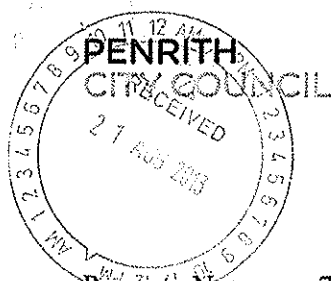


## Appendix F – Council Records



Civic Centre  
601 High Street, Penrith

PO Box 60 Penrith NSW 2751  
DX 8017 Penrith  
Email: [pencit@penrithcity.nsw.gov.au](mailto:pencit@penrithcity.nsw.gov.au)

Telephone: 02 4732 7777  
Facsimile: 02 4732 7958

## **PLANNING CERTIFICATE UNDER SECTION 149**

**Environmental Planning and Assessment Act, 1979**

Property No: 786260  
Your Reference: luddenham post  
Contact No: 40153177

Issue Date: 16/08/2013  
Certificate No: 13/03848  
Receipt Date: 16/08/2013  
Receipt No: 2483143

Issued to: J B S Environmental Att: Cathy Roberts  
P O Box 940  
MASCOT NSW 1460

PRECINCT 2010

### **DESCRIPTION OF LAND**

County: CUMBERLAND

Parish: CLAREMONT

Location: 565-589 Luddenham Road LUDDENHAM NSW 2745

Land Description: Lot 201 DP 1152191

### **- PART 1 PRESCRIBED MATTERS -**

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

#### **1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs**

*1(1) The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

The following State environmental planning policies apply to the land:

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note1: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy. Note 2: Clause 6 of the policy does not apply to land subject to Penrith City Centre Local Environmental Plan 2008 or State Environmental Planning Policy (Western Sydney Employment Area) 2009. Note 3: Clause 6 and Parts 3 and 4 of the policy do not apply to land subject to Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009, Penrith Local Environmental Plan (South Werrington Urban Village) 2009, Penrith Local Environmental Plan (Caddens) 2009, or Penrith Local Environmental Plan 2010.)

State Environmental Planning Policy No. 6 - Number of Storeys in a Building.

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.22 - Shops and Commercial Premises.

State Environmental Planning Policy No.30 - Intensive Agriculture.

State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land).

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No.33 - Hazardous and Offensive Development.

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Temporary Structures) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

***1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:***

The Planning Proposal for the Penrith City-wide Local Environmental Plan applies to the subject land. (See [www.penrithcity.nsw.gov.au/](http://www.penrithcity.nsw.gov.au/) for details.)

Draft State Environmental Planning Policy (Competition) 2010 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2012 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 applies to the land.

***1(3) The name of each development control plan that applies to the carrying out of development on the land:***

Penrith Development Control Plan 2010 applies to all land subject to Penrith Local Environmental Plan 2010. Penrith Development Control Plan 2006 applies to all land not subject to Penrith Local Environmental Plan 2010.

**PLANNING CERTIFICATE UNDER SECTION 149**  
Environmental Planning and Assessment Act, 1979

**2 ZONING AND LAND USE UNDER RELEVANT LEPs**

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

*2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.*

*(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)*

**Zone RU2 Rural Landscape  
(Penrith Local Environmental Plan 2010)**

**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

**2 Permitted without consent**

Extensive agriculture; Home occupations

**3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

**4 Prohibited**

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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### **Rural subdivision**

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

### **Additional information relating to Penrith Local Environmental Plan 2010**

**Note 1:** Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

**Note 2:** Land to which Penrith Local Environmental Plan 2010 applies may be subdivided but only with development consent. Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to the land.

**Note 3:** Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

**Note 4:** A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

**Note 5:** Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note 6:** Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

**Note 7:** Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to Penrith Development Control Plan 2010 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

**Note 8:** Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

**Note 9:** Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note 10:** Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 6.15 of Penrith Local Environmental Plan 2010.

**PLANNING CERTIFICATE UNDER SECTION 149**  
Environmental Planning and Assessment Act, 1979

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***2(e) 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 minimum land dimensions so fixed:***

(Information is provided in this section only if 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 minimum land dimensions so fixed.)

***2(f) whether the land includes or comprises critical habitat:***

(Information is provided in this section only if the land includes or comprises critical habitat.)

***2(g) whether the land is in a conservation area (however described):***

(Information is provided in this section only if the land is in a conservation area (however described).)

***2(h) whether an item of environmental heritage (however described) is situated on the land:***

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

***2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY  
(SYDNEY REGION GROWTH CENTRES) 2006***

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

***3 COMPLYING DEVELOPMENT***

***GENERAL HOUSING CODE***

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

***RURAL HOUSING CODE***

Complying development under the Rural Housing 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.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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### ***GENERAL COMMERCIAL AND INDUSTRIAL CODE***

Complying development under the General Commercial and Industrial Code **may** be carried out on the land.

