

Appendix D

Section 149 certificate



**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Ref.: POST
Ppty: 10215

Cert. No.: 264
Page No.: 1

Applicant:
GOLDER ASSOCIATES PTY LTD
PO BOX 1302
CROWS NEST NSW 1585

Receipt No.: 1988714
Receipt Amt.: 133.00
Date: 15-Jul-2011

Owner: (as recorded by Council):
J C & F W KENNETT PTY LTD
PO BOX 19
GLENFIELD NSW 2167

Property Desc: LOT 51 GLENFIELD ROAD, CASULA NSW 2170
LOT 51 DP 515696

**PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT
TO SECTION 149(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

NOTE: The following information is provided pursuant to Section 149(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 and is applicable to the subject land as of the date of this certificate.

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.

1. Names of Relevant LEP's, DCP's, REPs, and SEPPs

(1)(a) The names of each local environment plan and deemed environmental planning instrument applying to the land is/are listed below: -

Name of Instrument: Liverpool Local Environmental Plan 2008

Name of Zone: RE1 Public Recreation

(1)(b) Draft Local Environmental Plan(s)

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, is/are listed below: -

Name of Draft Instrument: Draft Liverpool Local Environmental Plan 2008
Amendment No: 5 – Anomalies

Name of Zone: Subject to all zones

(1)(c) Development Control Plan(s) under Section 72

The names of each Development Control Plan applying to the land has been prepared by the council under section 72 of the Act is/are listed below: -

Liverpool Development Control Plan 2008 (as amended).

Development Control Plan(s) under Section 51A

The names of each Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act are listed as follows: -

Nil

(2)(a) Regional Environmental Plan(s)

The names of each Regional Environmental Plan applying to the land is/are listed below:

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
This plan aims to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments, to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment and to ensure that development achieves the environmental objectives for the Catchment.

(2)(b) Draft Regional Environmental Plan(s)

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 is/are listed below:

Nil

(3)(a) State Environmental Planning Policy(s)

The names of each State Environmental Planning Policy applying to the land are listed below: -

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
 State Environmental Planning Policy No. 19 – Bushland in Urban Areas
 State Environmental Planning Policy No. 21 – Caravan Parks
 State Environmental Planning Policy No. 30 – Intensive Agriculture
 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
 State Environmental Planning Policy No. 44 – Koala Habitat
 State Environmental Planning Policy No. 50 – Canal Estate Development
 State Environmental Planning Policy No. 55 – Remediation of Land
 State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008
 State Environmental Planning Policy No 62 – Sustainable Aquaculture
 State Environmental Planning Policy No. 64 – Advertising and Signage
 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
 State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy – (Major Development) 2005
 State Environmental Planning Policy – Affordable Housing (Revised Scheme) 2009
 State Environmental Planning Policy – (Infrastructure) 2007
 State Environmental Planning Policy – (Mine, Petrol Prod and Extractive Ind) 2007
 State Environmental Planning Policy – (Temporary Structures and Places Public Entertainment) 2007

3(b) Draft State Environmental Planning Policy(s)

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 are listed below: -

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a) The identity of the zone, whether by reference to a name or by reference to a number is/are listed in: -

Section (1)(a) of this Planning Certificate.

(b) The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), and Schedule 2 (Exempt development) of Liverpool Local Environmental Plan 2008.

- (c) The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), Schedule 1 (Additional uses) and Schedule 3 (Complying development) of Liverpool Local Environmental Plan 2008.

- (d) The purposes for which the plan or instrument provides that development is/are prohibited within the zone are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development) of Liverpool Local Environmental Plan 2008.

Should you require further information about development standards and restrictions on development for any particular purpose or any purpose that may have an effect of prohibiting development, it is recommended that you consult the Liverpool Local Environmental Plan 2008 and/or Liverpool Development Control Plan 2008.

- (e) **Dwelling House**

The development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land is/are listed below: -

The land's dimensions (when considered in isolation) are such as to permit the erection of a dwelling house on the land.

- (f) **Critical Habitat**

The provisions applying to the land that relate to critical habitat is/are outlined below:-

The land is subject to the provisions of Clause 5.9 of the Liverpool Local Environmental Plan 2008. The clause relates to the preservation of trees or vegetation on the land.

The land is subject to the provisions of Clause 7.6 of the Liverpool Local Environmental Plan 2008. The clause relates to additional considerations given to development on environmentally significant land.

The land does not include or comprise critical habitat.

(g) Conservation Area

The provisions applying to the land that relate to a conservation areas is/are outlined below: -

Land is not located in a Conservation Area.

(h) Environmental Heritage

The provisions applying to the land that relate to an item of environmental heritage is/are outlined below: -

An item of Environmental Heritage is not situated on the land.

3. COMPLYING DEVELOPMENT

Complying development under the General Housing Code **may** be carried out on the land in circumstances where the Bushfire Affected Level or Bushfire Flame Zone has been determined.

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

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

Complying Development under the General Commercial and Industrial Code **may not** be carried out on this land.

This land is excluded being land that is identified in an environmental planning instrument as being within an area that is environmentally sensitive.

This land is excluded being land that is reserved for a public purposed in an environmental planning instrument.

This land is excluded being land identified in an environmental planning instrument as being a flood control lot.

4. Coastal Protection Act 1979

There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

5. Mine Subsidence

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

6. Road Widening and Road Realignment

The provisions applying to the land that relate to road widening or road realignment is/are outlined below: -

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

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Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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7. Council and Other Public Authority Policies on Hazard Risk Restrictions

The policies applying to the land from Council and other Public Authorities regarding hazard risk restrictions is/are outlined below: -

(a) Council Policy – Other Risks

The land is not affected by a policy adopted by Council that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence or any other risk.

However, the land is affected by Liverpool Local Environmental Plan 2008 that restricts the development of the land because of the likelihood of acid sulphate soils.

However, the land is affected by the *Rural Fires Act 1997* that restricts the development of the land because of the likelihood of bushfire.

(b) Public Authority Policies

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 the planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

7A. Flood Related Development Controls Information

1. The property is affected by flood inundation and therefore the controls applying to residential forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
2. The property is affected by flood inundation and therefore the controls applying to all forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
3. The expressions "dwelling houses," "dual occupancies," "multi dwelling housing" and "residential flat buildings" as used in clauses (1) and (2) above have the same meanings as in the instrument set out in the Schedule of the Standard Instrument (Local Environmental Plans) Order 2006 but do not include development for the purposes of "group homes" or "seniors housing".

8. Land Reserved for Acquisition

The provisions applying to the land that relate to acquisition of the land by a public authority is/are listed below: -

Nil

Liverpool Local Environmental Plan 2008 applies to the land and does not provide for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9. CONTRIBUTION PLANS

The name of each contribution plan applying to the land is/are outlined below: -
Liverpool Contributions Plan 2001

10. Matters arising to the Contaminated Land Management Amendment Act 2009 NSW)

Nil

11. Bushfire Prone Land

Part of the land subject to this certificate is bushfire prone land as defined in the Environmental Planning and Assessment Act 1979.

12. Property Vegetation Plans

The provisions applying to the land that relate to property vegetation plans is/are listed below:-

The land subject to this certificate is not affected by the Native Vegetation Act 2003 as defined in the Environmental Planning and Assessment Act 1979.

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

There has been no notification that the land subject of this certificate is affected by an order to carry out work in relation to a tree on the land under the Trees (Disputes Between Neighbours Act 2006).

14. Directions under Part 3A

There has been no notification of 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 stage of a project on the land under Part 4 of the Act does not have effect.

15. Site Compatibility Certificates and Conditions for Seniors Housing

There has been no notification of a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

16. Site Compatibility Certificates for Infrastructure

There has been no notification of a valid site compatibility certificate for the land subject of this certificate issued under clause 19 of the State Environmental Planning Policy (Infrastructure) 2007.

17. Site Compatibility Certificates and Condition for Affordable Rental Housing

Council is not aware of a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

**PART B
ADDITIONAL INFORMATION PROVIDED PURSUANT
TO SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT
1979**

1. Threatened Species Conservation Act

It is advisable for any application intending to purchase and/or develop land within the Liverpool Local Government Area to approach Council to ascertain if the requirements of the Threatened Species Act, 1995 are likely to apply to their land.

