

21 June 2024

Tekcivil Pty Ltd
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Lansvale Motor Group Pty Ltd

Attention: Peter Acampora

Re: 1 Cutler Road, Lansvale

Compliance of Proposed Development Works at Lot 1 DP 52324 with Flooding Planning Controls

Dear Peter,

We write this letter to demonstrate the compliance of the proposed development works at Lot 14 DP 7405, located at 1 Cutler Road, Lansvale NSW 2166, with the relevant planning controls as outlined in the Section 10.7 Planning Certificate (including Flood Information Sheet) and the Fairfield City-Wide Development Control Plan (DCP) 2013.

Planning Instruments and Site Information

The proposed development is governed by the following planning instruments:

- Fairfield Local Environmental Plan (LEP) 2013
- State Environmental Planning Policies (SEPPs) as applicable
- Fairfield City-Wide Development Control Plan (DCP) 2013

Site information as per the Section 10.7 certificate and attached flood information includes the site's zoning under the Fairfield LEP 2013 and identification of the site as flood-prone land, with specific flood level data provided in the flood information sheet attached to the 10.7 document sourced by Fairfield Council from the *Georges River Flood Study* (Department Of Public Works, 1991) and *Georges River Floodplain Risk Management Study & Plan – Volume 1 Main Report* (Bewsher Consulting, 2004).

Proposed Changes

The development proposal is a new car showroom on an existing carpark.

Flood Risk Compliance

According to the site Section 10.7 Planning Certificate, the site is identified as flood-prone, with specific flood levels detailed below.

Table 1 - Flood Levels Provided By Fairfield Council within Section 10.7 (5) Certificate

Storm Event	Flood Level
Probable Maximum Flood (PMF)	10.6m AHD
1% AEP Flood Level	6.7m AHD
5% AEP Flood Level	6.0m AHD

The proposed development ensures minimal impact on the site's current conditions regarding flooding as the ground floor of the showroom is to be located significantly beyond the extent of the PMF flood level. The proposed floor level for the showroom is 10.0m AHD, and as such is located 3300 mm above the 1% AEP flood level. Part of the site is located above the PMF level.

To determine flood risk compliance, an analysis of the property in alignment with Chapter 11 (Flooding Risk Management) of the Fairfield City Wide DCP 2013 is required. In line with these requirements, we note the following:

- The property is identified as a commercial property and as such would be considered within the Commercial & Industrial category
- The property is identified as within the Low Flood Risk category for a partial section of the site only, with the remainder of the site beyond the PMF flood extent. As such, the controls only apply to the area of the site that is below the PMF flood extent.
- The property is located within Georges River Floodplain, and as such was assessed for regional floodplain impacts in line with Chapter 11 Schedule 4

Planning Controls for Mainstream Flooding

The proposed development is subject to the planning controls for mainstream flooding as outlined in the Fairfield City Wide DCP 2013, specifically for Low Flood Risk Commercial & Industrial properties within the Georges River floodplain area. The following table documents flood controls set out in the Fairfield City Wide DCP 2013 for the site:

Table 2 - Flood Control Compliance For Mainstream Flooding (Chapter 11 Schedule 4 Fairfield City Wide DCP 2013)

