



City of Canada Bay Council
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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**Ms C P Millar
24 Melbourne Street
CONCORD NSW 2137**

Certificate number:	10546	Certificate date:	04/05/2007
Receipt number:	459422	Certificate fee:	\$40.00
Property Number:	28672	Applicant's reference:	27062

DESCRIPTION OF PROPERTY

Title: LOT: B DP: 396654
Property: 2A Rickard Street, CONCORD 2137

LAND TO WHICH CERTIFICATE RELATES

The land to which this certificate relates, being the lot or lots described in the corresponding application, is shown in the Council's records as being situated at the street address described above. The information contained in this certificate relates only to the lot or lots described on this certificate.

SECTION 149(2) DETAILS

In accordance with section 149(2) of the Environmental Planning and Assessment Act 1979, at the date of this certificate the following information is provided in respect of the prescribed matters to be included in a planning certificate.

1. RELEVANT PLANNING INSTRUMENTS

(a) The following Environmental Planning Instrument(s) applies to the land:

CONCORD PLANNING SCHEME. Gazetted 22nd August, 1969.

CONCORD LOCAL ENVIRONMENTAL PLAN No.12 Government Gazette No. 40 of 15th February, 1985. Requires development consent for subdivisions.

CONCORD LOCAL ENVIRONMENTAL PLAN No.47 Government Gazette No. 130 of 30th October, 1992 Enables child care services to be established without development consent in dwelling houses in residential zones.

CONCORD LOCAL ENVIRONMENTAL PLAN No.50 Government Gazette No. 97 of 7th August, 1992 Enables centre based child care services to be established within Open Space 6(a) Recreation Existing zoning under the Concord Planning Scheme Ordinance.

CONCORD LOCAL ENVIRONMENTAL PLAN No.92 Government Gazette No. 59 of 19th May, 2000. This Plan enables temporary uses of land within the local government area of Concord which are currently not permissible under the Concord Planning Scheme Ordinance and Interim Development Orders.

CONCORD LOCAL ENVIRONMENTAL PLAN No.99 Government Gazette No. 35 of 10th March, 2000. This Plan provides for exempt and complying development in the local Government area of Concord.

CONCORD LOCAL ENVIRONMENTAL PLAN No. 108 Government Gazette No. 57 of 12th May, 2000. This Plan, in accordance with guidelines issued by the N.S.W. Acid Sulfate Soils Management Advisory Committee and information supplied by the N.S.W. Department of Urban Affairs and Planning, classifies all land in Concord in terms of criteria for works that will require development consent and require Council to consider the adequacy of a sulfate soil management plan.

CONCORD LOCAL ENVIRONMENTAL PLAN No.109 Government Gazette No. 139 of 10th December, 1999. Removes inconsistencies with respect to definitions of types of residential development permissible in accordance with the Ordinance and clarifies that the erection of dwelling houses in residential zones is permissible only with development consent.

(b) The effect of the above Planning Instrument(s) is to zone the land:

2(a) RESIDENTIAL "A"

1.Purposes for which buildings or works may be erected or carried out or used without the consent of the responsible authority.

Exempt development; home-based child care services.

2.Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority.

Nil

3.Purposes for which buildings or works may be erected or carried out or used only with the consent of the responsible authority.

Any purpose other than those permitted by Clause 1 or prohibited by Clause 4.

4.Purposes for which buildings or works may not be erected or carried out or used.

Abattoirs; advertising structures; boarding houses; bulk stores; caravan parks; car repair stations; commercial premises; forestry; gas holders; generating works; general advertising structures; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots ; mines; motels; motor showrooms; places of assembly; quarries; refreshment rooms; residential flat buildings other than residential flat buildings Class A; roadside stalls, sawmills, service stations; shops; stock and sale yards; transport terminals; warehouses.

ADDITIONAL SCHEDULES

No additional schedules apply to this land.

(c) Does the land include or comprise 'critical habitat' under the provision of the local environmental plan applying to the land?

No

(d) Is there a heritage item situated on the land under the provisions of the local environmental plan applying to the land?

No

(e) Is the land located within a heritage conservation area under the provisions of the local environmental plan applying to the land?

No

(f) Is the land located within a heritage special character area under the provisions of the local environmental plan applying to the land?

No

(g) Is the land adjoining or opposite a heritage item under the provisions of the local environmental plan applying to the land?

No

(h) Is the land adjoining or opposite a heritage conservation area under the provisions of the local environmental plan applying to the land?