If the land has native vegetation of any sort (ie trees, shrubs, ground covers etc), has recently been cleared or is vacant land, it may have impediments to development under the Threatened Species Act, 1995.

This notation should be read in conjunction with Liverpool Local Environmental Plan 2008, and the Threatened Species Act, 1995.

Enquiries should be directed to Council's Department of Environment and Community.

2. Tree Preservation Provision

The land is subject to a tree preservation provision under the Liverpool Local Environmental Plan 2008.

3. Controlled Access Road

The land does not have a boundary to a controlled access road under the provisions of the Liverpool Local Environmental Plan 2008.

4. Notices

No notices/orders have been served in respect of a breach of the provisions of an environmental planning instrument occurring on the land.

5. Other Information in Relation to Water

The property is identified as flood prone and is within the high risk flood category. High Flood Risk Category means land below the 1% Annual Exceedence Probability flood that is either subject to high hydraulic hazard or where there are significant evacuation difficulties (see Liverpool Development Control Plan 2008 for controls relating to flood prone land). For further information on flood risk contact Council on 9821 9222.

6. Sydney Water Corporation

Nil

7. Foreshore Building Line

Nil



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8. Contaminated Land
Nil

**9. Airport Noise Affection
Badgery's Creek Airport**
Nil

Hoxton Park Airport
Nil

10. Airport Acquisition
Nil

**11. Environmentally Significant Land
Environmentally Significant Land**

The subject property is identified as containing environmentally significant land under Division 2 General provisions of the Liverpool Local Environmental Plan 2008.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Further information in this regard is available from Council's City Strategy Department or the Liverpool Local Environmental Plan 2008.

12. Archaeological Management Plan
Nil

13. Unhealthy Building Land Proclamation
Nil

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Mr Milan Marecic
Director City Planning
Liverpool City Council

For further information, please contact
CALL CENTRE – 9821 9222

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**ANNEXURE TO SECTION 149(5)
CERTIFICATE**



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Issue Date: 19/07/2011

Issue No: 2025940

File No: 2011/0144

Premises at Lot 51 DP 517310
Glenfield Road Casula

Further to the advice contained in the Section 149(2) Certificate and on the basis of the latest information available to the Council:

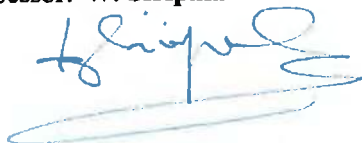
1. the maximum calculated level of the probable maximum flood (PMF) in the vicinity of your property in metres AHD is **13.9**.
2. the maximum calculated level of the 1% annual exceedance probability flood (previously referred to as the 1 in 100 year) in the vicinity of your property in metres AHD is **11.4**.
3. the maximum calculated level of the 2% annual exceedance probability flood (previously referred to as the 1 in 50 year) in the vicinity of your property in metres AHD is **10.9**.
4. the maximum calculated level of the 5% annual exceedance probability flood (previously referred to as the 1 in 20 year) in the vicinity of your property in metres AHD is **10.2**.

The Council does not possess accurate information on the natural surface levels of individual allotments or on constructed building levels, and these should be established by private survey to ascertain their relationship to the above flood levels.

Flood levels are obtained from **Georges River Floodplain Risk Management Study & Plan - July 2004**

Name of Assessor: **W. Siripala**

Signature:





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Applicant:
GOLDER ASSOCIATES PTY LTD
PO BOX 1302
CROWS NEST NSW 1585

Receipt No.: 1988714
Receipt Amt.: 133.00
Date: 15-Jul-2011

Owner: (as recorded by Council):
MS HELEN LOUISE KENNETT and
KENNETT PTY LTD
PO BOX 19
GLENFIELD NSW 2167

Property Desc: LOT 5 GLENFIELD ROAD, CASULA NSW 2170
LOT 5 DP 833516

**PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT
TO SECTION 149(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

NOTE: The following information is provided pursuant to Section 149(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 and is applicable to the subject land as of the date of this certificate.

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.

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1. Names of Relevant LEP's, DCP's, REPs, and SEPPs

(1)(a) The names of each local environment plan and deemed environmental planning instrument applying to the land is/are listed below: -

Name of Instrument: Liverpool Local Environmental Plan 2008

Name of Zone: RE1 Public Recreation

(1)(b) Draft Local Environmental Plan(s)

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, is/are listed below: -

Name of Draft Instrument: Draft Liverpool Local Environmental Plan 2008

Amendment No: 5 – Anomalies

Name of Zone: Subject to all zones

(1)(c) Development Control Plan(s) under Section 72

The names of each Development Control Plan applying to the land has been prepared by the council under section 72 of the Act is/are listed below: -

Liverpool Development Control Plan 2008 (as amended).

Development Control Plan(s) under Section 51A

The names of each Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act are listed as follows: -

Nil

(2)(a) Regional Environmental Plan(s)

The names of each Regional Environmental Plan applying to the land is/are listed below:

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
This plan aims to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments, to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment and to ensure that development achieves the environmental objectives for the Catchment.

(2)(b) Draft Regional Environmental Plan(s)

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 is/are listed below:

Nil

(3)(a) State Environmental Planning Policy(s)

The names of each State Environmental Planning Policy applying to the land are listed below: -

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
 State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy – (Infrastructure) 2007
 State Environmental Planning Policy – (Major Development) 2005
 State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008
 State Environmental Planning Policy – (Mine, Petrol Prod and Extractive Ind) 2007
 State Environmental Planning Policy – (Temporary Structures and Places Public Entertainment) 2007
 State Environmental Planning Policy No 62 – Sustainable Aquaculture
 State Environmental Planning Policy – Affordable Housing (Revised Scheme) 2009
 State Environmental Planning Policy No. 6 – Number of Storeys in a Building
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 State Environmental Planning Policy No. 21 – Caravan Parks
 State Environmental Planning Policy No. 30 – Intensive Agriculture
 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
 State Environmental Planning Policy No. 44 – Koala Habitat
 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

3(b) Draft State Environmental Planning Policy(s)

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 are listed below: -

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a) The identity of the zone, whether by reference to a name or by reference to a number is/are listed in: -

Section (1)(a) of this Planning Certificate.

(b) The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -



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See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), and Schedule 2 (Exempt development) of Liverpool Local Environmental Plan 2008.

- (c) The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), Schedule 1 (Additional uses) and Schedule 3 (Complying development) of Liverpool Local Environmental Plan 2008.

- (d) The purposes for which the plan or instrument provides that development is/are prohibited within the zone are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development) of Liverpool Local Environmental Plan 2008.

Should you require further information about development standards and restrictions on development for any particular purpose or any purpose that may have an effect of prohibiting development, it is recommended that you consult the Liverpool Local Environmental Plan 2008 and/or Liverpool Development Control Plan 2008.

- (e) **Dwelling House**

The development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land is/are listed below: -

The land's dimensions (when considered in isolation) are such as to permit the erection of a dwelling house on the land.

- (f) **Critical Habitat**

The provisions applying to the land that relate to critical habitat is/are outlined below:-

The land is subject to the provisions of Clause 5.9 of the Liverpool Local Environmental Plan 2008. The clause relates to the preservation of trees or vegetation on the land.

The land is subject to the provisions of Clause 7.6 of the Liverpool Local Environmental Plan 2008. The clause relates to additional considerations given to development on environmentally significant land.

The land does not include or comprise critical habitat.

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(g) Conservation Area

The provisions applying to the land that relate to a conservation areas is/are outlined below: -

Land is not located in a Conservation Area.

(h) Environmental Heritage

The provisions applying to the land that relate to an item of environmental heritage is/are outlined below: -

An item of Environmental Heritage is not situated on the land.

3. COMPLYING DEVELOPMENT

This land is excluded being land that is identified in an environmental planning instrument as being within an area that is environmentally sensitive.

This land is excluded being land that is reserved for a public purposed in an environmental planning instrument.

This land is excluded being land identified in an environmental planning instrument as being a flood control lot.

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

Complying Development under the General Commercial and Industrial Code **may not** be carried out on this land.

Complying development under the General Housing Code **may** be carried out on the land in circumstances where the Bushfire Affected Level or Bushfire Flame Zone has been determined.

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

4. Coastal Protection Act 1979

There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

5. Mine Subsidence

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

6. Road Widening and Road Realignment

The provisions applying to the land that relate to road widening or road realignment is/are outlined below: -

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

7. Council and Other Public Authority Policies on Hazard Risk Restrictions

The policies applying to the land from Council and other Public Authorities regarding hazard risk restrictions is/are outlined below: -

(a) Council Policy – Other Risks

The land is not 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 or any other risk.

