

11 September 2019

**Halgan Pty Ltd  
10 Davis Road  
WETHERILL PARK NSW 2164**

Dear Sir/ Madam

Following is your Planning Certificate as requested. Should you have any further queries please contact Council's City Strategic Planning Group on (02) 9725 0821.

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**PLANNING CERTIFICATE**

(under section 10.7 of the Environmental Planning and Assessment Act 1979 as amended)

<b>Applicant:</b>	<b>Halgan Pty Ltd</b>
<b>Certificate No.:</b>	<b>53107/2019</b>
<b>Applicant's Reference:</b>	<b>Glenn Horne</b>
<b>Issue Date:</b>	<b>11 September 2019</b>
<b>Receipt No.:</b>	<b>3387664</b>

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<b>PROPERTY ADDRESS:</b>	<b>10 Davis Road WETHERILL PARK</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 603 DP: 260618</b>

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for  
Alan Young  
**CITY MANAGER**  
**Fairfield City Council**



**Note:** This is page 1 of 21. Should this Planning Certificate or any subsequent copy not contain this many pages, please confirm with Council prior to acting on the basis of information contained in this certificate.



**Information provided under  
Section 10.7(2) of the Environmental Planning and Assessment Act 1979**

**Notes:**

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- (1) The following prescribed matters may apply to the land to which this certificate relates.
  - (2) Where this certificate refers to a specific allotment (or allotments) within a strata plan, the certificate is issued for the whole of the land within the strata plan, not just the specific allotment(s) referred to, and any information contained in the certificate may relate to the whole, or any part, of the strata plan.
  - (3) The following information is provided pursuant to Section 10.7(2) of the Environmental Planning and Assessment Act 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000 and is applicable as at the date of this certificate.
  - (4) Information provided in this certificate should be interpreted in conjunction with the relevant plans, policies and documents held at Council. In order to obtain copies of these documents you may purchase them by either contacting Council's City Development Group on (02) 9725 0821 or attending Council's Administration Centre at 86 Avoca Road, Wakeley.
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**1. Names of relevant planning instruments and DCPs**

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

State Environmental Planning Policies (SEPP)

**SEPP No. 33 - Hazardous and Offensive Development**

**SEPP (Major Development) 2005**

**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 Flat Development**

**SEPP No. 19 - Bushland in Urban Areas**

**SEPP No. 21 - Caravan Parks**

**SEPP (Primary Production and Rural Development) 2019**

**SEPP (Infrastructure) 2007**

**SEPP (Exempt and Complying Development Codes) 2008**

**SEPP (Affordable Rental Housing) 2009**

**SEPP (State and Regional Development) 2011**

**SEPP (Primary Production and Rural Development) 2019**

**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

**SEPP (Miscellaneous Consent Provisions) 2007**

**SEPP (Building Sustainability Index: BASIX) 2004**

**SEPP (Vegetation in Non-Rural Areas) 2017**

**SEPP (Educational Establishments and Child Care Facilities) 2017**

**Regional Environmental Plans (Deemed SEPP)**

**Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2-1995)**

**The Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment**

**Local Environmental Plans (LEP)**

**Fairfield Local Environmental Plan 2013**

**Published on NSW Legislation Website: 17/05/2013.**

**In Force from: 31/05/2013.**

**As Amended.**

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)

**Draft Amendment to Fairfield LEP 2013 - Cl.6.4 Flood Risk Management – proposes to remove references to residential accommodation, commercial premises, industries and include new reference to seniors housing.**

**There is no draft SEPP applying to this land.**

**There is no other draft LEP applying to this land.**

- (3) The name of each development control plan that applies to the carrying out of development on the land.

**The land is subject to adopted Development Control Plans. (See attached schedule).**

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **2. Zoning and land use under relevant LEP**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

### **(a) WHAT IS THE IDENTITY OF THE ZONE?**

**Zone IN1 General Industrial**

### **(b) WHAT IS PERMITTED WITHOUT DEVELOPMENT CONSENT?** **Environmental protection works.**

**(c) WHAT IS PERMITTED ONLY WITH DEVELOPMENT CONSENT?**  
**Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item b or d.**

### **(d) WHAT IS PROHIBITED?**

**Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Farm buildings; Forestry; Function centres; Health consulting rooms; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Marinas; Medical centres; Mooring pens; Moorings; Research stations; Residential accommodation; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water**

recreation structures; Water reticulation systems; Water treatment facilities; Wharf or boating facilities.

