

APPLICANT: Canada Bay Real Estate
30 Consett Street
CONCORD WEST NSW 2138

**PLANNING CERTIFICATE - under section 10.7
Environmental Planning and Assessment Act 1979**

Property: 12 Evelyn Avenue CONCORD NSW 2137

Title: Lot 7 DP 14646

Certificate No:	PC2026/1072	Certificate Date:	20/04/2026
Receipt No:	Online Receipt	Certificate Fee:	\$178.00
Land No:	21164	Applicant's Ref:	Canada Bay Real Estate

IMPORTANT: Please read this certificate carefully.

The information provided in this certificate relates only to the land described above. If you need information about an adjoining property or nearby land, a separate certificate will be required.

All information provided is correct as at the date above. Please note, it is possible for changes to occur within a short time and we recommend you only rely upon a very recent certificate.

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

SECTION 10.7(2)

In accordance with the requirements of section 10.7(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.

SECTION 1 - Names of relevant planning instruments and development control plans

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

Canada Bay Local Environmental Plan 2013

State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts – Central River City) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022
State Environmental Planning Policy (Transport and Infrastructure) 2021

(b) *The following development control plans apply to the carrying out of development on the land:*

City of Canada Bay Development Control Plan

2. (a) *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:*

Explanation of Intended Effect – Changes to deter illegal tree and vegetation clearing – exhibition 23 April 2025 to 4 June 2025

Explanation of Intended Effect – Climate Change and Natural Hazards State Environmental Planning Policy – exhibition 17 February 2026 to 16 March 2026

(b) *The following draft development control plans 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:*

No draft development control plans apply

Note:

1. A proposed environmental planning instrument or draft development control plan is not listed in subsection 2 if:
 - a) It has been more than 3 years since the end of the public exhibition period, or
 - b) The Planning Secretary has notified council that the making of the proposed instrument has been deferred indefinitely or has not been approved.
2. In this section a proposed environmental planning instrument means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

SECTION 2 - Zoning and land use under relevant planning instruments

1. (a) *Zoning details in the environmental planning instruments identified in Section 1(1(a)) 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; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Group homes; Health consulting rooms; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Schools; Semi-detached dwellings; Tank-based aquaculture; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

(b) *Additional permitted uses:*

No additional uses apply

(c) *Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land, and if so, what are the fixed dimensions?*

No fixed minimum land dimensions apply to this land

(d) Is the land in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?

No, the land is not in an area of outstanding biodiversity value

(e) Is the land within a conservation area?

No, the land is not within a conservation area

(f) Is there an item of environmental heritage located on the land?

No, there are no heritage items located on the land

2. (a) Zoning details in the proposed environmental planning instruments identified in Section 1(2(a)) above:

No proposed zoning applies to the land

(b) Proposed additional permitted uses:

No proposed additional uses apply

(c) Are there proposed development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land, and if so, what are the fixed minimum dimensions?

No proposed fixed minimum land dimensions apply to the land.

(d) Is the land in a proposed area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?

No, the land is not in a proposed area of outstanding biodiversity value.

(e) Is the land within a proposed heritage conservation area?

No, the land is not within a proposed heritage conservation area

(f) Is there a proposed item of environmental heritage located on the land?

No, there are no proposed heritage items located on the land

SECTION 3 – Contributions plans

1. (a) The following contributions plans apply to the land

City of Canada Bay Local Infrastructure Contributions Plan

The subject land is within Greater Sydney to which the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 applies.

(b) The following draft contributions plans apply to the land:-

No draft contributions plans apply to the land

SECTION 4 – Complying Development

1. ***Is the land, land on which complying development may be carried out under 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?***

Housing Code (Part 3)

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

Low Rise Housing Diversity Code (Part 3B)

Yes, under the Low Rise Housing Diversity Code complying development may be carried out on the land.

Pattern Book Development Code (Part 3BA)

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

Housing Alterations Code (Part 4)

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

General Development Code (Part 4A)

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

Industrial and Business Alterations Code (Part 5)

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

Industrial and Business Buildings Code (Part 5A)

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

Container Recycling Facilities Code (Part 5B)

Yes, under the Container Recycling Facilities Code complying development may be carried out on the land.