However, the land is affected by Liverpool Local Environmental Plan 2008 that restricts the development of the land because of the likelihood of acid sulphate soils.

The land is not affected by a policy adopted by 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.

However, the land is affected by the *Rural Fires Act 1997* that restricts the development of the land because of the likelihood of bushfire.

(b) Public Authority Policies

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 the planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

7A. Flood Related Development Controls Information

1. The property is affected by flood inundation and therefore the controls applying to residential forms of development contained within the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
2. The property is affected by flood inundation and therefore the controls applying to all forms of development contained within the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
3. The expressions "dwelling houses", "dual occupancies", "multi dwelling housing" and "residential flat buildings" as used in clauses (1) and (2) above have the same meanings as in the instrument set out in the Schedule of the Standard Instrument (Local Environmental Plans) Order 2006 but do not include development for the purposes of "group homes" or "seniors housing".

8. Land Reserved for Acquisition

The provisions applying to the land that relate to acquisition of the land by a

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public authority is/are listed below: -

Nil

Liverpool Local Environmental Plan 2008 applies to the land and does not provide for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9. CONTRIBUTION PLANS

The name of each contribution plan applying to the land is/are outlined below: -

Liverpool Contributions Plan 2001

**10. Matters arising to the Contaminated Land Management Amendment Act 2009
NSW)**

Nil

11. Bushfire Prone Land

None of the land subject to this certificate is bush fire prone land as defined in the Environmental Planning and Assessment Act 1979.

12. Property Vegetation Plans

The provisions applying to the land that relate to property vegetation plans is/are listed below:-

The land subject to this certificate is not affected by the Native Vegetation Act 2003 as defined in the Environmental Planning and Assessment Act 1979.

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

There has been no notification that the land subject of this certificate is affected by an order to carry out work in relation to a tree on the land under the Trees (Disputes Between Neighbours Act 2006).

14. Directions under Part 3A

There has been no notification of 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 stage of a project on the land under Part 4 of the Act does not have effect.

15. Site Compatibility Certificates and Conditions for Seniors Housing

There has been no notification of a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

16. Site Compatibility Certificates for Infrastructure

There has been no notification of a valid site compatibility certificate for the land subject of this certificate issued under clause 19 of the State Environmental Planning Policy (Infrastructure) 2007.

17. Site Compatibility Certificates and Condition for Affordable Rental Housing

Council is not aware of a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

**PART B
ADDITIONAL INFORMATION PROVIDED PURSUANT
TO SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT
1979**

1. Threatened Species Conservation Act

It is advisable for any application intending to purchase and/or develop land within the Liverpool Local Government Area to approach Council to ascertain if the requirements of the Threatened Species Act, 1995 are likely to apply to their land.

If the land has native vegetation of any sort (ie trees, shrubs, ground covers etc), has recently been cleared or is vacant land, it may have impediments to development under the Threatened Species Act, 1995.

This notation should be read in conjunction with Liverpool Local Environmental Plan 2008, and the Threatened Species Act, 1995.

Enquiries should be directed to Council's Department of Environment and Community.

2. Tree Preservation Provision

The land is subject to a tree preservation provision under the Liverpool Local Environmental Plan 2008.

3. Controlled Access Road

The land does not have a boundary to a controlled access road under the provisions of the Liverpool Local Environmental Plan 2008.

4. Notices

No notices/orders have been served in respect of a breach of the provisions of an environmental planning instrument occurring on the land.

5. Other Information in Relation to Water

The property is identified as flood prone and is within the high risk flood category. High Flood Risk Category means land below the 1% Annual Exceedence Probability flood that is either subject to high hydraulic hazard or where there are significant evacuation difficulties (see Liverpool Development Control Plan 2008 for controls relating to flood prone land). For further information on flood risk contact Council on 9821 9222.

6. Sydney Water Corporation

Nil

7. Foreshore Building Line
Nil

8. Contaminated Land
Nil

**9. Airport Noise Affection
Badgery's Creek Airport**
Nil

Hoxton Park Airport
Nil

10. Airport Acquisition
Nil

**11. Environmentally Significant Land
Environmentally Significant Land**

The subject property is identified as containing environmentally significant land under Division 2 General provisions of the Liverpool Local Environmental Plan 2008.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Further information in this regard is available from Council's City Strategy Department or the Liverpool Local Environmental Plan 2008.

12. Archaeological Management Plan
Nil

13. Unhealthy Building Land Proclamation
Nil



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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 263

Page No.: 10

Mr Milan Marecic
Director City Planning
Liverpool City Council

For further information, please contact
CALL CENTRE - 9821 9222

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471

**ANNEXURE TO SECTION 149(5)
CERTIFICATE**



Liverpoolcitycouncil
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Issue Date: 19/07/2011

Issue No: 2025942

File No: 2011/0144

Premises at Lot 5 DP 833516
Glenfield Road Casula

Further to the advice contained in the Section 149(2) Certificate and on the basis of the latest information available to the Council:

1. the maximum calculated level of the probable maximum flood (PMF) in the vicinity of your property in metres AHD is **14.1**.
2. the maximum calculated level of the 1% annual exceedance probability flood (previously referred to as the 1 in 100 year) in the vicinity of your property in metres AHD is **11.6**.
3. the maximum calculated level of the 2% annual exceedance probability flood (previously referred to as the 1 in 50 year) in the vicinity of your property in metres AHD is **11.2**.
4. the maximum calculated level of the 5% annual exceedance probability flood (previously referred to as the 1 in 20 year) in the vicinity of your property in metres AHD is **10.4**.

The Council does not possess accurate information on the natural surface levels of individual allotments or on constructed building levels, and these should be established by private survey to ascertain their relationship to the above flood levels.

Flood levels are obtained from **Georges River Floodplain Risk Management Study & Plan - July 2004**

Name of Assessor: **W. Siripala**

Signature:

A handwritten signature in black ink, appearing to read 'W. Siripala', written over a horizontal line.

**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Ref.: POST
Ppty: 10215

Cert. No.: 267
Page No.: 1

Applicant:
GOLDER ASSOCIATES PTY LTD
PO BOX 1302
CROWS NEST NSW 1585

Receipt No.: 1988714
Receipt Amt.: 133.00
Date: 18-Jul-2011

Owner: (as recorded by Council):
J C & F W KENNETT PTY LTD
PO BOX 19
GLENFIELD NSW 2167

Property Desc: LOT 52 GLENFIELD ROAD, CASULA NSW 2170
LOT 52 DP 517310

**PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT
TO SECTION 149(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

NOTE: The following information is provided pursuant to Section 149(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 and is applicable to the subject land as of the date of this certificate.

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.



1. Names of Relevant LEP's, DCP's, REPs, and SEPPs

(1)(a) The names of each local environment plan and deemed environmental planning instrument applying to the land is/are listed below: -

Name of Instrument: Liverpool Local Environmental Plan 2008
Name of Zone: RE1 Public Recreation

(1)(b) Draft Local Environmental Plan(s)

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, is/are listed below: -

Name of Draft Instrument: Draft Liverpool Local Environmental Plan 2008
Amendment No: 5 – Anomalies
Name of Zone: Subject to all zones

(1)(c) Development Control Plan(s) under Section 72

The names of each Development Control Plan applying to the land has been prepared by the council under section 72 of the Act is/are listed below: -

Liverpool Development Control Plan 2008 (as amended).

Development Control Plan(s) under Section 51A

The names of each Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act are listed as follows: -

Nil

(2)(a) Regional Environmental Plan(s)

The names of each Regional Environmental Plan applying to the land is/are listed below:

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
This plan aims to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments, to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment and to ensure that development achieves the environmental objectives for the Catchment.