*There is no other draft LEP applying to this land.*

Additional uses that are permitted with development consent.

**The subject property is located wholly or partly within Site No. 17 on the Key Sites Map.**

**Use of land within Site No. 17 (Zoned IN1 General Industrial) in Wetherill Park for development for the purpose of a sex services premises is permitted with consent.**

- (e) 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 development standards that fix the minimum land dimensions for the erection of a dwelling house apply to this land. Controls in other policies and plans may apply.**

- (f) Whether the land includes or comprises critical habitat.

**No.**

- (g) Whether the land is in a conservation area (however described).

**No**

- (h) Whether an item of environmental heritage (however described) is situated on the land.

**No.**

**Attention is drawn however to Clause 5.10(5) of Fairfield Local Environmental Plan 2013:**

**"The consent authority may, before granting consent to any development:**

**(a) on land on which a heritage item is located, or**

**(b) on land that is within a heritage conservation area, or**

**(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),**

**require a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."**

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

**Not applicable.**

**3. Complying development**

- (1) The extent to which 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 (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:**

**No. The Housing Code does not apply to this land.**

**Low Rise Medium Density Housing Code**

**No. The Low Rise Medium Density Housing Code does not apply to the land.**

**Housing Alterations Code:**

**Complying development under the Housing Alterations Code may be carried out on the land.**

**Commercial and Industrial Alterations Code:**

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

**Commercial and Industrial (New Buildings and Additions) Code:**

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

**Subdivision Code:**

**Complying development under the Subdivision Code may be carried out on the land.**

**Rural Housing Code:**

**No. The Rural Housing Code does not apply to this land.**

**General Development Code:**

**Complying development under the General Development Code may be carried out on the land.**

**Demolition Code:**

**Complying development under the Demolition Code may be carried out on the land.**

**Fire Safety Code:**

**Complying development under the Fire Safety Code may be carried out on the land.**

**Container Recycling Facilities Code:  
Complying development under the Container Recycling Facilities  
Code may be carried out on the land.**

- (2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.

**None Relevant.**

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

**Council does not have any relevant statement to make in relation to any further restrictions that may apply to complying development being carried out on the land. All information in relation to the extent that complying development can be carried out on the land is provided under Part 3(1) & (2) of this certificate.**

**Note:** Clause 3 refers only to land based exclusions as listed in Clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP (Exempt and Complying Development Codes) 2008. To be complying development, the development must be complying development that meets the standards and other requirements specified for that development as required by the SEPP. Please contact your accredited certifier or Council for further information.

**4. Coastal Protection**

Whether or not the land is affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that the Council has been notified by the Department of Public Works.

**No, this land is not affected.**

**4A Information relating to beaches and coasts**

- (1) In relation to a coastal council - whether an order has 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), except where the council is satisfied that such an order has been fully complied with.

**No order under Part 4D of the *Coastal Protection Act 1979*, has been made.**



(2) In relation to a coastal council:

- (a) whether the Council has 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), and

**Council has not received any such notification.**

- (b) if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

**Not applicable.**

**4B 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 946B 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).

**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*.

**No annual charges under section 553B of the *Local Government Act 1993*, are applicable to the land.**

**5. Mine Subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

**No, this land is not affected.**

**6. Road widening and road realignment**

Whether or not the land is affected by any road widening or road realignment under Division 2 or Part 3 of the *Roads Act 1993*, any environmental planning instrument, or any resolution of the council.

**The land is not affected by any road widening proposal under Division 2 of Part 3 of the *Roads Act* or *Fairfield Local Environmental Plan 2013*.**

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

Whether or not the land is affected by a policy:

- (a) adopted by the Council, or

(b) 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 sulfate soils or any other risk, other than flooding.

