

PRELIMINARY SITE INVESTIGATION

FOR

JAMES GROUP PROPERTIES PTY LTD ATF JAMES ST DEVELOPMENT UNIT TRUST

9-15 Raphael Street, Lidcombe, New South Wales

Report No: 16/0011

Project No: 20739/6439C

January 2016

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EXECUTIVE SUMMARY

A preliminary site investigation (PSI) was performed for the four properties at 9, 11, 13 and 15 Raphael Street, Lidcombe, New South Wales (the 'site'). The objective of the investigation was to determine the potential for the site to be affected by land contamination. The investigation was performed in accordance with Environment Protection Authority (EPA) and national guidelines for the assessment and management of site contamination.

The site is approximately 50 m by 35 m in size (approx. 1,750 m²) and has historically been used for residential purposes since at least 1930, as shown in aerial photographs from 1930 to 2005. The site is proposed to be redeveloped for residential use with basement car parking.

During the site inspection the potential contamination sources that were identified were the possible presence of asbestos in surface soils from a backyard shed roof at 15 Raphael Street and peeling house paint with potential lead residues in surface and subsurface soils at 11 Raphael Street. In addition, there is the potential presence of asbestos fibres in backyard soils from home insulation products that are likely to have been used on the site in the past.

Given that the site is proposed to be bulk excavated for a medium-density residential development, any chemically impacted soil that may be present would be removed from the site during redevelopment.

Based on the result of this investigation, the site is likely to be suitable for the proposed residential redevelopment provided that the land is developed in accordance with the current development plans. However, a soil sampling program will be necessary to verify this and to classify the soils on the site for off-site disposal prior to any bulk excavation works commencing.

Asbestos-based materials, if present, are to be removed by an appropriately licensed contractor and in accordance with WorkCover NSW regulations at the time of redevelopment.

1. INTRODUCTION

On November 27, 2015, STS GeoEnvironmental Pty Ltd (STS) were engaged to undertake a preliminary site investigation (PSI) for the property at 9-15 Raphael Street, Lidcombe, New South Wales (the 'site'). The investigation was performed in accordance with Environment Protection Authority (EPA) and national guidelines on the assessment and management of site contamination.

The objectives of the PSI were to investigate the potential for the site to be affected by land contamination. The scope of the investigation included:

- Inspection of aerial photographs of the site and surrounds;
- Review of land title information, including a historical title search;
- Review of a Council Section 149(2) Certificate and EPA public records;
- Site inspection;
- Assessment of the potential for surrounding land uses to cause site contamination;
- Appraisal of geology and hydrogeology at the site, as required by EPA guidelines;
- Appraisal of the potential for the land to be contaminated, based on the site inspection and historical review;
- Recommendations for the site with regard to relevant guidelines for the assessment and management of site contamination, including the need for any further investigation that may be required; and
- Preparation of a confidential report on the results of the PSI.

2. REDEVELOPMENT AND PROPOSED LAND USE

We understand that the site is proposed to be redeveloped for ongoing residential land use. The development comprises the demolition of all existing buildings and the construction of a new residential complex with basement car parking that will be constructed to a maximum depth of 3 metres below the existing ground surface.

3. SITE IDENTIFICATION

The site has an area of approximately 1,750 m² and is defined as Lots 9, 10, 11 and 12 in Deposited Plan (DP) 397, Auburn City Council. The location of the site is shown on Drawing No. 16/0011/1.

The site is located within Auburn City Council local government area and is zoned 'B4 – Mixed Use'.

4. SITE FEATURES

The site was inspected on January 8, 2016 to confirm the condition of the land and to identify potential contamination sources. A plan showing the most current site configuration aerial is shown on Drawing No.16/0011/2. The key site features as determined by the site inspection are:

- At the time of the inspection the site was occupied by four free-standing residential houses.
- Grass and small trees cover the front and backyard areas of 9, 11 and 15 Raphael Street. 13 Raphael Street has no backyard area and the front yard is mostly sealed with a small area of grass and small trees.
- Site drainage is to the southwest.
- 9 Raphael Street has a rusty corrugated iron roof. 50% of the area is covered by a grassy level backyard without obvious signs of fill material. Undercover carport, which is apparently unused, has fractured concrete pavement with no signs of oil spillage or stains. Corner of the backyard is covered with rubble and bricks (approx. two m² area). Strong vegetation with tall grasses in backyard and about 60 m² area covered by concrete slabs.
- 11 Raphael Street has about 25% of the area covered by tall grasses and bushes in the backyard and approx. 25% of the area is a sealed backyard. Tall grass covers areas adjacent to the main building. Old timber fence runs along the western margin of the property. House has timber veneer with abundant paint flakes peeling off the timber structure. Front part of the house has a double car port that is in use where there are no obvious oils stains on the concrete surface. A tool shed is located in the rear of the backyard with no signs of oil stains in the area adjacent to the shed.
- 13 Raphael Street has no backyard and is a modern (approximately 18 years old) double storey building with a paved double car port. About 20-25% of the area at the front of the house are unpaved and covered by grass and small trees. The house has a clean roof and no wall paint (bricks).
- 15 Raphael Street has about 50% grass cover in the backyard area. The residential building is a timber cottage of original construction and with a level backyard area without any apparent signs of fill. Shed in backyard has a fibro roof and possible asbestos-containing material. Undercover area with sealed tiled surface is located in the backyard. Bricks and rubble are located in a small area to the rear of the house.

- The property to the south of 15 Raphael Street is a removal company with onsite parking of trucks in a sealed parking area.
- The areas adjacent to 9-15 Raphael Street are commercial, although there is no sign of industrial activity. Rookwood cemetery, where the land use has remained unchanged for over 50 years is located about 50 m to the east of the site. Industrial zone areas are located to the north, east and south of the site and four storey residential units are located to the west of the site.
- Lidcombe train station is located about 450 m to the north of the site.
- A public park/playground is located about 50 m from the site.
- St Joachim's Catholic school is located less than 750 m from the site.

5. GEOLOGY AND HYDROGEOLOGY

The Geological Survey of NSW 1:100,000 Sydney Geological Map (Sheet 9030) shows the site is underlain by the Triassic Age geological formation being Bringelly Shale of the Wianamatta Group. The Bringelly Shale formation typically comprise shale, claystone and laminite.

Our review of the ASS risk maps shows that the site is located in an area where ASSs are unknown to exist.

A search of the NSW Office of Water (NOW) groundwater database found one registered bore within 500 m radius of the site located about 400 m west of the site (GW111940). The bore work summary showed that the bore was a monitoring bore to a depth of 6.1 m with a standing water level of 2.71 m.

Drilling encountered concrete to 0.15 m bgl, then sand to 0.20 m bgl, silty clay to 0.50 m bgl, stiff clay to 1.3 m bgl, soft clay to 5.50 m bgl and shale to the bottom of the bore at 6.1 m.

Water bearing zones were not observed.

Based on the observations made during our site inspection and our review of the site geology and regional groundwater conditions, a summary of the site hydrogeology is shown in Table 5.1.

TABLE 5.1 – SITE HYDROGEOLOGY

Depth to Groundwater at Site:	More than 6 m below ground level ¹
Aquifer Type and Lithology:	Clay and Shale ¹
Perched groundwater:	Potential at soil/rock interface
Local Groundwater Flow Direction:	Northeast following alignment of observed ground contours
Regional Groundwater Flow Direction:	Northeast towards the receiving environment ¹
Receiving Environments:	Haslams Creek, located approximately 3,000 m northeast of the site

¹Inferred groundwater conditions based on site geology and geomorphology and results of groundwater database search

6. SITE HISTORY

The site history of the land subject to the assessment was obtained from the following sources:

- Aerial photographs of the site and surrounds held by the Department of Lands;
- Section 149 (2) Certificate provided by Auburn City Council;
- Historical land titles; and
- EPA public records.

6.1. Aerial Photographs

Aerial photographs from 1930, 1951, 1961, 1970, 1986, 1994, 2002 and 2005 were examined to identify previous land uses at the site and its surrounds. A copy of each aerial photograph showing the location of the site is provided in Appendix A, and a description of the observations made are provided in Table 6.1.

TABLE 6.1 – AERIAL PHOTOGRAPH OBSERVATIONS

Year	Site Features	Surrounding Land Use
1930	The site appears to have three houses (9, 11, 13 Raphael Street(?)) occupying most of the site and without discernible vegetation.	The surrounding land is largely built up with several houses present.
1951	There site now has four houses present, occupying the majority of the site.	There is a significant increase in the number of houses in the immediate surrounds.
1961	There is no change in the number of houses or objects on the site.	The surrounding area has high density housing and buildings. Rookwood cemetery has more grave sites to the east of the site.

1970	There is no change in the number of houses or objects on the site and the site is clearly residential in nature.	Surrounding land uses remain largely unchanged, although a large warehouse building is apparent adjacent to the site.
1986	There is no change in the number of houses or objects on the site and the site is clearly residential in nature.	The immediate surrounding land use has changed to large warehouse type buildings to the south and east.
1994	Site use appears to be largely unchanged.	The immediate surrounding land uses remain largely unchanged, although there are additional large buildings visible to the north of the site.
2002-2005	Site use appears to be largely unchanged. 13 Raphael Street has been upgraded to a large house without backyard area.	The immediate surrounding land uses remain largely unchanged.

A review of satellite imagery from 2005 to 2015 available on Google Earth™ was also undertaken. There do not appear to be any changes to the site since the 2005 image was taken.

