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PLANNING CERTIFICATE

under Section 10.7 of the *Environmental Planning and Assessment Act 1979*.

Info Track
DX 578
SYDNEY

Certificate No: 39867
Certificate Date: 04/07/2018
Receipt No:
Ref:

Property Description

Owners: Mr K Karkoulas
Address: 12/16 Hampton Court Road CARLTON 2218
Land Title: LOT: 12 SP: 13275
Assessment #: 59894

Section 10.7(2) Details

In accordance with the requirements of section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended), the following prescribed matters relate to the land at the date of this certificate.

1. Names of relevant Planning Instruments and DCPs

- (a) Local Environmental Plan (LEP)

Kogarah Local Environmental Plan 2012 gazetted on 25/01/2013, and as amended (last amendment 26/05/2017).

- (b) Draft Local Environmental Plan or Draft Planning Proposal

There are no relevant exhibited draft environmental planning instruments applying to the land.

- (c) Development Control Plan (DCP)

Kogarah Development Control Plan 2013

(d) **State Environmental Planning Policies (SEPPs) and Instruments**

Below is a list of all State Environmental Planning Policies (including publicised draft policies) that apply to the Georges River Council LGA (formerly known as Kogarah City Council). Depending on circumstances set down by each policy, the policy may be specifically applicable to the land that is the subject of this certificate. You are advised to refer to the policy for the necessary details.

Any enquiries regarding these State policies should be directed to the Department of Planning & Environment on (02) 9228 6333 or <http://www.planning.nsw.gov.au>

State Environmental Planning Policies

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. 62 - Sustainable Aquaculture
SEPP No. 64 Advertising and Signage
SEPP No. 65 Design Quality of Residential Flat Development
SEPP No. 70 - Affordable Housing (Revised Schemes)
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Miscellaneous Consent Provisions) 2007
SEPP (State and Regional Development) 2011
SEPP (State Significant Precincts) 2005
SEPP (Vegetation in Non-Rural Areas) 2017
SEPP (Educational Establishments and Child Care Facilities) 2017

Deemed State Environmental Planning Policies (Regional Environmental Plan)

The Greater metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Draft State Environmental Planning Policies

Draft SEPP (Competition) 2010
Draft Remediation of Land SEPP
Draft Environment SEPP
Proposed Amendment to Seniors Housing SEPP
Proposed Amendment to SEPP (Exempt and Complying Development Codes) 2008

Draft amendment to Standard Instrument LEP

2. Zoning and land use under relevant Local Environmental Plan

(a) Zoning under Kogarah Local Environmental Plan 2012

R3 - Medium Density Residential

Note: While this certificate indicates the zoning of the land, it is suggested the relevant Planning Instrument be viewed at <http://www.legislation.nsw.gov.au> to provide an overall view of the area.

- (b)** The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent:

Nil.

- (c)** The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing.

- (d)** The purposes for which the plan or instrument provides that development is prohibited within the zone:

Any development not specified in question 2(b) or 2(c).

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

No.

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

No.

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

No.

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

No.

Note: This advice does not cover items listed on the State Heritage Register, which are listed by NSW Heritage Office and may be found at <http://www.heritage.nsw.gov.au>

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006
DOES NOT apply to any land in Georges River Council LGA.

3. Complying Development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The following information is provided in accordance with the requirements of Clause 3 of Schedule 4 of the Environmental Planning and Assessment Regulation (Complying Development).

- (a) Is Complying Development under the provisions of the *Housing Code* permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (b) Is Complying Development under the provisions of the *Housing Internal Alterations Code* permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (c) Is Complying Development under the provisions of the *General Development Code* permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (d) Is Complying Development under the provisions of the *Commercial and Industrial Alterations Code* permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (e) Is Complying Development under the provisions of the ***Commercial and Industrial (New Buildings and Additions) Code*** permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (f) Is Complying Development under the provisions of the ***Container Recycling Facilities Code*** permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (g) Is Complying Development under the provisions of the ***Subdivisions Code*** permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (h) Is Complying Development under the provisions of the ***Demolition Code*** permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

- (i) Is Complying Development under the provisions of the ***Fire Safety Code*** permitted on this land?

Yes - Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land subject to an assessment of compliance with the requirements of the SEPP.