No

(i) Is the item in the State Heritage Register?

No

(j) Where the land is vacant, is the erection of a dwelling house on that land prohibited by reason of a development standard relating to the minimum area on which a dwelling house may be erected?

Refer to Clause 42 of the Concord Planning Scheme Ordinance.

2 RELEVANT EXHIBITED DRAFT LOCAL ENVIRONMENTAL PLANS

Listed below are draft local environmental plans that have been placed on exhibition under Section 66(1)(b) of the Environmental Planning and Assessment Act. Please check the list to determine the relevancy of the draft plans to the land that is the subject of this certificate.

DRAFT LOCAL ENVIRONMENTAL PLAN No.116 This plan aims to regulate advertising & signs in the Concord Local Government area but does exclude that land to which Sydney Regional Environmental Plan No.24 - Homebush Bay Area & Sydney Regional Environmental Plan No.29 - Rhodes Peninsula apply

Draft City of Canada Bay Local Environmental Plan (LEP).
This LEP consolidates and updates the planning controls which applied to the former Drummoyne and Concord Local Government Areas and has been prepared in a format consistent with the Standard Instrument (Local Environmental Plans) Order 2006.

3 NAMES OF RELEVANT DEVELOPMENT CONTROL PLANS

Listed below are the development control plans applying to the land that have been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).

CONCORD DEVELOPMENT CONTROL PLAN No.1
Specialist Medical Clinics
Prohibits establishment of Specialist Medical Clinics in all residential zones.

CONCORD DEVELOPMENT CONTROL PLAN No.23
Alterations & additions to existing multi-unit residential development.
Outlines Council's requirements for the external alteration or modification of existing multiple dwelling residential developments.

CONCORD DEVELOPMENT CONTROL PLAN No.34
Provides criteria and prescribed conditions for exempt and complying development in Concord.

CONCORD DEVELOPMENT CONTROL PLAN No.36

Advertising & Signs

Provides guidelines for the outdoor display of advertisements , including advertising structures and commercial signs.

CONCORD DEVELOPMENT CONTROL PLAN No.38

Waste minimisation & management

Provides guidelines and controls for the minimisation and management of waste.

CITY OF CANADA BAY DEVELOPMENT CONTROL PLAN for Bicycle Parking & Storage Facilities.

City of Canada Bay Notification & Advertising of Development Applications Development Control Plan.

City of Canada Bay Development Control Plan for Telecommunications & Radiocommunications.

4. RELEVANT REGIONAL ENVIRONMENTAL PLANS

Listed below are the regional environmental plans that apply to the land within the City of Canada Bay. Please check the list to see the relevancy of the plans to the land that is the subject of this certificate.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

5. EXHIBITED DRAFT REGIONAL ENVIRONMENTAL PLANS

Listed below are the draft regional environmental plans applying to the land within the City of Canada Bay that have been placed on exhibition under section 47 (b) of the Environmental Planning and Assessment Act 1979. Please check the list to see the relevancy of the plans to the land that is the subject of this certificate.

Not applicable.

6. RELEVANT STATE AND DRAFT STATE ENVIRONMENTAL PLANNING POLICIES APPLYING TO THE LAND.

Listed below are the State and Draft State Environmental Planning Policies (SEPPs) that apply to the City of Canada Bay. The policy or draft policy may or may not be specifically applicable to the land that is the subject of this certificate. You will need to examine the policy or draft policy for the necessary details.

Any enquiries regarding State Environmental Planning Policies and Regional Environmental Plans should be directed to the Department of Planning on: 1300 305 695 or see Department of Planning Website at – <http://www.planning.nsw.gov.au>

State Environmental Planning Policy No. 1 – Development Standards.
State Environmental Planning Policy No. 4 – Development Without Consent and Miscellaneous Complying Development
State Environmental Planning Policy No. 6 - Number of Storeys in a Building.
State Environmental Planning Policy No. 8 – Surplus Public Land.
State Environmental Planning Policy No. 9 – Group Homes.
State Environmental Planning Policy No. 10 – Retention of Low-cost Rental Accommodation.

