certified land.**

**18. Orders under Trees (Disputes between Neighbours) Act 2006**

Whether 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, but only if the council has been notified of the order.

No

**19. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

(1) If the *Coastal Management Act 2016* applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

(2) In this section –  
**existing coastal protection works** has the same meaning as in the *Local Government Act 1993*, section 553B.

**Note** – Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existing before 1 January 2011.

**No annual charges under section 553B of the *Local Government Act 1993*, are applicable to the land.**

**20. Western Sydney Aerotropolis**

Whether under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, Chapter 4 the land is –

(a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Chapter, section 4.17, or

**No**

(b) shown on the Lighting Intensity and Wind Shear Map, or

**No**

(c) shown on the Obstacle Limitation Surface Map, or

**No**

(d) in the “public safety area” on the Public Safety Area Map, or

**No**

(e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

**No**

## 21. Development consent conditions for seniors housing

If *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, clause 88(2).

**None.**

## 22. Site compatibility certificates and development consents for affordable rental housing

- (1) Whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

**None.**

- (2) If *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, clause 21(1) or 40(1).

**None.**

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

**None.**

- (4) In this section—  
**former site compatibility certificate** means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

## 23. Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

### **Note –**

A public water utility may not be the provider of some or all the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage

services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

### **Not applicable.**

**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) that the land to which the certificate relates is significantly contaminated land—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

**Continuously updated information in relation to the above matters can also be found by searching the records of the Environmental Protection Authority (EPA) at the website of the EPA. The search page can be found at: <http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx>.**

**The following information is available to Council but may not be current:**

**The land is not within an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.**

**The land is not subject to a management order within the meaning of the Contaminated Land Management Act 1997.**

**The land is not subject to a Voluntary Management Proposal that is the subject of the Environment Protection Authority's agreement under Section 17 of the Contaminated Land Management Act 1997.**

**The land is not subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997.**

**Note 2:** Any advice received by Council pursuant to section 26(2) of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009, is included below.

**No such certificate applies to the land.**

**The following additional information is provided under  
Section 10.7(5) of the Environmental Planning and Assessment Act 1979**

**Note:**

- (1) When information pursuant to section 10.7(5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section.
- (2) Council draws your attention to section 10.7(6), which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).
- (3) 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.

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**The land is subject to the provisions of the SEPP (Biodiversity and Conservation) 2021, Vegetation in non-rural areas which sets the rules for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.**

**Land must not be cleared or filled except with the consent of Council.**

**Potential for Salinity - The applicant's attention is drawn to the Department of Infrastructure, Planning and Natural Resources map at the 1:100,000 scale 'Salinity Potential in Western Sydney 2002' that indicates there is potential for salinity in the Region. The map can be viewed at Council's Customer Service Centre (86 Avoca Road Wakeley).**

**Building In Saline Environments - Council's policy 'Building in Saline Environments', applies to all areas of Fairfield City and requires use of construction measures and materials in new development to minimise risk of salt damage to buildings from urban salinity.**

**Western Sydney Airport - On 15th April 2014, the Australian Government announced its intention to proceed with an airport at Badgerys Creek in the Liverpool City Council area. The Western Sydney Airport Environmental Impact Statement (EIS) was finalised by the Commonwealth Government on 15 September 2016. You should make your own enquiries with the Commonwealth Government Department responsible for the airport via the following website: <https://www.westernsydneyairport.gov.au/media-resources/resources/environmental-assessment>. A draft Environmental Impact Statement (EIS) for the Western Sydney International Airport (WSIA) airspace and flight path design is now on public exhibition. The draft EIS consists of the development and implementation of proposed flight paths and a new controlled airspace volume for single runway operations at WSIA which are due to commence in 2026. The draft EIS is on public exhibition until 31 January 2024 and can be accessed via the following link: <https://www.wsiflightpaths.gov.au/digital-draft-eis/>. /#**

**Demolition of a building or work requires development consent under clause 2.7 of Fairfield Local Environmental Plan 2013.**

**There is no draft SEPP applying to this land.**



# FAIRFIELD CITY COUNCIL DEVELOPMENT CONTROL PLANS

## Fairfield Citywide Development Control Plan

Title	Adopted by Council*	Effective Date
Fairfield Citywide Development Control Plan 2013	13 November 2012	31 May 2013
Fairfield Citywide Development Control Plan 2024	13 August 2024	22 August 2024

