

**24/06/2022**

**Mr J Faddoul  
6 Glen Street  
GRANVILLE NSW 2142**

Dear Sir/ Madam,

Following is your planning certificate as requested. Should you have any further queries please contact Council on (02) 9725 0821.

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**PLANNING CERTIFICATE**

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

<b>Applicant:</b>	<b>Mr J Faddoul</b>
<b>Certificate No.:</b>	<b>2293/2022</b>
<b>Applicant's Reference:</b>	
<b>Issue Date:</b>	<b>24/06/2022</b>
<b>Receipt No.:</b>	<b>4079866</b>

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<b>PROPERTY ADDRESS:</b>	<b>137B Victoria Street SMITHFIELD NSW 2164</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot: 2 DP: 240613</b>

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**Marcus Rowan  
MANAGER STRATEGIC LAND USE PLANNING**

**PLEASE NOTE:** This is page 1 of 24. Should this certificate or any subsequent copy not contain this many pages, please confirm with Council prior to acting on the basis of information contained in this certificate under Section 10.7(2) & (5) and inclusive of Flood Information Sheet.

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

### Notes:

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

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

State Environmental Planning Policies (SEPP)

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

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**State Environmental Planning Policy (Primary Production) 2021**

**State Environmental Planning Policy (Resilience and Hazards) 2021**

**State Environmental Planning Policy (Industry and Employment) 2021**

**State Environmental Planning Policy (Resources and Energy) 2021**

**State Environmental Planning Policy (Planning Systems) 2021**

**State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

**State Environmental Planning Policy (Housing) 2021**

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development**

Regional Environmental Plans (Deemed SEPP)

**There is no Regional Environmental Plan applying to this land.**

Local Environmental Plans (LEP)

**Fairfield Local Environmental Plan 2013**

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

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

**As Amended.**

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

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

**Fairfield Planning Proposal (LEP Review Stage 2). Public Exhibition period: 02/06/2021 - 30/06/2021. The planning proposal to amend Fairfield Local Environmental Plan 2013 aims to: (1). Rezone certain land and/or amend development standards for certain land in the Fairfield, Cabramatta, Canley Vale and Carramar centres and in adjoining residential areas in Canley Vale and Carramar (if applicable, details are provided in section 2 below); (2). Increase the floor space ratio and height of building under certain circumstances in Zone R3 Medium Density Residential in the eastern part of the City; (3). Amend clause 6.3 Flood Planning and replace clause 6.4 – Floodplain Risk Management with a new standard flood clause 6.4 - Special Flood Considerations; and (4). List four new local heritage items in Schedule 5 Environmental Heritage. Further details on the planning proposal and supporting information can be viewed on the Have My Say, Planning Exhibitions page, by visiting the Fairfield City Council website [www.fairfieldcity.nsw.gov.au](http://www.fairfieldcity.nsw.gov.au)**

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

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

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

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

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

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

## **Zone R2 Low Density Residential**

### **(b) WHAT IS PERMITTED WITHOUT DEVELOPMENT CONSENT?**

**Environmental protection works; Home-based child care; Home occupations.**

### **(c) WHAT IS PERMITTED ONLY WITH DEVELOPMENT CONSENT?**

**Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Oyster aquaculture; Pond based aquaculture; Tank based aquaculture; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing.**

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

**Any other development not specified in item b or c.**

Additional uses that are permitted with development consent.

**There are no additional uses permitted with consent.**

- (e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the minimum land dimensions so fixed.

**No development standards that fix the minimum land dimensions for the erection of a dwelling house apply to this land. Controls in other policies and plans may apply.**

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

**No.**

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

**No**

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

**No.**

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

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

- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."

**2A. Zoning and land use under State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Sydney Region Growth Centres**

**Not applicable.**

**3. Complying development**

- (1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Housing Code:**

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

**Low Rise Housing Diversity Code**

**Complying development under the Low Rise Housing Diversity Code may be carried out on the land.**

**Housing Alterations Code:**

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

**Industrial and Business Alterations Code:**

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

**Industrial and Business Buildings Code:**

**No. The Industrial and Business Buildings Code does not apply to the land.**

**Subdivision Code:**

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

**Rural Housing Code:**

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

**General Development Code:**

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

**Demolition Code:**

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

**Fire Safety Code:**

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

**Container Recycling Facilities Code:**

**No. The Container Recycling Facilities Code does not apply to the land.**

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

**None Relevant.**

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

#### **FLOOD CONTROL LOT**

**The subject property is identified as a flood control lot as defined under the SEPP (Exempt & Complying Development Codes) 2008 and SEPP (Housing) 2021. Development under the SEPP (Exempt and Complying Development Code) 2008 and SEPP (Housing) 2021 must not be carried out on any part of a flood control lot, other than that part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following—**