**Council's policies on hazard risk restrictions are as follows:**

**(i) Landslip**

**The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of landslide risk or subsidence.**

**(ii) Bushfire**

**Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.**

**(iii) Tidal Inundation**

**The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of tidal inundation.**

**(iv) Subsidence**

**No, the land is not so affected**

**(v) Acid Sulfate Soils**

**The land is not affected by a policy adopted by Council or adopted by any other public authority and notified to Council (for the express purpose of its adoption by that authority being referred to in Planning Certificates issued by Council) that restricts development on the land because of the likelihood of acid sulfate soils.**

**(vi) Any other risks**

**No, the land is not so affected**

**7A. Flood related development controls information**

1. Whether or not development on that 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.

**This land is subject to the flood related development controls included in the Fairfield City-Wide Development Control Plan 2013 in relation to the above development types. These controls apply (either directly, or indirectly by reference in site-specific DCPs) to all land in the Fairfield Local Government Area.**

**Generally, development controls will apply to development if the land (or part of the land) is within the floodplain or is affected by overland flooding.**

**Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.**

**This parcel is within the floodplain and identified as being partly within a Medium Flood Risk Precinct, partly within a Low Flood Risk Precinct as a result of overland flooding and partly not affected by overland flooding.**

**The term overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.**

**The term Medium Flood Risk Precinct is defined as land below the 100-year flood level that is not within a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties.**

**The term Low Flood Risk Precinct is defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.**

2. Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

This land is subject to the flood related development controls included in the Fairfield City-Wide Development Control Plan 2013 in relation to the above development types. These controls apply (either directly, or indirectly by reference in site-specific DCPs) to all land in the Fairfield Local Government Area.

Generally, development controls will apply to development if the land (or part of the land) is within the floodplain or is affected by overland flooding.

Based on the information currently available to Council, this land is not affected by mainstream flooding. However, this is subject to future flood studies and reviews.

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The term Low Flood Risk Precinct is defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.

**Note:** The flood information is the current information to date. However, Council reviews flood studies on an on-going basis and new information may become available in future. Please contact Council's Catchment Planning Division on 9725 0222 for any updated information.

**Note:**

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3. 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.
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## **8. Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

**The land is not reserved for acquisition under Fairfield Local Environmental Plan 2013.**

**9. Contributions plans**

The name of each contributions plan applying to the land.

**Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011 applies to all land within the City of Fairfield.**

**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*."

**The land is not biodiversity certified land.**

**10. Biodiversity stewardship 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*."

**No such agreement applies to the land.**

**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)

**Not applicable.**

**11. Bush fire prone land**

If any of the land is bush fire prone land (as defined in Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

Council has been supplied by the NSW Rural Fire Service with a hazard map for the purposes of a bush fire risk management plan applying to land within the Fairfield local government area. Based on that map, it appears the land referred to in this certificate is not bush fire prone as defined in Part 4 of the Environmental Planning and Assessment Act 1979.

**12. Property vegetation plans**

If the land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force) applies, a statement to that effect (but on 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.**

**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 Part 3A**

If there is 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 such direction applies to the land.**

**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:

- (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware in respect of proposed development on the land and, if there is a certificate, the statement is to include:
  - (i) the period for which the certificate is current, and
  - (ii) that a copy may be obtained from the head office of the Department of Planning and Environment, and

**No such certificate applies to the land.**

- (b) a statement setting out 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 in respect of the land.

**No such terms apply to the land.**

**16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and  
(b) that a copy may be obtained from the head office of the Department.

No such certificate applies to the land.

**17. Site compatibility certificates and conditions for affordable rental housing**

- (1) A statement to the whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is current, and  
(b) that a copy may be obtained from the head office of the Department of Planning and Environment.

**No such certificate applies to the land.**

- (2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that has been imposed as a condition of consent to a development application in respect of the land.

**No such terms apply to the land.**

**18. 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 consent ballot.  
(2) The date of any subdivision order that applies to the land.  
(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

**No such plan or order applies to the land**

**19. Site verification certificates**

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

**Note:** A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (b) the date on which the certificate ceases to be current (if any), and  
(c) that a copy may be obtained from the head office of the Department of Planning and Environment.

