

APPLICANT: Canada Bay Real Estate
PO Box 120
CONCORD WEST NSW 2138

**PLANNING CERTIFICATE - under section 149
Environmental Planning and Assessment Act 1979**

Property: LOT: 54 DP: 9221

Title: 85 Correys Avenue CONCORD 2137

Certificate No:	30162	Certificate Date:	10/02/2014
Receipt No:	1239408	Certificate Fee:	\$133.00
Property No:	19821	Applicant's Ref:	

SECTION 149(2)

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

ITEM 1 – Names of relevant planning instruments and DCPs

1. The following environmental planning instruments apply to the carrying out of development on the land:

Canada Bay Local Environmental Plan 2013

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (with the exception of clauses 6 and 10 and Parts 3 and 4)

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

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. 50 – Canal Estates

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 Quality of Residential Flat Development

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

State Environmental Planning Policy – SEPP (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004

State Environmental Planning Policy – (Major Development) 2005

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

State Environmental Planning Policy (Infrastructure) 2007

State Environment Planning Policy (Temporary Structures) 2007

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

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Urban Renewal) 2010

2. The following proposed environmental planning instruments apply to the carrying out of development on the land and are or have been the subject of community consultation or on public exhibition under the Environmental Planning and Assessment Act 1979:

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 (Competition) 2010

3. The following development control plans apply to the carrying out of development on the land:

City of Canada Bay Development Control Plan

ITEM 2 – Zoning and land use under relevant environmental planning instrument or proposed instrument referred to in Item 1 (other than a SEPP or proposed SEPP).

1. (a) Zoning details in the instruments identified in item 1(1) above

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Group homes; Health consulting rooms; Jetties; Places of public worship; Recreation areas; Respite day care centres; Roads; Schools; Semi-detached dwellings; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

No additional uses apply.

(b) Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?

No fixed minimum land dimensions.

(c) **Does the land include or comprise critical habitat?**

No

(d) **Is the land within a heritage conservation area?**

No

(e) **Is there an item of environmental heritage situated on the land?**

No

2. (a) **Zoning details in the instruments identified in item 1(2) above**

No draft zoning applies to the land.

Additional permitted uses

No additional uses apply.

(b) **Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?**

No draft development standards apply to the land.

(c) **Does the land include or comprise critical habitat?**

The land does not include or comprise critical habitat under a draft EPI.

(d) **Is the land within a heritage conservation area?**

The land is not within a draft heritage conservation area.

(e) **Is there an item of environmental heritage situated on the land?**

There is no draft item of environmental heritage situated on the land.

ITEM 2A – Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Is the land identified within any zone under Part 3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, a Precinct Plan, or a Proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act?

No

ITEM 3 – Complying Development Exclusions

Is the land, land on which complying development may be carried out under clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

General Housing Code

Yes, under the General Housing Code complying development may be carried out on the land.

Housing Alterations Code

Yes, under the Housing Alterations Code complying development may be carried out on the land.

General Development Code

Yes, under the General Development Code complying development may be carried out on the land.

General Commercial and Industrial Code

Yes, under the General Commercial and Industrial Code complying development may be carried out on the land.

Subdivisions Code

Yes, under the Subdivisions Code complying development may be carried out on the land.

Demolition Code

Yes, under the Demolition Code complying development may be carried out on the land.

ITEM 4 – Coastal protection

To the extent that the council has been so notified by the Department of Services, Technology and Administration is the land affected by the operation of section 38 or 39 of the Coastal Protection Act 1979?

No

ITEM 4A – Certain information relating to beaches and coasts

- (a) *Has an order 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)?***

No

- (b) *Has the Council 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)?***

No

ITEM 4B – Annual charges for coastal protection services under the Local Government Act 1993

Has the owner (or any previous owner) of the land 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)?

No

ITEM 5 – Mine subsidence

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

No

ITEM 6 – 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

ITEM 7 – Council and other public authority policies on hazard risk restrictions

(a) Whether or not the land is affected by a policy adopted by the council that restricts the development of the land because of the likelihood of:-

- | | | |
|-------|---------------------|------|
| (i) | land slip | No |
| (ii) | bushfire | No |
| (iii) | flooding | No |
| (iv) | tidal inundation | No |
| (v) | subsidence | No |
| (vi) | acid sulphate soils | Yes. |

The Canada Bay Local Environmental Plan 2013 contains provisions which may restrict development on land that is affected by acid sulphate soils.

- | | | |
|-------|--------------------|------|
| (vii) | land contamination | Yes. |
|-------|--------------------|------|

Council has adopted by resolution a policy on contaminated land that applies to all land within the City of Canada Bay. Please note that this statement refers to whether or not Council has a policy regarding contamination and is not a statement on whether the property is affected by contamination or potential contamination.

(b) Whether or not the land is affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council that restricts the development of the land because of the likelihood of:-

(i)	land slip	No
(ii)	bushfire	No
(iii)	tidal inundation	No
(iv)	subsidence	No
(v)	acid sulphate soils	No
(vi)	land contamination	No

ITEM 7A – 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

ITEM 8 – Land reserved for acquisition

Is there an environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 which makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Environmental Planning and Assessment Act 1979?

No

ITEM 9 – Contributions plans

The name of each contribution plan applying to the land is:-

City of Canada Bay Section 94A Levy Contributions Plan.

City of Canada Bay s94 Development Contributions Plan

ITEM 9A - Biodiversity certified land

Is the land biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)?

No

ITEM 10 – Biobanking agreements

Has Council been notified that the land, is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates?

No

ITEM 11 – Bush fire prone land

- | | |
|---|-----|
| (a) All of the land is bush fire prone land. | No |
| (b) Some of the land is bush fire prone land. | No |
| (c) None of the land is bush fire prone land. | Yes |
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ITEM 12 – Property vegetation plans

Is there a Property vegetation plan under the Native Vegetation Act 2003 applying to the land?

No

ITEM 13 – 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

ITEM 14 – Directions under Part 3A

Is there a direction by the Minister in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979 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?

No

ITEM 15 – Site compatibility certificates and conditions for seniors housing

- (a) Has a current site compatibility certificate (of which the Council is aware), been issued under clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land?***

No

- (b) Have any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?***

No

ITEM 16 – Site compatibility certificates for infrastructure

Has a valid site compatibility certificate (of which the Council is aware), been issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land?

No

ITEM 17 – Matters arising under the Contaminated Land Management Act 1997

Section 59(2) of the Contaminated Land Management Act 1997 prescribes the following additional matters to be specified in planning certificates:-

- (a) At the date of this certificate, is the land to which this certificate relates significantly contaminated land?***

No

- (b) At the date of this certificate, is the land to which this certificate relates subject to a management order?***

No

- (c) ***At the date of this certificate, is the land to which this certificate relates the subject of an approved voluntary management proposal?***

No

- (d) ***At the date of this certificate, is the land to which this certificate relates subject to an ongoing maintenance order?***

No

- (e) ***At the date of this certificate, is the land to which this certificate relates the subject of a site audit statement and a copy of such a statement has been provided to the Council?***

No

ITEM 18 – Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Has an Order under Section 23 or an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 been issued for the carrying out of development on the land?

No

ITEM 19 – Site compatibility certificates and conditions for affordable rental housing

- (a) ***Has a current site compatibility certificate (of which the Council is aware), been issued under clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of proposed development on the land?***

No

- (b) ***Have any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?***

No

ITEM 20 – Paper subdivision information

Has a development plan been adopted that applies to the land or that is proposed to be subject to a consent ballot?

No

SECTION 149(5) ADVICE

In accordance with section 149(5) of the Act the following advice is given on other relevant matters affecting the land.

1. Demolition

Under the local environmental plan applying to the land, development consent is required for the demolition of any building on the land except where the demolition complies with the exempt development requirements specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Canada Bay Local Environmental Plan, 2013.

2. Foreshore Building Line

Is the land affected by a foreshore building line?

No

3. Other Heritage considerations

Is the land adjoining or opposite a heritage item under the provisions of the Local Environmental Plan applying to the land?

No

Is the land adjoining or opposite a heritage conservation area under the provisions of the Local Environmental Plan applying to the land?

No

Does the land contain an item of environmental heritage identified within the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005?

No

4. Other Advice

The property could be affected by aircraft noise. For further details contact Airservices Australia. Web site www.airservices.gov.au.

GENERAL INFORMATION

The absence of any reference to a matter affecting the land shall not imply that the land is not affected by that matter not referred to in this certificate.

Information provided under section 149(2) is in accordance with the matters prescribed under schedule 4 of the Environmental Planning and Assessment Regulation 2000 and is provided only to the extent that the Council has been notified by the Department of Public Works or Department of Planning.

When advice in accordance with section 149(5) is requested the Council is under no obligation to furnish any advice. If advice is provided Council draws your attention to section 149(6) and section 145B of the *Environmental Planning and Assessment Act 1979* which have the effect that Council shall not incur any liability in respect of advice provided in good faith pursuant to section 149(5), including the furnishing of advice in respect of contaminated land.

Any enquiries regarding State and Regional Environmental Planning Policies should be directed to the Department of Planning at [http:// www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Please contact Council's Strategic Planning section for further information about this Planning Certificate.



Gary Sawyer
General Manager