

SHEA:78044

Ms Karen Denise Shea
20 Burlington Avenue
EARLWOOD NSW 2206

PLANNING CERTIFICATE

Section 10.7 of the Environmental Planning and Assessment Act, 1979.

Certificate No: 20216594
19 August 2021

Land which Certificate is issued for:

Lot 80 DP 10729

20 Burlington Avenue, EARLWOOD NSW 2206

**INFORMATION PROVIDED UNDER SECTION 10.7 (2)
OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.**

Land which Certificate is issued for:

Lot 80 DP 10729

20 Burlington Avenue, EARLWOOD NSW 2206

**PART 1:
ENVIRONMENTAL PLANNING INSTRUMENTS**

1.1 Principal Environmental Planning Instrument

Canterbury Local Environmental Plan 2012

Date effective from

1 January 2013

Land Use Zone

ZONE R2 LOW DENSITY RESIDENTIAL

1. Permitted without consent

Home occupations

2. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Office premises; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Shops; Tank based aquaculture.

3. Prohibited

Any development not specified in item 1 or 2

The above information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

1.2 State Environmental Planning Policies

Note: The following information indicates those State Environmental Planning Policies (SEPP) which may apply to the subject land. A summary explanation of each SEPP can be sourced from the Department of Planning, Industry and Environment (DPIE) website at www.planning.nsw.gov.au. The full wording of each SEPP can also be accessed via the DPIE website.

State Environmental Planning Policies:

No. 19 - Bushland in Urban Areas

No. 21 - Caravan Parks

No. 33 - Hazardous and Offensive Development

No. 50 - Canal Estates

No. 55 - Remediation of Land

No. 64 - Advertising and Signage

No. 65 - Design Quality of Residential Apartment Development

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Primary Production and Rural Development) 2019

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Proposed State Environmental Planning Policies

Not applicable

1.3 Proposed Environmental Planning Instruments (including any Planning Proposals) that are or have been the subject of community consultation or on public exhibition under the Act

The land is affected by Planning Proposal (PP_2019_CBANK_005) which has been placed on public exhibition. The Planning Proposal seeks to produce a single set of planning rules for the Canterbury Bankstown Local Government Area and to implement key actions of current land use strategies.

1.4 Development Control Plans**CANTERBURY DEVELOPMENT CONTROL PLAN 2012**

Contains detailed design guidelines and development standards for development in the former Canterbury City.

1.5 Contribution Plans**CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013**

Development Contributions Plan prepared and adopted under the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000.

PART 2: RESTRICTIONS ON DEVELOPMENT

2.1 Heritage

The land is not affected by a heritage item or within a heritage conservation area under the relevant Principal Environmental Planning Instrument.

2.2 Mine Subsidence

The subject land is not within a mine subsidence district within the meaning of Section 20 of the *Coal Mine Subsidence Compensation Act 2017*.

2.3 Road Widening and Road Realignment

Whether or not the land is affected by a road widening or road realignment proposal under Division 2 or Part 3 of the Roads Act 1993 or an environmental planning instrument;

The land is not affected by a road widening or road realignment proposal under Division 2 or Part 3 of the Roads Act 1993, or an environmental planning instrument.

Whether or not the land is affected by a road widening or road realignment proposal under any resolution of Council.

The land is not affected by a road widening or road realignment proposal under any resolution of Council.

2.4 Council and Other Public Authority Policies on Hazard Risk Restrictions

Whether or not the land is affected by a policy adopted by Council or adopted by any other public authority (and notified to the Council for the express purpose of its adoption by that authority being referred to) that restricts the development of the land because of the likelihood of:

- **Land Slip**

The land is not affected by a policy restriction relating to landslip

- **Bushfire**

Not applicable

- **Tidal Inundation**

The land is not affected by a policy restriction relating to tidal inundation

- **Subsidence**

The land is not affected by a policy restriction relating to subsidence

- **Acid Sulfate Soils**

The land is affected by the Acid Sulfate Soils Assessment Guidelines and Acid Sulfate Soils Planning Guidelines adopted by the Department of Planning, Industry & Environment and the NSW Office of Environment & Heritage and notified to the Council that restricts the development of the land because of the likelihood of acid sulfate soils.

- **Unhealthy Building Land**

The land is not affected by a policy restriction relating to Unhealthy Building Land.