(2)(b) Draft Regional Environmental Plan(s)

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 is/are listed below:

Nil

(3)(a) State Environmental Planning Policy(s)

The names of each State Environmental Planning Policy applying to the land are listed below: -

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
State Environmental Planning Policy No. 19 – Bushland in Urban Areas
State Environmental Planning Policy No. 21 – Caravan Parks
State Environmental Planning Policy No. 30 – Intensive Agriculture
State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
State Environmental Planning Policy No. 44 – Koala Habitat
State Environmental Planning Policy No. 50 – Canal Estate Development
State Environmental Planning Policy No. 55 – Remediation of Land
State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy No 62 – Sustainable Aquaculture
State Environmental Planning Policy No. 64 – Advertising and Signage
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy – (Major Development) 2005
State Environmental Planning Policy – Affordable Housing (Revised Scheme) 2009
State Environmental Planning Policy – (Infrastructure) 2007
State Environmental Planning Policy – (Mine, Petrol Prod and Extractive Ind) 2007
State Environmental Planning Policy – (Temporary Structures and Places Public Entertainment) 2007

3(b) Draft State Environmental Planning Policy(s)

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 are listed below: -

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

- (a)** The identity of the zone, whether by reference to a name or by reference to a number is/are listed in: -

Section (1)(a) of this Planning Certificate.

- (b)** The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -



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creating our future together

**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 267

Page No.: 4

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), and Schedule 2 (Exempt development) of Liverpool Local Environmental Plan 2008.

- (c) The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), Schedule 1 (Additional uses) and Schedule 3 (Complying development) of Liverpool Local Environmental Plan 2008.

- (d) The purposes for which the plan or instrument provides that development is/are prohibited within the zone are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development) of Liverpool Local Environmental Plan 2008.

Should you require further information about development standards and restrictions on development for any particular purpose or any purpose that may have an effect of prohibiting development, it is recommended that you consult the Liverpool Local Environmental Plan 2008 and/or Liverpool Development Control Plan 2008.

(e) **Dwelling House**

The development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land is/are listed below: -

The land's dimensions (when considered in isolation) are not such as to prohibit the erection of a dwelling house on the land. However, Liverpool Local Environmental Plan 2008 prohibits the erection of a dwelling house within the zone that applies to the land

(f) **Critical Habitat**

The provisions applying to the land that relate to critical habitat is/are outlined below:-

The land is subject to the provisions of Clause 5.9 of the Liverpool Local Environmental Plan 2008. The clause relates to the preservation of trees or vegetation on the land.

The land is subject to the provisions of Clause 7.6 of the Liverpool Local Environmental Plan 2008. The clause relates to additional considerations given to development on environmentally significant land.

The land does not include or comprise critical habitat.

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool

Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 94 181 182 471



(g) Conservation Area

The provisions applying to the land that relate to a conservation areas is/are outlined below: -

Land is not located in a Conservation Area.

(h) Environmental Heritage

The provisions applying to the land that relate to an item of environmental heritage is/are outlined below: -

An item of Environmental Heritage is not situated on the land.

3. COMPLYING DEVELOPMENT

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

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

Complying Development under the General Commercial and Industrial Code **may not** be carried out on this land.

This land is excluded being land that is identified in an environmental planning instrument as being within an area that is environmentally sensitive.

This land is excluded being land that is reserved for a public purposed in an environmental planning instrument.

This land is excluded being land identified in an environmental planning instrument as being a flood control lot.

4. Coastal Protection Act 1979

There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

5. Mine Subsidence

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

6. Road Widening and Road Realignment

The provisions applying to the land that relate to road widening or road realignment is/are outlined below: -

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



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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 267

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7. Council and Other Public Authority Policies on Hazard Risk Restrictions

The policies applying to the land from Council and other Public Authorities regarding hazard risk restrictions is/are outlined below: -

(a) Council Policy – Other Risks

The land is not affected by a policy adopted by Council that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence or any other risk.

However, the land is affected by Liverpool Local Environmental Plan 2008 that restricts the development of the land because of the likelihood of acid sulphate soils.

However, the land is affected by the *Rural Fires Act 1997* that restricts the development of the land because of the likelihood of bushfire.

(b) Public Authority Policies

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 the planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

7A. Flood Related Development Controls Information

1. The property is affected by flood inundation and therefore the controls applying to residential forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
2. The property is affected by flood inundation and therefore the controls applying to all forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
3. The expressions "dwelling houses," "dual occupancies," "multi dwelling housing" and "residential flat buildings" as used in clauses (1) and (2) above have the same meanings as in the instrument set out in the Schedule of the Standard Instrument (Local Environmental Plans) Order 2006 but do not include development for the purposes of "group homes" or "seniors housing".

8. Land Reserved for Acquisition

The provisions applying to the land that relate to acquisition of the land by a public authority is/are listed below: -

Nil

Liverpool Local Environmental Plan 2008 applies to the land and does not provide for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.



9. CONTRIBUTION PLANS

The name of each contribution plan applying to the land is/are outlined below: -
Liverpool Contributions Plan 2001

**10. Matters arising to the Contaminated Land Management Amendment Act 2009
NSW)**

Nil

11. Bushfire Prone Land

None of the land subject to this certificate is bush fire prone land as defined in the Environmental Planning and Assessment Act 1979.

12. Property Vegetation Plans

The provisions applying to the land that relate to property vegetation plans is/are listed below:-

The land subject to this certificate is not affected by the Native Vegetation Act 2003 as defined in the Environmental Planning and Assessment Act 1979.

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

There has been no notification that the land subject of this certificate is affected by an order to carry out work in relation to a tree on the land under the Trees (Disputes Between Neighbours Act 2006).

14. Directions under Part 3A

There has been no notification of 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 stage of a project on the land under Part 4 of the Act does not have effect.

15. Site Compatibility Certificates and Conditions for Seniors Housing

There has been no notification of a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

16. Site Compatibility Certificates for Infrastructure

There has been no notification of a valid site compatibility certificate for the land subject of this certificate issued under clause 19 of the State Environmental Planning Policy (Infrastructure) 2007.

17. Site Compatibility Certificates and Condition for Affordable Rental Housing

Council is not aware of a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.



Liverpoolcity council
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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Cert. No.: 267
Page No.: 8**

1. Threatened Species Conservation Act

It is advisable for any application intending to purchase and/or develop land within the Liverpool Local Government Area to approach Council to ascertain if the requirements of the Threatened Species Act, 1995 are likely to apply to their land.

If the land has native vegetation of any sort (ie trees, shrubs, ground covers etc), has recently been cleared or is vacant land, it may have impediments to development under the Threatened Species Act, 1995.

This notation should be read in conjunction with Liverpool Local Environmental Plan 2008, and the Threatened Species Act, 1995.

Enquiries should be directed to Council's Department of Environment and Community.

2. Tree Preservation Provision

The land is subject to a tree preservation provision under the Liverpool Local Environmental Plan 2008.

3. Controlled Access Road

The land does not have a boundary to a controlled access road under the provisions of the Liverpool Local Environmental Plan 2008.

4. Notices

No notices/orders have been served in respect of a breach of the provisions of an environmental planning instrument occurring on the land.

5. Other Information in Relation to Water

The property is identified as flood prone and is within the high risk flood category. High Flood Risk Category means land below the 1% Annual Exceedence Probability flood that is either subject to high hydraulic hazard or where there are significant evacuation difficulties (see Liverpool Development Control Plan 2008 for controls relating to flood prone land). For further information on flood risk contact Council on 9821 9222.

6. Sydney Water Corporation

Nil

7. Foreshore Building Line

Nil

8. Contaminated Land

Nil

9. Airport Noise Affection

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Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Cert. No.: 267
Page No.: 9**

Badgery's Creek Airport
Nil

Hoxton Park Airport
Nil

10. Airport Acquisition
Nil

11. Environmentally Significant Land
Environmentally Significant Land

The subject property is identified as containing environmentally significant land under Division 2 General provisions of the Liverpool Local Environmental Plan 2008.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Further information in this regard is available from Council's City Strategy Department or the Liverpool Local Environmental Plan 2008.

12. Archaeological Management Plan
Nil

13. Unhealthy Building Land Proclamation
Nil

Mr Milan Marecic
Director City Planning
Liverpool City Council

For further information, please contact
CALL CENTRE – 9821 9222

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471

**ANNEXURE TO SECTION 149(5)
CERTIFICATE**



Liverpoolcity council
creating our future together

Issue Date: 19/07/2011

Issue No: 2025939

File No: 2011/0144

Premises at Lot 52 DP 517310
Glenfield Road Casula

Further to the advice contained in the Section 149(2) Certificate and on the basis of the latest information available to the Council:

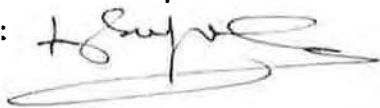
1. the maximum calculated level of the probable maximum flood (PMF) in the vicinity of your property in metres AHD is **13.9**.
2. the maximum calculated level of the 1% annual exceedance probability flood (previously referred to as the 1 in 100 year) in the vicinity of your property in metres AHD is **11.4**.
3. the maximum calculated level of the 2% annual exceedance probability flood (previously referred to as the 1 in 50 year) in the vicinity of your property in metres AHD is **10.9**.
4. the maximum calculated level of the 5% annual exceedance probability flood (previously referred to as the 1 in 20 year) in the vicinity of your property in metres AHD is **10.2**.