**No such certificate applies to the land**

**20. Loose-fill asbestos insulation**

If 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, a statement to that effect.

**Not Applicable.**

**21. 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.  
(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, and  
(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.

**None Relevant**

**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,  
(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,  
(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,  
(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,  
(e) that the land to which the certificate relates is the 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.



Continuously updated information in relation to the above matters can also be found by searching the records of the Environmental Protection Authority (EPA) at the website of the EPA. The search page can be found at: <http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx>.

The following information is available to Council but may not be current:

Council has adopted by resolution a policy (commencing 1 August 2000), on contaminated land which may restrict the development of land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under the State Legislation is warranted.

The land is not within an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

The land is not subject to an investigation order or a remediation order within the meaning of the Contaminated Land Management Act 1997.

The land is not subject to a voluntary investigation proposal (or voluntary remediation proposal) that is the subject of the Environment Protection Authority's agreement under Section 19 or 26 of the Contaminated Land Management Act 1997.

The land is not subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997.

**Note 2:** Any advice received by Council pursuant to section 26(2) of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009, is included below.

**No such certificate applies to the land.**

**The following additional information is provided under  
Section 10.7(5) of the Environmental Planning and Assessment Act 1979**

**Note:**

- (1) When information pursuant to section 10.7(5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section.
- (2) Council draws your attention to section 10.7(6), which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).
- (3) 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 certificate.

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**The land is subject to the provisions of the SEPP (Vegetation in Non-Rural Areas) 2017 and Fairfield LEP 2013.**

**Land must not be cleared or filled except with the consent of Council.**

**The applicant's attention is drawn to the Department of Infrastructure, Planning and Natural Resources map at the 1:100,000 scale 'Salinity Potential in Western Sydney 2002' that indicates there is potential for salinity in the Region. The map can be viewed at Council's Customer Service Centre (86 Avoca Road Wakeley).**

**Council's policy 'Building in Saline Environments', applies to all areas of Fairfield City and requires use of construction measures and materials in new development to minimise risk of salt damage to buildings from urban salinity.**

**The Electricity Commission of NSW advises that the existing transmission line on the land is to be up-rated, which will require the existing easement to be widened.**

**On 15th April 2014, the Australian Government announced that it intends to proceed with an airport at Badgerys Creek in the Liverpool City Council area. The Western Sydney Airport draft Environmental Impact Statement (EIS) was released for public exhibition on Monday 19 October 2015. You should make your own enquiries with the Commonwealth Government Department responsible via the website <http://westernsydneyairport.gov.au/>.**

**The land is identified as land in the vicinity of extractive industry under the provisions of Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2-1995) which aims to prevent any adverse effect between extractive industry and other incompatible land uses.**

**The submission of an acoustic report must accompany all development applications for dwelling houses and sensitive land uses located within a distance of 500 metres from a nominated extractive industry site. Refer to Council's Development Control Plan for more information.**

**There is no draft SEPP applying to this land.**

**Draft LEP Amendment - Cl.6.4 Flood Risk Management – proposes to remove references to residential accommodation, commercial premises, industries. The provision of the clause will still apply to more ‘sensitive land uses’ such as emergency services facilities, hospitals, group homes, and residential care facilities. Seniors housing is also proposed as an additional form of development affected by the provisions of Clause 6.4 due to the sensitivities associated with this land use. The amendment to the LEP accompanied by amendments to Chapter 11 of the Fairfield City Wide that will achieve consistency between the LEP and DCP provisions.**

