



Environmental Planning and Assessment Act 1979 Section 10.7 - Planning Certificate

Chapman Planning Pty Ltd
8/88 Mountain Street
ULTIMO, NSW 2007

Your Reference	043978	Address	"Part of Boronia Park" Park Rd, Hunters Hill
Cert Number	24482	Owner	The State of New South Wales
Issued Date	21 August 2024		
Receipt Number			
Fee Amount	\$156.00	Plan	PT Lot7352 DP1156319
Council Parcel	3004		

This part is directed to the following matters prescribed under Section 10.7(2) of the above Act

1 Names of relevant planning instruments and Development Control Plans (DCPs)

1. The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land:

*-Hunters Hill LEP 2012
-SEPP No. 65 - Design Quality of Residential Flat Development
-SEPP (Transport and Infrastructure) 2021
-SEPP (Resources and Energy) 2021
-SEPP (Resilience and Hazards) 2021
-SEPP (Precincts - Eastern Harbour City) 2021
-SEPP (Planning Systems) 2021
-SEPP (Industry and Employment) 2021
-SEPP (Housing) 2021
-SEPP (Exempt and Complying Development Codes) 2008
-SEPP (Building Sustainability Index: BASIX) 2004
-SEPP (Biodiversity and Conservation) 2021
-Hunters Hill Consolidated Development Control Plan (DCP) 2013
-Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The Plan covers the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River. The Plan aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. The Plan also aims to achieve a high quality and ecologically sustainable urban environment by establishing planning principles and controls for the catchment as a whole.

2. The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land:

No proposed environmental planning instruments apply.

3. Subsection 2 does not apply in relation to a proposed environmental planning instrument or draft development control plan if:

a. it has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

b. for a proposed environmental planning instrument - the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

4. In this section, "proposed environmental planning instrument" means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

2 Zoning and land use under relevant planning instruments

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) The identity of the zone:

*Hunters Hill LEP 2012 applies to the land and identifies the land to be in multiple zones: **RE1 Public Recreation, C2 Environmental Conservation**.*

- (b) the purposes for which development in the zone may be carried out without development consent:

Environmental facilities; Environmental protection works; Roads

Environmental protection works; Basketball hoops and stands (refer to page 53 of the LEP for specifications).

the purposes for which the instrument(s) provides that development may not be carried out within the zone except with development consent.

Community facilities; Kiosks; Recreation areas

Environmental facilities.

the purposes for which the instrument(s) provides that development is prohibited within the zone.

Any development not listed above

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

- (c) whether additional permitted uses apply to the land:

No

- (d) whether 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

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.

No

- (f) whether the land is in a conservation area, however described.

Yes

- (g) whether an item of environmental heritage, however described, is situated on the land.

Yes, refer to Hunters Hill Local Environmental Plan 2012 Heritage Map sheets HER_001A to HER_003D and Schedule 5 of the LEP:

-I86,I431,I446

3 Contributions Plans

- (1) The name of each contributions plan under the Act, Division 7.1, applying to the land, including draft contributions plans.

Hunters Hill Section 7.12 Developer Contribution Plan 2020.

- (2) Is the land in a special contributions area under the Act, Division 7.1, if so, the name of the area.

No.

4 Complying Development

Whether or not 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 and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

If complying development may not be carried out on that land because of the provisions of clauses 1.17A and 1.19 of that Policy, the reasons why it may not be carried out under that clause.

General Housing Code

Complying development under the General Housing Code *may not* be carried out on the land.

-This Code does not apply in land zoned as RE1 Public Recreation, C2 Environmental Conservation.

Rural Housing Code

Complying development under the Rural Housing Code *may not* be carried out on the land. The land is affected by specific land exemptions:

-this Code does not apply in land zoned as RE1 Public Recreation, C2 Environmental Conservation.

Low Rise Housing Diversity Code

Complying development under the Low Rise Housing Diversity Code applies to the land.

Housing Alterations Code

Complying development under the Housing Alterations Code *is affected by exclusions*:

-An item of heritage significance (affecting the whole land).