### ***SUBDIVISIONS CODE***

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

### ***DEMOLITION CODE***

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

(NOTE: (1) Council has relied on Department of Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

### ***4 COASTAL PROTECTION***

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

### ***5 MINE SUBSIDENCE***

The land is not proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

### ***6 ROAD WIDENING AND ROAD REALIGNMENT***

The land is not affected by any road widening or road realignment under:

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

### ***7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS***

#### ***(a) Councils Policies***

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

#### ***(b) Other Public Authority Policies***

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

### **7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if such uses are permissible on the land. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

(2) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for any other purpose not referred to in (1) above. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

### **8 LAND RESERVED FOR ACQUISITION**

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **9 CONTRIBUTIONS PLANS**

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

The Cultural Facilities Development Contributions Plan applies to the land.

The Penrith City Local Open Space Development Contributions Plan 2007 applies to the land if residential development is permissible on the land.

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

### **9A BIODIVERSITY CERTIFIED LAND**

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).

### **10 BIOBANKING AGREEMENTS**

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)



**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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**11 BUSH FIRE PRONE LAND**

The land is not identified as bush fire prone land according to Council records.

**12 PROPERTY VEGETATION PLANS**

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

**13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

(Information is provided in this section only if Council has been notified that 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.)

**14 DIRECTIONS UNDER PART 3A**

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

**15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

**PLANNING CERTIFICATE UNDER SECTION 149**  
Environmental Planning and Assessment Act, 1979

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**18 PAPER SUBDIVISION INFORMATION**

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

*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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)

(b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)

(c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)

(d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)

(e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by relevant government departments.

**149(5) Certificate**

**This Certificate is directed to the following  
relevant matters affecting the land**

When information pursuant to section 149(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 149(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.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

**Note:**

- Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au). Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

\* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

**\* Agricultural Activities Within Rural Areas**

This property is located in a rural area and there may be certain agricultural activities occurring that some people may find offensive (for example noise, dust and odours). This should be considered if you purchase the subject property or build a dwelling thereon.

If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

\* Council is currently carrying out a citywide overland flow flood study. This study has identified this property as subject to a flood or drainage risk in an extreme event. This may not necessarily result in flood related development controls.

\* The land is affected by an overland flow path. The location and floor level of any building is to be determined in consultation with Council's Development Engineering Unit.

\* The land is affected by the Broader Western Sydney Employment Area (WSEA) draft Structure Plan. The draft Structure Plan outlines a broad framework for the area including the location of future employment land and centres, a road network, potential freight and transport corridors and staging scenarios. Contact the NSW Department of Planning and Infrastructure for details.

\* The land is identified as "land with scenic and landscape values" on the Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map. See Clause 6.5 of Penrith Local Environmental Plan 2010 and Chapter C1 Site Planning and Design of Penrith Development Control Plan 2010.

\* See Clause 5.9 of Penrith Local Environmental Plan 2010 and Chapter C2 of Penrith Development Control Plan 2010 for specific controls relating to the preservation of trees and vegetation.

\* See Clause 6.8 of Penrith Local Environmental Plan 2010 for specific controls relating to dual occupancy and secondary dwellings in Zones RU1, RU2, RU4, E3 and E4.

\* Penrith Development Control Plan 2010, which applies to the land, sets out requirements for a range of issues that apply across the Penrith Local Government Area, including:

- Site Planning and Design Principles
- Vegetation Management
- Water Management
- Land Management
- Waste Management

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

- Landscape Design
- Culture and Heritage
- Public Domain
- Advertising and Signage
- Transport, Access and Parking
- Subdivision
- Noise and Vibration, and
- Infrastructure and Services.

The Development Control Plan also specifies requirements relating to various types of land uses including:

- Rural Land Uses
- Residential Development
- Commercial and Retail Development, and
- Industrial Development

as well as for a number of specific activities, including child care centres; health consulting rooms; educational establishments; places of public worship; vehicle repair stations; cemeteries, crematoria and funeral chapels; extractive industries; and telecommunication facilities.

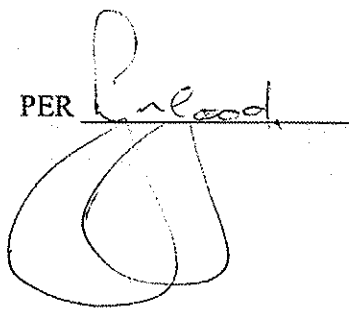
The Development Control Plan also details requirements relating to key precincts within the Penrith Local Government Area, including:

- Mulgoa Valley
- Orchard Hills
- Waterside Corporate, and
- St Marys Town Centre.

Penrith Development Control Plan 2010 may be accessed at  
<http://www.penrithcity.nsw.gov.au/index.asp?id=5451> .

Some years ago the Commonwealth Government proposed a second major airport for Sydney at Badgery's Creek. As part of that proposal there were a number of airport options some of which may have had an effect on the subject property. You should make your own enquiries as to the government's present position on the second Sydney airport with the Commonwealth Department of Infrastructure and Transport. (Website: [www.infrastructure.gov.au](http://www.infrastructure.gov.au)  
<<http://www.infrastructure.gov.au>>)

**Alan Stoneham**  
General Manager

PER 



**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

Property No: 786260  
Your Reference: LUDDENHAM POST  
Contact No: 401530177

Issue Date: 15/08/2013  
Certificate No: 13/03820  
Receipt Date: 15/08/2013  
Receipt No: 2483143

Issued to: J B S Environmental Att: Cathy Roberts  
Level 1,50 Margaret Street  
SYDNEY NSW 2000

