

1980/005:102971

Info Track
GPO Box 4029
SYDNEY NSW 2001

PLANNING CERTIFICATE

**Section 10.7(2)(5) of the Environmental Planning and Assessment Act,
1979.**

Certificate No: 20229291
9 December 2022

Land which Certificate is issued for:

Lot 10 Sec 5 DP 3849

24 Railway Street, HURLSTONE PARK NSW 2193

Note: The information in this certificate is provided pursuant to Section 10.7(2) and (5) of the Environmental Planning and Assessment Act 1979 (the Act), and as prescribed by Schedule 2 of the Environmental Planning and Assessment Regulation 2021 (the Regulation). The information has been extracted from Council's records, as it existed at the date listed on the certificate.

Please note that the accuracy of the information contained within the certificate may change after the date of this certificate due to changes in Legislation, planning controls or the environment of the land.

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

1 ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

1.1 Relevant Planning Instruments

Canterbury Local Environmental Plan 2012

1.2 Relevant Development Control Plans

CANTERBURY DEVELOPMENT CONTROL PLAN 2012

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

1.3 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 and Environment (DPE) website at www.planning.nsw.gov.au. The full wording of each SEPP can also be accessed via the NSW Legislation website at <https://legislation.nsw.gov.au/>.*

State Environmental Planning Policies:

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

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

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

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and Signage

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and regional development

Chapter 3: Aboriginal Land

Chapter 4: Concurrences and consents

State Environmental Planning Policy (Precincts - Central River City) 2021

Chapter 2: State significant precincts

Chapter 6: Urban renewal precincts

State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021

Chapter 2: State significant precincts

State Environmental Planning Policy (Precincts - Regional) 2021

State Environmental Planning Policy (Precincts - Western Parkland City) 2021

Chapter 2: State significant precincts

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

Chapter 3: Hazardous and offensive development

Chapter 4: Remediation of Land

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2: Mining, petroleum production and extractive industries

Chapter 3: Extractive industries in Sydney area

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Chapter 3: Educational establishments and child care facilities

Chapter 4: Major infrastructure corridors

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Chapter 3: Koala habitat protection 2020

Chapter 4: Koala habitat protection 2021

Chapter 6: Bushland in urban areas

Chapter 7: Canal estate development

Chapter 10: Sydney Harbour Catchment

Chapter 11: Georges Rivers Catchment

1.4 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.

2 ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS

Note: The information below 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.

2.1 Land Use Zone

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; 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

2.2 Additional Permitted Uses

Not applicable

Note: Due to the subdivision and/or consolidation of land, the Lot and Deposited Plans referenced in Schedule 1 of the relevant Local Environmental Plan may change. It is your responsibility to confirm the applicability of Additional Permitted Uses before undertaking any development on the site that relies upon provisions in Schedule 1.

2.3 Minimum Land Dimensions for the Erection of a Dwelling House

For land within the Canterbury Local Environmental Plan 2012, minimum lot sizes required for dwelling houses on a battle-axe lot or other lot with an access handle is 600m² where dwelling houses are permissible. For land without an access handle, please refer to the Minimum Lot Sizes Map of the Local Environmental Plan for minimum lot sizes for dwelling houses.

2.4 Area of Outstanding Biodiversity Value

Not applicable

2.5 **Conservation Area and/or Environmental Heritage**

Heritage Conservation Area

The subject property is located within a Heritage Conservation Area and as such is subject to specific provisions in the principal environmental planning instrument and relevant development control plan.

3 **CONTRIBUTION PLANS**

CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

This Development Contributions Plan was prepared and adopted under the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000. This contribution plan applies to this property until 31 December 2022 only for development applications and complying development certificate applications lodged with Council but not determined before commencement of the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 on 1 September 2022.