Control	Compliance Notes
The level of habitable floor areas to be equal to or greater than the 100 year flood level plus freeboard. If this level is impractical for a development in a Business zone, the floor level should be as high as possible.	The site complies with floor level controls as the proposed development is above the 100 year flood level plus freeboard.
Non-habitable floor levels to be equal to or greater than the 100 year flood level plus freeboard where possible, or otherwise no lower than the 20 year flood level unless justified by site specific assessment.	The site complies with floor level controls as the proposed development including non-habitable floor levels are above the 100 year flood level plus freeboard.
A restriction is to be placed on the title of the land, pursuant to S.88B of the Conveyancing Act, where the lowest habitable floor area is elevated more than 1.5m above finished ground level, confirming that the undercroft area is not to be enclosed.	Not applicable for site as no undercroft is proposed.
All structures to have flood compatible building components below the 1% AEP flood level plus freeboard.	Not applicable as no building is proposed below the 100 year flood level plus freeboard.
Applicant to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 1% AEP flood plus freeboard. An engineers report may be required.	Not applicable as no building is proposed below the 100 year flood level plus freeboard.
The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyance; and (iii) the cumulative impact of multiple potential developments in the floodplain.	All development is located significantly above the 100 year flood level plus freeboard, with part of the site above the PMF flood level. As the site is located outside of the area of hydraulic conveyance for the Georges River, and only affected partially by the PMF level flood, it is not likely to have any significant impact on loss of flood storage, flood levels and velocities and other impacts for the flood plain.
The minimum surface level of open car parking spaces or carports shall be as high as practical, and not below: (i) the 20 year flood level; or (ii) the level of the crest of the road at the location where the site has access; (whichever is the lower). In the case of garages, the minimum surface level shall be as high as practical, but no lower than the 20 year flood level.	Not applicable as all hardstand areas are above the 100yr + freeboard levels.
Garages capable of accommodating more than 3 motor vehicles on land zoned for urban purposes, or enclosed car parking, must be protected from inundation by floods equal to or greater than the 100 year flood.	Not applicable as no enclosed car parking areas proposed as part of works.
Where the level of the driveway providing access between the road and parking space is lower than 0.3m below the 100 year flood, the following condition must be satisfied. The depth of inundation on the driveway during a 100 year flood shall not be greater than the larger of: (i) the depth at the road; and (ii) the depth at the car parking space. A lesser standard may be accepted for single detached dwelling houses where it can be demonstrated that risk to human life would not be compromised.	Not applicable as all driveway crossings and hardstand areas are above the 100yr + freeboard levels.
Enclosed car parking and car parking areas accommodating more than 3 vehicles (other than on Rural zoned land), with a floor level below the 20 year flood level or more than 0.8m below the 100 year flood level, shall have adequate warning systems, signage and exits.	Not applicable as no enclosed car parking areas proposed as part of works and all hardstand areas are above the 100yr + freeboard levels.
Restraints or vehicle barriers to be provided to prevent floating vehicles leaving a site during a 100 year flood.	Not applicable as all hardstand areas are above the 100yr + freeboard levels.
Reliable access for pedestrians or vehicles required during a 100 year flood.	Not applicable as all site areas are above the 100yr + freeboard levels.
Adequate flood warning is available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.	Not applicable as the site has areas which are not affected by the PMF flood event and as such would not require offsite evacuation.

The development is to be consistent with any relevant flood evacuation strategy or similar plan.	Not applicable as the site has areas which are not affected by the PMF flood event and as such would not require offsite evacuation.
Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this DCP.	Not applicable as no proposal to subdivide.
Site Emergency Response Flood Plan required where floor levels are below the design floor level, (except for single dwelling-houses).	Not applicable as the site is above the design flood level required for flooding.
No storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood.	Not applicable as all site areas are above the 100yr + freeboard levels.

Planning Controls for Local Overland Flooding

Site is not subject to local overland flooding.

References:

- Section 10.7 Certificate for Lot 1 DP 525324
- Attachment 10.7 Flood Information Sheet
- Fairfield City Wide Development Control Plan 2013

Yours sincerely,



Erhan Eroksuz
Director

03/06/2024

erhan eroksuz
S424/14 Lexington Drive
Bella Vista NSW 2153

Dear Sir/ Madam,

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

PLANNING CERTIFICATE

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

Applicant:	erhan eroksuz
Certificate No.:	1959/2024
Applicant's Reference:	
Issue Date:	03/06/2024
Receipt No.:	4587561

PROPERTY ADDRESS:	1 Cutler Road LANSVALE NSW 2166
LEGAL DESCRIPTION:	Lot: 1 DP: 525324



Marcus Rowan
MANAGER STRATEGIC LAND USE PLANNING

PLEASE NOTE: This is page 1 of 26. Should this certificate or any subsequent copy not contain this many pages, please confirm with Council prior to acting on the basis of information contained in this certificate under Section 10.7(2) & (5) and inclusive of Flood Information Sheet.

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

Notes:

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

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

State Environmental Planning Policies (SEPP)

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Resources and Energy) 2021

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Housing) 2021

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

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

State Environmental Planning Policy (Sustainable Buildings) 2022

Regional Environmental Plans (Deemed SEPP)

There is no Regional Environmental Plan applying to this land.

Local Environmental Plans (LEP)

Fairfield Local Environmental Plan 2013

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

In Force from: 31/05/2013.

As Amended.

Development Control Plans (DCP)

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

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

Draft State Environmental Planning Policies (SEPP)

There is no draft SEPP applying to this land.

Draft Local Environmental Plan (LEP)

There is no other draft LEP applying to this land.

Draft Development Control Plan (DCP)

No Draft DCP applies

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

None relevant.