Disclaimer: The information above addresses matters raised in Clause 1.17A (1) (b) to (e), (2), (3), and (4), 1.18(1)(c3) and 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.

NOTE: Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed above, complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

4. Coastal protection – repealed 3 April 2018

4A. Certain information relating to beaches and coasts – repealed 3 April 2018

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

Has the current or previous owner of the land consented 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 553 B 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.

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

(a) Is the land affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993?

No.

(b) Is the land affected by any road widening or road realignment under any environmental planning instrument?

No.

(c) Is the land affected by any road widening or road realignment under any resolution of the Council?

No.

7. Council and other public authority policies on hazard risk restrictions

- (a) Is the land affected by a policy adopted by the Council?

The Kogarah Development Control Plan identifies policies that affect the land which include - Part B6 – Water Management to Water Management Policy.

Contaminated land – the property is affected by the Kogarah Contaminated Land Policy 2009.

The property is affected by Clause 6.5 (Airspace Operations) of the Kogarah Local Environmental Plan 2012. The objective of this clause is to protect airspace around airports.

The property is affected by Clause 6.6 of the Kogarah Local Environmental Plan 2012. The objectives of this clause are:

- (a) to prevent certain noise sensitive developments from being located near the Sydney Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (b) Is the land 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 land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

No.

7A. Flood related development controls information

- (a) Is the 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 purpose of group homes or senior housing) subject to flood related development controls?

No.

- (b) Is the development on that land or part of the land for any other purpose subject to flood related development controls?

No.

Disclaimer: Words and expressions in this clause 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 that provides for the acquisition of the land by a public authority, as referred to in Section 3.15 of the Act?

No.

9. Contribution plans

The following contribution plans apply to the land:

Section 94 Contributions Plan No. 1 - Road and Traffic Management

Section 94 Contributions Plan No. 5 - Open Space

Section 94 Contributions Plan No. 9 - Kogarah Libraries

Georges River Council Section 94A Contributions Plan 2017

9A. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

Note: Biodiversity certified land includes 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*.

Council has not been notified by the Chief Executive of the Office of Environment and Heritage, that the subject land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

The accuracy of this statement may be reliant in part upon 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 of the land, it should be verified by the applicant.

10. Biodiversity stewardships sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

Council has not been notified by the Chief Executive of the Office of Environment and Heritage, that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*.

The accuracy of this statement may be reliant in part upon 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 of the land, it should be verified by the applicant.

10A. Native vegetation clearing set asides

If the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

Council has not been notified by the Local Land Services that the land contains a set aside area nor is the land registered in the public register under section 60ZC of the *Local Land Services Act 2013*.

The accuracy of this statement may be reliant in part upon 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 of the land, it should be verified by the applicant.

11. Bush fire prone land

Is the land to which this certificate relates bush fire prone land?

No.

12. Property vegetation plans

Is the land the subject of a property vegetation plan under the *Native Vegetation Act 2003*?

No.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

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

No.

14. Directions under Part 3A

Is there a direction by the Minister in force under Section 75P (2) (c1) of the Act 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, a statement to that effect identifying the provision that does not have effect?

No.

15. Site compatibility certificates and conditions for seniors housing

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

No.

Disclaimer: This statement is based on information supplied by a third party public authority. The accuracy of this information has not been verified by Georges River Council and if the information is vital for the proposed end use, then it should be verified by the applicant. If there is a site compatibility certificate, a copy of this may be obtained from the head office of the Department of Planning & Environment.

- (b) Is the land subject to any restriction on occupation of seniors housing referred to in Clause 18(2) of the *State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004* that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No.

16. Site compatibility certificates for infrastructure

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

No.

17. Site compatibility certificates and conditions for affordable rental housing

- (a) Is there a valid site compatibility certificate (of which Council is aware), issued under Clause 37(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* in respect of the proposed development on the land?

No.

- (b) Is the land subject to any restriction on its use as affordable housing referred to in Clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application?

No.

18. Paper subdivision information

- (a) Is the land subject to any development plan adopted by a relevant authority or that is proposed to be subject to a consent ballot?

No.

- (b) Is there a subdivision order that applies to the land?

No.

