



APPENDIX C

Section 149 (2) and (5) Planning Certificates

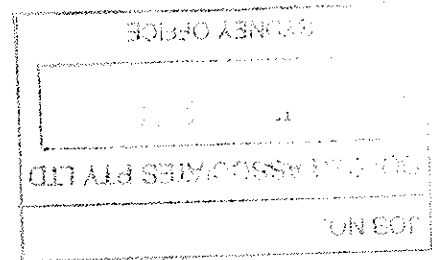
PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Property No: 783177
Your Reference: 087623133 Post
Contact No: 0448 282 605

Issue Date: 2/12/2008
Certificate No: 08/04410
Receipt Date: 1/12/2008
Receipt No: 2313437

Issued to: Matt Uttley
Golder Associates
124 Pacific Highway
ST LEONARDS NSW 2065



PRECINCT 996

DESCRIPTION OF LAND

County: CUMBERLAND

Parish: MULGOA

Location: Nepean District Hospital 35-65 Derby Street KINGSWOOD
NSW 2747

Land Description: Lot 1 DP 1114090

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT SEPPs, REPS, LEPs AND DCPs

1(1)(a) The names of each local environmental plan and deemed environmental planning instrument applying to the land:

Penrith Local Environmental Plan 1998 (Urban Land), gazetted 8 January 1999, as amended, applies to the land.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 – St Marys applies, except as provided by clause 43 of SREP No. 30 – St Marys.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.

1(1)(b) The names of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1) (b) of the Act:

Draft Penrith Local Environmental Plan 1998 (Urban Land) - Amendment No. 17 applies to all land covered by Penrith Local Environmental Plan 1998 (Urban Land). The draft plan aims to amend Penrith Local Environmental Plan 1998 (Urban Land):

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

- (a) to clarify the aims and objectives of the plan;
- (b) to add a provision regarding the minimum width for an access corridor or right of carriageway, and
- (c) to update a number of requirements applying to the Zone No. 2(c) Residential (Low-Medium Density), and
- (d) to update the solar design principles as applying to all new dwellings and dwelling houses, and
- (e) to add provisions that ensure developments are adequately serviced, and
- (f) to update a number of existing definitions and add a new definition. (See attached copy.)

1(1)(c) The names of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections):

Penrith Development Control Plan 2006 applies to the land.

1(2)(a) The names of each regional environmental plan applying to the land:

Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2), gazetted 15 September 1995, as amended, applies to the local government area of Penrith.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997), gazetted 7 November 1997, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme applies).

1(2)(b) The names of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act:

No draft regional environmental plan that has been placed on exhibition under section 47(b) of the Act applies to the land.

1(3)(a) The names of each State environmental planning policy applying to the land:

The names of each State environmental planning policy applying to the land are:

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

State Environmental Planning Policy No. 6 - Number of Storeys in a Building.

State Environmental Planning Policy No.10 - Retention of Low-Cost Rental Accommodation.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916).

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 22 - Shops and Commercial Premises.

State Environmental Planning Policy No. 30 - Intensive Agriculture.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land). (Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development.

State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.

State Environmental Planning Policy No. 50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme apply.)

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.64 - Advertising and Signage.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Note: This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only as detailed in clause 4 of the policy.)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Major Projects) 2005.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

1(3)(b) The names of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act:

Draft State Environmental Planning Policy (SEPP 66) - Integrated Landuse and Transport applies to the land.

Draft State Environmental Planning Policy (Application of Development Standards) 2004 applies to the land.

Draft State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008 applies to the land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

2(a)-(d) For each local environmental plan, deemed environmental planning instrument and draft local environmental plan applying to the land that includes the land in any zone (however described): the identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone. If these sections apply to the land details are shown below and/or in annexures.

Under the terms of Penrith Local Environmental Plan 1998 (Urban Land) the land is zoned as Zone No.5(a) Special Uses (Hospital)

(a) Objectives of the zone

To facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organisations or the council to provide and protect services, utilities or transport facilities and associated activities.

(b)(i) Without development consent

Nil

(b)(ii) Only with development consent

- the particular purpose indicated by lettering on the map and any purpose ordinarily incidental or ancillary to that purpose.
- drains
- landscaping
- public parks and gardens
- roads
- utility installations

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

- utility undertakings

(b)(iii) Prohibited

Any land use other than those included in item (b)(ii).