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

2. Zoning and land use under relevant planning instruments

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

(a) what is the identity of the zone,

R2 Low Density Residential

(b) the purposes for which development in the zone

(i) may be carried out without development consent

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

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

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

(iii) is prohibited

Any other development not specified in item b(i) or b(ii).

c) whether any additional uses apply to the land,

There are no additional uses permitted with consent.

d) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions,

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

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

No.

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

No

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

No.

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

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

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

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

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

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

3. Contributions plans

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

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

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

None.

4. Complying development

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

Housing Code:

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

Rural Housing Code:

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

Low Rise Housing Diversity Code:

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

Housing Alterations Code:

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

General Development Code:

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

Industrial and Business Alterations Code:

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

Industrial and Business Buildings Code:

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

Container Recycling Facilities Code:

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

Subdivisions Code:

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

Demolition Code:

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

Fire Safety Code:

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

Agritourism Code:

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

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

None relevant.

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

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

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

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

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

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

5. Exempt development

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

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

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

Not applicable

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

Restrictions apply to carrying out exempt development on the land or part of the land as it is identified as it is affected by Acid Sulphate Soils. Refer to the SEPP (Exempt and Complying Development Codes) 2008 for further information.

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

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

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

None.

6. Affected building notices and building product rectification orders

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

None relevant.

7. Land reserved for acquisition

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

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

8. Road widening and road realignment

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

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

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

9. Flood related development controls

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

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

Mainstream Flooding

This parcel is within the floodplain and identified as being partly within a Low flood risk precinct and partly not affected by mainstream flooding.

The term mainstream flooding means inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.

The term Low Flood Risk Precinct is defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.

Overland Flooding

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

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

Based on the information currently available to Council, the land or part of the land is between the flood planning area and the probable maximum flood and development for the following purposes is subject to flood related development controls:

- (a) boarding houses,**
- (b) caravan parks,**
- (c) correctional centres,**
- (d) early education and care facilities,**
- (e) eco-tourist facilities,**
- (f) educational establishments,**
- (g) emergency services facilities,**
- (h) group homes,**
- (i) hazardous industries,**
- (j) hazardous storage establishments,**
- (k) hospitals,**

- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

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

(3) In this clause –

flood planning area has the same meaning as the Flood Risk Management Manual.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

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

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

Policies on hazard risk restrictions are as follows:

(i) **Landslip**

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

(ii) **Bushfire**

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

(iii) **Tidal Inundation**

No.

(iv) **Subsidence**

No, the land is not so affected

(v) **Acid Sulfate Soils**

Clause 6.1 of Fairfield Local Environmental Plan 2013 applies to the land. The Fairfield LEP 2013 Acid Sulfate Soil map indicates that the subject land is located within 500 metres of land with the potential for acid sulfate soils. The degree of affectation, if any, would be taken into consideration by Council for any works (in particular those involving excavation), which are likely to lower the watertable on adjacent land with the potential for acid sulfate soils.

(vi) Contamination

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

(vii) Aircraft Noise

None relevant

(viii) Salinity

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

(ix) Coastal hazards

None relevant.

(x) Sea level rise

None relevant.

(xi) Any other risks

No, the land is not so affected

(2) In this section—

adopted policy means a policy adopted—

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

11. Bush fire prone land

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

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

12. Loose-fill asbestos insulation

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

Not Applicable.

13. Mine Subsidence

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

No, this land is not affected.

14. Paper subdivision information

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

No such plan or order applies to the land.

15. Property vegetation plans

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

No.

16. Biodiversity stewardship sites

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

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

No such agreement applies to the land.

17. Biodiversity certified land

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

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

The land is not biodiversity certified land.

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

Whether an order has been made under the *Trees (Disputes between Neighbours) Act 2006* to carry out work in relation to a tree on the land, but only if the council has been notified of the order.

No

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

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

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

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

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

20. Western Sydney Aerotropolis

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

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

No

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

No

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

No

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

No

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

No

21. Development consent conditions for seniors housing

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

None.

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

- (1) Whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—

- (a) the period for which the certificate is current, and
(b) that a copy may be obtained from the Department.

None.

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

None.

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

None.

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

23. Water or sewerage services

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

Note –

A public water utility may not be the provider of some or all the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

Not applicable.

Note: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate.

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

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

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

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

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

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

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

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

No such certificate applies to the land.

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

Note:

- (1) When information pursuant to section 10.7(5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section.
 - (2) Council draws your attention to section 10.7(6), which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).
 - (3) The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this certificate.
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The land is subject to the provisions of the SEPP (Biodiversity and Conservation) 2021, Vegetation in non-rural areas which sets the rules for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

Bankstown Airport - Airspace Protection - The land is subject to height restrictions to protect the airspace in the vicinity of Bankstown Airport as required under the Regulations supporting the Airports Act 1996. You should make your own enquiries with Bankstown Airport Limited who are responsible for the operation of Bankstown Airport contact details are available from <http://www.bankstownairport.com.au/>.

