



Burwood
Inc.1874

**PLANNING CERTIFICATE UNDER SECTION 10.7(2) & (5)
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

DFP Planning
11 Dartford Road
THORNLEIGH NSW 2120

Certificate Number:	16104	Certificate Date:	13/05/2020
Receipt Number:	784639	Certificate Fee:	\$133.00
Parcel Number:	17636	Applicant's Reference:	Boundary Street Croydon

DESCRIPTION OF PROPERTY

Property: Boundary Street CROYDON 2132
Title Particulars: LOT: 1 PC: PRT DP: 1196849

LAND TO WHICH CERTIFICATE RELATES

The land to which this certificate relates, being the lot or one of the lots described in the corresponding application, is shown in the Council's records as being situated at the street address described on page 1 of this certificate. The information contained in this certificate relates only to the lot described on the certificate. Where the street address comprises more than one lot in one or more deposited plans or strata plans, separate planning certificates can be obtained upon application for the other lots. Those certificates may contain different information than is contained in this certificate.

SECTION 10.7(2) DETAILS

In accordance with section 10.7(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(1). ENVIRONMENTAL PLANNING INSTRUMENTS

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

Deemed Local Environmental Plans:

There are no Deemed Local Environmental Plans applying to the land.

Local Environmental Plans:

Burwood Local Environmental Plan (BLEP) 2012



State Environmental Planning Policies (SEPPs):

- SEPP No. 1 – Development Standards
- SEPP No. 19 – Bushland in Urban Areas
- SEPP No. 21 – Caravan Parks
- SEPP No. 30 – Intensive Agriculture
- SEPP No. 33 – Hazardous and Offensive Development
- SEPP No. 50 – Canal Estate Development
- SEPP No. 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 – Design Quality of Residential Apartment Development
- SEPP No. 70 – Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Major Developments) 2005
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (Mining, Petroleum and Extractive Industries) 2007
- SEPP (Repeal of Concurrence and Referral Provisions) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Coastal Management) 2018

Deemed State Environmental Planning Policies:

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Note: Any enquiries regarding State Environmental Planning Policies or Deemed State Environmental Planning Policies should be directed to the Department of Planning on (02) 9228 6111 or its website, www.planning.nsw.gov.au .

1(2). PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

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

Note: Proposed environmental planning instruments include a planning proposal for a Local Environmental Plan or a draft environmental planning instrument.

Proposed Local Environmental Plans:

A Planning Proposal is being, or has been, exhibited which seeks to amend the Burwood Local Environmental Plan 2012 to restrict the subdivision of dual occupancies in the R2 Low Density Residential Zone.



Proposed State Environmental Planning Policies:

Draft State Environmental Planning Policy No. 66 – Integrating Land Use and Transport - Exhibited 14.09.01 to 14.12.01

Draft State Environmental Planning Policy (Application of Development Standards) 2004 - Exhibited 10.5.04 to 18.6.04

Proposed Deemed State Environmental Planning Policies:

There are no proposed Deemed SEPPs applying to the land.

1(3). DEVELOPMENT CONTROL PLANS

The following development control plan applies to the carrying out of development on the land:

Council on 12 February 2013 resolved to adopt a Burwood Development Control Plan (BDCP). This DCP supports and supplements the Burwood Local Environmental Plan 2012, and applies to all land within the Burwood local government area (LGA), in accordance with the new requirements of Part 3 of the *Environmental Planning and Assessment Act 1979*. The BDCP became effective from 1 March 2013.

2. ZONING AND LAND USE

The identity of the zone under the relevant environmental planning instrument:

R2 - Low Density Residential

Permitted Without Consent in R2: Home occupations; Roads.

Permitted With Consent in R2: Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Neighbourhood shops; Recreation areas; Respite day care centres; Semi-detached dwellings; Seniors housing.

Prohibited in R2: Any development not otherwise specified.

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:

No

Whether the land includes or comprises critical habitat:

No



Whether the land is in a conservation area:

No

Whether an item of environmental heritage is situated on the land:

The premises is listed as a State Heritage Item on the State Heritage Register by NSW Heritage Office.

Yes

3. COMPLYING DEVELOPMENT

Whether complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy:

General Housing Code:

Complying development under the General Housing Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the General Housing Code may not be carried out on the land. The land comprises a heritage item.

Rural Housing Code:

Complying development under the Rural Housing Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the Rural Housing Code may not be carried out on the land. The land comprises a heritage item.

Housing Alterations Code:

Complying development under the Housing Alterations Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the Housing Alterations Code may not be carried out on the land. The land comprises a heritage item.

General Development Code:

Complying development under the General Development Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the General Development Code may not be carried out on the land. The land comprises a heritage item.



Commercial and Industrial Alterations Code:

Complying development under the Commercial and Industrial Alterations Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the Commercial and Industrial Alterations Code may not be carried out on the land. The land comprises a heritage item.

Commercial and Industrial (New Buildings and Additions) Code:

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may not be carried out on the land. The land comprises a heritage item.

Subdivisions Code:

Complying development under the Subdivision Code may not be carried out on the land. The land comprises a heritage item.

Demolition Code:

Complying development under the Demolition Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the General Housing Code may not be carried out on the land. The land comprises a heritage item.