6.2. Section 149(2) Certificates

The Planning Certificate under Section 149 of the *Environmental Planning and Assessment Act, 1979* was obtained for the site from Auburn City Council (i.e. four individual certificates for 9, 11, 13 and 15 Raphael Street) and copies of these certificates are provided in Appendix B. The site is zoned as Zone B4 – Mixed Use.

The certificates state (under Section 149(2)) that, as prescribed by section 59 (2) of the *Contaminated Land Management Act, 1997*, Council has not identified that a site audit statement has been received in respect of the site and the land to which the certificate relates is not:

- declared to be significantly contaminated land;
- subject to a management order;
- subject of an approved voluntary management proposal;
- subject of an ongoing maintenance order; and
- subject of a site audit statement.

6.3. Historical Title Search

Copies of the historical land title transfers were obtained from the Land Titles Office, and are provided in Appendix C. A summary of the property ownership/occupants and their associated activities (where available) is summarised in Table 6.2.

TABLE 6.2 – HISTORICAL LAND TITLE SUMMARY

9 Raphael Street

Year	Registered Owner/Occupant
2015-Present	BBC Group Pty Ltd
2012-2015	Ying Chen
2011-2012	Umut Kitapli
2011-2011	John Baker Ray
1994-2011	William Ray
1994-1994	Graham John Logan
1990-1994	Colin Edward Logan
1978-1990	Beryl Jean Logan, Widow
1948-1978	Daniel John Edward Logan, Gardener
1925-1948	Richard Walker, Railway Conductor
1924-1925	Alexander Larcombe, Gentleman
1921-1924	John Vivian Lago, Granite Polisher

11 Raphael Street

Year	Registered Owner/Occupant
2013-Present	Victor Frongin
2013-2013	Lili Qiao
2006-2013	Victor Frongin
1994-2006	Victor Frongin and Lili Qiao
1991-1994	Ronald Ernest Markillie
1978-1991	Ronald Ernest Markillie, Cabinet Maker and Judith Anne Garner, Manageress
1971-1978	Graham John Logan, Cabinet Maker and Robynne Eleanor Logan, His Wife
1971-1971	Pamela Margaret Fiddes, Accounting Clerk
1948-1971	Peter Docherty, Engineer
1948-1948	John Lambert McKay, Tyre Merchant
1925-1948	Richard Walker, Railway Conductor
1923-1925	Alexander Larcombe, Gentleman
1921-1923	Bertie Alexander Lago, Foreman / Stone Mason
1915-1921	Alexander Larcombe, Gentleman
1914-1915	Gertrude Caroline Andrews, Wife of Albert Andrews, Rookwood Storekeeper

TABLE 6.2 – HISTORICAL LAND TITLE SUMMARY (CONT'D)

13 Raphael Street

Year	Registered Owner/Occupant
2006-Present	Lili Qiao
1987-2006	Victor Frongin and Lili Qiao (Formerly Lili Frongin)
1983-1987	Tony Baissari
1981-1983	Frederick Disley Porter, Technical Teacher and Margaret Faires, Widow
1953-1981	Margaret Alice Porter, Widow
1950-1953	John Peter Myers, Silver Finisher and Mavis Doreen Myers, His Wife
1948-1950	John Lambert McKay, Tyre Merchant
1925-1948	Richard Walker, Railway Conductor
1923-1925	Alexander Larcombe, Gentleman
1921-1923	Bertie Alexander Lago, Foreman / Stone Mason
1915-1921	Alexander Larcombe, Gentleman
1914-1915	Gertrude Caroline Andrews, Wife of Albert Andrews, Rookwood Storekeeper

15 Raphael Street

Year	Registered Owner/Occupant
2014-Present	BBC Group Pty Limited
2014-2014	James Group Properties Pty Ltd
2003-2014	Robert James Kelman and Helen Joy Kelman
1977-2003	Dawn Rose Burn, Femme Sole
1976-1977	Ellen Rosetta Shepherd, Widow
1948-1976	Alfred Ernest Shepherd, Public Servant and Ellen Rosetta Shepherd
1925-1948	Richard Walker, Railway Conductor
1923-1925	Alexander Larcombe, Gentleman
1921-1923	Bertie Alexander Lago, Foreman / Stone Mason
1915-1921	Alexander Larcombe, Gentleman
1914-1915	Gertrude Caroline Andrews, Wife of Albert Andrews, Rookwood Storekeeper

6.4. NSW EPA Records

The EPA contaminated land public register was inspected on January 8, 2016 to determine if any notices have been issued for the site by EPA under the Contaminated Land Management Act 1997 or if the site is registered under the Protection of the Environment Operations Act 1997. Our review shows that the site is not listed under the provisions of these Acts, nor is it located in

close proximity to a listed property. The closest property which has received a Penalty Notice under the POEO Act is located at Lot 1 Birnie Avenue, Lidcombe issued to Parmalat Australia Pty Ltd for a violation of emission of odours (Corporation). These premises are located approximately 1 km to the northeast of the site and are unlikely to adversely affect the site.

Further, our review shows that the site or surrounding properties are not listed on EPA's database of properties for which a notification has been received (under the provisions of the Contaminated Land Management Act 1997) due to site contamination.

6.5. Site History Summary

The site has historically been used for residential purposes since about 1914, which has continued through to the present. Prior to this the use of the site is unknown.

7. PREVIOUS ENVIRONMENTAL REPORTS

No previous environmental assessment reports are known to have been prepared for the site.

8. APPRAISAL OF POTENTIAL CONTAMINATION SOURCES

Based on our site history review and site inspection, an appraisal of the potential contamination risk at the site has been performed, the results of which are summarised in Table 8.1.

TABLE 8.1 – CONTAMINATION RISK ANALYSIS

Source	Location	Contamination Pathway Analysis	Potential for Soil Impacts
Presence of fibre roof sheeting which potentially contains asbestos at 15 Raphael Street.	Backyard shed external to the main residential building before demolition.	There is potential for the near surface soils around the shed to be impacted with asbestos fibres as a result of the breakdown of the fibrous roof material.	Medium to High potential for soil impacts to have occurred which are significant for a medium-density residential land use setting.

Presence of rubble and building bricks.	Located in the in backyard areas of 9 and 15 Raphael Street.	As the origin of the rubble and bricks cannot be confirmed, it has the potential to be contaminated and potentially affect surficial soils of backyard areas of 9 and 15 Raphael Street.	Low to Moderate potential for rubble and bricks to be impacted with contaminants at levels that would be significant for a medium-density residential land use setting.
Paint flakes from timber cover of houses.	Timber panels of houses at 9 and 11 Raphael Street.	Paint flakes and potential lead contamination enters soils adjacent to houses of 9 and 13 Raphael Street.	Medium potential for lead containing paint to impact soils for a medium-density residential land use setting.
Rusty fencing.	Front fence of 9 Raphael Street.	Rust flakes entering soils of front yard of 9 Raphael Street and potentially contaminating soils with heavy metals (Zn, Ni, Cr).	Low to medium potential for heavy metals to impact soils for a medium-density residential land use setting.
Use of an adjacent site to park trucks.	The surface soils of 15 Raphael Street.	There is a potential for near surface soils and groundwater to be impacted with hydrocarbons as a result of oil spills of parked trucks.	Low to Moderate potential for the surface soils and groundwater to be impacted with contaminants at levels significant for a medium-density residential land use setting.

9. CONCLUSION AND RECOMMENDATIONS

Based on the results of this PSI, the following conclusions and recommendations are made:

- The site is approximately 1,750 m² and has historically been used for residential purposes which continues to the present day. Prior to 1914 the use for the site is unknown.
- The site is to undergo redevelopment for residential use and includes basement parking. This will require the excavation of soil to a depth of about 3 metres. During site excavations, any contaminated soil that may be present will be removed and transported to a licensed facility. The excavated soil would require waste classification prior to removal.
- Based on the result of this investigation, the site does not appear to be affected by land contamination other than those noted above. The basement excavation during the proposed development should effectively remediate the site and make the site suitable for the proposed residential redevelopment with basement car parking.
- All asbestos based material, if present, should be removed by an appropriately licensed contractor and in accordance with WorkCover NSW regulations at the time of redevelopment.
- A soil sampling programme will be required to determine if there have been any chemical impacts on the site from possible asbestos-containing roof tiling or home insulation products and lead paint residues to classify the soils for off-site disposal.

10. LIMITATIONS

STS GeoEnvironmental Pty Ltd has performed its services for this project in accordance with its current professional standards. Further, our opinions and judgments expressed herein, which are based on our understanding and interpretation of current regulatory standards, should not be construed as legal opinions.

Our opinions outlined in this report are based purely on the results of an inspection of the property and a site history review undertaken by STS GeoEnvironmental Pty Ltd for this investigation and also on information contained within a previous environmental assessment report prepared by others. STS GeoEnvironmental Pty Ltd accepts no liability for the reliability or otherwise of data and information supplied by third parties.

This document and the information herein have been prepared solely for the use of James Group Properties Pty Ltd ATF James St Development Unit Trust for the purposes nominated in this report. No person or organisation other than James Group Properties Pty Ltd ATF James St Development Unit Trust is entitled to rely on any part of the report without the prior written consent of STS GeoEnvironmental Pty Ltd. Any third party relying on this report shall have no legal recourse against STS GeoEnvironmental Pty Ltd or its parent organisations or subsidiaries and shall indemnify and defend them from all and against all claims arising out of, or in conjunction with such use or reliance.