The Council does not possess accurate information on the natural surface levels of individual allotments or on constructed building levels, and these should be established by private survey to ascertain their relationship to the above flood levels.

Flood levels are obtained from **Georges River Floodplain Risk Management Study & Plan - July 2004**

Name of Assessor: **W. Siripala**

Signature:



**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Ref.: POST
Ppty: 170891

Cert. No.: 268
Page No.: 1

Applicant:
GOLDER ASSOCIATES PTY LTD
PO BOX 1302
CROWS NEST NSW 1585

Receipt No.: 1988714
Receipt Amt.: 133.00
Date: 18-Jul-2011

Owner: (as recorded by Council):
FIGELA PTY LTD
C/- GLENFIELD WASTE DEPOT
CAMBRIDGE
GLENFIELD NSW 2167

Property Desc: PART LOT 103 GLENFIELD ROAD, CASULA NSW 2170
PART LOT 103 DP 1143827

**PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT
TO SECTION 149(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

NOTE: The following information is provided pursuant to Section 149(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 and is applicable to the subject land as of the date of this certificate.

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.



Liverpool city council
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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Cert. No.: 268
Page No.: 2**

1. Names of Relevant LEP's, DCP's, REPs, and SEPPs

(1)(a) The names of each local environment plan and deemed environmental planning instrument applying to the land is/are listed below: -

Name of Instrument: Liverpool Local Environmental Plan 2008
Name of Zone: RE1 Public Recreation

(1)(b) Draft Local Environmental Plan(s)

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, is/are listed below: -

Name of Draft Instrument: Draft Liverpool Local Environmental Plan 2008
Amendment No: 5 – Anomalies
Name of Zone: Subject to all zones

(1)(c) Development Control Plan(s) under Section 72

The names of each Development Control Plan applying to the land has been prepared by the council under section 72 of the Act is/are listed below: -

Liverpool Development Control Plan 2008 (as amended).

Development Control Plan(s) under Section 51A

The names of each Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act are listed as follows: -

Nil

(2)(a) Regional Environmental Plan(s)

The names of each Regional Environmental Plan applying to the land is/are listed below:

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
This plan aims to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments, to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment and to ensure that development achieves the environmental objectives for the Catchment.

(2)(b) Draft Regional Environmental Plan(s)

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 is/are listed below:

Nil

Administration Centre 4 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471

(3)(a) State Environmental Planning Policy(s)

The names of each State Environmental Planning Policy applying to the land are listed below: -

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
 State Environmental Planning Policy No. 19 – Bushland in Urban Areas
 State Environmental Planning Policy No. 21 – Caravan Parks
 State Environmental Planning Policy No. 30 – Intensive Agriculture
 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
 State Environmental Planning Policy No. 44 – Koala Habitat
 State Environmental Planning Policy No. 50 – Canal Estate Development
 State Environmental Planning Policy No. 55 – Remediation of Land
 State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008
 State Environmental Planning Policy No 62 – Sustainable Aquaculture
 State Environmental Planning Policy No. 64 – Advertising and Signage
 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
 State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
 State Environmental Planning Policy – (Major Development) 2005
 State Environmental Planning Policy – Affordable Housing (Revised Scheme) 2009
 State Environmental Planning Policy – (Infrastructure) 2007
 State Environmental Planning Policy – (Mine, Petrol Prod and Extractive Ind) 2007
 State Environmental Planning Policy – (Temporary Structures and Places Public Entertainment) 2007
 State Environmental Planning Policy – (Affordable Rental Housing) 2009

3(b) Draft State Environmental Planning Policy(s)

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 are listed below: -

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a) The identity of the zone, whether by reference to a name or by reference to a number is/are listed in: -

Section (1)(a) of this Planning Certificate.

(b) The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -



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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 268

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See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), and Schedule 2 (Exempt development) of Liverpool Local Environmental Plan 2008.

- (c) The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), Schedule 1 (Additional uses) and Schedule 3 (Complying development) of Liverpool Local Environmental Plan 2008.

- (d) The purposes for which the plan or instrument provides that development is/are prohibited within the zone are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development) of Liverpool Local Environmental Plan 2008.

Should you require further information about development standards and restrictions on development for any particular purpose or any purpose that may have an effect of prohibiting development, it is recommended that you consult the Liverpool Local Environmental Plan 2008 and/or Liverpool Development Control Plan 2008.

- (e) **Dwelling House**

The development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land is/are listed below: -

The land's dimensions (when considered in isolation) are not such as to prohibit the erection of a dwelling house on the land. However, Liverpool Local Environmental Plan 2008 prohibits the erection of a dwelling house within the zone that applies to the land

- (f) **Critical Habitat**

The provisions applying to the land that relate to critical habitat is/are outlined below:-

The land is subject to the provisions of Clause 5.9 of the Liverpool Local Environmental Plan 2008. The clause relates to the preservation of trees or vegetation on the land.

The land is subject to the provisions of Clause 7.6 of the Liverpool Local Environmental Plan 2008. The clause relates to additional considerations given to development on environmentally significant land.

The land does not include or comprise critical habitat.

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool

Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471



(g) Conservation Area

The provisions applying to the land that relate to a conservation areas is/are outlined below: -

Land is not located in a Conservation Area.

(h) Environmental Heritage

The provisions applying to the land that relate to an item of environmental heritage is/are outlined below: -

An item of Environmental Heritage is not situated on the land.

3. COMPLYING DEVELOPMENT

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

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

Complying Development under the General Commercial and Industrial Code **may not** be carried out on this land.

This land is excluded being land that is identified in an environmental planning instrument as being within an area that is environmentally sensitive.

This land is excluded being land that is reserved for a public purposed in an environmental planning instrument.

This land is excluded being land identified in an environmental planning instrument as being a flood control lot.

This land is excluded being land that is identified in a foreshore area.

4. Coastal Protection Act 1979

There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

5. Mine Subsidence

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

6. Road Widening and Road Realignment

The provisions applying to the land that relate to road widening or road realignment is/are outlined below: -

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

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool

Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170



7. Council and Other Public Authority Policies on Hazard Risk Restrictions

The policies applying to the land from Council and other Public Authorities regarding hazard risk restrictions is/are outlined below: -

(a) Council Policy – Other Risks

The land is not affected by a policy adopted by Council that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence or any other risk.

However, the land is affected by Liverpool Local Environmental Plan 2008 that restricts the development of the land because of the likelihood of acid sulphate soils.

However, the land is affected by the *Rural Fires Act 1997* that restricts the development of the land because of the likelihood of bushfire.

(b) Public Authority Policies

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 the planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

7A. Flood Related Development Controls Information

1. The property is affected by flood inundation and therefore the controls applying to residential forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
2. The property is affected by flood inundation and therefore the controls applying to all forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
3. The expressions "dwelling houses, "dual occupancies," "multi dwelling housing" and "residential flat buildings" as used in clauses (1) and (2) above have the same meanings as in the instrument set out in the Schedule of the Standard Instrument (Local Environmental Plans) Order 2006 but do not include development for the purposes of "group homes" or "seniors housing".

8. Land Reserved for Acquisition

The provisions applying to the land that relate to acquisition of the land by a public authority is/are listed below: -

Nil

Liverpool Local Environmental Plan 2008 applies to the land and does not provide for the

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool

Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9. CONTRIBUTION PLANS

The name of each contribution plan applying to the land is/are outlined below: -
Liverpool Contributions Plan 2001

**10. Matters arising to the Contaminated Land Management Amendment Act 2009
NSW)**

Nil

11. Bushfire Prone Land

12. Property Vegetation Plans

The provisions applying to the land that relate to property vegetation plans is/are listed below:-

The land subject to this certificate is not affected by the Native Vegetation Act 2003 as defined in the Environmental Planning and Assessment Act 1979.