PRECINCT 2010

**DESCRIPTION OF LAND**

County: CUMBERLAND

Parish: CLAREMONT

Location: 591-609 Luddenham Road LUDDENHAM NSW 2745

Land Description: Lot 202 DP 1152191

**- PART 1 PRESCRIBED MATTERS -**

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

**1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs**

*1(1) The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

The following State environmental planning policies apply to the land:

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note1: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy. Note 2: Clause 6 of the policy does not apply to land subject to Penrith City Centre Local Environmental Plan 2008 or State Environmental Planning Policy (Western Sydney Employment Area) 2009. Note 3: Clause 6 and Parts 3 and 4 of the policy do not apply to land subject to Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009, Penrith Local Environmental Plan (South Werrington Urban Village) 2009, Penrith Local Environmental Plan (Caddens) 2009, or Penrith Local Environmental Plan 2010.)

State Environmental Planning Policy No. 6 - Number of Storeys in a Building.

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)

**PLANNING CERTIFICATE UNDER SECTION 149**  
Environmental Planning and Assessment Act, 1979

State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.22 - Shops and Commercial Premises.

State Environmental Planning Policy No.30 - Intensive Agriculture.

State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land).

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No.33 - Hazardous and Offensive Development.

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

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State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Temporary Structures) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

***1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:***

The Planning Proposal for the Penrith City-wide Local Environmental Plan applies to the subject land. (See [www.penrithcity.nsw.gov.au/](http://www.penrithcity.nsw.gov.au/) for details.)

Draft State Environmental Planning Policy (Competition) 2010 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2012 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 applies to the land.

***1(3) The name of each development control plan that applies to the carrying out of development on the land:***

Penrith Development Control Plan 2010 applies to all land subject to Penrith Local Environmental Plan 2010. Penrith Development Control Plan 2006 applies to all land not subject to Penrith Local Environmental Plan 2010.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

### **2 ZONING AND LAND USE UNDER RELEVANT LEPs**

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

*2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.*

*(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)*

### **Zone RU2 Rural Landscape**

#### **(Penrith Local Environmental Plan 2010)**

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations

#### **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

#### **4 Prohibited**

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3



**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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**Rural subdivision**

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

**Additional information relating to Penrith Local Environmental Plan 2010**

**Note 1:** Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

**Note 2:** Land to which Penrith Local Environmental Plan 2010 applies may be subdivided but only with development consent. Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to the land.

**Note 3:** Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

**Note 4:** A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

**Note 5:** Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note 6:** Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

**Note 7:** Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to Penrith Development Control Plan 2010 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

**Note 8:** Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

**Note 9:** Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

**Note 10:** Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 6.15 of Penrith Local Environmental Plan 2010.

***2(e) 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 minimum land dimensions so fixed:***

(Information is provided in this section only if 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 minimum land dimensions so fixed.)

***2(f) whether the land includes or comprises critical habitat:***

(Information is provided in this section only if the land includes or comprises critical habitat.)

***2(g) whether the land is in a conservation area (however described):***

(Information is provided in this section only if the land is in a conservation area (however described).)

***2(h) whether an item of environmental heritage (however described) is situated on the land:***

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

***2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006***

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

***3 COMPLYING DEVELOPMENT***

***GENERAL HOUSING CODE***

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

***RURAL HOUSING CODE***

Complying development under the Rural Housing 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.

**PLANNING CERTIFICATE UNDER SECTION 149**  
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***GENERAL COMMERCIAL AND INDUSTRIAL CODE***

Complying development under the General Commercial and Industrial Code **may** be carried out on the land.

***SUBDIVISIONS CODE***

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

***DEMOLITION CODE***

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

(NOTE: (1) Council has relied on Department of Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

**4 COASTAL PROTECTION**

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

**5 MINE SUBSIDENCE**

The land is not proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

**6 ROAD WIDENING AND ROAD REALIGNMENT**

The land is not affected by any road widening or road realignment under:

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

**7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

**(a) Councils Policies**

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**(b) Other Public Authority Policies**

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

### **7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if such uses are permissible on the land. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

(2) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for any other purpose not referred to in (1) above. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

### **8 LAND RESERVED FOR ACQUISITION**

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **9 CONTRIBUTIONS PLANS**

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

The Cultural Facilities Development Contributions Plan applies to the land.

The Penrith City Local Open Space Development Contributions Plan 2007 applies to the land if residential development is permissible on the land.

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

### **9A BIODIVERSITY CERTIFIED LAND**

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).)

### **10 BIOBANKING AGREEMENTS**

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)

**PLANNING CERTIFICATE UNDER SECTION 149**  
Environmental Planning and Assessment Act, 1979

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**11 BUSH FIRE PRONE LAND**

Some of the land is identified as bush fire prone land according to Council records. Guidance as to restrictions that may be placed on the land as a result of the land being bush fire prone can be obtained by contacting Council. Such advice would be subject to further requirements of the NSW Rural Fire Services.

**12 PROPERTY VEGETATION PLANS**

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

**13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

(Information is provided in this section only if Council has been notified that 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.)