Report Written By:



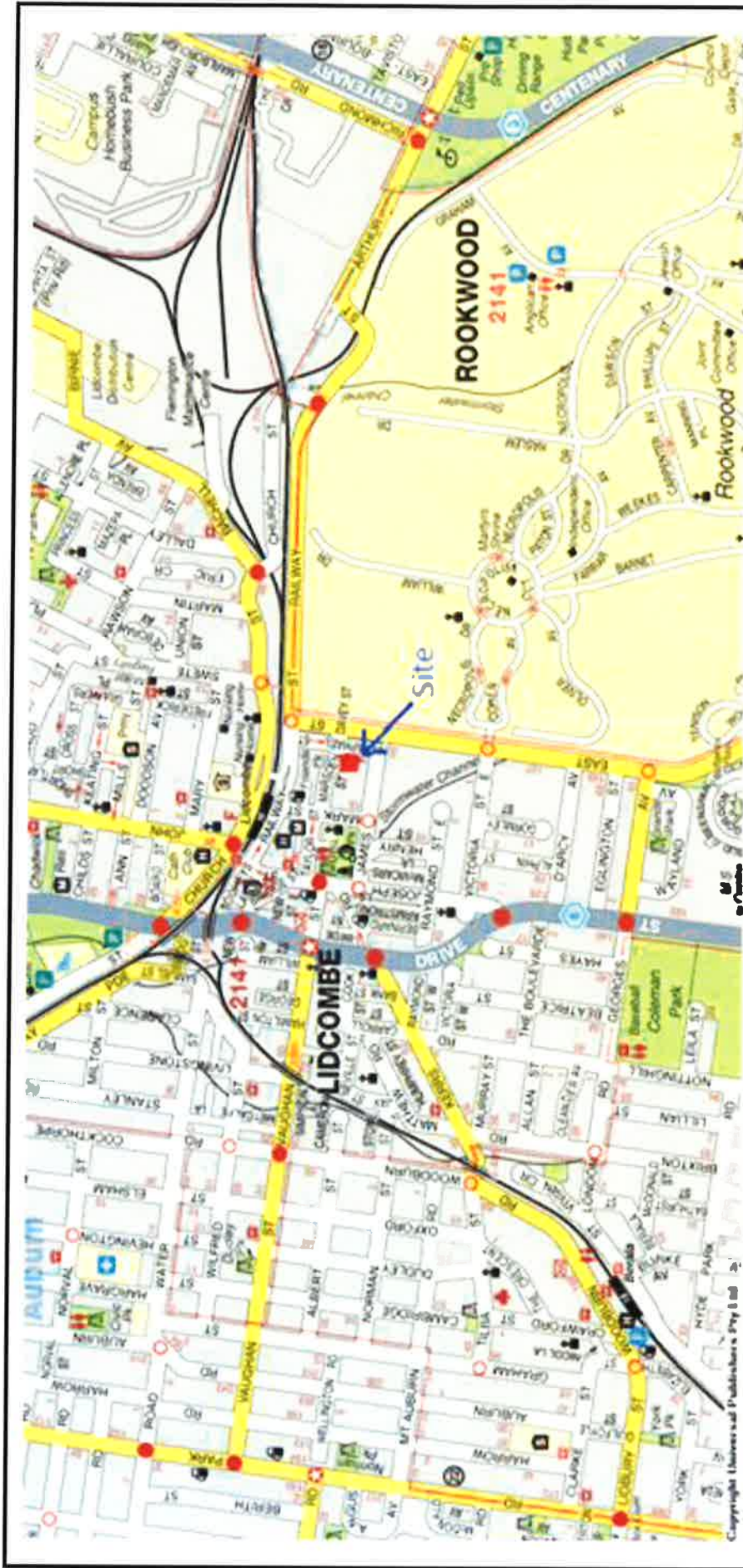
Carsten Matthai, BSc(Hons), PhD
Environmental Engineer
STS GeoEnvironmental Pty Ltd

Report Reviewed By:



Laurie Ihnativ, BE, MEngSc, MBA, FIE Aust.
Senior Engineering Geologist
Manager, STS GeoEnvironmental Pty Ltd

FIGURES



Map reproduced with permission of UBD

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STS GEOENVIRONMENTAL PTY LTD