General Development Code

Complying development under the General Development Code *may not* be carried out on the land.

-This Code does not apply in land zoned as RE1 Public Recreation, C2 Environmental Conservation.

Commercial and Industrial Alterations Code

Complying development under the General Commercial and Industrial Alterations Code *may* be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code

Complying development under the General Commercial and Industrial (New Buildings and Additions) Code *may* be carried out on the land.

Container Recycling Facilities Code

Complying development under the Container Recycling Facilities Code *may not* be carried out on *any part* of the land that is *zoned*. It *may not* be carried out on any other land.

Subdivisions Code

Complying development under the Subdivision Code *may not* be carried out on the land.

-This Code does not apply in land zoned as RE1 Public Recreation, C2 Environmental Conservation.

Demolition Code

Complying development under the Demolition Code *is affected by exclusions*:

-An item of heritage significance (affecting the whole land).

Fire Safety Code

-An item of heritage significance (affecting the whole land).

No variations in relation to the land are listed under the Policy, clause 1.12.

Disclaimer: This certificate only addresses matters raised in Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that you comply with any other general requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

5 Exempt development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A:

No

- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause:

-The land has an item of Heritage significance

- (3) Whether council has sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land:

Yes

- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land:

No

6 Affected Building Notices and Building Products Rectification Orders

Note: This statement is based on information supplied by a third party public authority. The accuracy of this information has not been verified by Council and if the information is vital for the proposed end use, then it should be verified by the applicant.

- (1) Whether Council is aware that:

- (a) an affected building notice in force in relation to the land?

No

- (b) is there any building product rectification order in force in relation to the land that has not been fully complied with?

No

- (c) is there any notice of intention to make a building product rectification order?

No

Note: This statement is based on information supplied by a third party public authority. The accuracy of this information has not been verified by Council and if the information is vital for the proposed end use, then it should be verified by the applicant. In this section:

"affected building notice" has the same meaning as in the *Building Products (Safety) Act 2017*, Part 4.

"building product rectification order" has the same meaning as in the *Building Products (Safety) Act 2017*.

7 Land Reserved for Acquisition

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 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 Act.

No

8 Road Widening and Road Realignment

Whether the land is affected by road widening or road alignment under:

- (a) the *Roads Act 1993*, Part 3, Division 2:

No

- (b) an environmental planning instrument:

No

- (c) a resolution of the Council:

No

9 Flood related development controls information

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls:

No

- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls:

No

- (3) In this section:

"flood planning area" has the same meaning as in the Floodplain Development Manual.

"Floodplain Development Manual" means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

"probable maximum flood" has the same meaning as in the Floodplain Development Manual.

10 Council and Other Public Authority Policies on Hazard Risk Restrictions

Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of:

Landslip	<i>No</i>
Bushfire	<i>Yes</i>
Tidal Inundation	<i>No</i>
Subsidence	<i>No</i>
Acid Sulphate Soils	<i>No, see below note.</i>
Contamination	<i>No</i>
Aircraft noise	<i>No</i>
Salinity	<i>No</i>
Coastal hazards	<i>No</i>
Sea level rise	<i>No</i>
Any other risk, other than flooding	<i>No</i>

Note:

Council has not adopted a policy on Acid Sulphate Soils, however Acid Sulphate Soils have been mapped (refer to *Hunters Hill Local Environmental Plan 2012 Acid Sulphate Soils Map sheets ASS_001 to ASS_003*). Clause 6.1 of this LEP must be addressed if development is proposed where there are Acid Sulphate Soils.

In this section, "Adopted policy" means a policy adopted:

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

11 Bush Fire Prone Land

If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3:

Yes, the land is identified on Council's certified Bush Fire Prone Land map as being partly or wholly bush fire prone land

12 Loose-fill Asbestos Insulation

Does the land include any residential premises (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 that is required to be maintained under that Division?

Council has not been notified by NSW Fair Trading that the land includes any residential premises that are listed on the register. Refer to the NSW Fair Trading website at www.fairtrading.nsw.gov.au to confirm that the land is not listed on this register.