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

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

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

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

There is no draft SEPP applying to this land.

FAIRFIELD CITY COUNCIL DEVELOPMENT CONTROL PLANS

Fairfield Citywide Development Control Plan

Title	Adopted by Council*	Effective Date
Fairfield Citywide Development Control Plan 2013	13 November 2012	31 May 2013
<u>Amendment No.1</u> change maximum height permissible for detached secondary dwellings, clarify requirements and correct various anomalies, incorporate outdoor dining policy into a number of site specific DCPs (see table below)	11 February 2014	5 March 2014
<u>Amendment No.2</u> amend chapter 2 to reference Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
<u>Amendment No.3</u> Introduce Chapter 4B - Secondary Dwellings in Rural Area - Horsley Park and Cecil Park	11 December 2013	14 March 2014
<u>Amendment No. 4</u> amends Chapter 9 Industrial Development Site Specific Controls for 449 Victoria Street and 96 Newton Road, Wetherill Park	24 September 2013	21 March 2014
<u>Amendment No.5</u> amends Chapters 2 and 10 and Appendix B to ensure provisions within the DCP are in line with the SEPP (Exempt and Complying Development Codes) 2008.	13 May 2014	28 May 2014
<u>Amendment No. 5A</u> amends Chapter 6A – Multi Dwelling Housing – Town house and Villas: Site Specific DCP – 46 & 50 Cobbett Street, Wetherill Park.	12 March 2013	22 August 2014
<u>Amendment No. 6</u> including increase to building heights for detached granny flats, removal of reference to minimum lot sizes for R1 zoned lands, inclusion of new controls and provisions relating to neighbourhood shops and pad mounted sub stations, clarify requirements and correct a number of anomalies associated with secondary dwellings, dual occupancy, narrow lots and residential flat buildings and other minor inconsequential amendments.	12 August 2014	3 September 2014
<u>Amendment No. 6A</u> amends Chapter 14 Subdivision – Applying to land located on 630 Elizabeth Drive and 9-10 Schubert Place, Bonnyrigg Heights to facilitate a future road link between Stivala Place and Schubert Place.	12 August 2014	3 September 2014
<u>Amendment No.7</u> proposed amendments include – Additional Controls for Child Care Centres, Boarding Houses and Granny Flats; Revised Heritage Chapter; New provisions relating to CCTV for specific land uses, and; Acoustic measures for development in the Rural Area.	25 November 2014	3 December 2014
<u>Amendment No. 7A</u> amends Chapter 10 Miscellaneous Development - applying to land located on 1 Bartley Street, Cabramatta to facilitate the development of a hotel or motel accommodation at the Cabravale Diggers site.	26 August 2014	16 January 2015
<u>Amendment 8</u> amends Chapter 9 – Industrial Development. This amendment includes provisions for industrial/employment development proposals in close proximity to residential land. The amended controls cover the following issues: General Design Requirements (including setback considerations, driveways, loading and storage areas, etc); Bulk and scale; Vehicular and Pedestrian Access Privacy; Light Spill; Noise and Vibration; and Landscaping.	10 March 2015	1 April 2015
<u>Amendment 9</u> includes new provisions relating to various forms of residential development including: Building Appearance, Landscaping, Private Open space, Minimum Lot Width, Car Parking Rates and Notification of S82A Applications.	12 May 2015	27 May 2015
<u>Amendment 10</u> including amendments to: <ul style="list-style-type: none"> the intent of the Development Control Plan and Development Application process – the DA Guide provisions for rural zone development residential flat building setbacks heritage advice road classifications 	14 July 2015	5 August 2015
<u>Amendment No.11</u> includes site specific development controls (private open space, car parking and dwelling density) for 46-50 Cobbett Street, Wetherill Park included in Chapter 6A Multi Dwelling Housing – Townhouses and Villas.	1 December 2015	16 December 2015