Scale Unknown

Date: January 2016

Client: JAMES GROUP PROPERTIES PTY LTD ATF JAMES ST DEVELOPMENT UNIT TRUST

PRELIMINARY SITE INVESTIGATION
9-15 RAPHAEL STREET, LIDCOMBE

SITE PLAN

Project No.
20739/6439C

Drawing No: 16/0011/1



Photo Source: Google Earth™



Site Boundary



STS GEOENVIRONMENTAL PTY LTD

Scale Unknown

Date: January 2016

Client: JAMES GROUP PROPERTIES PTY LTD ATF JAMES ST DEVELOPMENT UNIT TRUST

**PRELIMINARY SITE INVESTIGATION
9-15 RAPHAEL STREET, LIDCOMBE**

SITE FEATURES

Project No:
20739/6439C

Drawing No: 16/0011/2

APPENDIX A – AERIAL PHOTOGRAPHS



Source: Department of Lands

2005 Aerial Photograph Showing the Site and its Surrounds



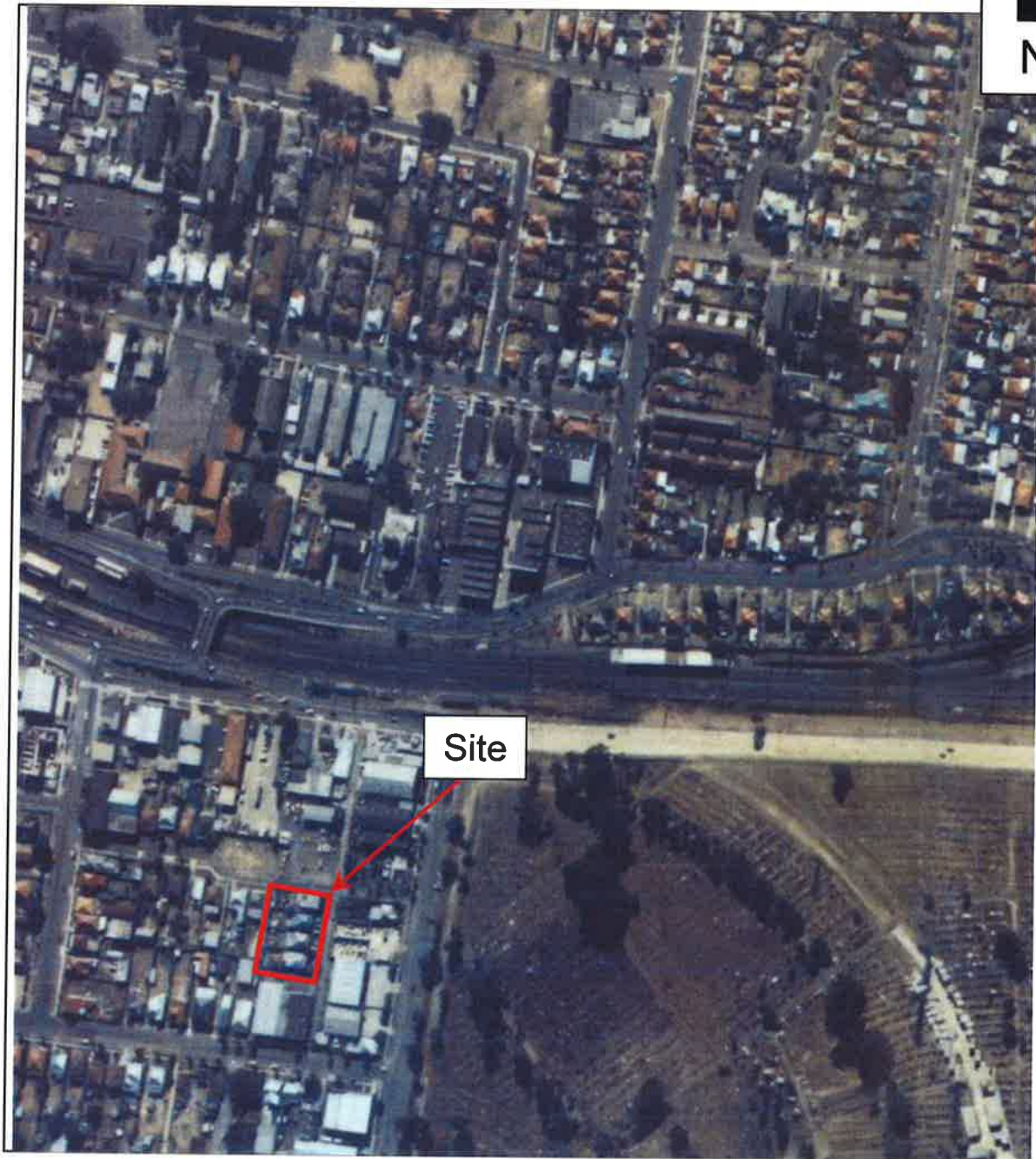
Source: Department of Lands

2002 Aerial Photograph Showing the Site and its Surrounds



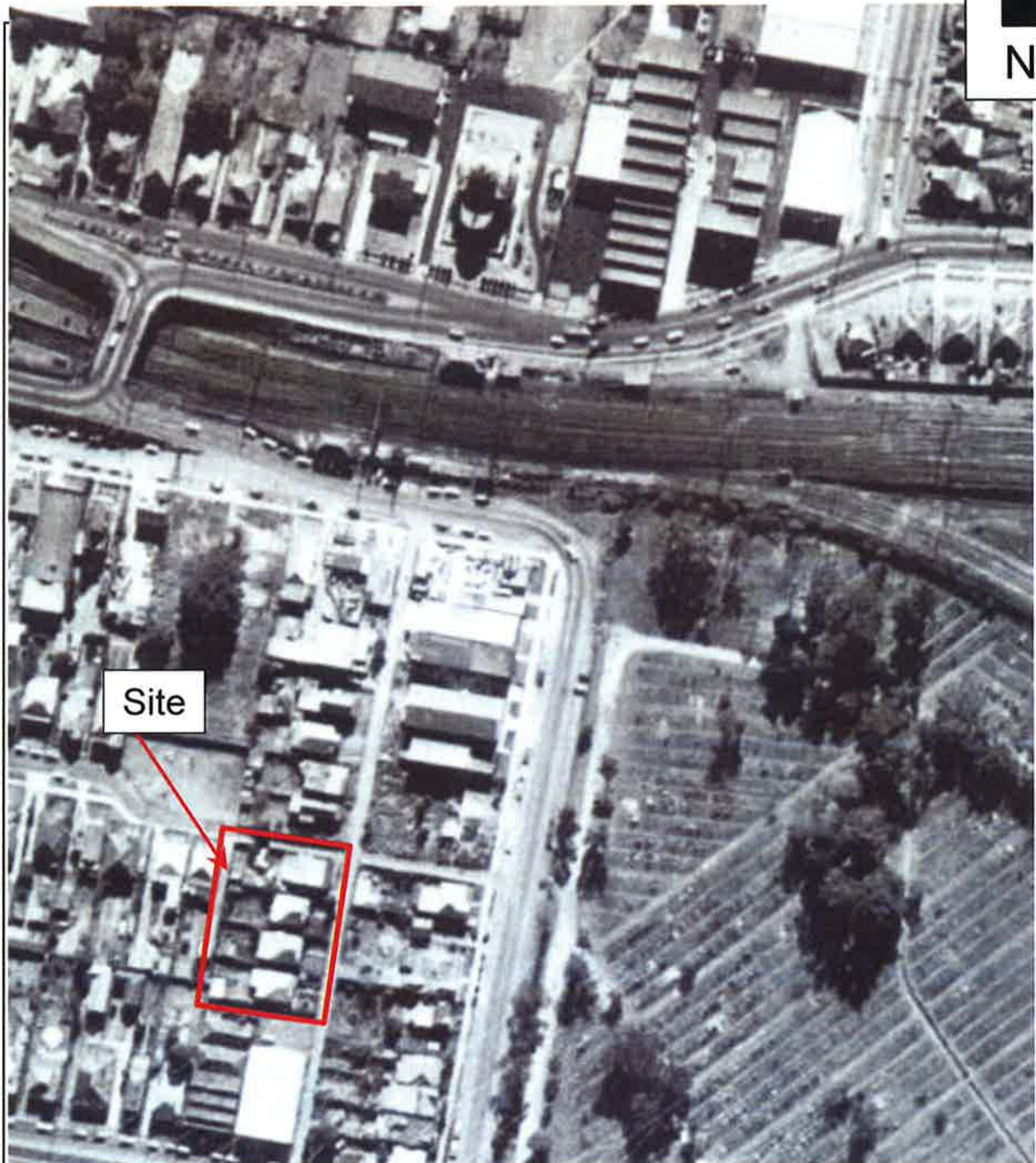
Source: Department of Lands

1994 Aerial Photograph Showing the Site and its Surrounds



Source: Department of Lands

1986 Aerial Photograph Showing the Site and its Surrounds



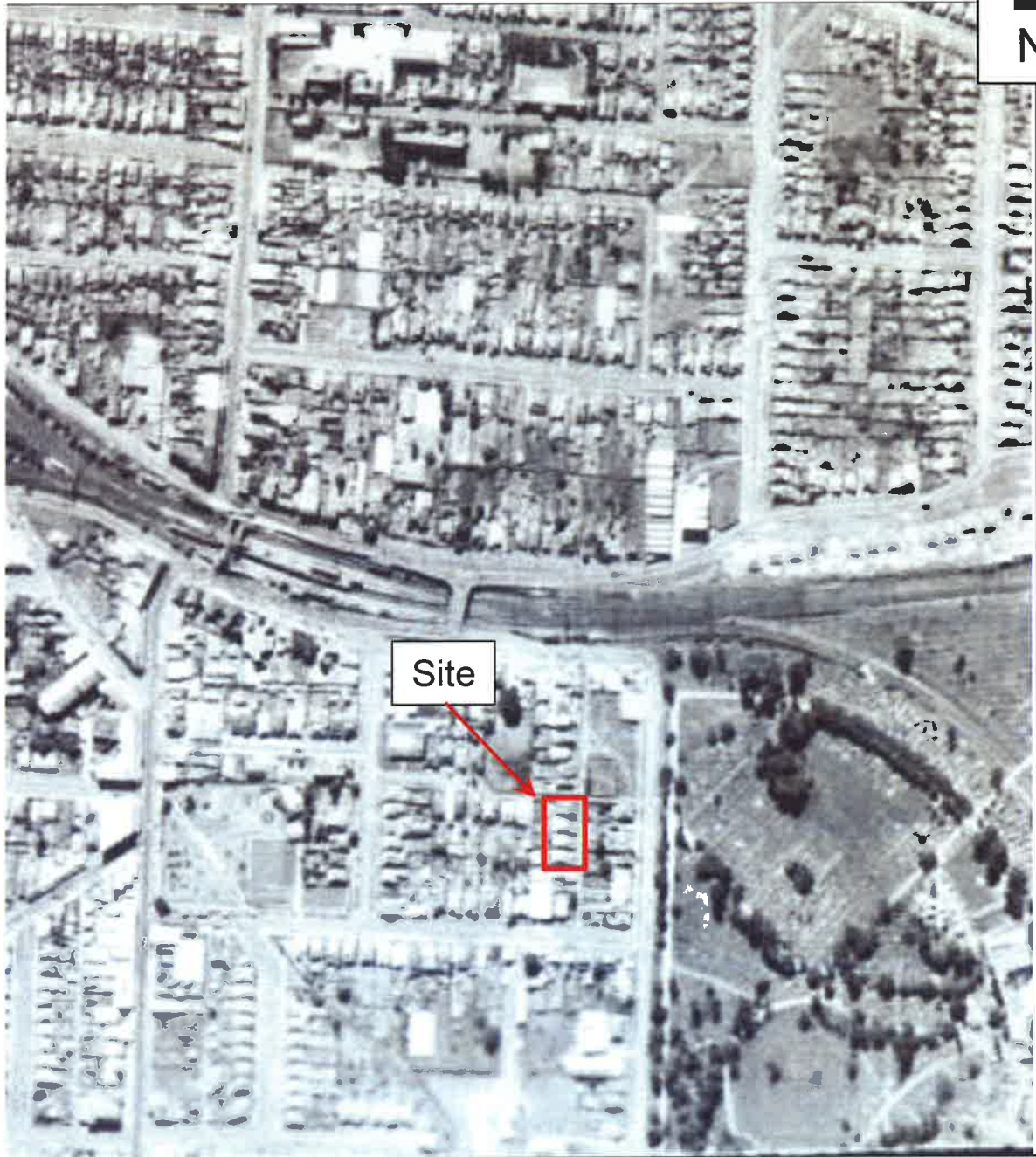
Source: Department of Lands

1970 Aerial Photograph Showing the Site and its Surrounds



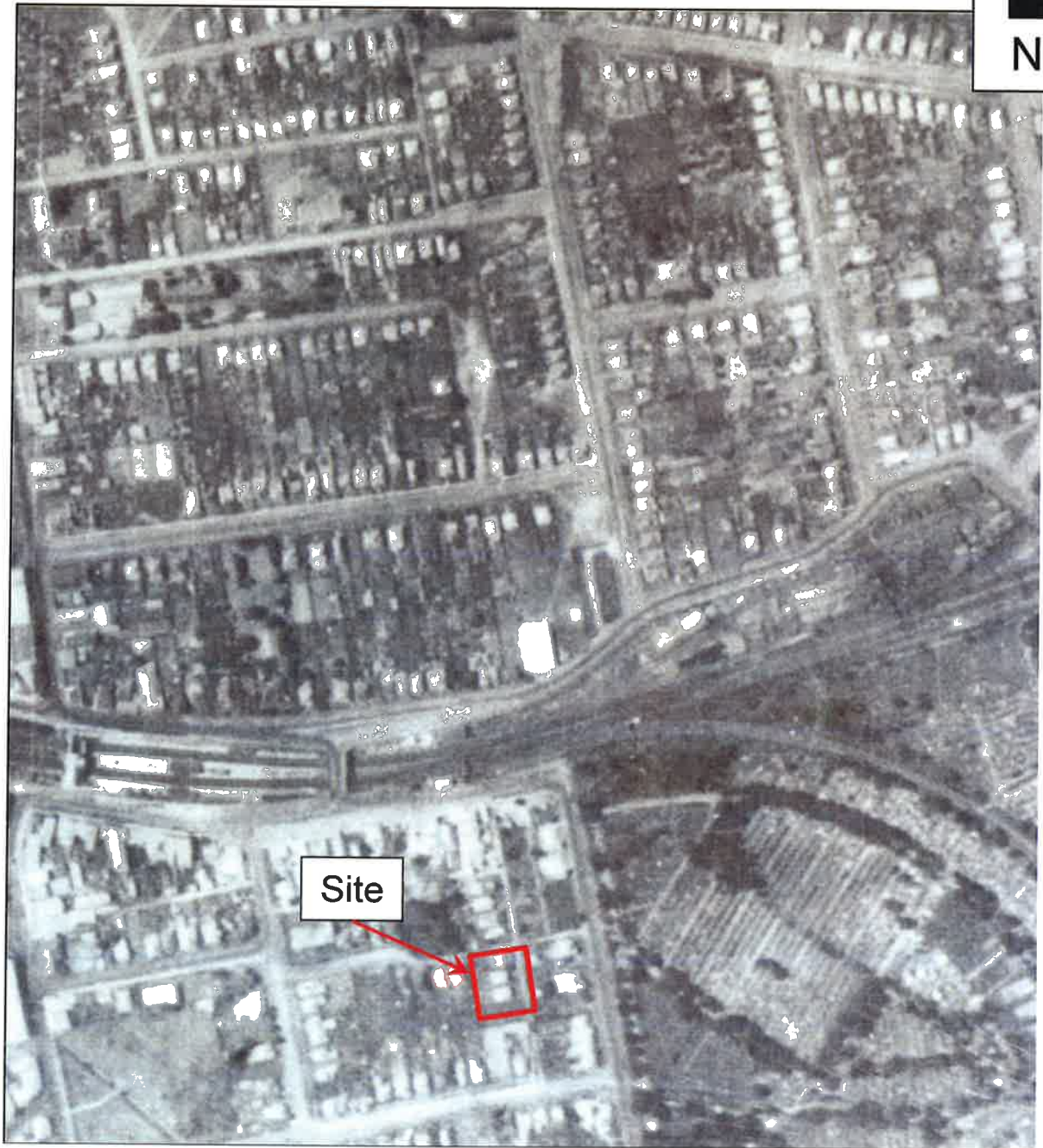
Source: Department of Lands

1961 Aerial Photograph Showing the Site and its Surrounds



Source: Department of Lands

1951 Aerial Photograph Showing the Site and its Surrounds



Source: Department of Lands

1930 Aerial Photograph Showing the Site and its Surrounds

APPENDIX B – SECTION 149 (2) CERTIFICATE



1 Susan Street, P O. Box 118, Auburn NSW Australia 1835

Telephone: 9735 1222 Facsimile: 9643 1120
ABN 63 914 691 587

SAI Global Property
PO Box 447
SOUTH MELBOURNE VIC 3205

PLANNING CERTIFICATE

Issued under Section 149(2) of the
Environmental Planning and Assessment Act, 1979

Certificate No: 25059
Receipt No: 1012799
Date: 3 December 2015
Your Reference: 33240194:17856

Property Details

Address: 9 Raphael Street, LIDCOMBE NSW 2141

Legal Description: Lot 9 DP 397

Owner(s) Name (as recorded by Council):

BBC Group Pty Limited
PO Box 4421
HOMEBUSH SOUTH NSW 2140

In accordance with the requirements of Section 149(2) of the *Environmental Planning and Assessment Act, 1979* (as amended), the following prescribed matters relate to the land at the date of this certificate.

Note: The information contained in Planning Certificates issued for a lot within Strata-Titled development relates to the land the development is situated on.

1. Names of Relevant Planning Instruments and DCPs

The name of:

- (a) *each environmental planning instrument that applies to the carrying out of development on the land.*
- (b) *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 (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).*
- (c) *each development control plan that applies to the carrying out of development on the land.*

In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

- 1(a) Auburn Local Environmental Plan 2010.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
State Environmental Planning Policy No. 19 Bushland in Urban Areas.

State Environmental Planning Policy No. 21	Caravan Parks.
State Environmental Planning Policy No. 30	Intensive Agriculture.
State Environmental Planning Policy No. 32	Urban Consolidation (Redevelopment of Urban Land).
State Environmental Planning Policy No. 33	Hazardous and Offensive Development.
State Environmental Planning Policy No. 50	Canal Estate Development.
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 (Amendment 3).
State Environmental Planning Policy No. 70	Affordable Housing (Revised Schemes).
State Environmental Planning Policy	(Affordable Rental Housing) 2009
State Environmental Planning Policy	Building Sustainability Index: BASIX 2004
State Environmental Planning Policy	(Major Development) 2005
State Environmental Planning Policy	(Exempt and Complying Development Codes) 2008
State Environmental Planning Policy	(Infrastructure) 2007
State Environmental Planning Policy	(Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy	(Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy	(State and Regional Development) 2011

1(b) Draft State Environmental Planning Policy (Competition) 2010

1(c) Auburn Development Control Plan 2010.

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):

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No. 2(a")),*
- (b) *the purpose for which the plan or instrument provides that development may be carried out within the zone without the need for development consent,*
- (c) *the purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent,*
- (d) *the purposes for which the plan or instrument provides that development is prohibited within the zone,*
- (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,*
- (f) *whether the land includes or comprises critical habitat,*
- (g) *whether the land is in a conservation area (however described),*
- (h) *whether an item of environmental heritage (however described) is situated on the land.*

(a) Zone B4 - Mixed Use (Auburn Local Environmental Plan 2010)

(b) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITHOUT DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out development consent.

- the provisions specified under uses permitted without consent under the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under exempt development which satisfies the criteria for exempt development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development without consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

(c) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITH DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions which may be carried out with development consent.
- the provisions specified under objectives of the zone of the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010, the consent authority may not grant development consent to the carrying out of development within the applicable zone unless the consent authority is of the opinion that the carrying out of the development is consistent with the objectives of the zone.
- the provisions listed under uses permitted with consent in the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under complying development which satisfies the criteria for complying development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development with consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website

at www.auburn.nsw.gov.au.

- (d) Development for a purpose that is listed as being 'Prohibited' for the applicable zone is currently included under Part 2 Permitted or Prohibited Development and the Land Use Table of the Auburn Local Environmental Plan 2010.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for prohibited development under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

- (e) There are no development standards applying to this land that fix a minimum land dimension for the erection of a dwelling-house.
- (f) The land does not include or comprise critical habitat.
- (g) The land is not located within a heritage conservation area under the provisions of Auburn Local Environmental Plan 2010.
- (h) The land has not been identified as containing an item of environmental heritage significance under the Auburn Local Environmental Plan 2010.

3. Complying Development

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

General Housing Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Rural Housing Code

- (1) or (2) The land is not affected by the Rural Housing code.

Housing Alterations Code and Industrial Alterations Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

General Development Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Commercial and Industrial (New Buildings and Additions) Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Subdivisions Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Demolition Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.
- (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 restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.*
- (3) Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land when a land based restriction applies to the land, but it may not apply to all of the land.

4. Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Council has not been notified by the Department of Public Works that the land is affected by the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

4a Certain information relating to beaches and coasts

- (1) *In relation to a coastal council—whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.*
- (2) *In relation to a Coastal Council:*
- (a) *whether the council has been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and*
 - (b) *if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.*
- (3) *(Repealed)*
- 4a The land is currently not affected by provisions included under this part.

4b Annual charges under *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as sea walls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

- 4b The land is currently not affected by provisions included under this part.

5. Mine Subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

The land is not located in an area 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

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

- (a) *Division 2 of Part 3 of the Roads Act, 1993, or*
 - (b) *Any Environmental Planning Instrument, or*
 - (c) *Any resolution of the Council.*
- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
 - (b) The land is not affected by any road widening or road realignment under any Environmental Planning Instrument.

- (c) The land is not affected by any road widening or road realignment under a Council resolution.

7. Council and other public authority policies on Hazard Risk Restriction

Whether or not the land is affected by a policy:

- (a) *adopted by the Council, or*
(b) *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, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

- (a) Land is affected by relevant acid sulphate soil classes 1 to 5 (high to low probability of acid sulphate soils being present) under Auburn Local Environmental Plan 2010. To determine the relevant acid sulphate soils class for the land, the applicant should refer to Council's Acid Sulphate Soils Map - Auburn Local Environmental Plan 2010 which is available on www.auburn.nsw.gov.au.
The land is not affected by a flood control lot under the Auburn Local Environmental Plan 2010.
- (b) Council has been notified by Parramatta City Council that the following Flood Management Studies have been carried out and adopted. They are:-
1. Duck River Flood Study Parramatta City Council – Final Flood Study Report (September 2006).
 2. Lower Parramatta River Flood Plain Risk Management Study – Draft February 2003.

For more detailed information and enquiries regarding the above flood studies and affected areas please contact Council's Works and Services Department, Engineering Division.

Council has been notified that the Department of Planning has adopted the *New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010)*. The guideline can be viewed at www.planning.nsw.gov.au.

The applicant should also refer to projected sea level rise low, medium and high scenario maps on http://www.ozcoasts.org.au/climate/Map_images/Sydney/mapLevel2.jsp for further information.

7a Flood related Development Controls Information

- (1) *Whether or not the development on that land or part of the land for the purposes of dwellings, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

If development on the land or part of the land for above purposes is affected by a flood control lot under Auburn Local Environmental Plan 2010, the applicant should refer to Council's Stormwater Drainage Part - Auburn Development Control Plan 2010 on Council's website www.auburn.nsw.gov.au.

- (2) *Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.*

If development on the land or part of the land under Auburn Local Environmental Plan 2010 for any other purposes is subject to flood related development controls, the applicant should refer to Council's Stormwater Drainage Part of the Auburn Development Control Plan 2010 available on Council's website www.auburn.nsw.gov.au.

- (3) *Words and expressions in this clause have the same meanings as in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.*

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

8. Land Reserved for Acquisition

Whether or not any 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.

The land is not affected by the Auburn Local Environmental Plan 2010 - Land Reservation Acquisition Map for the purposes of acquisition under the Act.

9. Contributions Plans

The name of each Contributions Plan applying to the land:

Auburn Development Contributions Plan 2007.

9A Biodiversity Certified Land

If the land is biodiversity certified land (within the meaning of Part 7A A of the Threatened Species Conservation Act 1995), a statement to that effect.

The land is not biodiversity certified land within the meaning of the above Act.

10. Biobanking Agreements

If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director – General of the Department of Environment, Climate Change and Water).

The land is not affected by a Bio-banking agreement under the Act.

11. Bush Fire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

The land is not located within an area that is bush fire prone as defined by the Environmental Planning and Assessment Act, 1979.

12. Property Vegetation Plans

If the land is land to which a Property Vegetation Plan under the Native Vegetation Act, 2003 applies, 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).

The land is not affected by a Property Vegetation Plan under the *Native Vegetation Act, 2003*.

13. Orders under the 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).

The land is not affected by an order issued under the Trees (Disputes between Neighbours) Act 2006.

14. Directions under Part 3A (Environmental Planning and Assessment Act 1979)

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, a statement to that effect identifying the provision that does not have effect.

There are no ministerial directions in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979.

15. Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

- (a) *a statement of whether there is a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:*
 - (i) *the period for which the certificate is current, and*
 - (ii) *that a copy may be obtained from the head office of the Department of Planning, and*
- (b) *a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.*

(a) & (b) The land is not subject to a site compatibility certificate.

16. Site Compatibility Certificates for Infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) *the period for which the certificate is valid, and*
- (b) *that a copy may be obtained from the head office of the Department of Planning.*

- (a) & (b) There is no site compatibility certificate issued under the State Environmental Planning Policy (Infrastructure 2007) in respect of the land.

17. Site Compatibility Certificates and Conditions for Affordable Rental Housing

- (1) *A statement of whether 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, if there is a certificate, the statement is to include:*
- (a) *the period of which the certificate is current, and*
 - (b) *that a copy may be obtained from the head office of the Department of Planning.*
- (2) *A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.*
- (1) & (2) There is no current site compatibility certificate (affordable rental housing) of which council is aware or a statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that has been imposed as a condition of consent to a development application for the land.

18. Paper Subdivision Information

- (1) *The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.*
- (2) *The date of any subdivision order that applies to the land.*
- (3) *Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*
- (1), (2) & (3) The land is not affected by a proposed or adopted development plan by Council or a subdivision order.

19. Site Verification Certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) *the matter certified by the certificate, and*
Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
- (a) *the date on which the certificate ceases to be current (if any), and*
- (b) *that a copy may be obtained from the head office of the Department of Planning and Infrastructure.*
- (a), (b) & (c) There is no site verification certificate on the land.

Note:

Section 59(2) of the Contaminated Lands Management Act 1997 prescribes the following matters that are to be specified in a Planning Certificate:

- a) *That the land to which the certificate relates is significantly contaminated land within the meaning of that Act – 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 within the meaning of that Act – 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 within the meaning of that Act - 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 within the meaning of that Act – 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 within the meaning of that Act – if a copy of such a statement has been provided any time to the local authority issuing the certificate.*
- (a) The land is not significantly contaminated land (or part of the land) within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
- (b) The land is not subject to a management order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
- (c) The land is not the subject of an approved voluntary management proposal within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
- (d) The land is not subject to an ongoing maintenance order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
- (e) The land is not subject to a site audit statement within the meaning of the *Contaminated Lands Management Act 1997*.

Note:

Section 26 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

Not applicable.



MARK BRISBY
GENERAL MANAGER

Per: Karl OKorn
Manager- Statutory Planning & Development Control

Please Note:

A Section 149(5) Certificate provides additional information relating to the subject land, including:

- Cumberland Plain Native Vegetation; and
- Other Information.

1 Susan Street, P.O. Box 118, Auburn NSW Australia 1835

Telephone: 9735 1222 Facsimile: 9643 1120
ABN 63 914 691 587

SAI Global Property
PO Box 447
SOUTH MELBOURNE VIC 3205

PLANNING CERTIFICATE

Issued under Section 149(2) of the
Environmental Planning and Assessment Act, 1979

Certificate No: 25058
Receipt No: 1012803
Date: 3 December 2015
Your Reference: 33240316:17857

Property Details

Address: 11 Raphael Street, LIDCOMBE NSW 2141

Legal Description: Lot 10 DP 397

Owner(s) Name (as recorded by Council):

Mr V Frongin
PO Box 400
LIDCOMBE NSW 1825

In accordance with the requirements of Section 149(2) of the *Environmental Planning and Assessment Act, 1979* (as amended), the following prescribed matters relate to the land at the date of this certificate.

Note: The information contained in Planning Certificates issued for a lot within Strata-Titled development relates to the land the development is situated on.

1. Names of Relevant Planning Instruments and DCPs

The name of:

- (a) *each environmental planning instrument that applies to the carrying out of development on the land.*
- (b) *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 (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).*
- (c) *each development control plan that applies to the carrying out of development on the land.*

In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

- 1(a) Auburn Local Environmental Plan 2010.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
State Environmental Planning Policy No. 19 Bushland in Urban Areas.

- | | |
|--|---|
| State Environmental Planning Policy No. 21 | Caravan Parks. |
| State Environmental Planning Policy No. 30 | Intensive Agriculture. |
| State Environmental Planning Policy No. 32 | Urban Consolidation (Redevelopment of Urban Land). |
| State Environmental Planning Policy No. 33 | Hazardous and Offensive Development. |
| State Environmental Planning Policy No. 50 | Canal Estate Development. |
| 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 (Amendment 3). |
| State Environmental Planning Policy No. 70 | Affordable Housing (Revised Schemes). |
| State Environmental Planning Policy | (Affordable Rental Housing) 2009 |
| State Environmental Planning Policy | Building Sustainability Index: BASIX 2004 |
| State Environmental Planning Policy | (Major Development) 2005 |
| State Environmental Planning Policy | (Exempt and Complying Development Codes) 2008 |
| State Environmental Planning Policy | (Infrastructure) 2007 |
| State Environmental Planning Policy | (Mining, Petroleum Production and Extractive Industries) 2007 |
| State Environmental Planning Policy | (Housing for Seniors or People with a Disability) 2004 |
| State Environmental Planning Policy | (State and Regional Development) 2011 |
- 1(b) Draft State Environmental Planning Policy (Competition) 2010
- 1(c) Auburn Development Control Plan 2010.

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):

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No. 2(a")),*
- (b) *the purpose for which the plan or instrument provides that development may be carried out within the zone without the need for development consent,*
- (c) *the purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent,*
- (d) *the purposes for which the plan or instrument provides that development is prohibited within the zone,*
- (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,*
- (f) *whether the land includes or comprises critical habitat,*
- (g) *whether the land is in a conservation area (however described),*
- (h) *whether an item of environmental heritage (however described) is situated on the land.*

- (a) Zone B4 - Mixed Use (Auburn Local Environmental Plan 2010)
- (b) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITHOUT DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out development consent.
- the provisions specified under uses permitted without consent under the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under exempt development which satisfies the criteria for exempt development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development without consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

(c) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITH DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions which may be carried out with development consent.
- the provisions specified under objectives of the zone of the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010, the consent authority may not grant development consent to the carrying out of development within the applicable zone unless the consent authority is of the opinion that the carrying out of the development is consistent with the objectives of the zone.
- the provisions listed under uses permitted with consent in the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under complying development which satisfies the criteria for complying development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development with consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

- (d) Development for a purpose that is listed as being 'Prohibited' for the applicable zone is currently included under Part 2 Permitted or Prohibited Development and the Land Use Table of the Auburn Local Environmental Plan 2010.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for prohibited development under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

- (e) There are no development standards applying to this land that fix a minimum land dimension for the erection of a dwelling-house.
- (f) The land does not include or comprise critical habitat.
- (g) The land is not located within a heritage conservation area under the provisions of Auburn Local Environmental Plan 2010.
- (h) The land has not been identified as containing an item of environmental heritage significance under the Auburn Local Environmental Plan 2010.

3. Complying Development

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

General Housing Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Rural Housing Code

- (1) or (2) The land is not affected by the Rural Housing code.

Housing Alterations Code and Industrial Alterations Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

General Development Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Commercial and Industrial (New Buildings and Additions) Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Subdivisions Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Demolition Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

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

4. Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Council has not been notified by the Department of Public Works that the land is affected by the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

4a Certain information relating to beaches and coasts

- (1) *In relation to a coastal council—whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.*
- (2) *In relation to a Coastal Council:*
 - (a) *whether the council has been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and*
 - (b) *if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.*
- (3) *(Repealed)*

4a The land is currently not affected by provisions included under this part.

4b Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as sea walls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

4b The land is currently not affected by provisions included under this part.