Fire Safety Code:

Complying development under the Fire Safety Code may not be carried out on the land. The land is listed on the State Heritage Register.

Complying development under the Fire Safety Code may not be carried out on the land. The land comprises a heritage item.

Note: The policy also requires that the development be permissible with consent in the relevant land use zone and satisfy all other requirements of the Policy in relation to complying development.

4. COASTAL PROTECTION

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:

No

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



5. 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

6. ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is 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

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

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 land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

Yes. All land in the Burwood local government area has an Acid Sulfate Soils classification. For further information, refer to the Acid Sulfate Soils Map of the BLEP 2012.

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

Whether 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

Whether development on the land or part of the land for any other purpose is subject to flood related development controls:

No

Note: Words and expressions under this heading 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

Is there an environmental planning instrument or proposed environmental planning instrument applying to the land which makes provision for the acquisition of the land by a public authority, as referred to in section 3.15 of the *Environmental Planning and Assessment Act 1979*?

No

9. CONTRIBUTIONS PLANS

The following Contributions Plans apply to the land:

Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre)

9A. BIODIVERSITY CERTIFIED LAND

Whether the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*?

No

10. BIODIVERSITY STEWARDSHIP SITES

Whether there is a biodiversity stewardship agreement entered into under Part 5 of the *Biodiversity Conservation Act 2016* relating to the land of which the Council has been notified:

No

10A. NATIVE VEGETATION

Whether there is a native vegetation set aside area entered into under section 60ZC of the *Local Land Services Act 2013* relating to the land of which the Council has been notified:

No

11. BUSHFIRE PRONE LAND

The land is not bushfire prone land as defined in the *Environmental Planning and Assessment Act 1979*.

12. PROPERTY VEGETATION PLANS

The Council has not been notified that the property is subject to a property vegetation plan under the *Native Vegetation Act 2003*.



13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

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

No

14. DIRECTIONS UNDER THE FORMER PART 3A

Whether there is a direction by the Minister in force under the former 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 the former Part 4 of the Act does not have effect:

No

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, whether there is a current site compatibility certificate (of which the Council is aware) in respect of proposed development on the land, and if so, the period for which the certificate is current, and 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:

No

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

Whether there is a valid site compatibility certificate (of which the Council is aware), issued under *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land, and if so, the period for which the certificate is valid:

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.

17. SITE COMPATIBILITY CERTIFICATES FOR AFFORDABLE RENTAL HOUSING

Whether there is a current site compatibility certificate (of which the Council is aware), issued for affordable rental housing in respect of proposed development on the land, and if so, the period for which the certificate is current and any terms that have been imposed as a condition of consent to a development application in respect of the land:

No

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.



18. PAPER SUBDIVISION INFORMATION

Whether a development plan under Part 16C of the *Environmental Planning and Assessment Regulation 2000* has been adopted by a relevant authority to apply to the land, or the land is proposed to be subject to a consent ballot:

No

19. SITE VERIFICATION CERTIFICATES

Whether there is a current site verification certificate (of which the Council is aware) in respect of the land, and if so, the matter certified by the certificate, and the date on which the certificate ceases to be current (if any):

No

Note: A copy of a site verification certificate may be obtained from the head office of the Department of Planning.

20. LOOSE-FILL ASBESTOS INSULATION

Whether the Council has been advised that the land includes any residential premise (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that is listed on the Loose-fill Asbestos Insulation Register:

No

Note: Further information may be obtained from NSW Fair Trading.

21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

Whether there is any affected building notice, building product rectification order, or notice of intention to make a building product rectification order, of which the Council is aware in respect of the land:

No

Note: Affected building notice and building product rectification order have the same meaning as in the *Building Products (Safety) Act 2017*.



22. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Section 59(2) of the *Contaminated Land Management Act 1997* prescribes that the following matters are to be specified in a Section 10.7 Planning Certificate:

- (a) Is the land to which this certificate relates significantly contaminated land, and if so, the date the certificate was issued?

No

Note: A declaration of significantly contaminated land includes declarations of an investigation area or remediation site issued prior to 1 July 2009.

- (b) Is the land to which this certificate relates subject to a management order, and if so, the date the certificate was issued?

No

Note: A management order includes an investigation order or remediation order issued prior to 1 July 2009.

- (c) Is the land to which this certificate relates the subject of an approved voluntary management proposal, and if so, the date the certificate was issued?

No

Note: An approved voluntary management proposal includes a voluntary investigation proposal or voluntary remediation proposal issued prior to 1 July 2009.

- (d) Is the land to which this certificate relates subject to an ongoing maintenance order, and if so, the date the certificate was issued?

No

Note: An ongoing maintenance order includes a notice for maintenance of remediation issued prior to 1 July 2009.

- (e) Is the land to which this certificate relates the subject of a site audit statement, if a copy of such a statement has been provided at any time to the local authority issuing the certificate?

No



SECTION 10.7 (5)

The following advice on other matters affecting the subject land of which Council is aware is supplied in pursuance to sub-section 5 of Section 10.7.

1. The land is not affected by a Residential District Proclamation.
2. Register of consents may be examined at Council's Offices for particulars relating to a development consent which may have been issued for use or development of the land.

Brian Olsen
GROUP MANAGER – BUILDING & DEVELOPMENT