



PLANNING CERTIFICATE UNDER SECTION 10.7(2) & 10.7(5)

Environmental Planning and Assessment Act 1979 (as amended)

Certificate Number: 139/2025

Fees: \$211.00

Receipt Number: 264241

Date: 18.11.2024

Applicant: Urbis

Property (Land): 24 Dawe Avenue, Finley - Lot 246 // DP1016411

Land Area: 1.974HA

Owner: Finley Hospital

A 10.7(2) and (5) Certificate provides both the information available in a Section 10.7(2) certificate and additional information, such as advice from other authorities, development approvals and refusals and easements that may apply to the land.

1. Relevant Planning Instruments

Environmental planning instruments are statutory plans that guide development and land use. The following apply to the *carrying out of development* (as defined under the *Environmental Planning and Assessment Act 1979* [Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation](#)) on the land:

Local Environmental Plan (LEP)

Berrigan Local Environmental Plan 2013 [Berrigan Local Environmental Plan 2013 | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#).

An LEP sets planning rules for a local government area and is the main planning tool for shaping the future of communities and ensuring local development is done appropriately.

State Environmental Planning Policies (SEPP)

State and local planning legislation and policies set the rules that control what development can occur on your land. State environmental planning policies (SEPPs) apply across the state.

The SEPPs contained in the [State Environmental Planning Policies | Planning \(nsw.gov.au\)](#) listed in the table below, are the most relevant:

SEPP Housing	State Environmental Planning Policy (Housing) 2021 - NSW Legislation
SEPP Transport and Infrastructure	State Environmental Planning Policy (Transport and Infrastructure) 2021 - NSW Legislation
SEPP Primary Production	State Environmental Planning Policy (Primary Production) 2021 (nsw.gov.au)
SEPP Biodiversity and Conservation	State Environmental Planning Policy (Biodiversity and Conservation) 2021 - NSW Legislation
SEPP Resilience and Hazards	State Environmental Planning Policy (Resilience and Hazards) 2021 - NSW Legislation
SEPP Industry and Employment	State Environmental Planning Policy (Industry and Employment) 2021 - NSW Legislation
SEPP Design Quality of Residential Apartment Development	Planning circular – PS 15-002 – Design Quality of Residential Apartment Development – SEPP 65 (nsw.gov.au)
SEPP Resources and Energy	State Environmental Planning Policy (Resources and Energy) 2021 - NSW Legislation
SEPP Planning Systems	State Environmental Planning Policy (Planning Systems) 2021 - NSW Legislation
SEPP Building Sustainability Index BASIX 2004	Sustainability standards for residential development (BASIX) Planning (nsw.gov.au)
SEPP Exempt and Complying Development Codes 2008	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - NSW Legislation

Proposed environmental planning instruments applying to the carrying out of development on the land

Not Applicable.

Development Control Plans (DCP)

Berrigan Development Control Plan 2014:

<https://www.berriganshire.nsw.gov.au/files/assets/public/v/1/04-building-amp-planning/development-control-plan-2014.pdf>

The DCP applies to the carrying out of development on the land.

2. Zoning and land use under Berrigan LEP 2013 ([Berrigan Local Environmental Plan 2013 - NSW Legislation](#))

(a) Zone RU5 Village

(b) **Permitted without consent**

Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems

(c) **Permitted with consent**

Agricultural produce industries; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Freight transport facilities; Function centres; Helipads; Home businesses; Home industries; Home occupations (sex services); Highway service centres; Industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Schools; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; 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 supply systems; Wholesale supplies

(d) **Prohibited**

Cellar door premises; Farm stay accommodation; Heavy industries; Rural workers' dwellings; Any other development not specified in item 2 or 3

(e) Additional permitted uses do not apply to the land.

- (f) The erection of a dwelling on this land is not prohibited by reason of a development standard relating to the minimum land size on which a dwelling house may be erected. Refer to Lot Size Map applicable to the zone.
- (g) The land is not located in an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016 No 63 - NSW Legislation](#).
- (h) The land is not located in a designated conservation area.
- (i) There is not an item of environmental heritage situated on the land.

3. Contribution Plans

- (a) Berrigan Shire Council Development Contributions Plan created under Section 7.18 of the *Environmental Planning Assessment Act 1979* applies to this land.
- (b) Berrigan Shire Councils Development Servicing Plans for Water and Sewer created under Section 64 of the Local Government Act 1993 apply to this land.

4. Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of provisions of clauses 1.17A(1)(c) to (e), (2), (3), and (4), 1.18(1) (c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The Inland Code is relevant to Berrigan Shire. The Inland Code forms part of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the 'Codes SEPP') and it simplifies the planning process for homeowners and farmers in regional NSW and brings together the planning rules for new homes, home renovations and farm buildings for all residential and rural zones in inland NSW. You can build a new single-storey or 2-storey home or undertake home renovations as complying development in inland NSW if your proposal meets the development standards in the Inland Code.

The complying development codes are not varied under clause 1.12 of the SEPP, in relation to the land.

5. Exempt Development

The land is identified as land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, pursuant to clause 1.16(1)(b1) or 1.16A.

The Inland Code is relevant to Berrigan Shire. The Inland Code forms part of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the 'Codes SEPP') and it simplifies the planning process for homeowners and farmers in regional NSW and brings together the planning rules for new homes, home renovations and farm buildings for all residential and rural zones in inland NSW. You can build a new single-storey or 2-storey home or undertake home renovations as complying development in inland NSW if your proposal meets the development standards in the Inland Code.

The exempt development codes are not varied under clause 1.12 of the SEPP, in relation to the land.