Subdivisions Code (Part 6)

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

Demolition Code (Part 7)

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

Fire Safety Code (Part 8)

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

2. **Is there a complying development code variation under clause 1.12 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that applies to the land?**

No, there are no complying development code variations that apply to the land.

SECTION 5 – Exempt Development

1. ***Is the land, land on which exempt development may be carried out under clauses 1.16(1)(b1) to (d) or 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?***

Outstanding Biodiversity Value

Yes, exempt development may be carried out on the land as it is not a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.

Critical Habitat

Yes, exempt development may be carried out on the land as it is not a declared critical habitat under Part 7A of the Fisheries Management Act 1994.

Wilderness Area

Yes, exempt development may be carried out on the land as it is not a wilderness area, or part of a wilderness area within the meaning of the Wilderness Act 1987.

State Heritage

Yes, exempt development may be carried out on the land as it is not land that is, or on which there is, an item that is listed on the State Heritage Register, or that is subject to an interim heritage order under the Heritage Act 1977.

Land Excluded

Yes, exempt development may be carried out on the land as it is not land described or otherwise identified on a map as land that is excluded from the General Exempt Development Code.

Siding Spring Observatory

Yes, exempt development may be carried out on the land as it is not within 18 kilometres of the Siding Spring Observatory.

2. **Is there an exempt development code variation under clause 1.12 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that applies to the land?**

No, there are no exempt development code variations that apply to the land.

SECTION 6 – Affected building notices and building product rectification orders

Is Council aware that:

1. **An affected building notice is in force in relation to the land?**
No
2. **A building product rectification order in force is in relation to the land that has not been fully complied with?**
No
3. **A notice of intention to make a building product rectification order given in relation to the land that is outstanding?**
No
-

SECTION 7 - Land reserved for acquisition

Is there an environmental planning instrument, or proposed environmental planning instrument referred to in Section 1 which makes provision in relation to the acquisition of the land by an authority of the State, as referred to in section 3.15 of the Environmental Planning and Assessment Act 1979?

No

SECTION 8 – 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

SECTION 9 – Flood related development controls

1. *Is the land or part of the land within the flood planning area and subject to flood related development controls.*

Unknown, Council has not undertaken a flood study in this location. Please refer to Council's Planning Controls webpage for more information on Flood Planning.

2. *Is the land or part of the land between the flood planning area and the probable maximum flood and subject to flood related development controls.*

Unknown, Council has not undertaken a flood study in this location. Please refer to Council's Planning Controls webpage for more information on Flood Planning.

SECTION 10 – Council and other public authority policies on hazard risk restrictions

(a) *Whether or not any of the land 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) | tidal inundation | No |
| (iv) | subsidence | No |
| (v) | acid sulphate soils | Yes |

The land is identified as being within Class 5 on the Acid Sulfate Soil Map under the Canada Bay LEP 2013. Works prohibited without Council approval (except as provided by subclause 4 of clause 6.1 of the Canada Bay LEP 2013) include:

- Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- | | | |
|------|---------------|-----|
| (vi) | contamination | Yes |
|------|---------------|-----|

Council has adopted by resolution a policy on contaminated land that applies to all land within the City of Canada Bay. This policy, and the application of provisions under relevant State legislation are to be implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. 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. Please refer to Planning Certificate 10.7(2) – Additional Matters and Planning Certificate 10.7(5) for any contamination information that Council is aware of in relation to the land that is the subject of this certificate.

- | | | |
|--------|-----------------|----|
| (vii) | aircraft noise | No |
| (viii) | salinity | No |
| (ix) | coastal hazards | No |
| (x) | sea level rise | No |

(b) Whether or not any of the land is affected by a policy adopted by any other public authority and notified to the Council that the policy will be included in a planning certificate 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 |
| (vii) | aircraft noise | No |
| (viii) | salinity | No |
| (ix) | coastal hazards | No |
| (x) | sea level rise | No |

SECTION 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 |

SECTION 12 – Loose – fill asbestos insulation

Has Council been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division?