5. Mine Subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

The land is not located in an area 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

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

- (a) *Division 2 of Part 3 of the Roads Act, 1993, or*
- (b) *Any Environmental Planning Instrument, or*
- (c) *Any resolution of the Council.*

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is not affected by any road widening or road realignment under any Environmental Planning Instrument.
- (c) The land is not affected by any road widening or road realignment under a Council resolution.

7. Council and other public authority policies on Hazard Risk Restriction

Whether or not the land is affected by a policy:

- (a) *adopted by the Council, or*
- (b) *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, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

- (a) Land is affected by relevant acid sulphate soil classes 1 to 5 (high to low probability of acid sulphate soils being present) under Auburn Local Environmental Plan 2010. To determine the relevant acid sulphate soils class for the land, the applicant should refer to Council's Acid Sulphate Soils Map - Auburn Local Environmental Plan 2010 which is available on www.auburn.nsw.gov.au.
The land is not affected by a flood control lot under the Auburn Local Environmental Plan 2010.
- (b) Council has been notified by Parramatta City Council that the following Flood Management Studies have been carried out and adopted. They are:-
 - 1. Duck River Flood Study Parramatta City Council – Final Flood Study Report (September 2006).
 - 2. Lower Parramatta River Flood Plain Risk Management Study – Draft February 2003.

For more detailed information and enquiries regarding the above flood studies and affected areas please contact Council's Works and Services Department, Engineering Division.

Council has been notified that the Department of Planning has adopted the *New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010)*. The guideline can be viewed at www.planning.nsw.gov.au.

The applicant should also refer to projected sea level rise low, medium and high scenario maps on http://www.ozcoasts.org.au/climate/Map_images/Sydney/mapLevel2.jsp for further information.

7a Flood related Development Controls Information

- (1) *Whether or not the development on that land or part of the land for the purposes of dwellings, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

If development on the land or part of the land for above purposes is affected by a flood control lot under Auburn Local Environmental Plan 2010, the applicant should refer to Council's Stormwater Drainage Part - Auburn Development Control Plan 2010 on Council's website www.auburn.nsw.gov.au.

- (2) *Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.*

If development on the land or part of the land under Auburn Local Environmental Plan 2010 for any other purposes is subject to flood related development controls, the applicant should refer to Council's Stormwater Drainage Part of the Auburn Development Control Plan 2010 available on Council's website www.auburn.nsw.gov.au.

- (3) *Words and expressions in this clause have the same meanings as in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.*

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

8. Land Reserved for Acquisition

Whether or not any 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.

The land is not affected by the Auburn Local Environmental Plan 2010 - Land Reservation Acquisition Map for the purposes of acquisition under the Act.

9. Contributions Plans

The name of each Contributions Plan applying to the land:

Auburn Development Contributions Plan 2007.

9A Biodiversity Certified Land

If the land is biodiversity certified land (within the meaning of Part 7A A of the Threatened Species Conservation Act 1995), a statement to that effect.

The land is not biodiversity certified land within the meaning of the above Act.

10. Biobanking Agreements

If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the

existence of the agreement by the Director – General of the Department of Environment, Climate Change and Water).

The land is not affected by a Bio-banking agreement under the Act.

11. Bush Fire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

The land is not located within an area that is bush fire prone as defined by the Environmental Planning and Assessment Act, 1979.

12. Property Vegetation Plans

If the land is land to which a Property Vegetation Plan under the Native Vegetation Act, 2003 applies, 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).

The land is not affected by a Property Vegetation Plan under the *Native Vegetation Act, 2003*.

13. Orders under the 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).

The land is not affected by an order issued under the Trees (Disputes between Neighbours) Act 2006.

14. Directions under Part 3A (Environmental Planning and Assessment Act 1979)

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, a statement to that effect identifying the provision that does not have effect.

There are no ministerial directions in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979.

15. Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

(a) *a statement of whether there is a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:*

- (i) *the period for which the certificate is current, and*
- (ii) *that a copy may be obtained from the head office of the Department of Planning, and*

- (b) *a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.*

(a) & (b) The land is not subject to a site compatibility certificate.

16. Site Compatibility Certificates for Infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) *the period for which the certificate is valid, and*
(b) *that a copy may be obtained from the head office of the Department of Planning.*

(a) & (b) There is no site compatibility certificate issued under the State Environmental Planning Policy (Infrastructure 2007) in respect of the land.

17. Site Compatibility Certificates and Conditions for Affordable Rental Housing

- (1) *A statement of whether 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, if there is a certificate, the statement is to include:*

- (a) *the period of which the certificate is current, and*
(b) *that a copy may be obtained from the head office of the Department of Planning.*

- (2) *A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.*

(1) & (2) There is no current site compatibility certificate (affordable rental housing) of which council is aware or a statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that has been imposed as a condition of consent to a development application for the land.

18. Paper Subdivision Information

- (1) *The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.*
(2) *The date of any subdivision order that applies to the land.*
(3) *Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

(1), (2) & (3) The land is not affected by a proposed or adopted development plan by Council or a subdivision order.

19. Site Verification Certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) *the matter certified by the certificate, and*

Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (a) *the date on which the certificate ceases to be current (if any), and*
 - (b) *that a copy may be obtained from the head office of the Department of Planning and Infrastructure.*
- (a), (b) & (c) There is no site verification certificate on the land.

Note:

Section 59(2) of the Contaminated Lands Management Act 1997 prescribes the following matters that are to be specified in a Planning Certificate:

- a) *That the land to which the certificate relates is significantly contaminated land within the meaning of that Act – 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 within the meaning of that Act – 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 within the meaning of that Act - 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 within the meaning of that Act – 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 within the meaning of that Act – if a copy of such a statement has been provided any time to the local authority issuing the certificate.*
- (a) The land is not significantly contaminated land (or part of the land) within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (b) The land is not subject to a management order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (c) The land is not the subject of an approved voluntary management proposal within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (d) The land is not subject to an ongoing maintenance order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (e) The land is not subject to a site audit statement within the meaning of the *Contaminated Lands Management Act 1997*.

Note:

Section 26 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Coordinator General under that Act.

Not applicable.



MARK BRISBY
GENERAL MANAGER

Per: Karl OKorn
Manager- Statutory Planning & Development Control

Please Note:

A Section 149(5) Certificate provides additional information relating to the subject land, including:

- Cumberland Plain Native Vegetation; and
- Other Information.



1 Susan Street, P.O. Box 118, Auburn NSW Australia 1835

Telephone: 9735 1222 Facsimile: 9643 1120
ABN 63 914 691 587

SAI Global Property
PO Box 447
SOUTH MELBOURNE VIC 3205

PLANNING CERTIFICATE

Issued under Section 149(2) of the
Environmental Planning and Assessment Act, 1979

Certificate No: 25055
Receipt No: 1012814
Date: 3 December 2015
Your Reference: 33240372:17859

Property Details

Address: 13 Raphael Street, LIDCOMBE NSW 2141

Legal Description: Lot 11 DP 397

Owner(s) Name (as recorded by Council):

Ms L Qiao
PO Box 40
LIDCOMBE NSW 1825

In accordance with the requirements of Section 149(2) of the *Environmental Planning and Assessment Act, 1979* (as amended), the following prescribed matters relate to the land at the date of this certificate.

Note: The information contained in Planning Certificates issued for a lot within Strata-Titled development relates to the land the development is situated on.

1. Names of Relevant Planning Instruments and DCPs

The name of:

- (a) *each environmental planning instrument that applies to the carrying out of development on the land.*
- (b) *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 (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).*
- (c) *each development control plan that applies to the carrying out of development on the land.*

In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

- 1(a) Auburn Local Environmental Plan 2010.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
State Environmental Planning Policy No. 19 Bushland in Urban Areas.

- | | |
|--|---|
| State Environmental Planning Policy No. 21 | Caravan Parks. |
| State Environmental Planning Policy No. 30 | Intensive Agriculture. |
| State Environmental Planning Policy No. 32 | Urban Consolidation (Redevelopment of Urban Land). |
| State Environmental Planning Policy No. 33 | Hazardous and Offensive Development. |
| State Environmental Planning Policy No. 50 | Canal Estate Development. |
| 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 (Amendment 3). |
| State Environmental Planning Policy No. 70 | Affordable Housing (Revised Schemes). |
| State Environmental Planning Policy | (Affordable Rental Housing) 2009 |
| State Environmental Planning Policy | Building Sustainability Index: BASIX 2004 |
| State Environmental Planning Policy | (Major Development) 2005 |
| State Environmental Planning Policy | (Exempt and Complying Development Codes) 2008 |
| State Environmental Planning Policy | (Infrastructure) 2007 |
| State Environmental Planning Policy | (Mining, Petroleum Production and Extractive Industries) 2007 |
| State Environmental Planning Policy | (Housing for Seniors or People with a Disability) 2004 |
| State Environmental Planning Policy | (State and Regional Development) 2011 |
- 1(b) Draft State Environmental Planning Policy (Competition) 2010
- 1(c) Auburn Development Control Plan 2010.