Note: There is potential for loose-fill asbestos insulation in residential premises that are not listed on the Register. Contact NSW Fair Trading for further information.

13 Mine Subsidence

Whether the land is declared to be a mine subsidence district, within the meaning of the Coal Mine Subsidence Compensation Act 2017:

No

14 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 ballot.

No development plan applies

- (2) The date of any subdivision order that applies to the land.

No subdivision order applies

- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

15 Property vegetation plans

If the land is land in relation to which a property vegetation plan is approved and in force under the Nature Vegetation Act 2003, Part 4, 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:

No

16 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

Note: Biodiversity stewardship agreements including biobanking agreements under the Threatened Species Conservation Act 1995, Part 7A that are taken to be biodiversity stewardship agreements under the Biodiversity

No

17 Biodiversity certified land

If the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8, a statement to that effect.
Note: Biodiversity certified land includes land certified under the *Threatened Species Conservation Act 1995*, Part 7AA that is taken to be certified under the *Biodiversity Conservation Act 2016*, Part 8.

No

18 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

19 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).

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*.

20 Western Sydney Aerotropolis

Whether under *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*, Chapter 4, the land is in an ANEF or ANEC contour of 20 or greater (as referred to in that Chapter, section 4.17), or shown on the Lighting Intensity and Wind Shear Map, or shown on the Obstacle Limitation Surface Map, or in the "public safety area" on the Public Safety Area Map, or in the "3 kilometre wildlife buffer zone" or the "13 kilometre wildlife buffer zone" on the Wildlife Buffer Zone Map:

No

21 Site compatibility certificates and conditions for seniors housing

If *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2):

No

22 Site Compatibility Certificates and development consent conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate, the period for which the certificate is current, and that a copy may be obtained from the Department:

No

- (2) If *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 49(1):

No

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1):

No

- (4) In this section, "former site compatibility certificate" means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Contaminated Land Management Act 1997

Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters 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).

No

- (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).

No

- (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).

No

- (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).

No

- (e) that the land to which the certificate relates is subject of a site audit statement within the meaning of that Act (if a copy of such a statement has been provided at any time to the local authority issuing the certificate).

No

This part is directed to Section 10.7(5) of the above Act, which provides that Council may, in a Planning Certificate, include advice on such other relevant matters affecting the land of which it may be aware.

NOTE: When information pursuant Section 10.7(5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that Section. Council draws your attention to Section 10.7(6), which states that a Council shall not incur a liability in respect of any advice provided in good faith pursuant to sub-section (5). Section 10.7(6) also provides that "this subsection does not apply to advice provided in relation to contaminated land (including the likelihood of land being contaminated land) or to the nature or extent of contamination of land within the meaning of Schedule 6". Council draws your attention to Schedule 6, which deals with liability in respect of contaminated land. The absence of any reference to any matters affecting the land shall not imply that the land is not affected by any matter


General information:

- Development consent may have been granted for development of the land, including any works, building, subdivision or use of the land. The terms and conditions of any consent rest with the land in perpetuity unless subsequently modified or deleted by Council. It is recommended that you make appropriate inquiries in this regard.
- The land is affected by the provisions of clause 6.7 Riverfront Areas under Hunters Hill LEP 2012
- This land may adjoin or be in the vicinity of an Item of Environmental Heritage under Schedule 5 of *Hunters Hill Local Environmental Plan 2012*. The Hunters Hill LEP 2012 heritage maps which show all heritage items in the municipality are available on the NSW Legislation website:

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2013-0034>

NOTES

- 1 Any request for further information in connection with the above should be directed to Council's Customer Services Centre.
- 2 Owners intending to carry out alteration and/or additions and their consultants are encouraged to discuss the proposal with Council prior to lodgement of a formal application. This will ensure that expert advice is available during the planning of such works.
- 3 The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act, the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 2000.
- 4 The above information has been taken from the Council's records, however Council cannot accept responsibility for any omission or inaccuracy.

A handwritten signature in dark ink, appearing to read 'Steve Kourepis', is written over a horizontal line.

Steve Kourepis
Director Town Planning