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

There has been no notification that the land subject of this certificate is affected by an order to carry out work in relation to a tree on the land under the Trees (Disputes Between Neighbours Act 2006).

14. Directions under Part 3A

There has been no notification of 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 stage of a project on the land under Part 4 of the Act does not have effect.

15. Site Compatibility Certificates and Conditions for Seniors Housing

There has been no notification of a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

16. Site Compatibility Certificates for Infrastructure

There has been no notification of a valid site compatibility certificate for the land subject of this certificate issued under clause 19 of the State Environmental Planning Policy (Infrastructure) 2007.

17. Site Compatibility Certificates and Condition for Affordable Rental Housing

Council is not aware of a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.



**PART B
ADDITIONAL INFORMATION PROVIDED PURSUANT
TO SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT
1979**

1. Threatened Species Conservation Act

It is advisable for any application intending to purchase and/or develop land within the Liverpool Local Government Area to approach Council to ascertain if the requirements of the Threatened Species Act, 1995 are likely to apply to their land.

If the land has native vegetation of any sort (ie trees, shrubs, ground covers etc), has recently been cleared or is vacant land, it may have impediments to development under the Threatened Species Act, 1995.

This notation should be read in conjunction with Liverpool Local Environmental Plan 2008, and the Threatened Species Act, 1995.

Enquiries should be directed to Council's Department of Environment and Community.

2. Tree Preservation Provision

The land is subject to a tree preservation provision under the Liverpool Local Environmental Plan 2008.

3. Controlled Access Road

The land does not have a boundary to a controlled access road under the provisions of the Liverpool Local Environmental Plan 2008.

4. Notices

No notices/orders have been served in respect of a breach of the provisions of an environmental planning instrument occurring on the land.

5. Other Information in Relation to Water

The property is identified as flood prone and is within the high risk flood category. High Flood Risk Category means land below the 1% Annual Exceedence Probability flood that is either subject to high hydraulic hazard or where there are significant evacuation difficulties (see Liverpool Development Control Plan 2008 for controls relating to flood prone land). For further information on flood risk contact Council on 9821 9222.

6. Sydney Water Corporation

Nil

7. Foreshore Building Line

Nil

8. Contaminated Land

Nil

9. Airport Noise Affection

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 268

Page No.: 9

Badgery's Creek Airport

Nil

Hoxton Park Airport

Nil

10. Airport Acquisition

Nil

**11. Environmentally Significant Land
Environmentally Significant Land**

The subject property is identified as containing environmentally significant land under Division 2 General provisions of the Liverpool Local Environmental Plan 2008.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Further information in this regard is available from Council's City Strategy Department or the Liverpool Local Environmental Plan 2008.

12. Archaeological Management Plan

Nil

13. Unhealthy Building Land Proclamation

Nil

Mr Milan Marecic
Director City Planning
Liverpool City Council

For further information, please contact
CALL CENTRE - 9821 9222

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

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**ANNEXURE TO SECTION 149(5)
CERTIFICATE**



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Issue Date: 19/07/2011

Issue No: 2025937

File No: 2011/0144

Premises at Lot 103 DP 1143827
Glenfield Road Casula

Further to the advice contained in the Section 149(2) Certificate and on the basis of the latest information available to the Council:

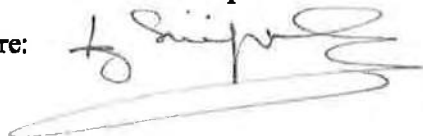
1. the maximum calculated level of the probable maximum flood (PMF) in the vicinity of your property in metres AHD is **13.8**.
2. the maximum calculated level of the 1% annual exceedance probability flood (previously referred to as the 1 in 100 year) in the vicinity of your property in metres AHD is **11.3**.
3. the maximum calculated level of the 2% annual exceedance probability flood (previously referred to as the 1 in 50 year) in the vicinity of your property in metres AHD is **10.9**.
4. the maximum calculated level of the 5% annual exceedance probability flood (previously referred to as the 1 in 20 year) in the vicinity of your property in metres AHD is **10.2**.

The Council does not possess accurate information on the natural surface levels of individual allotments or on constructed building levels, and these should be established by private survey to ascertain their relationship to the above flood levels.

Flood levels are obtained from **Georges River Floodplain Risk Management Study & Plan - July 2004**

Name of Assessor: W. Siripala

Signature:



**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Ref.: POST
Ppty: 170892

Cert. No.: 265
Page No.: 1

Applicant:
GOLDER ASSOCIATES PTY LTD
PO BOX 1302
CROWS NEST NSW 1585

Receipt No.: 1988714
Receipt Amt.: 133.00
Date: 15-Jul-2011

Owner: (as recorded by Council):
J C & F W KENNETT PTY LTD
PO BOX 19
GLENFIELD NSW 2167

Property Desc: LOT 104 GLENFIELD ROAD, CASULA NSW 2170
LOT 104 DP 1143827

**PART A
PRESCRIBED INFORMATION PROVIDED PURSUANT
TO SECTION 149(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979**

NOTE: The following information is provided pursuant to Section 149(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979 as prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 and is applicable to the subject land as of the date of this certificate.

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.



1. Names of Relevant LEP's, DCP's, REPs, and SEPPs

(1)(a) The names of each local environment plan and deemed environmental planning instrument applying to the land is/are listed below: -

Name of Instrument: Liverpool Local Environmental Plan 2008
Name of Zone: RE1 Public Recreation

(1)(b) Draft Local Environmental Plan(s)

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, is/are listed below: -

Name of Draft Instrument: Draft Liverpool Local Environmental Plan 2008
Amendment No: 5 – Anomalies
Name of Zone: Subject to all zones

(1)(c) Development Control Plan(s) under Section 72

The names of each Development Control Plan applying to the land has been prepared by the council under section 72 of the Act is/are listed below: -

Liverpool Development Control Plan 2008 (as amended).

Development Control Plan(s) under Section 51A

The names of each Development Control Plan applying to the land that has been prepared by the Director-General under section 51A of the Act are listed as follows: -

Nil

(2)(a) Regional Environmental Plan(s)

The names of each Regional Environmental Plan applying to the land is/are listed below:

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
This plan aims to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments, to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment and to ensure that development achieves the environmental objectives for the Catchment.

(2)(b) Draft Regional Environmental Plan(s)

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 is/are listed below:

Nil



(3)(a) State Environmental Planning Policy(s)

The names of each State Environmental Planning Policy applying to the land are listed below: -

State Environmental Planning Policy No. 6 – Number of Storeys in a Building
State Environmental Planning Policy No. 19 – Bushland in Urban Areas
State Environmental Planning Policy No. 21 – Caravan Parks
State Environmental Planning Policy No. 30 – Intensive Agriculture
State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
State Environmental Planning Policy No. 44 – Koala Habitat
State Environmental Planning Policy No. 50 – Canal Estate Development
State Environmental Planning Policy No. 55 – Remediation of Land
State Environmental Planning Policy – (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy No 62 – Sustainable Aquaculture
State Environmental Planning Policy No. 64 – Advertising and Signage
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy – (Major Development) 2005
State Environmental Planning Policy – Affordable Housing (Revised Scheme) 2009
State Environmental Planning Policy – (Infrastructure) 2007
State Environmental Planning Policy – (Mine, Petrol Prod and Extractive Ind) 2007
State Environmental Planning Policy – (Temporary Structures and Places Public Entertainment) 2007
State Environmental Planning Policy – (Affordable Rental Housing) 2009

3(b) Draft State Environmental Planning Policy(s)

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 are listed below: -

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a) The identity of the zone, whether by reference to a name or by reference to a number is/are listed in: -

Section (1)(a) of this Planning Certificate.

(b) The purposes for which the plan or instrument provides that development may be carried out within the zone without the need for development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -



See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), and Schedule 2 (Exempt development) of Liverpool Local Environmental Plan 2008.

- (c) The purposes for which the plan or instrument provides that development may not be carried out within the zone except with development consent is/are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development), Part 3 (Exempt and complying development), Schedule 1 (Additional uses) and Schedule 3 (Complying development) of Liverpool Local Environmental Plan 2008.

- (d) The purposes for which the plan or instrument provides that development is/are prohibited within the zone are detailed in the Liverpool Local Environmental Plan 2008: -

See Part 2 (Permitted or prohibited development) of Liverpool Local Environmental Plan 2008.