CANTERBURY BANKSTOWN LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2022

This Development Contributions Plan was prepared and adopted under the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2021

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 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)

No, the land is excluded for the following reason(s)*:

Heritage Conservation Area (Except swimming pools, detached development [other than a detached studio], and detached outbuildings)

Rural Housing Code (if in a rural residential zone)

Not applicable

Low Rise Housing Diversity Code

No, the land is excluded for the following reason(s)*:

Heritage Conservation Area (Except swimming pools, detached development [other than a detached studio], and detached outbuildings)

Housing Alterations Code

Yes

General Development Code

Yes

Greenfield Housing Code

Not applicable

Inland Code

Not applicable

Commercial and Industrial

No, the land is excluded for the following reason(s)*:

Heritage Conservation Area (Except swimming pools, detached development [other than a detached studio], and detached outbuildings)

Commercial and Industrial Alterations Code

Yes

Container Recycling Facilities Code

Yes

Demolition Code

Yes

Subdivision Code

Yes

Fire Safety Code

Yes

* The affectation (reason) excluding complying development may only affect the land in part or whole. For more information go to the ePlanning Spatial Viewer and search the property address

<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>.

4.1 **Variation of Complying Development Codes**

A variation to the Complying Development Code applies to certain lots in Zone R2 Low Density Residential areas which are no more than 450m² in area and are located in land to which the Bankstown Local Environmental Plan 2015 applies. For further information on the variation to the Complying Development Code, please refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 at the NSW Legislation website at <https://legislation.nsw.gov.au/>

5 **EXEMPT DEVELOPMENT**

Whether or not the land is 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 because of the provisions of clauses 1.16(1)(b1)-(d) or 1.16A, the development (new or alterations proposed to the existing structures) must meet the following criteria:

General Exempt Development Code Yes

Advertising and Signage Exempt Development Code Yes

Temporary Uses and Structures Exempt Development Code Yes

Note: *Despite the above, if the exempt development meets the requirements and standards specified by the State Environmental Planning Policy (Exempt and Complying Development) 2008 and that development (a) has been granted an exemption under section 57(2) of the Heritage Act 1977, or (b) is subject to an exemption under section 57(1A) or (3) of that Act, the development is exempt development. For further information refer to the Heritage NSW website at <https://www.heritage.nsw.gov.au/>.*

Important Disclaimer: Clause 4 and 5 of this Certificate only contain information in respect of that required by clause 4 and 5 of Schedule 2 of the Environmental Planning and Assessment Regulation 2021, in relation to Complying and Exempt 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 Exempt or 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, or work carried out as Exempt Development under the provisions of the SEPP is invalid.

6 **AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS**

Not applicable

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.

8 **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.

9 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.

10 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

- **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.

- **Contamination**

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.

- **Salinity**

Not applicable

- **Coastal Hazards**

Not applicable

- **Sea Level Rise**

Not applicable

- **Unhealthy Building Land**

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

- **Any Other Risk (including Aircraft Noise)**

Not applicable

11 BUSH FIRE PRONE LAND

Not applicable

12 LOOSE-FILL ASBESTOS CEILING INSULATION

Not applicable

- 13 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*.
- 14 PAPER SUBDIVISION INFORMATION**
Not applicable
- 15 PROPERTY VEGETATION PLANS**
Not applicable
- 16 BIODIVERSITY STEWARDSHIP SITES**
Not applicable
- 17 BIODIVERSITY CERTIFIED LAND**
Not applicable
- 18 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**
Not applicable
- 19 ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**
Not applicable
- 20 WESTERN SYDNEY AEROTROPOLIS**
Not applicable
- 21 DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING**
Not applicable
- 22 SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**
Not applicable

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

Note: When information pursuant to Section 10.7(5) of the Act 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.

(a) Additional Flood Planning Advice

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

Not applicable.

(b) Tree Preservation Order

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

(c) Additional Contaminated Land Advice

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.

(d) 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.

(e) Other Matters

Not applicable.



**CAMILLE LATTOUF
MANAGER CITY STRATEGY AND DESIGN**