**14 DIRECTIONS UNDER PART 3A**

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

**15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(Information is provided in this section only if:

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

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

**18 PAPER SUBDIVISION INFORMATION**

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

*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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)
- (b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)
- (c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)
- (d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)
- (e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by relevant government departments.

**149(5) Certificate**

**This Certificate is directed to the following  
relevant matters affecting the land**

When information pursuant to section 149(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

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

section 149(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.

Note:

- Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au). Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

\* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

\* Agricultural Activities Within Rural Areas

This property is located in a rural area and there may be certain agricultural activities occurring that some people may find offensive (for example noise, dust and odours). This should be considered if you purchase the subject property or build a dwelling thereon.

If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

\* Council is currently carrying out a citywide overland flow flood study. This study has identified this property as subject to a flood or drainage risk in an extreme event. This may not necessarily result in flood related development controls.

\* The land is affected by an overland flow path. The location and floor level of any building is to be determined in consultation with Council's Development Engineering Unit.

\* The land is affected by the Broader Western Sydney Employment Area (WSEA) draft Structure Plan. The draft Structure Plan outlines a broad framework for the area including the location of future employment land and centres, a road network, potential freight and transport corridors and staging scenarios. Contact the NSW Department of Planning and Infrastructure for details.

\* The land is identified as "land with scenic and landscape values" on the Penrith Local Environmental Plan 2010 Scenic and Landscape Values Map. See Clause 6.5 of Penrith Local Environmental Plan 2010 and Chapter C1 Site Planning and Design of Penrith Development Control Plan 2010.

\* See Clause 5.9 of Penrith Local Environmental Plan 2010 and Chapter C2 of Penrith Development Control Plan 2010 for specific controls relating to the preservation of trees and vegetation.

\* See Clause 6.8 of Penrith Local Environmental Plan 2010 for specific controls relating to dual occupancy and secondary dwellings in Zones RU1, RU2, RU4, E3 and E4.

\* Penrith Development Control Plan 2010, which applies to the land, sets out requirements for a range of issues that apply across the Penrith Local Government Area, including:

- Site Planning and Design Principles

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- Vegetation Management
- Water Management
- Land Management
- Waste Management
- Landscape Design
- Culture and Heritage
- Public Domain
- Advertising and Signage
- Transport, Access and Parking
- Subdivision
- Noise and Vibration, and
- Infrastructure and Services.

The Development Control Plan also specifies requirements relating to various types of land uses including:

- Rural Land Uses
- Residential Development
- Commercial and Retail Development, and
- Industrial Development

as well as for a number of specific activities, including child care centres; health consulting rooms; educational establishments; places of public worship; vehicle repair stations; cemeteries, crematoria and funeral chapels; extractive industries; and telecommunication facilities.

The Development Control Plan also details requirements relating to key precincts within the Penrith Local Government Area, including:

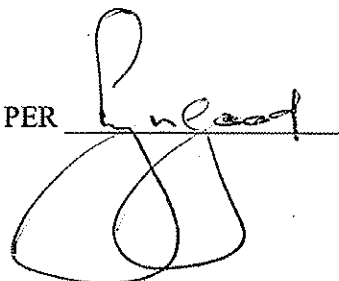
- Mulgoa Valley
- Orchard Hills
- Waterside Corporate, and
- St Marys Town Centre.

Penrith Development Control Plan 2010 may be accessed at  
<http://www.penrithcity.nsw.gov.au/index.asp?id=5451> .

Some years ago the Commonwealth Government proposed a second major airport for Sydney at Badgery's Creek. As part of that proposal there were a number of airport options some of which may have had an effect on the subject property. You should make your own enquiries as to the government's present position on the second Sydney airport with the Commonwealth Department of Infrastructure and Transport. (Website: [www.infrastructure.gov.au](http://www.infrastructure.gov.au)  
<<http://www.infrastructure.gov.au>>)

**Alan Stoneham**  
General Manager

PER









**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

Property No: 786260  
Your Reference: luddenham post  
Contact No: 0401530177

Issue Date: 15/08/2013  
Certificate No: 13/03821  
Receipt Date: 15/08/2013  
Receipt No: 2483143

Issued to: J B S Environmental Att: Cathy Roberts  
Level 1,50 Margaret Street  
SYDNEY NSW 2000

PRECINCT 2010

**DESCRIPTION OF LAND**

County: CUMBERLAND

Parish: CLAREMONT

Location: 137 Gates Road LUDDENHAM NSW 2745

Land Description: Lot 203 DP 1152191

**- PART 1 PRESCRIBED MATTERS -**

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

**1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs**

*1(1) The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Penrith Local Environmental Plan 2010, published 22nd September 2010, as amended, applies to the land.

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, as amended, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

The following State environmental planning policies apply to the land:

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy. Note 2: Clause 6 of the policy does not apply to land subject to Penrith City Centre Local Environmental Plan 2008 or State Environmental Planning Policy (Western Sydney Employment Area) 2009. Note 3: Clause 6 and Parts 3 and 4 of the policy do not apply to land subject to Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009, Penrith Local Environmental Plan (South Werrington Urban Village) 2009, Penrith Local Environmental Plan (Caddens) 2009, or Penrith Local Environmental Plan 2010.)

State Environmental Planning Policy No. 6 - Number of Storeys in a Building.

State Environmental Planning Policy No.19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916.)



**PLANNING CERTIFICATE UNDER SECTION 149**

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State Environmental Planning Policy No.21 - Caravan Parks.

State Environmental Planning Policy No.22 - Shops and Commercial Premises.

State Environmental Planning Policy No.30 - Intensive Agriculture.

State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land).

(Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No.33 - Hazardous and Offensive Development.

State Environmental Planning Policy No.50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

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

State Environmental Planning Policy (Major Development) 2005.

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

State Environmental Planning Policy (Temporary Structures) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (State and Regional Development) 2011.

***1(2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act:***

The Planning Proposal for the Penrith City-wide Local Environmental Plan applies to the subject land. (See [www.penrithcity.nsw.gov.au/](http://www.penrithcity.nsw.gov.au/) for details.)

Draft State Environmental Planning Policy (Competition) 2010 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2012 applies to the land.

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 applies to the land.

***1(3) The name of each development control plan that applies to the carrying out of development on the land:***

Penrith Development Control Plan 2010 applies to all land subject to Penrith Local Environmental Plan 2010. Penrith Development Control Plan 2006 applies to all land not subject to Penrith Local Environmental Plan 2010.

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**2 ZONING AND LAND USE UNDER RELEVANT LEPs**

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

*2(a)-(d) the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. Any zone(s) applying to the land is/are listed below and/or in annexures.*

*(Note: If no zoning appears in this section see section 1(1) for zoning and land use details (under the Sydney Regional Environmental Plan or State Environmental Planning Policy that zones this property).)*

**Zone RU2 Rural Landscape  
(Penrith Local Environmental Plan 2010)**

**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.

**2 Permitted without consent**

Extensive agriculture; Home occupations

**3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals

**4 Prohibited**

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

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**Rural subdivision**

Under the terms of Clause 4.2 of Penrith Local Environmental Plan 2010 land in Zone RU1 Primary production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Penrith Local Environmental Plan 2010 Lot Size Map in relation to that land. Such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot; and a dwelling cannot be erected on such a lot.

**Additional information relating to Penrith Local Environmental Plan 2010**

**Note 1:** Under the terms of Clause 2.4 of Penrith Local Environmental Plan 2010 development may be carried out on unzoned land only with development consent.

**Note 2:** Land to which Penrith Local Environmental Plan 2010 applies may be subdivided but only with development consent. Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to the land.

**Note 3:** Under the terms of Clause 2.7 of Penrith Local Environmental Plan 2010 the demolition of a building or work may be carried out only with development consent.

**Note 4:** A temporary use may be permitted with development consent subject to the requirements of Clause 2.8 of Penrith Local Environmental Plan 2010.

**Note 5:** Under the terms of Clause 5.1 of Penrith Local Environmental Plan 2010 development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note 6:** Under the terms of Clause 5.3 of Penrith Local Environmental Plan 2010 development consent may be granted to development of certain land for any purpose that may be carried out in an adjoining zone.

**Note 7:** Under the terms of Clause 5.9 of Penrith Local Environmental Plan 2010 trees or other vegetation subject to Penrith Development Control Plan 2010 must not be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed without the authority conferred by a development consent or a Council permit.

**Note 8:** Clause 5.10 of Penrith Local Environmental Plan 2010 details when development consent is required/not required in relation to heritage conservation.

**Note 9:** Under the terms of Clause 5.11 of Penrith Local Environmental Plan 2010 bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note 10:** Sex services premises and restricted premises may only be permitted subject to the requirements of Clause 6.15 of Penrith Local Environmental Plan 2010.

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**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

***2(e) 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 minimum land dimensions so fixed:***

(Information is provided in this section only if 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 minimum land dimensions so fixed.)

***2(f) whether the land includes or comprises critical habitat:***

(Information is provided in this section only if the land includes or comprises critical habitat.)

***2(g) whether the land is in a conservation area (however described):***

(Information is provided in this section only if the land is in a conservation area (however described).)

***2(h) whether an item of environmental heritage (however described) is situated on the land:***

(Information is provided in this section only if an item of environmental heritage (however described) is situated on the land.)

***2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006***

(Information is provided in this section only if the land is within any zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.)

***3 COMPLYING DEVELOPMENT***

***GENERAL HOUSING CODE***

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

***RURAL HOUSING CODE***

Complying development under the Rural Housing 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.

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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***GENERAL COMMERCIAL AND INDUSTRIAL CODE***

Complying development under the General Commercial and Industrial Code **may** be carried out on the land.

***SUBDIVISIONS CODE***

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

***DEMOLITION CODE***

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

(NOTE: (1) Council has relied on Department of Planning and Infrastructure Circulars and Fact Sheets in the preparation of this information. Applicants should seek their own legal advice in relation to this matter with particular reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) Penrith Local Environmental Plan 2010 (if it applies to the land) contains additional complying development not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)

**4      *COASTAL PROTECTION***

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

**5      *MINE SUBSIDENCE***

The land is not proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

**6      *ROAD WIDENING AND ROAD REALIGNMENT***

The land is not affected by any road widening or road realignment under:

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

**7      *COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS***

**(a) Councils Policies**

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**(b) Other Public Authority Policies**

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

## **PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

### **7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if such uses are permissible on the land. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

(2) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for any other purpose not referred to in (1) above. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

### **8 LAND RESERVED FOR ACQUISITION**

No environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **9 CONTRIBUTIONS PLANS**

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies to the land.