Should you require further information about development standards and restrictions on development for any particular purpose or any purpose that may have an effect of prohibiting development, it is recommended that you consult the Liverpool Local Environmental Plan 2008 and/or Liverpool Development Control Plan 2008.

- (e) **Dwelling House**

The development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land is/are listed below: -

The land's dimensions (when considered in isolation) are not such as to prohibit the erection of a dwelling house on the land. However, Liverpool Local Environmental Plan 2008 prohibits the erection of a dwelling house within the zone that applies to the land

- (f) **Critical Habitat**

The provisions applying to the land that relate to critical habitat is/are outlined below:-

The land is subject to the provisions of Clause 5.9 of the Liverpool Local Environmental Plan 2008. The clause relates to the preservation of trees or vegetation on the land.

The land is subject to the provisions of Clause 7.6 of the Liverpool Local Environmental Plan 2008. The clause relates to additional considerations given to development on environmentally significant land.

The land does not include or comprise critical habitat.



(g) Conservation Area

The provisions applying to the land that relate to a conservation areas is/are outlined below: -

Land is not located in a Conservation Area.

(h) Environmental Heritage

The provisions applying to the land that relate to an item of environmental heritage is/are outlined below: -

An item of Environmental Heritage is not situated on the land.

3. COMPLYING DEVELOPMENT

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

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

Complying Development under the General Commercial and Industrial Code **may not** be carried out on this land.

This land is excluded being land that is identified in an environmental planning instrument as being within an area that is environmentally sensitive.

This land is excluded being land that is reserved for a public purposed in an environmental planning instrument.

This land is excluded being land identified in an environmental planning instrument as being a flood control lot.

4. Coastal Protection Act 1979

There has been no notification from the Department of Public Works that the land is subject to the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

5. Mine Subsidence

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

6. Road Widening and Road Realignment

The provisions applying to the land that relate to road widening or road realignment is/are outlined below: -

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

7. Council and Other Public Authority Policies on Hazard Risk Restrictions

The policies applying to the land from Council and other Public Authorities regarding hazard risk restrictions is/are outlined below: -

(a) Council Policy – Other Risks

The land is not affected by a policy adopted by Council that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence or any other risk.

However, the land is affected by Liverpool Local Environmental Plan 2008 that restricts the development of the land because of the likelihood of acid sulphate soils.

However, the land is affected by the *Rural Fires Act 1997* that restricts the development of the land because of the likelihood of bushfire.

(b) Public Authority Policies

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 the planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

7A. Flood Related Development Controls Information

1. The property is affected by flood inundation and therefore the controls applying to residential forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
2. The property is affected by flood inundation and therefore the controls applying to all forms of development contained with the Liverpool Local Environmental Plan 2008 and Development Control Plan 2008 apply to this property.
3. The expressions "dwelling houses," "dual occupancies," "multi dwelling housing" and "residential flat buildings" as used in clauses (1) and (2) above have the same meanings as in the instrument set out in the Schedule of the Standard Instrument (Local Environmental Plans) Order 2006 but do not include development for the purposes of "group homes" or "seniors housing".

8. Land Reserved for Acquisition

The provisions applying to the land that relate to acquisition of the land by a public authority is/are listed below: -

Nil

Liverpool Local Environmental Plan 2008 applies to the land and does not provide for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9. CONTRIBUTION PLANS

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471



The name of each contribution plan applying to the land is/are outlined below: -
Liverpool Contributions Plan 2001

10. Matters arising to the Contaminated Land Management Amendment Act 2009 NSW)

Nil

11. Bushfire Prone Land

Part of the land subject to this certificate is bushfire prone land as defined in the Environmental Planning and Assessment Act 1979.

12. Property Vegetation Plans

The provisions applying to the land that relate to property vegetation plans is/are listed below:-

The land subject to this certificate is not affected by the Native Vegetation Act 2003 as defined in the Environmental Planning and Assessment Act 1979.

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

There has been no notification that the land subject of this certificate is affected by an order to carry out work in relation to a tree on the land under the Trees (Disputes Between Neighbours Act 2006).

14. Directions under Part 3A

There has been no notification of 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 stage of a project on the land under Part 4 of the Act does not have effect.

15. Site Compatibility Certificates and Conditions for Seniors Housing

There has been no notification of a current site compatibility certificate issued under clause 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

16. Site Compatibility Certificates for Infrastructure

There has been no notification of a valid site compatibility certificate for the land subject of this certificate issued under clause 19 of the State Environmental Planning Policy (Infrastructure) 2007.

17. Site Compatibility Certificates and Condition for Affordable Rental Housing

Council is not aware of a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

**PART B
ADDITIONAL INFORMATION PROVIDED PURSUANT
TO SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT
1979**

1. Threatened Species Conservation Act

It is advisable for any application intending to purchase and/or develop land within the Liverpool Local Government Area to approach Council to ascertain if the requirements of the Threatened Species Act, 1995 are likely to apply to their land.

If the land has native vegetation of any sort (ie trees, shrubs, ground covers etc), has recently been cleared or is vacant land, it may have impediments to development under the Threatened Species Act, 1995.

This notation should be read in conjunction with Liverpool Local Environmental Plan 2008, and the Threatened Species Act, 1995.

Enquiries should be directed to Council's Department of Environment and Community.

2. Tree Preservation Provision

The land is subject to a tree preservation provision under the Liverpool Local Environmental Plan 2008.

3. Controlled Access Road

The land does not have a boundary to a controlled access road under the provisions of the Liverpool Local Environmental Plan 2008.

4. Notices

No notices/orders have been served in respect of a breach of the provisions of an environmental planning instrument occurring on the land.

5. Other Information in Relation to Water

The property is identified as flood prone and is within the high risk flood category. High Flood Risk Category means land below the 1% Annual Exceedence Probability flood that is either subject to high hydraulic hazard or where there are significant evacuation difficulties (see Liverpool Development Control Plan 2008 for controls relating to flood prone land). For further information on flood risk contact Council on 9821 9222.

6. Sydney Water Corporation
Nil

7. Foreshore Building Line
Nil

8. Contaminated Land
Nil

9. Airport Noise Affection



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**PLANNING CERTIFICATE UNDER SECTION 149
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Cert. No.: 265

Page No.: 9

Badgery's Creek Airport

Nil

Hoxton Park Airport

Nil

10. Airport Acquisition

Nil

11. Environmentally Significant Land

Environmentally Significant Land

The subject property is identified as containing environmentally significant land under Division 2 General provisions of the Liverpool Local Environmental Plan 2008.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

Further information in this regard is available from Council's City Strategy Department or the Liverpool Local Environmental Plan 2008.

12. Archaeological Management Plan

Nil

13. Unhealthy Building Land Proclamation

Nil

Mr Milan Marecic
Director City Planning
Liverpool City Council

For further information, please contact
CALL CENTRE - 9821 9222

**ANNEXURE TO SECTION 149(5)
CERTIFICATE**



Liverpoolcity council
creating our future together

Issue Date: 19/07/2011

Issue No: 2025938

File No: 2011/0144

Premises at Lot 104 DP 1143827
Glenfield Road Casula

Further to the advice contained in the Section 149(2) Certificate and on the basis of the latest information available to the Council:

1. the maximum calculated level of the probable maximum flood (PMF) in the vicinity of your property in metres AHD is **13.9**.
2. the maximum calculated level of the 1% annual exceedance probability flood (previously referred to as the 1 in 100 year) in the vicinity of your property in metres AHD is **11.4**.
3. the maximum calculated level of the 2% annual exceedance probability flood (previously referred to as the 1 in 50 year) in the vicinity of your property in metres AHD is **10.9**.
4. the maximum calculated level of the 5% annual exceedance probability flood (previously referred to as the 1 in 20 year) in the vicinity of your property in metres AHD is **10.2**.

The Council does not possess accurate information on the natural surface levels of individual allotments or on constructed building levels, and these should be established by private survey to ascertain their relationship to the above flood levels.