State Environmental Planning Policy No. 11 – Traffic Generating Development.
State Environmental Planning Policy No. 16 – Tertiary Institutions.
State Environmental Planning Policy No. 19 – Bushland in Urban Areas.
State Environmental Planning Policy No. 21 – Caravan Parks.
State Environmental Planning Policy No. 22 – Shops and Commercial Premises.
State Environmental Planning Policy No. 30 – Intensive Agriculture.
State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.
State Environmental Planning Policy No. 35 – Maintenance Dredging of Tidal Waterways.
State Environmental Planning Policy No. 48 – Major Putrescible Landfill Sites.
State Environmental Planning Policy No. 50 – Canal Estate Development.
State Environmental Planning Policy No. 55 – Remediation of Land.
State Environmental Planning Policy No. 64 – Advertising and Signage.
State Environmental Planning Policy No. 65 – Design of Residential Flat Development
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)
State Environmental Planning Policy – (Seniors Living) 2004
State Environmental Planning Policy – Building Sustainability Index: BASIX 2004
State Environmental Planning Policy – (ARTC Rail Infrastructure) 2004
State Environmental Planning Policy – (Sydney Metropolitan Water Supply) 2004
State Environmental Planning Policy – (Repeal of Concurrence and Referral Provisions) 2004
State Environmental Planning Policy – (Major Projects) 2005
State Environmental Planning Policy – (Mining, Petroleum Production and Extractive Industries) 2007

DRAFT STATE ENVIRONMENTAL PLANNING POLICIES

Draft State Environmental Planning Policy No. 66 – Integrating Land Use and Transport Planning Policy.
Draft State Environmental Planning Policy (Application of Development Standards) 2004
Draft State Environmental Planning Policy (Infrastructure) 2006

7. FORESHORE BUILDING LINE

Is the land affected by a fixed foreshore building line?

No

8. COASTAL PROTECTION

Is the land affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that Council has been so notified by the Department of Public Works?

No

9. MINE SUBSIDENCE

Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?

No

10. ROAD WIDENING AND ROAD REALIGNMENT

Is the land 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?

No

11. **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES RESTRICTING DEVELOPMENT DUE TO RISKS OR HAZARDS**

Is the land affected by a policy adopted by the Council or adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of:

- (a) Land slip No
- (b) Bushfire No
- (c) Flooding No
- (d) Tidal inundation No
- (e) Subsidence No

- (f) Contamination Yes
Council has adopted by resolution a policy on contaminated land. This policy will restrict development of land:

- (i) which is affected by contamination;
- (ii) which has been used for certain purposes;
- (iii) in respect of which there is not sufficient information about contamination;
- (iv) which is proposed to be used for certain purposes;
- (v) in other circumstances contained in the policy

- (g) Acid sulphate soils CLASS 5 ACID SULPHATE SOIL Works prohibited without Council approval (except as provided by subclause 4) include :
Works within 500 metres of adjacent Class 1,2,3 or 4 land which are likely to lower the water table below 1 metre AHD on adjacent Class 1,2,3 or 4 land.

12. **LAND RESERVED FOR ACQUISITION**

Is there an environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land providing for the acquisition of the land by a public authority, as referred to in section 27 of the Environmental Planning and Assessment Act 1979?

No

13. **CONTRIBUTIONS PLANS**

The following Section 94 Contributions Plans apply to the land.

Section 94 Contributions plan for the Concord Area

The City of Canada Bay Section 94A Levy Contributions Plan.

14. **CONTAMINATED LAND**

- (a) Is the land to which this certificate relates within land declared to be an investigation

area or remediation site under Part 3 of the Contaminated Land Management Act 1997?

No

- (b) Is the land to which this certificate relates the subject of a declaration of the land as an investigation site, investigation order, remediation site or remediation order, within the meaning of the Contaminated Land Management Act 1997?

No

- (c) Is the land to which this certificate relates the subject of a voluntary investigation or voluntary remediation agreement subject to the Environmental Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997?

No

- (d) Is the land to which this certificate relates the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997 that has been provided to Council?

No

- (e) Is the land affected by the Unhealthy Building Land Policy, adopted by the Environment Protection Authority? If yes, development of this land may be restricted because of landfilling, chemical, biological or radioactive hazards or spontaneous combustion.

No

15. **DEMOLITION OF BUILDINGS**

Under the local environmental plan applying to the land, development consent is required for the demolition of any building on the land except in those circumstances for exempt development specified in either (as applicable) DCP No.34 – Exempt and Complying Development (Concord) or the Drummoyne Exempt Development Policy.

16. **PROPERTY VEGETATION PLANS**

Does a Property Vegetation Plan under the Native Vegetation Act 2003 apply to this land?

No

17. **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

- (a) Whether or not development on the land or part of the land for the purposes of dwelling houses, 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.

No

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

No

18. **ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

Has Council been notified that an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

No

Gary Sawyer
General Manager

Per:-