# FAIRFIELD CITY COUNCIL DEVELOPMENT CONTROL PLANS – 21 March 2018

## Fairfield City Wide DCP

Title	Adopted by Council*	Effective Date
Fairfield CityWide Development Control Plan 2013	13 November 2012	31 May 2013
<u>Amendment No.1</u> change maximum height permissible for detached secondary dwellings, clarify requirements and correct various anomalies, incorporate outdoor dining policy into a number of site specific DCPs (see table below)	11 February 2014	5 March 2014
<u>Amendment No.2</u> amend chapter 2 to reference Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
<u>Amendment No.3</u> Introduce Chapter 4B - Secondary Dwellings in Rural Area - Horsley Park and Cecil Park	11 December 2013	14 March 2014
<u>Amendment No. 4</u> amends Chapter 9 Industrial Development Site Specific Controls for 449 Victoria Street and 96 Newton Road, Wetherill Park	24 September 2013	21 March 2014
<u>Amendment No.5</u> amends Chapters 2 and 10 and Appendix B to ensure provisions within the DCP are in line with the SEPP (Exempt and Complying Development Codes) 2008.	13 May 2014	28 May 2014
<u>Amendment No. 5A</u> amends Chapter 6A – Multi Dwelling Housing – Town house and Villas: Site Specific DCP – 46 & 50 Cobbett Street, Wetherill Park.	12 March 2013	22 August 2014
<u>Amendment No. 6</u> including increase to building heights for detached granny flats, removal of reference to minimum lot sizes for R1 zoned lands, inclusion of new controls and provisions relating to neighbourhood shops and pad mounted sub stations, clarify requirements and correct a number of anomalies associated with secondary dwellings, dual occupancy, narrow lots and residential flat buildings and other minor inconsequential amendments.	12 August 2014	3 September 2014
<u>Amendment No. 6A</u> amends Chapter 14 Subdivision – Applying to land located on 630 Elizabeth Drive and 9-10 Schubert Place, Bonnyrigg Heights to facilitate a future road link between Stivala Place and Schubert Place.	12 August 2014	3 September 2014
<u>Amendment No.7</u> proposed amendments include – Additional Controls for Child Care Centres, Boarding Houses and Granny Flats; Revised Heritage Chapter; New provisions relating to CCTV for specific land uses, and; Acoustic measures for development in the Rural Area.	25 November 2014	3 December 2014
<u>Amendment No. 7A</u> amends Chapter 10 Miscellaneous Development - applying to land located on 1 Bartley Street, Cabramatta to facilitate the development of a hotel or motel accommodation at the Cabravale Diggers site.	26 August 2014	16 January 2015
<u>Amendment 8</u> amends Chapter 9 – Industrial Development. This amendment includes provisions for industrial/employment development proposals in close proximity to residential land. The amended controls cover the following issues: General Design Requirements (including setback considerations, driveways, loading and storage areas, etc); Bulk and scale; Vehicular and Pedestrian Access Privacy; Light Spill; Noise and Vibration; and Landscaping.	10 March 2015	1 April 2015
<u>Amendment 9</u> includes new provisions relating to various forms of residential development including: Building Appearance, Landscaping, Private Open space, Minimum Lot Width, Car Parking Rates and Notification of S82A Applications.	12 May 2015	27 May 2015
<u>Amendment 10</u> including amendments to: <ul style="list-style-type: none"> <li>the intent of the Development Control Plan and Development Application process – the DA Guide</li> <li>provisions for rural zone development</li> <li>residential flat building setbacks</li> <li>heritage advice</li> <li>road classifications</li> </ul>	14 July 2015	5 August 2015
<u>Amendment No.11</u> includes site specific development controls (private open space, car parking and dwelling density) for 46-50 Cobbett Street, Wetherill Park included in Chapter 6A Multi Dwelling Housing – Townhouses and Villas.	1 December 2015	16 December 2015

Title	Adopted by Council*	Effective Date
<u>Amendment No. 12</u> addresses anomalies in the DCP including but not limited to providing clarity on minimum room sizes, updated acoustic proofing measures for new dwellings in rural areas, car parking rates for disabled parking, and provisions for site servicing and loading requirements in neighbourhood shops in residential zones.	10 May 2016	25 May 2016
<u>Amendment No. 13</u> Clarification to requirements for acoustic measures for development in the rural areas, location of alfresco areas for secondary dwellings, car parking rates for restaurants & amendments to ensure controls for residential flat buildings are consistent with the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development & associated Apartment Design Guide.	14 March 2017	5 April 2017
<u>Amendment No. 14</u> Site specific provisions for 620 Elizabeth Drive, Bonnyrigg Heights.	27 June 2017	15 Sept 2017
<u>Amendment No. 15</u> Amendment to Appendix G, and addition of Appendix H to introduce Aboriginal Heritage Management controls for development across Fairfield City	12 September 2017	28 February 2018
<u>Amendment No. 16</u> Amendments provide clarity relating to alfresco areas and carports provisions for secondary dwellings, lot width provisions for dual occupancy and multi dwelling housing on cul-de-sac heads, setbacks for residential flat buildings on corner sites, removal of Chapter 8B Neighbourhood and Local Centres – Mixed Use (Up to 2 storeys) to ensure consistency with the Apartment Design Guide, inclusion of accessibility requirements, inclusion of Council's Stormwater Management Policy, and guidelines for acknowledging petitions.	27 February 2018	21 March 2018
<u>Amendment No. 17</u> Amendment to Chapter 11 – Flood Risk Management to ensure consistency with proposed amendments to Clause 6.4 – Floodplain Risk Management of the Fairfield Local Environmental Plan 2013. A new category of "very low flood risk" has also been introduced.	21 November 2017	
<u>Amendment No. 18</u> Amendment to Chapter 10.11 to revise existing site specific DCP in relation to the Cabravale Diggers Club site at 1 Bartley Street, Canley Vale	14 November 2017	28 February 2018
<u>Amendment No. 19</u> Amendment to introduce site specific development controls for 17-23 Longfield Street, Cabramatta.	21.02.2018 to 23.03.2018	28.02.2019
<u>Amendment No. 20</u> Amendment No. 20 provides clarity on controls and guidelines within the following chapters: <ul style="list-style-type: none"> <li>• Chapter 3 – Environmental Management and Constraints;</li> <li>• Chapter 4A – Development in the Rural Zones;</li> <li>• Chapter 5A – Dwelling Houses;</li> <li>• Chapter 5B – Secondary Dwellings;</li> <li>• Chapter 6A – Multi Dwelling Housing;</li> <li>• Chapter 6B – Dual Occupancy;</li> <li>• Chapter 9 – Industrial Development; and</li> <li>• Chapter 14 – Subdivision</li> </ul>	05.12.2018 to 07.01.2019	13 March 2019

## Place Based and Site Specific DCPs

Title	Adopted by Council*	Effective Date
Bonnyrigg Town Centre DCP.28(2010) - <u>Amendment No.1</u> (Awning controls and amendment to area subject to Bonnyrigg Town centre DCP – 3.11.2010) - <u>Amendment No.2</u> (Outdoor Dining Controls –5.3.2014) Note – to be repealed upon Gazettal of LEP 2013 – Amendment No. 31		28 May 2004
Bonnyrigg Town Centre DCP 2018 The DCP will replace the Bonnyrigg Town Centre DCP No.28 (2010)	6 August 2019	To be Determined - Upon Gazettal of Fairfield LEP 2013 – Amendment No. 31
Cabramatta Town Centre DCP (5/2000) - <u>Amendment No.1</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 2</u> (New clause regarding Model Submission – 3.09.2014) - <u>Amendment No. 3</u> (Amended clauses and map regarding Precinct 2- Dutton Lane Car Park)	11 October 2016	10 March 2017
Fairfield City Centre DCP 2013 - <u>Amendment No.1</u> (Outdoor Dining Controls – 5.3. 2014) - <u>Amendment No. 2</u> (Remove reference to Public Art Guide and update signage controls reference – 3.09.2014) - <u>Amendment No. 3</u> (removes reference to the Fairfield Art Strategy as Council	10 May 2016	25 May 2016