Note:

(1) Despite any other provisions of Penrith Local Environmental Plan 1998 (Urban Land), a person may carry out development for the purpose of any one or more of the following on any land to which this plan applies without the consent of the Council:

- (a) an internal window display;
- (b) any advertisement erected on land that is not visible from outside the land (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (c) a temporary advertisement, being one which is displayed for a period not exceeding 2 months in total in any one year;
- (d) a public notice in a public place;
- (e) a road safety or advisory sign;
- (f) a specific sign directing the travelling public to buildings or places of tourist interest.

(Clause 31 of the LEP.)

(2) Land to which Penrith Local Environmental Plan 1998 (Urban Land) applies may be subdivided only with development consent.

(Clause 34 of the LEP.)

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development.

In addition to any controls detailed above Penrith Local Environmental Plan No. 255 – Exempt and Complying Development sets out further circumstances where development consent may or may not be required for certain development known as “exempt development” or “complying development”. Please see attached lists for development that may be exempt or complying and refer to the local environmental plan (and the accompanying development control plan) for full details. (See note on page 1 regarding the application of this plan to land to which Sydney Regional Environmental Plan No.30 – St Marys applies.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

2(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:

The land is not affected by minimum land area provisions for the erection of a dwelling-house (if a dwelling-house is permissible on the land).

Note: If a dwelling-house is permissible on the land there may be certain performance requirements with regard land to dimensions affecting construction. In this regard council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house.

2(f) whether the land includes or comprises critical habitat:

The land does not include or comprise critical habitat.

2(g) whether the land is in a conservation area (however described):

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

The land is not in a conservation area.

2(h) whether an item of environmental heritage (however described) is situated on the land:

An item of environmental heritage is not situated on the land.

3 DECLARED STATE SIGNIFICANT DEVELOPMENT

Item 3 Declared State Significant Development has been omitted from Planning Certificates vide Government Gazette No. 96 of 29 July 2005.

4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

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

6 ROAD WIDENING AND ROAD REALIGNMENT

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993, or
- (b) an environmental planning instrument, or
- (c) a resolution of council.

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Councils Policies

The land is not affected by a policy adopted 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).

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not 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, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for dwelling

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if such uses are permissible on the land. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

(2) This land has not been identified as being below the adopted flood planning level (ie. the 1% Annual Exceedance Probability flood level plus 0.5 metre) and as such flood related development controls generally do not apply for any other purpose not referred to in (1) above. Council reserves the right, however, to apply flood related development controls depending on the merits of any particular application. Should future studies change this situation this position may be reviewed.

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land, provides for acquisition of the land by a public authority, as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

The Kingswood Neighbourhood Centre Development Contributions Plan applies to the land if residential development is permissible on the land.

The Footpath Construction in Established Residential Areas of the City Development Contributions Plan applies to the land.

The Penrith City Local Open Space Development Contributions Plan 2007 applies to the land if residential development is permissible on the land.

The Penrith City District Open Space Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exclusion of industrial lands and the Penrith Lakes development site.

10 MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

(a) The land to which the certificate relates is not within land declared to be an **investigation area** or **remediation site** under Part 3 of the Contaminated Land Management Act 1997.

(b) The land to which the certificate relates is not subject to an **investigation order** or a **remediation order** within the meaning of the Contaminated Land Management Act 1997.

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

(d) The land to which the certificate relates is not the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

11 BUSH FIRE PRONE LAND

The land is not identified as bush fire prone land according to Council records.

12 PROPERTY VEGETATION PLANS

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

(Information is provided in this section only if Council has been notified that the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.)

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

(Information is provided in this section only if Council has been notified that 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.)

14 *DIRECTIONS UNDER PART 3A*

(Information is provided in this section only 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.)

15 *SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING*

(Information is provided in this section only if:

- (a) there is a current site compatibility certificate (of which council is aware) issued under clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land; and/or
- (b) any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.)

16 *SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE*

(Information is provided in this section only if there is 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.)

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.

Information is provided only to the extent that Council has been notified by relevant government departments.

149(5) Certificate

**This Certificate is directed to the following
relevant matters affecting the land**

When information pursuant to section 149(5) is requested the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws your attention to section 149(6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). 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.

Note: