

QUEANBEYAN-PALERANG REGIONAL COUNCIL
Planning Certificate issued under
Section 10.7(2&5)
Environmental Planning and Assessment Act 1979

Certificate No.: PL.2021.1803
Your Reference: 10.7 (2&5) Certificate
Date of Issue: 28 April 2021

Douglas Partners Pty Ltd
PO Box 1487
FYSHWICK ACT 2609

Property Number	207434
Property Address:	241 Gorman Drive GOOGONG NSW 2620
Legal Description:	Lot 3 DP 1179941

This certificate is provided under Section 10.7(2&5) of the Act. At the date of this certificate, the subject land is affected by the following matters.

Notes:

- (a) The information in this certificate only relates to the real property identifier associated with the property and not to any licence or permissive occupancy that may be attached to and included in the property details contained in the description of the land.
- (b) The *Environmental Planning and Assessment Act 1979* will be referred to in this Certificate as 'the Act'.

Disclaimer:

This certificate contains information provided to Council by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information.

1. Names of relevant instruments and development control plans

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

Queanbeyan Local Environmental Plan 2012 and State Environmental Planning Policies (SEPPs) that may apply to the carrying out of development on the land:

- State Environmental Planning Policy No 21 – Caravan Parks
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 36 – Manufactured Home Estates
- State Environmental Planning Policy No 50 – Canal Estate Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Concurrences and Consents) 2018
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

www.legislation.nsw.gov.au/#/browse/inForce/EPIs/S

www.legislation.nsw.gov.au/#/view/EPI/2012/576/full

- (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).

Yes: Draft Queanbeyan-Palerang Local Environmental Plan 2020

<http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=6660>

Yes. State Environmental Planning Policies (SEPPs) that have been the subject of community consultation or on public exhibition under the Act that may apply to the carrying out of development on the land:

- Draft State Environmental Planning Policy (Environment)
- Draft State Environmental Planning Policy (Housing Diversity) 2020
- Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No 21 — Caravan Parks
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 36 — Manufactured Home Estates
- State Environmental Planning Policy No 55 — Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy No 70 — Affordable Housing (Revised Schemes)
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Exempt and Complying Development Code) 2008
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (State and Regional Development) 2011

www.planningportal.nsw.gov.au/draftplans

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

Lot 3 DP 1179941

Googong Development Control Plan 2010

www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-controls#section-3

2. Zoning and land use under relevant LEPs

- (a) Identity of the zone:

Lot 3 DP 1179941

R1 General Residential

R1 General Residential - Queanbeyan Local Environmental Plan 2012

- (b) Permitted without consent

Environmental protection works; Home occupations.

- (c) Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Waste or resource management facilities.

- (d) Prohibited

Any development not specified in item (b) or (c).

Note: Demolition of a building or work requires consent under clause 2.7 of the applicable Local Environmental Plan.

Listed below are any additional site specific permitted uses (only with development consent) from the schedule of the relevant Local Environmental Plan cited in clause 1(1) of this certificate. Note that for multi lot titles, the additional uses may apply only to particular lots.

Lot 3 DP 1179941

There are no additional uses permitted on this land.

- (e) Minimum land dimensions for the erection of a dwelling house on the land fixed by development standards applying to the land:

Lot 3 DP 1179941

Minimum lot size is 330 square metres.

The minimum lot size for subdivision is stated above. No minimum land dimensions apply for the erection of a dwelling house on the land.

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

Lot 3 DP 1179941**No. None of the land includes or comprises critical habitat.**

(g) Whether the land is in a conservation area:

Lot 3 DP 1179941**No. The land is not in a Heritage Conservation Area or a State Conservation Area.**

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

Lot 3 DP 1179941**No. Council is not aware of any items of state environmental heritage or local environmental heritage that are located on the land.****2A. Zoning and land use under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006***

Whether the land is within any zone under:

- (a) Part 3 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* or
- (b) A Precinct Plan (within the means of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* or
- (c) A proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act.

Not applicable.

3. Complying Development

- (1) 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 (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*.

Lot 3 DP 1179941

Yes. Under NSW legislation *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and council records, complying development may be able to be carried out on this land under the following codes:

- **Housing Code (Part 3)**
- **Low Rise Housing Diversity Code (Part 3B)**
- **Greenfield Housing Code (Part 3C)**
- **Housing Alterations Code (Part 4)**
- **General Development Code (Part 4A)**
- **Commercial and Industrial Alterations Code (Part 5)**
- **Subdivisions Code (Part 6)**
- **Demolition Code (Part 7)**
- **Fire Safety Code (Part 8)**

If complying development under any of these codes above is being considered to be carried out on this land, the applicant is advised to check the provisions of clauses 1.17 1.17A, 1.18, 1.19 and 1.20 of this policy to confirm that complying development is possible:

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

The 2019 edition of the National Construction Code is effective from 1 May 2019.

The following complying development codes are not applicable to this land:

- **Rural Housing Code (Part 3A)**
- **Inland Code (Part 3D)**
- **Commercial and Industrial (New Buildings and Additions) Code (Part 5A)**
- **Container Recycling Facilities Code (Part 5B)**

- (2) If 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, the reasons why it may not be carried out under these clauses.

4, 4A. Repealed

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 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. The land is not affected because it is not located in a coastal council.

5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

No. The land is not proclaimed to be a mine subsidence district within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

6. Road widening and road realignment

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

Lot 3 DP 1179941

No. The land is not affected by a road widening or road realignment under the *Roads Act 1993*.

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

Lot 3 DP 1179941

No. The land is not affected by any road widening or road realignment under any environmental planning instrument.

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

Lot 3 DP 1179941

No. The land is not affected by a road widening or road realignment under a resolution of Council.

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

- (a) Is the land affected by a policy adopted by council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

Yes. All land in QPRC is affected by policies adopted by the council that restricts the development of the land because of the likelihood of contaminated land and bushfire.

Lot 3 DP 1179941

**Site audit statement No 12058 SAR 191 dated 18th October 2013 prepared by Rod Harwood advises that this land in Googong Neighbourhood 1A part Lot 12, part Lot 13 and part Lot 14 in DP 1164687, part Lot 1 in DP 1149329 and part Lot 6 in DP 2554892 is suitable for the following:
Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry; Day care centre, preschool, primary school; Park, recreational open space, playing field; and Commercial / industrial.**

Note: Refer to Clause 11 of this certificate to check if the land is bushfire prone.

- (b) Is the land affected by a policy adopted by any other public authority that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate or any other risk?

No. Council is not aware of a policy adopted by any other public authority that restricts the development of the land.

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.

Lot 3 DP 1179941

No. The land is not subject to flood related development controls.

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

Lot 3 DP 1179941

No. The land is not subject to flood related development controls for any other purpose.

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.

Lot 3 DP 1179941

No. Council is not aware of any environmental planning instrument or proposed environmental planning instrument that makes provision for the acquisition of the land by a public authority.

9. Contributions plans

The name of each Contributions plan applying to the land.

Lot 3 DP 1179941

Queanbeyan City Council Section 94 Contributions Plan (Googong) 2015.

Lot 3 DP 1179941

Queanbeyan Section 94 Contributions Plan for Extractive Industry 2014.

www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-controls#section-6

9A. Biodiversity certified land

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

Lot 3 DP 1179941

No. Council has not been notified that the land is biodiversity certified under the Biodiversity Conservation Act 2016.

10. Biodiversity stewardship sites

Whether the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*.

Lot 3 DP 1179941

No. Council has not been notified that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016.

10A. Native vegetation clearing set asides

Whether the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*.

Lot 3 DP 1179941

No. Council has not been notified that the land contains a set aside area or it is registered in the public register under the Local Land Services Act 2013.

11. Bush fire prone land

Whether the land is bush fire prone land.

Lot 3 DP 1179941

No. The land is not bush fire prone as defined in Section 10.3 of the Environmental Planning and Assessment Act 1979.

12. Property Vegetation Plans

Whether Council has been notified that a property vegetation plan under the *Native Vegetation Act 2003* applies to the land.

Lot 3 DP 1179941

No. Council has not been notified of a property vegetation plan under the Native Vegetation Act 2003 that applies to the land.

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

Whether Council has been notified 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.

No. Council has not been notified of order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

Whether 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.

No. Council has not been advised of any Directions by the Minister under section 75P (2) (c1) of the Act.

15. Site compatibility certificates and conditions for seniors housing

Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land:

No. Council is not aware of any valid site compatibility certificate (seniors housing) applying to the land.

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

Whether there is a valid site compatibility certificate (infrastructure, schools or TAFE establishments), of which council is aware of in respect of proposed development on the land.

No. Council is not aware of any valid site compatibility certificate (infrastructure, schools or TAFE establishments) applying to the land.

17. Site compatibility certificates and conditions for affordable rental housing

Whether there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

No. Council is not aware of any valid site compatibility certificate (affordable rental housing) applying to the land.

18. Paper subdivision information

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.

No. Council is not aware of any development plan adopted by a relevant authority or any subdivision Order that applies to a paper subdivision of the land as described in Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificate

Whether there is a current site verification certificate in relation to Division 3 of Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* that Council is aware of.

No. Council is not aware of any site verification certificate applying 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.

No. Council is not aware of any residential premises on the land that are affected by loose-fill asbestos insulation (Division 1A of Part 8 of the *Home Building Act 1989*) and that are listed on the NSW register that is required to be maintained under that Division.

NSW Fair Trading maintains a NSW Register of homes that are affected by loose-fill asbestos insulation: www.fairtrading.nsw.gov.au/loose-fill-asbestos-insulation-register.

Some buildings located in the Queanbeyan-Palerang local government area have been identified as containing loose-fill asbestos insulation (sometimes referred to as “Mr Fluffy” insulation), for example, in the roof space. You should make your own enquiries as to the age of the buildings on the land to which this certificate relates. If the land contains a building constructed prior to 1980, Queanbeyan-Palerang Regional Council strongly recommends that any potential purchaser obtains advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land; and, if so, the health risks (if any) this may pose for the building’s occupants. Contact NSW Fair Trading for further information: <https://www.fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation>.

Nothing in this statement relates to information about the presence of bonded asbestos materials such as asbestos cement sheeting that may have been used at this site.

21. Affected building notices and building product rectification orders

- (1) Is there 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.

No. Council is not aware of the existence of any affected building notice in force, or building product rectification order, or any notice of intention to make a building product rectification order.

22. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

For land to which *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* applies, whether the land is:

- (a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Policy, or
- (b) shown on the *Lighting Intensity and Wind Shear Map* under that Policy, or
- (c) shown on the *Obstacle Limitation Surface Map* under that Policy, or
- (d) in the “public safety area” on the *Public Safety Area Map* under that Policy, or
- (e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the *Wildlife Buffer Zone Map* under that Policy.

Not applicable.

Additional Notes

Aircraft Noise

The land is not located within the Australian Noise Exposure Forecast (ANEF) contour of 20 or greater for the Canberra Airport. Land within an ANEF contour of less than 20 is generally regarded as being ‘acceptable’ for new residential dwellings and other land uses under *Australian Standard AS2021:2015 Acoustics- Aircraft noise intrusion- Building siting and construction*. Further advice in respect of potential aircraft noise impacts is available from Canberra Airport at: <https://www.canberraairport.com.au/corporate/community/aircraft-noise/>

Additional matters prescribed by section 59(2) of the *Contaminated Land Management Act 1997*

- (a) Whether there is land to which a certificate relates regarding significantly contaminated land within the meaning of that Act.

Lot 3 DP 1179941

No. Council is not aware that the land is significantly contaminated.

- (b) Whether there is land to which a certificate relates regarding being subject to a management order within the meaning of that Act.

Lot 3 DP 1179941

No. Council is not aware that the land is subject to a management order.

- (c) Whether there is land to which a certificate relates regarding the subject of an approved voluntary management proposal within the meaning of that Act.

Lot 3 DP 1179941

No. Council is not aware that the land is subject to an approved voluntary management order.

- (d) Whether there is land to which a certificate relates regarding being subject to an ongoing maintenance order within the meaning of that Act.

Lot 3 DP 1179941

No. Council is not aware that the land is subject to an ongoing maintenance order.

- (e) Whether there is land to which a certificate relates regarding being the subject of a site audit statement within the meaning of that Act.

Lot 3 DP 1179941

Yes. This land is subject to a Site Audit Statement. Refer to Clause 7 of this certificate.

Additional information provided in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*

Vegetation Clearing

There are restrictions on the clearing of vegetation on the land.

Refer to:

- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*,
- *Biodiversity Conservation Act 2016*,
- *Local Land Services Act 2013*,
- relevant Development Control Plan [see clause 1(3) of this certificate],
- clause 10A of this certificate if a native vegetation set aside area applies,
- clause 12 of this certificate if a property vegetation plan applies.

Loose Fill Asbestos

If the land to which this certificate relates contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from an appropriately qualified expert as to whether loose fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants. Prospective purchasers may also wish to ask the current owner if the property has previously been inspected under the NSW WorkCover ceiling insulation testing program. Further information about loose fill asbestos insulation (including information about the NSW WorkCover ceiling insulation testing scheme) can be found at:

<http://www.fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation>

Road Access

Lot 3 DP 1179941

The land is served by a public road which is maintained by Council. Enquiries related to maintenance schedules can be made to Council at:

<https://www.gprc.nsw.gov.au/Services/Roads-and-footpaths>

Development Approvals

Some information of previous development applications may be available. Provided there is evidence of ownership or written approval from the land owner, applicants can request to inspect the paper property files of this property at 256 Crawford Street, Queanbeyan NSW. Please allow 1-2 days' notice for Council to retrieve the records after making a telephone call. Applicants can view the property file free-of-charge, with a small fee if the applicant requires paper copies of any record.

ISSUE DETAILS

Certificate No: PL.2021.1803

Checked: TH

M J Thompson

Portfolio General Manager

Natural and Built Character

Queanbeyan-Palerang Regional Council



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28 April 2021