The Cultural Facilities Development Contributions Plan applies to the land.

The Penrith City Local Open Space Development Contributions Plan 2007 applies to the land if residential development is permissible on the land.

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

### **9A BIODIVERSITY CERTIFIED LAND**

(Information is provided in this section only if the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*.)

### **10 BIOBANKING AGREEMENTS**

(Information is provided in this section only if Council has been notified by the Director-General of the Department of Environment, Climate Change and Water that the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.)



**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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**11 BUSH FIRE PRONE LAND**

The land is not identified as bush fire prone land according to Council records.

**12 PROPERTY VEGETATION PLANS**

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

**13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

(Information is provided in this section only if Council has been notified that 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.)

**14 DIRECTIONS UNDER PART 3A**

(Information is provided in this section only if there is a direction by the Minister in force under section 75P(2)(c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.)

**15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (seniors housing), of which the council is aware, issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

(Information is provided in this section only if there is a valid site compatibility certificate (infrastructure), of which council is aware, in respect of proposed development on the land.)

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 have been imposed as a condition of consent to a development application in respect of the land.)

**PLANNING CERTIFICATE UNDER SECTION 149**

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**18 PAPER SUBDIVISION INFORMATION**

(Information is provided in this section only if a development plan adopted by a relevant authority applies to the land or is proposed to be subject to a consent ballot, or a subdivision order applies to the land.)

*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) (Information is provided in this section only if, as at the date of this certificate, the land (or part of the land) is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.)

(b) (Information is provided in this section only if, as at the date of this certificate, the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.)

(c) (Information is provided in this section only if, as at the date of this certificate, the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.)

(d) (Information is provided in this section only if, at the date of this certificate, the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.)

(e) (Information is provided in this section only if the land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 - a copy of which has been provided to Council.)

Note: Section 149(5) information for this property may contain additional information regarding contamination issues.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Regulation 2000.

Information is provided only to the extent that Council has been notified by relevant government departments.

**149(5) Certificate**

**This Certificate is directed to the following  
relevant matters affecting the land**

When information pursuant to section 149(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 149(6) which states that a council shall not incur any liability in respect of any advice provided

**PLANNING CERTIFICATE UNDER SECTION 149**

Environmental Planning and Assessment Act, 1979

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.

Note:

- Council's 149(5) information does not include development consent or easement information. Details of development consents may be obtained by making enquiries with Council's Development Services Department pursuant to section 12 of the Local Government Act 1993 or (for development applications lodged after January 2007) by viewing the Online Services area at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au). Details of any easements may be obtained from a Title Search at Land and Property Information New South Wales.
- This certificate does not contain information relating to Complying Development Certificates.
- This certificate may not provide full details of development rights over the land.

\* When considering any development application Council must have regard to the Threatened Species Conservation Act 1995. Please note that this legislation may have application to any land throughout the city. Interested persons should make their own enquiries in regard to the impact that this legislation could have on this land.

\* Agricultural Activities Within Rural Areas

This property is located in a rural area and there may be certain agricultural activities occurring that some people may find offensive (for example noise, dust and odours). This should be considered if you purchase the subject property or build a dwelling thereon.

If you do purchase the subject property or build a dwelling, the potential impact that your activities (for example pets, inadequate fencing, drainage, litter and poor weed control) might have on the agricultural activities in the area should also be considered.

\* Council is currently carrying out a citywide overland flow flood study. This study has identified this property as subject to a flood or drainage risk in an extreme event. This may not necessarily result in flood related development controls.

\* The land is affected by an overland flow path. The location and floor level of any building is to be determined in consultation with Council's Development Engineering Unit.

\* The land is affected by the Broader Western Sydney Employment Area (WSEA) draft Structure Plan. The draft Structure Plan outlines a broad framework for the area including the location of future employment land and centres, a road network, potential freight and transport corridors and staging scenarios. Contact the NSW Department of Planning and Infrastructure for details.

\* See Clause 5.9 of Penrith Local Environmental Plan 2010 and Chapter C2 of Penrith Development Control Plan 2010 for specific controls relating to the preservation of trees and vegetation.

\* See Clause 6.8 of Penrith Local Environmental Plan 2010 for specific controls relating to dual occupancy and secondary dwellings in Zones RU1, RU2, RU4, E3 and E4.

\* Penrith Development Control Plan 2010, which applies to the land, sets out requirements for a range of issues that apply across the Penrith Local Government Area, including:

- Site Planning and Design Principles
- Vegetation Management
- Water Management
- Land Management

**PLANNING CERTIFICATE UNDER SECTION 149**

**Environmental Planning and Assessment Act, 1979**

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- Waste Management
- Landscape Design
- Culture and Heritage
- Public Domain
- Advertising and Signage
- Transport, Access and Parking
- Subdivision
- Noise and Vibration, and
- Infrastructure and Services.

The Development Control Plan also specifies requirements relating to various types of land uses including:

- Rural Land Uses
- Residential Development
- Commercial and Retail Development, and
- Industrial Development

as well as for a number of specific activities, including child care centres; health consulting rooms; educational establishments; places of public worship; vehicle repair stations; cemeteries, crematoria and funeral chapels; extractive industries; and telecommunication facilities.

The Development Control Plan also details requirements relating to key precincts within the Penrith Local Government Area, including:

- Mulgoa Valley
- Orchard Hills
- Waterside Corporate, and
- St Marys Town Centre.

Penrith Development Control Plan 2010 may be accessed at  
<http://www.penrithcity.nsw.gov.au/index.asp?id=5451> .

\* Council holds environmental report(s) relating to the subject property. Copies of the report(s) are available from Council for inspection by interested persons. Interested persons should satisfy themselves as to the state of the land and in relation to any matter or thing, including any documents referred to in, or disclosed by, this notation.

Report Title: Flora & Fauna Report

Prepared by: Abel ecology

Date: 30 October 2007

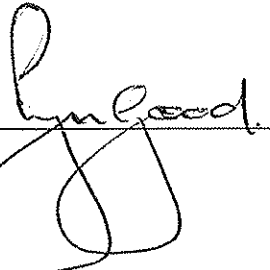
Council Ref No: DA08/0478

**PLANNING CERTIFICATE UNDER SECTION 149**

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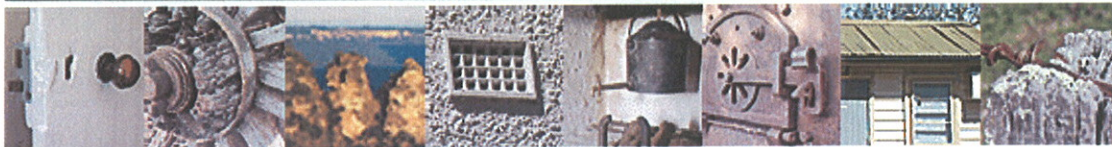
Some years ago the Commonwealth Government proposed a second major airport for Sydney at Badgery's Creek. As part of that proposal there were a number of airport options some of which may have had an effect on the subject property. You should make your own enquiries as to the government's present position on the second Sydney airport with the Commonwealth Department of Infrastructure and Transport. (Website: [www.infrastructure.gov.au](http://www.infrastructure.gov.au)  
<<http://www.infrastructure.gov.au>>)

**Alan Stoneham**  
**General Manager**

PER 

## Appendix G – Heritage Records

# AUSTRALIAN HERITAGE PLACES INVENTORY



A cooperative project between Commonwealth, State and Territory Governments

Record Identifier

Place Name

Keyword or full name, eg 'customs house' or 'Cairns Customs House'

Location

Luddenham

Street or Town name, e.g. 'Macquarie' for Macquarie Place (avoid using street types)

Local

Government

Local Government Area keyword, eg 'aramac'

State

NSW

Country

Australia

Part or all of the name of a country, eg - 'fran'

Statement of  
Significance

Description

Keyword or key phrase eg 'statue' or 'eucalyptus intermedia'

Source

ALL



Reset

SEARCH

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# AUSTRALIAN HERITAGE PLACES INVENTORY

[ [New Search](#) ]

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**No records matched your query.**

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Report produced : 14/8/2013

AHPI URL : <http://www.environment.gov.au/heritage/ahpi/index.html>





Environment  
& Heritage

You are here: [Home](#) > [Heritage sites](#) > [Searches and directories](#) > NSW heritage search

## Search for NSW heritage

The State Heritage Inventory, contains over 25,000 heritage items on statutory lists in New South Wales. This information is provided by local councils and State government agencies. The level of information for each heritage item can range from basic identification information such as name, address and listing to full information such as detailed descriptions, histories, significance and images. While the Heritage Division seeks to keep the Inventory up to date, the most recent statutory listings may not yet be included. Always check with the relevant local council or State agency for the most recent listings.

The Heritage Branch is directly responsible for the [State heritage register](#), a list of items and places that are of particular importance to NSW. [The new map search](#) is now available.

Visit [heritage database help](#) if you are unfamiliar with this search facility.

### Basic search criteria

Item name/database ID:

Street name:

Suburb/town:

Local Government Area:

Heritage listings:

SHR number:

### Additional search criteria

NOTE: For items listed by local councils, there may not be information in the additional search criteria fields.

Owner organisation\*:

Designer/builder:

Year of construction: from  to:

Item type:

Item group:

Heritage category:

Australian historic theme:

NSW historic theme:

Significance, description, historical notes:

Information complete: ☐

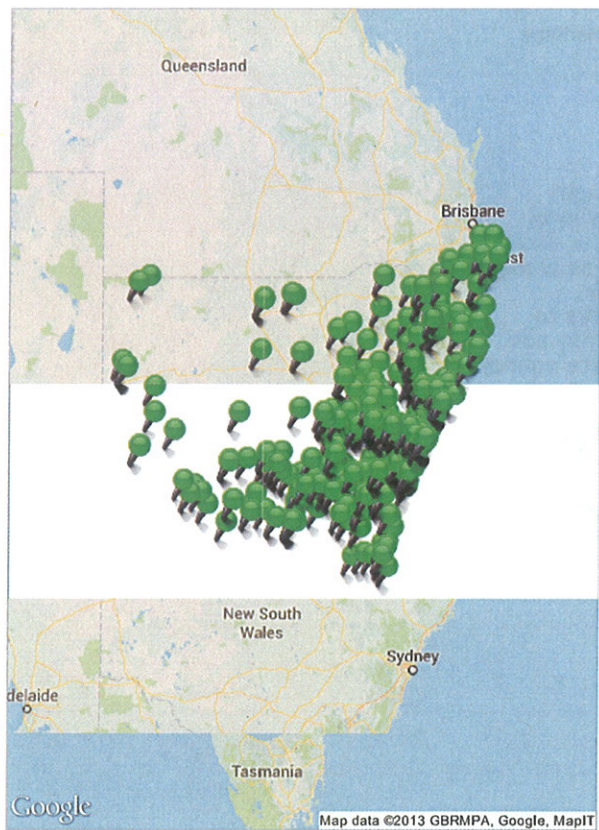
[View section 170 heritage and conservation registers](#)

### Search State Heritage Register

The results shown below are for the State Heritage Register ONLY and does not include items listed on Local Environmental Plans and s.170 Heritage and Conservation Registers. For further mapping information for please contact the relevant Local or State government agency.

**Disclaimer:** The positions of the State Heritage Register items shown on this page are for general identification and research purposes only. It should not be used for legal searches. Some SHR items have not been included for privacy and security reasons. Free downloading of State Heritage Register spatial datasets and associated metadata into a

Geographical Information System (GIS) software package is available at [Community Access to Natural Resources Information](http://canri.nsw.gov.au/download/) (CANRI) - <http://canri.nsw.gov.au/download/>



**Local government area**  
Please Choose...

**Suburb/postcode**

**NSW historic theme**  
Please Choose...

**Item type**

- ☒ All
- ☐ Archaeological-Maritime
- ☐ Archaeological-Terrestrial
- ☐ Built
- ☐ Landscape
- ☐ Movable / Collection
- ☐ Complex / Group
- ☐ Conservation Area





You are here: [Home](#) > [Heritage sites](#) > [Searches and directories](#) > NSW heritage search

## Search for NSW heritage

[Return to search page where you can refine/broaden your search.](#)

### Statutory listed items

Information and items listed in the State Heritage Inventory come from a number of sources. This means that there may be several entries for the same heritage item in the database. For clarity, the search results have been divided into two sections.

- **Section 1.** contains items listed by the **heritage council** under the NSW Heritage Act. This includes listing on the state heritage register, an interim heritage order or protected under section 136 of the NSW Heritage Act. This information is provided by the Heritage Branch.
- **Section 2.** contains items listed by **local councils & shires and state government agencies**. This section may also contain additional information on some of the items listed in the first section.

### Section 1. Items listed under the NSW Heritage Act.

Your search did not return any matching results.

### Section 2. Items listed by Local Government and State Agencies.

Your search returned 8 records.

| Item name                                            | Address                     | Suburb    | LGA     | Information source |
|------------------------------------------------------|-----------------------------|-----------|---------|--------------------|
| <a href="#">Brick Cottage</a>                        | Park Road                   | Luddenham | Penrith | LGOV               |
| <a href="#">Brick Cottage</a>                        | Campbell Street             | Luddenham | Penrith | LGOV               |
| <a href="#">Luddenham Progress Hall</a>              | The Northern Road           | Luddenham | Penrith | LGOV               |
| <a href="#">Luddenham Uniting Church</a>             | The Northern Road           | Luddenham | Penrith | LGOV               |
| <a href="#">Luddenham Uniting Church Cemetery</a>    | The Northern Road           | Luddenham | Penrith | LGOV               |
| <a href="#">St. James Church of England</a>          | The Northern Road           | Luddenham | Penrith | LGOV               |
| <a href="#">St. James Church of England Cemetery</a> | The Northern Road           | Luddenham | Penrith | LGOV               |
| <a href="#">Timber Cottages</a>                      | 29 and 41 The Northern Road | Luddenham | Penrith | LGOV               |

There was a total of 8 records matching your search criteria.

#### Key:

LGA = Local Government Area

GAZ = NSW Government Gazette (statutory listings prior to 1997), HGA = Heritage Grant Application, HS = Heritage Study, LGOV = Local Government, SGOV = State Government Agency.

Note: The Heritage Branch seeks to keep the State Heritage Inventory (SHI) up to date, however the latest listings in Local and Regional Environmental Plans (LEPs and REPs) may not yet be included. Always check with the relevant local council or shire for the most recent listings.

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|         |              | Name            | Name               | Signature                                                                            | Date       |
| A       | George Black | Matthew Bennett | Matthew Bennett    | Draft for Client comment                                                             | 28/08/2013 |
| 0       | George Black | Matthew Bennett | Matthew Bennett    |  | 2/12/2013  |
| 1       | George Black | Matthew Bennett | Matthew Bennett    |  | 13/12/2013 |