6. Affected building notices / building product rectification orders

Council records do not identify any building notice, building product rectification order or notice to make a building product rectification order, that is in force in respect of the land, pursuant to the [Building Products \(Safety\) Act 2017](#).

7. Land reserved for acquisition

The land is not subject to acquisition by a public authority under any planning instrument or proposed environment planning instrument, pursuant to section 3.15 of the [Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation](#).

8. Road widening and road realignment

The *Roads Act 1993* [act-1993-33 \(nsw.gov.au\)](#) regulates the carrying out of various activities on public roads. The land is not affected by any proposal under *Division 2, Part 3 of the Roads Act 1993*, or, any environmental planning instrument, or any resolution of the Council in relation to road widening or realignment.

9. Flood related development controls

The land or part of the land is not within the flood planning area or the probable maximum flood and not subject to flood related development controls within the meaning as in the Flood Risk Management Manual [Flood risk management manual \(nsw.gov.au\)](#).

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

Council, or another public authority, has not adopted a policy that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk (other than flooding).

11. Bush fire prone land

"Bush fire prone land" is land that has been designated by the Commissioner of the NSW Rural Fire Service under section 10.3 (Bush fire prone land) of the *Environmental Planning and Assessment Act 1979* the Act, as being bush fire prone, due to characteristics of vegetation and topography.

The land is not shown as bush fire prone land.

On bush fire prone land, certain development may require further consideration under Section 4.14 or Section 4.46 of the *Environmental Planning & Assessment Act 1979* and under Section 100B of the *Rural Fires Act 1997* [Rural Fires Act 1997 No 65 - NSW Legislation](#)

12. Loose-fill asbestos insulation register

The loose-fill Asbestos Insulation register is a record of homes in NSW that have tested positive and confirmed by NSW Fair Trading to contain loose-fill asbestos. [The Home Building Act 1989](#) requires the NSW Government to maintain the register.

If the land is developed with a residential dwelling (within the meaning of Part 8, Division 1A of the [Home Building Act 1989](#)) identified as containing loose-fill asbestos ceiling insulation, it will be included on the [Loose-fill Asbestos Insulation register | NSW Government](#).

Contact [NSW Fair Trading | NSW Fair Trading](#) for more information.

13. Mine subsidence

The [Coal Mine Subsidence Compensation Act 2017 No 37 - NSW Legislation](#) establishes a scheme under which a person is entitled to compensation for damage of goods in connection with coal extraction.

The land is not identified as a *mine subsidence district* under section 20 of the *Coal Mine Subsidence Compensation Act 2017*. Contact [Mine Subsidence Districts | NSW Government](#) for more information.

14. Paper subdivision information

Paper subdivisions are historical, undeveloped subdivisions that were approved on paper but generally lack infrastructure like formed roads, drainage, reticulated water, sewer or electricity.

Not applicable to the land.

15. Property Vegetation Plan (PVP)

A property vegetation plan (PVP) is a negotiated agreement between a landholder and Local Land Services (as delegated by the Minister). It can incorporate actions that have a positive natural resource outcome that 'offset' or balance negative impacts of clearing to meet, improve or maintain environmental outcomes test required by the *Environmental Planning Assessment Act 1979*.

Not applicable to the land.

16. Biodiversity Stewardship Site

A Biodiversity Stewardship Site refers to land that is designated under the [Biodiversity Conservation Act 2016 \(nsw.gov.au\)](#). The Minister may declare any area in the State to be an area of outstanding biodiversity value.

Not applicable to the land.

17. Biodiversity Certification

Biodiversity Certification identifies areas that can be developed after they are certified and measures to offset the impacts of development.

The land is not biodiversity certified under Part 8 of the [Biodiversity Conservation Act 2016](#).

Biodiversity certified land includes land certified under the [Threatened Species Conservation Act 1995](#). Part 7 and 8 of the [Biodiversity Conservation Act 2016](#), are relevant.

18. Orders under Trees (Disputes Between Neighbours) Act 2006

An order can be made by the Land and Environmental Court concerning a neighbour's tree(s) that cause or are likely to cause harm or trees that form high hedges obstructing sunlight or views. Under the Act the Court can order a range of actions to stop, prevent or remedy the harm or obstruction.

Not applicable to the land.

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

Not applicable to the land (Berrigan Shire).

20. Western Sydney Aerotropolis

Not applicable to the land (Berrigan Shire).

21. Development consent conditions for seniors housing

The [Seniors housing | Planning \(nsw.gov.au\)](#) are not relevant to the land.


22. Site Compatibility Certificates and Development Consent conditions relating to affordable rental housing

The relevant SEPP is [Housing SEPP | Planning \(nsw.gov.au\)](#). Council's records show that a site compatibility certificate under [State Environmental Planning Policy \(Housing\) 2021](#) or former site compatibility certificate, has not been issued for the land.

10.7(5) TABLE

Information requested	Response
a) Is the land affected by a Tree Preservation Order (TPO)?	No
b) Has any development consent with respect to the land been granted within the previous five years?	Yes
c) What is the current approved use of the property?	Hospital
d) Is the land affected by any resolution of Council to seek amendment to any environmental planning instrument or draft environmental planning instrument applying to the land?	No

The information in the Table above has been taken from Council's records and is accurate on the date of issue of this certificate.



NOUREEN WAJID
TOWN PLANNER

Disclaimer: The information contained in this Planning Certificate is current as of the date of issue and consists of information that is already in the public domain. It is intended solely for the use of the recipient. Any personal details are for the purpose of this Planning Certificate only. Council is not responsible for any future disclosure of personal details after the Planning Certificate has been issued.