Disclaimer: Words and expressions in this clause have the same meaning as they have in Part 16C of the Environmental Planning and Assessment Regulations 2000.

19. Site verification certificates

Is there a current site verification certificate (of which Council is aware) in respect of the land?

No.

20. Contaminated Land Management Act 1997

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) Is the land to which the certificate relates **significantly contaminated land** within the meaning of the Contaminated Land Management Act 1997?

No.

- (b) Is the land to which the certificate relates subject to a **management order** within the meaning of the Contaminated Land Management Act 1997?

No.

- (c) Is the land to which the certificate relates the subject of an **approved voluntary management proposal** within the meaning of the Contaminated Land Management Act 1997?

No.

- (d) Is the land to which the certificate relates subject to an **ongoing maintenance order** within the meaning of the Contaminated Land Management Act 1997?

No.

- (e) Is the land to which the certificate relates the subject of a **site audit statement** within the meaning of the Contaminated Land Management Act 1997?

No.

21. Loose-fill asbestos insulation

Does the land include any residential premises listed on the Loose-Fill Asbestos Insulation Register maintained under Division 1A of Part 8 of the *Home Building Act 1989*?

No – the land to which the certificate relates is not identified on the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation maintained by the Secretary of NSW Fair Trading.

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

22. Affected building notices and building product rectification orders

- (1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.

Council is not aware of any affected building notice in force in respect of the land.

- (2) A statement of:

- (a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with.

Council is not aware of any building product rectification order that is in force in respect of the land and has not been fully complied with.

- (b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

Council is not aware of any notice of intention to make a building product rectification order that has been given in respect of the land and is outstanding.

- (3) In this clause:

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

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

Section 10.7(5) Details

Note: Please note that Council provides this information in good faith but pursuant to Section 10.7(6) of the Environmental Planning and Assessment Act 1979. Council does not accept any liability in respect of such advice. The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this planning certificate.

1. State Heritage Register Items

Is the land listed on the State Heritage Register?

No.

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

2. Adjacent to a Heritage Item

Is the land located adjacent to a heritage item?

No.

3. Foreshore Building Line

Is the land affected by the foreshore building line?

No.

4. Greenweb Area

Is the land located within the existing habitat corridor and the habitat reinforcement corridor areas?

No.

5. Threatened Species

Does the land contain threatened species under the determination made within the *Threatened Species Conservation Act 1995*?

No.

6. Flooding

Is the land subject to flooding?

No.

7. Public Reserve Encroachments

Is the land located adjacent to a public reserve?

No.

Note: This is a general statement which applies to all lands adjacent to a public reserve.

8. Stormwater Drains

Is the land affected by a stormwater drain?

Council's Asset register indicates that the property is not affected by a Council stormwater drain. However an exhaustive search of all Council records, including archival records, has not been undertaken. You are advised that further investigations, at the applicant's expense, may be necessary to confirm the presence of any underground stormwater drain.

9. Stormwater Drainage Easement

Is the land affected by a Stormwater Drainage Easement in favour of Council?

Council's Asset register indicates that the property is not affected by an easement for stormwater drainage. However Council may not hold all or exhaustive records of all stormwater drainage easements. You are advised to obtain the relevant NSW Land Title Documents including the Certificate of Title for the property.

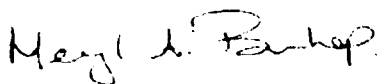
10. Demolition of Buildings

If the building/s on the subject property were constructed prior to 1987 an asbestos survey prepared by a suitably qualified and experienced professional may be required for certain works, including demolition. For more information refer to the Council's Asbestos Policy.

11. Building Certificates, Orders and Notices

It is advisable to apply to Council for a Building Certificate under the provisions of Section 6.22, 6.23 & 6.24 of the Environmental Planning and Assessment Act, 1979, for information on Outstanding Orders under the provisions of Schedule 5 of the Environmental Planning and Assessment Act, 1979 & Section 735a of the Local Government Act, 1993 and a Swimming Pool Compliance Certificate under the provisions of Section 24 of the Swimming Pool Act 1992 (where there is an existing pool on the property). Forms are available on Council's website

If you would like further information in relation to any of the abovementioned Certificates, please contact Council's Customer Service Centre on 9330 6400.



per _____

Meryl Bishop
Director - Environment and Planning