## Place Based and Site Specific Development Control Plans

Title	Adopted by Council*	Effective Date
Bonnyrigg Town Centre DCP 2018	6 August 2019	4 September 2020
Cabramatta Town Centre DCP (5/2000) - <u>Amendment No.1</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 2</u> (New clause regarding Model Submission – 3.09.2014) - <u>Amendment No. 3</u> (Amended clauses and map regarding Precinct 2- Dutton Lane Car Park) - <u>Amendment No. 4</u> (Precinct 4A – East side market square and station interface)	10 May 2022	07 October 2022
Fairfield City Centre DCP 2013 - <u>Amendment No.1</u> (Outdoor Dining Controls – 5.3. 2014) - <u>Amendment No. 2</u> (Remove reference to Public Art Guide and update signage controls reference – 3.09.2014) - <u>Amendment No. 3</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Canley Corridor DCP No.37 (2013) (Canley Vale and Canley Heights town centres) - <u>Amendment No.1:</u> (Development Controls for Adams Reserve 12.9.2006) - <u>Amendment No.2:</u> (Development Controls for 45-47 Peel St, Canley Heights 9.4.2008) - <u>Amendment No.3:</u> (Awnings controls 3.11.2010) - <u>Amendment No.4:</u> (Development Controls for 190 Canley Vale Rd, Canley Heights 19.4.2011) - <u>Amendment No.5:</u> (References to Fairfield LEP 2013 31.5.2013) - <u>Amendment No.6:</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 7</u> (Remove reference to Public Art Guide – 3.09.2014) - <u>Amendment No. 8</u> (Include 46 Derby Street, Canley Heights into Town Centre Catchment – 01.07.2015) - <u>Amendment No. 9</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Prairiewood Town Centre – Southern Precinct DCP 2013	13 November 2012	31 May 2013
Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
Fairfield Heights Town Centre DCP 2018	06 August 2019	05 June 2020
Villawood Town Centre DCP 2020 - <u>Amendment No. 2:</u> (amend DCP to reflect LEP changes to 899-898 Woodville Road and 15 Hilwa Road, Villawood – 22 August 2024)	28 April 2020	05 June 2020

## Master Plans

Title	Adopted by Council*	Effective Date
Prairiewood Masterplan (December 2005)	13 November 2012	31 May 2013
Fairfield Town Centre Masterplans – The Crescent and Barbara Street Precincts (May 2007)		May 2007

## Urban Design Studies

Title	Adopted by Council
Fairfield City Centre Key Sites Urban Design Study	27 March 2018
Fairfield Heights Town Centre Urban Design Study	27 March 2018
Villawood Town Centre Urban Design Study	27 March 2018
Fairfield City Centre Urban Design Study – Whole of Centre	14 June 2022
Cabramatta Town Centre Urban Design Study	14 June 2022
Canley Vale Local Centre Urban Design Study	14 June 2022
Carramar Neighbourhood Precinct Urban Design Study	14 June 2022
Yennora Neighbourhood Centre Urban Design Study	9 May 2023

\* Note: Some "In Force" Development Control Plans may be under review, check with Council for date of last amendment.

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# Flood Information Sheet

<b>Applicant:</b>	<b>InfoTrack</b>
<b>Certificate No.:</b>	<b>3234/2024</b>
<b>Applicant's Reference:</b>	<b>BGWYN-JP-#143829652#</b>
<b>Issue Date:</b>	<b>28/08/2024</b>
<b>Receipt No.:</b>	

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<b>PROPERTY ADDRESS:</b>	<b>98 Brenan Street SMITHFIELD NSW 2164</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 27 DP: 35591</b>

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*Council has adopted a policy on flooding which may restrict the development of land. The Fairfield City-Wide Development Control Plan 2013 (which includes provisions for flood management) applies to all of the Fairfield Local Government area.*

## Important Notes:

**Not Applicable** values indicate that the subject land is not known to be subject to flooding.

**Not Available** values indicate that Council does not have the required flood information for the subject land.

A Glossary is also attached at the end of this Flood Information Sheet.

# MAINSTREAM FLOODING

## Description

Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.

## Mainstream Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum PMF maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 100 year minimum 1 in 100 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 20 year minimum 1 in 20 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>

## LOCAL OVERLAND FLOODING

### Description

Based on the information currently available to Council, this land is not affected by overland flooding. However, this is subject to future flood studies and reviews.

### Local Overland Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum PMF maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 100 year minimum 1 in 100 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 20 year minimum 1 in 20 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>

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

	buildings (other than development for the purposes of group homes or seniors housing)
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