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):

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No. 2(a")),*
- (b) *the purpose for which the plan or instrument provides that development may be carried out within the zone without the need for development consent,*
- (c) *the purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent,*
- (d) *the purposes for which the plan or instrument provides that development is prohibited within the zone,*
- (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,*
- (f) *whether the land includes or comprises critical habitat,*
- (g) *whether the land is in a conservation area (however described),*
- (h) *whether an item of environmental heritage (however described) is situated on the land.*

- (a) Zone B4 - Mixed Use (Auburn Local Environmental Plan 2010)
- (b) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITHOUT DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out development consent.
- the provisions specified under uses permitted without consent under the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under exempt development which satisfies the criteria for exempt development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out without development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development without consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

(c) Under the provisions of the Auburn Local Environmental Plan 2010, development for the purpose of the following may be carried out within the zone WITH DEVELOPMENT CONSENT:

- the provisions specified under Part 2 Permitted or Prohibited Development of the Auburn Local Environmental Plan 2010, there may be certain provisions which may be carried out with development consent.
- the provisions specified under objectives of the zone of the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010, the consent authority may not grant development consent to the carrying out of development within the applicable zone unless the consent authority is of the opinion that the carrying out of the development is consistent with the objectives of the zone.
- the provisions listed under uses permitted with consent in the Land Use Table - Zone B4 Mixed Use of the Auburn Local Environmental Plan 2010.
- the provisions listed under complying development which satisfies the criteria for complying development relevant to the applicable zone under Part 3 Exempt and Complying Development of the Auburn Local Environmental Plan 2010.
- the provisions specified under Part 5 Miscellaneous Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.
- the provisions specified under Part 6 Additional Local Provisions of the Auburn Local Environmental Plan 2010, there may be certain provisions carried out with development consent.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for above when carrying out development with consent under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

- (d) Development for a purpose that is listed as being 'Prohibited' for the applicable zone is currently included under Part 2 Permitted or Prohibited Development and the Land Use Table of the Auburn Local Environmental Plan 2010.

NOTE: The certificate provides zoning information for the land that is the subject of this certificate only. The applicant must refer to the Auburn Local Environmental Plan 2010 and associated maps in order to determine detailed provisions for prohibited development under the applicable zone. The Auburn Local Environmental Plan 2010 written instrument and maps are available on Council's website at www.auburn.nsw.gov.au.

- (e) There are no development standards applying to this land that fix a minimum land dimension for the erection of a dwelling-house.
- (f) The land does not include or comprise critical habitat.
- (g) The land is not located within a heritage conservation area under the provisions of Auburn Local Environmental Plan 2010.
- (h) The land has not been identified as containing an item of environmental heritage significance under the Auburn Local Environmental Plan 2010.

3. Complying Development

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

General Housing Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Rural Housing Code

- (1) or (2) The land is not affected by the Rural Housing code.

Housing Alterations Code and Industrial Alterations Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

General Development Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Commercial and Industrial (New Buildings and Additions) Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Subdivisions Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

Demolition Code

- (1) or (2) The land is not excluded from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 under the clauses 1.17A (1), (c) to (e), (2), (3), (4), 1.18 (1) (c3) and 1.19. Complying development may be carried out on the land if the land is in an applicable land use zone and it meets the relevant land based requirements for complying development under this SEPP.

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

4. Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Council has not been notified by the Department of Public Works that the land is affected by the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

4a Certain information relating to beaches and coasts

- (1) *In relation to a coastal council—whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.*
- (2) *In relation to a Coastal Council:*
 - (a) *whether the council has been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and*
 - (b) *if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.*
- (3) *(Repealed)*

4a The land is currently not affected by provisions included under this part.

4b Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as sea walls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

4b The land is currently not affected by provisions included under this part.

5. Mine Subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

The land is not located in an area 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

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

- (a) *Division 2 of Part 3 of the Roads Act, 1993, or*
- (b) *Any Environmental Planning Instrument, or*
- (c) *Any resolution of the Council.*

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is not affected by any road widening or road realignment under any Environmental Planning Instrument.
- (c) The land is not affected by any road widening or road realignment under a Council resolution.

7. Council and other public authority policies on Hazard Risk Restriction

Whether or not the land is affected by a policy:

- (a) *adopted by the Council, or*
- (b) *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, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

- (a) Land is affected by relevant acid sulphate soil classes 1 to 5 (high to low probability of acid sulphate soils being present) under Auburn Local Environmental Plan 2010. To determine the relevant acid sulphate soils class for the land, the applicant should refer to Council's Acid Sulphate Soils Map - Auburn Local Environmental Plan 2010 which is available on www.auburn.nsw.gov.au.
The land is not affected by a flood control lot under the Auburn Local Environmental Plan 2010.
- (b) Council has been notified by Parramatta City Council that the following Flood Management Studies have been carried out and adopted. They are:-
 - 1. Duck River Flood Study Parramatta City Council – Final Flood Study Report (September 2006).
 - 2. Lower Parramatta River Flood Plain Risk Management Study – Draft February 2003.

For more detailed information and enquiries regarding the above flood studies and affected areas please contact Council's Works and Services Department, Engineering Division.

Council has been notified that the Department of Planning has adopted the *New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010)*. The guideline can be viewed at www.planning.nsw.gov.au.

The applicant should also refer to projected sea level rise low, medium and high scenario maps on http://www.ozcoasts.org.au/climate/Map_images/Sydney/mapLevel2.jsp for further information.

7a Flood related Development Controls Information

- (1) *Whether or not the development on that land or part of the land for the purposes of dwellings, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

If development on the land or part of the land for above purposes is affected by a flood control lot under Auburn Local Environmental Plan 2010, the applicant should refer to Council's Stormwater Drainage Part - Auburn Development Control Plan 2010 on Council's website www.auburn.nsw.gov.au.

- (2) *Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.*

If development on the land or part of the land under Auburn Local Environmental Plan 2010 for any other purposes is subject to flood related development controls, the applicant should refer to Council's Stormwater Drainage Part of the Auburn Development Control Plan 2010 available on Council's website www.auburn.nsw.gov.au.

- (3) *Words and expressions in this clause have the same meanings as in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.*

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

8. Land Reserved for Acquisition

Whether or not any 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.

The land is not affected by the Auburn Local Environmental Plan 2010 - Land Reservation Acquisition Map for the purposes of acquisition under the Act.

9. Contributions Plans

The name of each Contributions Plan applying to the land:

Auburn Development Contributions Plan 2007.

9A Biodiversity Certified Land

If the land is biodiversity certified land (within the meaning of Part 7A A of the Threatened Species Conservation Act 1995), a statement to that effect.

The land is not biodiversity certified land within the meaning of the above Act.

10. Biobanking Agreements

If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the

existence of the agreement by the Director – General of the Department of Environment, Climate Change and Water).

The land is not affected by a Bio-banking agreement under the Act.

11. Bush Fire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

The land is not located within an area that is bush fire prone as defined by the Environmental Planning and Assessment Act, 1979.

12. Property Vegetation Plans

If the land is land to which a Property Vegetation Plan under the Native Vegetation Act, 2003 applies, 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).

The land is not affected by a Property Vegetation Plan under the *Native Vegetation Act, 2003*.

13. Orders under the 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).

The land is not affected by an order issued under the Trees (Disputes between Neighbours) Act 2006.

14. Directions under Part 3A (Environmental Planning and Assessment Act 1979)

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, a statement to that effect identifying the provision that does not have effect.

There are no ministerial directions in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979.

15. Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:

(a) *a statement of whether there is a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:*

- (i) *the period for which the certificate is current, and*
- (ii) *that a copy may be obtained from the head office of the Department of Planning, and*

- (b) *a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.*

(a) & (b) The land is not subject to a site compatibility certificate.

16. Site Compatibility Certificates for Infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) *the period for which the certificate is valid, and*
(b) *that a copy may be obtained from the head office of the Department of Planning.*

(a) & (b) There is no site compatibility certificate issued under the State Environmental Planning Policy (Infrastructure 2007) in respect of the land.

17. Site Compatibility Certificates and Conditions for Affordable Rental Housing

- (1) *A statement of whether 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, if there is a certificate, the statement is to include:*

- (a) *the period of which the certificate is current, and*
(b) *that a copy may be obtained from the head office of the Department of Planning.*

- (2) *A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.*

(1) & (2) There is no current site compatibility certificate (affordable rental housing) of which council is aware or a statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that has been imposed as a condition of consent to a development application for the land.

18. Paper Subdivision Information

- (1) *The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.*
(2) *The date of any subdivision order that applies to the land.*
(3) *Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

(1), (2) & (3) The land is not affected by a proposed or adopted development plan by Council or a subdivision order.

19. Site Verification Certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) *the matter certified by the certificate, and*

Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (a) the date on which the certificate ceases to be current (if any), and
 - (b) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.
- (a), (b) & (c) There is no site verification certificate on the land.

Note:

Section 59(2) of the Contaminated Lands Management Act 1997 prescribes the following matters that are to be specified in a Planning Certificate:

- a) That the land to which the certificate relates is significantly contaminated land within the meaning of that Act – 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 within the meaning of that Act – 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 within the meaning of that Act - 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 within the meaning of that Act – 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 within the meaning of that Act – if a copy of such a statement has been provided any time to the local authority issuing the certificate.
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- (a) The land is not significantly contaminated land (or part of the land) within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (b) The land is not subject to a management order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (c) The land is not the subject of an approved voluntary management proposal within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (d) The land is not subject to an ongoing maintenance order within the meaning of the *Contaminated Lands Management Act 1997* at the date when the certificate is issued.
 - (e) The land is not subject to a site audit statement within the meaning of the *Contaminated Lands Management Act 1997*.

Note:

Section 26 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Coordinator General under that Act.

Not applicable.



MARK BRISBY
GENERAL MANAGER

Per: Karl OKorn
Manager- Statutory Planning & Development Control

Please Note:

A Section 149(5) Certificate provides additional information relating to the subject land, including:

- Cumberland Plain Native Vegetation; and
- Other Information.