- **Any Other Risk**

Not applicable.

- 2.5 Flooding**
The land, or part of the land, is **not** within the flood planning area (FPA) or probable maximum flood (PMF).

The land, or part of the land, is **not** subject to flood related development controls.
- 2.6 Matters arising under the Contaminated Land Management Act, 1997.**
Council is not aware of the land being affected by any matters as prescribed by Section 59 (2) of the *Contaminated Land Management Act 1997*.

Please refer to the *NSW Environmental Protection Agency (EPA)* for more information.
- 2.7 Land Reserved For Acquisition**
There is no environmental planning instrument, or proposed environmental planning instrument, applying to the land that makes provision for the acquisition of the land (or any part thereof) by a public authority, as referred to in Section 3.15 of the Environmental Planning and Assessment Act 1979.
- 2.8 Property Vegetation Plans**
Not applicable
- 2.9 Orders under Trees (Disputes Between Neighbours) Act 2006**
Not applicable
- 2.10 Directions under Part 3A**
Not applicable
- 2.11 Site Compatibility Certificates and Conditions for Seniors Housing**
Not applicable
- 2.12 Site Compatibility Certificates for Infrastructure**
Not applicable
- 2.13 Site Compatibility Certificates and Conditions for Affordable Rental Housing**
Not applicable
- 2.14 Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**
Not applicable
- 2.15 Biodiversity Certified Land**
Not applicable
- 2.16 Paper Subdivision Information**
Not applicable
- 2.17 Site Verification Certificates**
Not applicable
- 2.18 Loose-Fill Asbestos Ceiling Insulation**
Not applicable
- 2.19 Affected Building Notices and Building Product Rectification Orders**
Not applicable
- 2.20 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020**
Not applicable

2.21

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 the provisions of clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and, if no complying development may be carried out on that land under that Policy, the reasons why complying development may not be carried out on that land. **Note that in order for complying development to be able to be carried out, it must be permissible in the relevant zone in the first place.***

Housing Code (if in a residential zone)	Yes
Rural Housing Code (if in a rural residential zone)	Not applicable
Low Rise Housing Diversity Code	Yes
Housing Alterations Code	Yes
General Development Code	Yes
Greenfield Housing Code	Not applicable
Inland Code	Not applicable
Commercial and Industrial (New Building and Alterations) Code	Yes
Commercial and Industrial Alterations Code	Yes
Container Recycling Facilities Code	Yes
Demolition Code	Yes
Subdivision Code	Yes
Fire Safety Code	Yes

Important Disclaimer: This clause of the Certificate only contains information in respect of that required by clause 3 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000, in relation to Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Other provisions contained in the SEPP, including but not limited to, minimum allotment size requirements, specified development standards or any other general exclusions, may preclude Complying Development under the SEPP from being able to be carried out. You will need to refer to the SEPP for complete details. It is your responsibility to ensure that you comply with all other general requirements of the SEPP. Failure to comply with these provisions may mean that any Complying Development Certificate issued under the provisions of the SEPP is invalid.

**PART 3:
INFORMATION PROVIDED UNDER SECTION 10.7 (5)
OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.**

Note: 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. 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 sub-section (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this Certificate.

3.1 Additional Flood Planning Advice

In addition to Section 2.5 of this certificate, the following information may assist in interpreting the DCP:

Not applicable.

3.2 Tree Preservation Order

A tree preservation order applies to the whole of the City of Canterbury Bankstown.

3.3 Council Policy on Contaminated Land

On 22 August 2017 Council adopted a policy on contaminated land. This policy will restrict development of land:

- a) which is affected by contamination;
- b) which has been used for certain purposes;
- c) in respect of which there is not sufficient information about contamination;
- d) which is proposed to be used for certain purposes;
- e) in other circumstances contained in the policy.

3.4 General Advice Regarding Use of Property

Persons considering commencing a use of or purchasing a property are advised to seek confirmation that the current, or intended, use (as the case may be) has been approved by Council, or does not require Council approval. It is pointed out that the question of “existing use rights” within the meaning of the Environmental Planning and Assessment Act, 1979, is a complex matter, and that the commencement of a use without Council approval (where required) is unlawful and may be subject to enforcement action.

3.5 Other Matters

Not applicable.



**MITCHELL NOBLE
MANAGER SPATIAL PLANNING**