Title	Adopted by Council*	Effective Date
has not formally adopted a Public Art Strategy)		
Canley Corridor DCP No.37 (2013) (Canley Vale and Canley Heights town centres) - <u>Amendment No.1:</u> (Development Controls for Adams Reserve 12.9.2006) - <u>Amendment No.2:</u> (Development Controls for 45-47 Peel St, Canley Heights 9.4.2008) - <u>Amendment No.3:</u> (Awnings controls 3.11.2010) - <u>Amendment No.4:</u> (Development Controls for 190 Canley Vale Rd, Canley Heights 19.4.2011) - <u>Amendment No.5:</u> (References to Fairfield LEP 2013 31.5.2013) - <u>Amendment No.6:</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 7</u> (Remove reference to Public Art Guide – 3.09.2014) - <u>Amendment No. 8</u> (Include 46 Derby Street, Canley Heights into Town Centre Catchment – 01.07.2015) - <u>Amendment No. 9</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Fairfield Heights Local Centre DCP 2013	13 November 2012	31 May 2013
Prairiewood Town Centre – Southern Precinct DCP 2013	13 November 2012	31 May 2013
Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014

## Master Plans

Title	Adopted by Council*	Effective Date
Prairiewood Masterplan (December 2005)	13 November 2012	31 May 2013
Fairfield Town Centre Masterplans – The Crescent and Barbara Street Precincts (May 2007)		May 2007

## Structure Plans

Title	Adopted by Council*	Effective Date
Villawood Town Centre		February 2008

\* Note: Some "In Force" Development Control Plans may be under review, check with Council for date of last amendment.

# Flood Information Sheet

## Applicant's Details:

Applicant's Name	Halgan Pty Ltd
Postal Address	10 Davis Road WETHERILL PARK NSW 2164
Phone	
Fax	

## Property Particulars:

House No.	10
Street & Suburb	Davis Road WETHERILL PARK
Lot Description	Lot 603 DP 260618

*Council has adopted a policy on flooding which may restrict the development of land. The Fairfield City-Wide Development Control Plan 2013 (which includes provisions for flood management) applies to all of the Fairfield Local Government area.*

*Part or all of this land may be affected by local overland flooding.*

## LOCAL OVERLAND FLOODING

### Description

This parcel is identified as being partly within a **Medium** Flood Risk Precinct, partly within a **Low** Flood Risk Precinct as a result of overland flooding and partly **not affected** by local overland flooding.

### Local Overland Flood Details

Size of Flood	Flood Level (m AHD)
Probable Maximum Flood (PMF)	36.9 – 37.1
100 Year ARI	35.4 – 35.7
20 Year ARI	35.3 – 35.6

Local overland flood levels in the vicinity of the above property have been extracted from the Fairfield City Council (2015) *Wetherill Park Overland Flood Study*.

11 September 2019

## GLOSSARY

<b>m AHD</b>	metres Australian Height Datum (AHD).
<b>Australian Height Datum (AHD)</b>	A common national plane of level approximately equivalent to the height above sea level. All flood levels, floor levels and ground levels are normally provided in metres AHD.
<b>Average Recurrence Interval (ARI)</b>	The long term average number of years between the occurrence of a flood as big as the selected event. For example, floods with a discharge as great as the 20 year ARI event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.
<b>flood</b>	A relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam. It also includes local overland flooding associated with major drainage before entering a watercourse, or coastal inundation resulting from raised sea levels, or waves overtopping the coastline.
<b>flood risk precinct</b>	<p>An area of land with similar flood risks and where similar development controls may be applied by a Council to manage the flood risk. The flood risk is determined based on the existing development in the precinct or assuming the precinct is developed with normal residential uses. Usually the floodplain is categorised into three flood risk precincts 'low', 'medium' and 'high', although other classifications can sometimes be used.</p> <p><b>High Flood Risk:</b> This has been defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.</p> <p><b>Medium Flood Risk:</b> This has been defined as land below the 100-year flood level that is not within a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties.</p> <p><b>Low Flood Risk:</b> This has been defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.</p>
<b>local overland flooding</b>	The inundation of normally dry land by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
<b>mainstream flooding</b>	The inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.
<b>probable maximum flood (PMF)</b>	The largest flood that could conceivably occur at a particular location.
<b>zone of significant flow</b>	That area of the floodplain where a significant discharge of water occurs during floods. Should the area within this boundary be fully or partially blocked, a significant distribution of flood flows or increase in flood levels would occur.