Flood levels are obtained from **Georges River Floodplain Risk Management Study & Plan - July 2004**

Name of Assessor: **W. Siripala**

Signature:



Appendix E

NSW EPA Notice records



Environment Protection Authority NSW**Ongoing maintenance order**

(Section 28 of the Contaminated Land Management Act 1997)

Notice Number 20132801; Area Number 3054

Service: By registered mail

ABB Australia Pty Limited
ACN: 003 337 611
1 Bapaume Road
Moorebank NSW 2170

Attention: [Name Withheld]

This notice is issued under section 28 of the *Contaminated Land Management Act 1997* (CLM Act).

ABB Australia Pty Limited, "the recipient", must maintain management action in accordance with the requirements set out in this order.

1. Land to which this notice applies ("the land")

This notice applies to Lots 2 and 3 in Deposited Plan 32998 located at 1 Bapaume Road, Moorebank NSW.

2. Background

- A. ABB Australia Pty Limited is the owner of the land to which this notice applies.
- B. Investigations have identified polychlorinated biphenyls (PCB) in soil at the site. The contamination is associated with the use of PCB containing materials during the production of electrical condensers and transformers at the site in the past.
- C. PCB-contaminated soils remain at the site. The Environment Protection Authority (EPA) has been advised that a layer of capping material has been placed over in-situ contaminated soil and that recently excavated soil will be contained on the site.
- D. The EPA regulated the land to which this notice applies using notice powers under section 35 of the *Environmentally Hazardous Chemicals Act 1985*.
- E. The section 35 notices relating to the site have either been revoked by the EPA or ceased to have legal effect.

3. Commencement of maintenance of management action

This order takes effect from the date of this order and continues in force, unless it is varied or revoked, while the recipient is the owner or occupier of the land.

4. Maintenance requirements

The EPA requires the recipient to maintain the following management action in relation to the land:

- a) Maintain the integrity of the capping layer over the PCB-contaminated soil as well as any future PCB containment areas in order to prevent the escape of PCBs and any associated exposures; and
- b) Report to the EPA as soon as practicable any incident that causes or threatens to cause the escape of PCBs to the environment (e.g. the Georges River); and
- c) Implement a Site Environmental Management Plan (SEMP) for the site that outlines measures designed to:

- Ensure the long-term integrity of the capping material/containment areas, including inspections; and
- Prevent human health and environmental risks including the escape of PCBs to the surrounding environment; and
- Ensure that:
 - Prior to any person carrying out any work or activity that may result in the disturbance of PCB-contaminated soil, samples of the soil are collected and tested for PCBs; and
 - If PCBs are detected above 50 mg/kg, the work or activity that may result in the disturbance of PCB-contaminated soil is not to be undertaken unless prior written approval has been obtained from the EPA and the work is undertaken in accordance with all requirements of that approval. The work must be conducted in accordance with the *Polychlorinated Biphenyl (PCB) Chemical Control Order 1997*; and
- Provide guidance to builders and contractors who may access PCB-contaminated soil and specifically addresses the following:
 - The disturbance of potentially PCB-contaminated soil which may promote the mobility of PCBs; and
 - Any controls or protective equipment required to minimise worker exposure to potentially PCB-contaminated soil; and

d) Submit the SEMP to the EPA within **three months** from the date of this notice.

5. Notification of change of owner/occupier

At least 30 days prior to the recipient ceasing to be the owner or occupier of the land, as the case may be, the recipient must give written notification to the EPA of the name and contact details of the prospective owner or occupier.

[Signed]

NIALL JOHNSTON
Manager Contaminated Sites
Environment Protection Authority

Date: 13 May 2013

NOTE:

Breaches of this Notice

A person who fails to comply with an order issued under section 28 of the CLM Act is guilty of an offence. Heavy penalties may be imposed where a person fails to comply with directions given in an order issued under section 28 of the CLM Act.

Information recorded by the EPA

Section 58 of the CLM Act requires the EPA to maintain a public record. A copy of this order will be included in the public record.

Information recorded by councils

Section 59 of the CLM Act requires the EPA to inform the relevant local council that this order has been served. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the *Environmental Planning and Assessment Act 1979* that the land is subject to an ongoing maintenance order. The EPA is required to notify council as soon as practicable when the order is revoked and the notation on the s.149 (2) certificate is no longer required.

Relationship with other regulatory instruments


This notice does not affect the provisions of any relevant environmental regulatory instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA, including licence No.86 issued under the *Environmentally Hazardous Chemicals Act 1985* and the *Polychlorinated Biphenyl (PCB) Chemical Control Order 1997*.

Appendix F

Aerial photographs





 Study area


Historical aerial (1930)



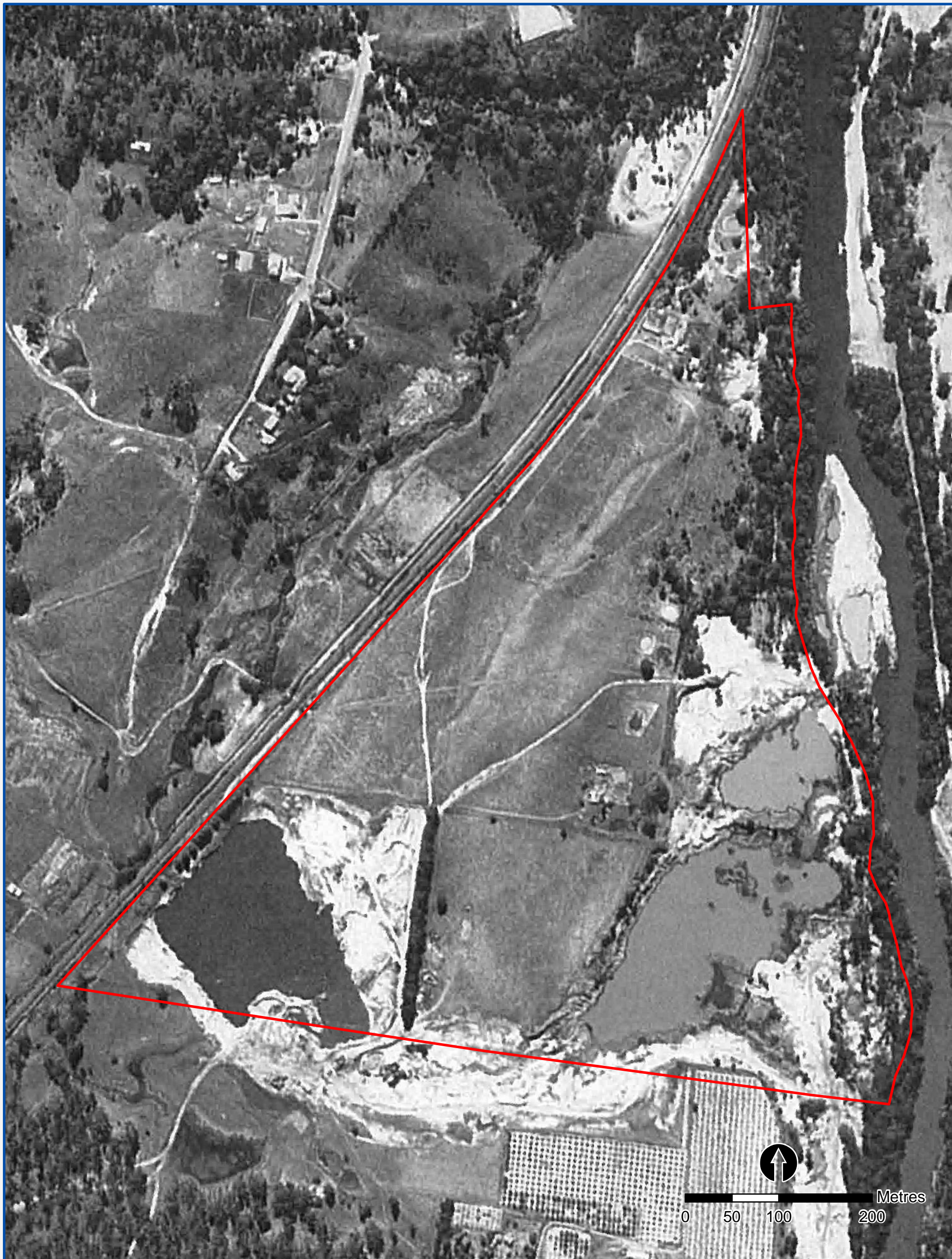
 Study area


Historical aerial (1965)



 Study area


Historical aerial (1970)



 Study area


Historical aerial (1978)



 Study area

Historical aerial (1994)



 Study area

Historical aerial (2005)