<u>Amendment No. 12</u> addresses anomalies in the DCP including but not limited to providing clarity on minimum room sizes, updated acoustic proofing measures for new dwellings in rural areas, car parking rates for disabled parking, and provisions for site servicing and loading requirements in neighbourhood shops in residential zones.	10 May 2016	25 May 2016
<u>Amendment No. 13</u> Clarification to requirements for acoustic measures for development in the rural areas, location of alfresco areas for secondary dwellings, car parking rates for restaurants & amendments to ensure controls for residential flat buildings are consistent with the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development & associated Apartment Design Guide.	14 March 2017	5 April 2017
<u>Amendment No. 14</u> Site specific provisions for 620 Elizabeth Drive, Bonnyrigg Heights.	27 June 2017	15 September 2017
<u>Amendment No. 15</u> Amendment to Appendix G, and addition of Appendix H to introduce Aboriginal Heritage Management controls for development across Fairfield City	12 September 2017	28 February 2018
<u>Amendment No. 16</u> Amendments provide clarity relating to alfresco areas and carports provisions for secondary dwellings, lot width provisions for dual occupancy and multi dwelling housing on cul-de-sac heads, setbacks for residential flat buildings on corner sites, removal of Chapter 8B Neighbourhood and Local Centres – Mixed Use (Up to 2 storeys) to ensure consistency with the Apartment Design Guide, inclusion of accessibility requirements, inclusion of Council's Stormwater Management Policy, and guidelines for acknowledging petitions.	27 February 2018	21 March 2018
<u>Amendment No. 18</u> Amendment to Chapter 10.11 to revise existing site specific DCP in relation to the Cabravale Diggers Club site at 1 Bartley Street, Canley Vale	14 November 2017	28 February 2018
<u>Amendment No. 19</u> Amendment to introduce site specific development controls for 17-23 Longfield Street, Cabramatta.	11 September 2018	28 February 2019
<u>Amendment No. 20</u> Amendment No. 20 provides clarity on controls and guidelines within the following chapters: <ul style="list-style-type: none"> • Chapter 3 – Environmental Management and Constraints; • Chapter 4A – Development in the Rural Zones; • Chapter 5A – Dwelling Houses; • Chapter 5B – Secondary Dwellings; • Chapter 6A – Multi Dwelling Housing; • Chapter 6B – Dual Occupancy; • Chapter 9 – Industrial Development; and • Chapter 14 – Subdivision 	12 February 2019	13 March 2019
<u>Amendment No. 22</u> Amendment No. 22 provides clarity on control and guidelines within the following chapters: <ul style="list-style-type: none"> • Appendix A – Definitions • Chapter 2 – Development Application Process • Chapter 3 – Environmental Management and Constraints • Chapter 5A – Dwelling Houses • Chapter 5B – Secondary Dwellings • Chapter 5C – Dwelling Houses on Narrow Lots • Chapter 7 – Residential Flat Buildings and Shop Top Housing • Chapter 8 – Neighbourhood and Local Centres Business Use • Chapter 12 – Car Parking, Vehicle and Access Management • Chapter 13 – Child Care Centres • Chapter 14 - Subdivision 	9 June 2020	21 September 2020
<u>Amendment No. 23</u> Amendment No. 23 insert the Site Specific Development Control Plan for the site 400-404 Cabramatta Road West, Cabramatta within Chapter 10 of the City Wide DCP 2013.	24 Feb – 23 March 2021	22 March 2022

Place Based and Site Specific Development Control Plans

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

Master Plans

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

Urban Design Studies

Title	Adopted by Council
Fairfield City Centre Key Sites Urban Design Study	27 March 2018
Fairfield Heights Town Centre Urban Design Study	27 March 2018
Villawood Town Centre Urban Design Study	27 March 2018

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

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Flood Information Sheet

Applicant: erhan eroksuz
Certificate No.: 1959/2024
Applicant's Reference:
Issue Date: 03/06/2024
Receipt No.: 4587561

PROPERTY ADDRESS: 1 Cutler Road LANSVALE NSW 2166
LEGAL DESCRIPTION: Lot: 1 DP: 525324

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

Important Notes:

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

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

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

MAINSTREAM FLOODING

Description

This parcel is within the floodplain and identified as being partly within a Low flood risk precinct and partly not affected by mainstream flooding.

The term mainstream flooding means inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.

The term Low Flood Risk Precinct is defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.

Mainstream Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum	10.6
PMF maximum	10.6
1 in 100 year minimum	6.7
1 in 100 year maximum	6.7
1 in 20 year minimum	5.9
1 in 20 year maximum	6.0

Flood levels in the vicinity of the above property have been extracted from the Department of Public Works (1991) "Georges River Flood Study," Bewsher Consulting (2004) "Georges River Floodplain Risk Management Study & Plan - Volume 1 Main Report."

LOCAL OVERLAND FLOODING

Description

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

Local Overland Flood Details

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

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

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