No. Contact NSW Fair Trading for more information.

Section 13 – 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

SECTION 14 – Paper subdivision information

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

No

2. *Does a subdivision order apply to the land, and if so what is the date of the order?*

No

SECTION 15 – Property vegetation plans

Has Council been notified (by the person or body that approved the plan) of the existence of a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applying to the land?

No

SECTION 16 – Biodiversity stewardship sites

Has Council been notified by the Biodiversity Conservation Trust that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (including biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be certified under Part 5 of the Biodiversity Conservation Act 2016)?

No

SECTION 17 - Biodiversity certified land

Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016 (including land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016)?

No

SECTION 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

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

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

SECTION 20 – Western Sydney Aerotropolis

Under Chapter 4 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021 is the land:

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

No

(b) *Shown on the Lighting Intensity and Wind Shear Map, or*

No

(c) *Shown on the Obstacle Limitation Surface Map, or*

No

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

No

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

No

SECTION 21 – Development consent conditions for seniors housing

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

No

SECTION 22 – Site compatibility certificates and development consent conditions for affordable rental housing

1. *Is there a current site compatibility certificate (under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which Council is aware, in relation to proposed development on the land, and if there is a certificate, what is the period for which it is current?*

No

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

No

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

No

SECTION 23 – Water or sewerage services

Has Council been notified that water or sewerage services are, or are to be, provided to the land under the Water Industry Competition Act 2006?

No

SECTION 24 – Special Entertainment Precincts

Is the land or part of the land in a special entertainment precinct within the meaning of the Local Government Act 1993, section 202B?

No

SECTION 25 – Interim Development in Future Infrastructure Corridors

Does State Environmental Planning Policy (Transport and Infrastructure) 2021 section 4.7A apply to the land, making a condition of the development consent granted in relation to the land a condition of concurrence granted by Transport for NSW under that section?

No

ADDITIONAL MATTERS

In accordance with the requirements of clause 290(1) of the Environmental Planning and Assessment Regulation 2021, the following additional matters relate to the land at the date of this certificate.

Matters arising under the Contaminated Land Management Act 1997

At the date at when this certificate is issued, under section 59(2) of the Contaminated Land Management Act 1997, is:-

(a) *The land (or part of the land) to which this certificate relates significantly contaminated land?*

No

(b) *The land to which this certificate relates subject to a management order?*

No

(c) *The land to which this certificate relates the subject of an approved voluntary management proposal?*

No

(d) *The land to which this certificate relates subject to an ongoing maintenance order?*

No

(e) *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

SECTION 10.7(5) ADVICE

In accordance with section 10.7(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

Has the property been identified as one that is contributory to the heritage values of a conservation area?

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 State Environmental Planning Policy (Biodiversity and Conservation) 2021?

No

Does the land contain a known Aboriginal heritage site identified by the City of Canada Bay Aboriginal Heritage Study and Management Strategy?

No

4. Permit Parking Schemes

The City of Canada Bay co-ordinates a Resident Permit Parking Scheme, Visitor Permit Parking Scheme and Business Permit Parking Scheme. This property may be restricted from participating in an existing or future Permit Parking Scheme based on eligibility criteria or via Development Application consent condition. For more information contact Council's call centre on 9911 6555.

5. Other Advice

Not Applicable

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 10.7(2) is in accordance with the matters prescribed under schedule 2 of the Environmental Planning and Assessment Regulation 2021 and is provided only to the extent that the Council has been notified by the relevant public authorities.

When advice in accordance with section 10.7(5) is requested the Council is under no obligation to furnish any advice. If advice is provided Council draws your attention to section 10.7(6) and schedule 6 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 10.7(5), including the furnishing of advice in respect of contaminated land.

Any enquiries regarding State Environmental Planning Policies should be directed to the NSW Department of Planning and Environment at www.planning.nsw.gov.au

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



John Clark
General Manager