- (a) a flood storage area,**
- (b) a floodway area,**
- (c) a flow path,**
- (d) a high hazard area,**
- (e) a high risk area.**

**Where relevant, for properties that are a flood control lot and flood related development controls apply, Council provides information on whether or not a property is in a high risk/high hazard area under Part 7A(1) of this planning certificate.**

**In addition, under the SEPP (Exempt & Complying Development Codes) 2008 and SEPP (Housing) 2021 a range of other restrictions, development standards and requirements apply to various categories of residential, commercial and industrial complying development located on flood control lots.**

**Further details in relation to flood levels relevant to the site can be obtained by applying for a 10.7(5) planning certificate and accompanying Council flood information sheet.**

**For further information please contact Council's Catchment Planning Branch on 9725 0222**

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

#### **4. Coastal Protection**

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

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

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

- (1) In relation to a coastal council - whether an order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

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

- (2) In relation to a coastal council:

- (a) whether the Council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and

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

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

**Not applicable.**

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

In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 946B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

**Note:** “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.

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

**5. Mine Subsidence**

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

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

**6. Road widening and road realignment**

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

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

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

Whether or not the land is affected by a policy:

- (a) adopted by the Council, or
- (b) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils or any other risk, other than flooding.

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

**(i) Landslip**

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

**(ii) Bushfire**

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

**(iii) Tidal Inundation**

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



**(iv)     Subsidence**

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

**(v)     Acid Sulfate Soils**

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

**(vi)     Any other risks**

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

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

1. If the land or part of the land is within the flood planning area and subject to flood related development controls.

**Based on the information currently available to Council, the land or part of the land is within the flood planning area and is subject to flood related development controls.**

**Mainstream Flooding**

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

**Overland Flooding**

**This parcel is within the floodplain and identified as being partly within a High Flood Risk Precinct and partly within a Medium Flood Risk Precinct as a result of overland flooding.**

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

**The term High Flood Risk Precinct is defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.**

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

2. If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

**Based on the information currently available to Council, the land is not between the flood planning area and the probable maximum flood. However, this is subject to future flood studies and reviews.**

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

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**Note:**

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3. In this clause –  
**flood planning area** has the same meaning as the Floodplain Development Manual.  
**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.  
**probable maximum flood** has the same meaning as in the Floodplain Development Manual.
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## **8. Land reserved for acquisition**

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

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

## **9. Contributions plans**

The name of each contributions plan applying to the land.

**Fairfield City Council indirect (Section 7.12) Development Contributions Plan 2011 applies to all land within the City of Fairfield.**

**Fairfield City Council direct (Section 7.11) Development Contributions Plan 2011 applies to this land.**

## **9A. Biodiversity certified land**

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

**Note:** "Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

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

## **10. Biodiversity stewardship sites**

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

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

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

#### **10A. Native vegetation clearing set asides**

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

**Not applicable.**

#### **11. Bush fire prone land**

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

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

#### **12. Property vegetation plans**

If the land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force) applies, a statement to that effect (but on if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

**No.**

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

Whether an order has been made under the Trees (Disputes between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

**No**

#### **14. Directions under Part 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

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

#### **15. Site compatibility certificates and conditions for seniors housing**

If the land is land to which State Environmental Planning Policy (Housing) 2021, Diverse Housing 2004 applies -

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

(i) the period for which the certificate is current, and

(ii) that a copy may be obtained from the head office of the Department, and

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

(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

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

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

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

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

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

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

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

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

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

(2) A statement setting out any terms of a kind referred to in clause 21(1) or 40(1) of *State Environmental Planning Policy (Housing) 2021, Chapter 2 Affordable Housing* that has been imposed as a condition of consent to a development application in respect of the land.

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

**18. Paper subdivision information**

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

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

**19. Site verification certificates**

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

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

**Note:** A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Part 2.4 of State Environmental Planning Policy (Resource and Energy) 2021.

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

**No such certificate applies to the land**

**20. Loose-fill asbestos insulation**

If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division, a statement to that effect.

**Not Applicable.**

**21. Affected building notices and building product rectification orders**

- (1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.
- (2) A statement of:
  - (a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
  - (b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

**None Relevant.**

**22. State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Western Sydney Aerotropolis**

For land to which *State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Chapter 4* applies, whether the land is –

- (a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Policy, or

**No**

- (b) shown on the Lighting Intensity and Wind Shear Map under that Policy, or

**No**

- (c) shown on the Obstacle Limitation Surface Map under that Policy, or

**No**

- (d) in the “public safety area” on the Public Safety Area Map under that Policy, or

**No**

- (e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map under that Policy.

**No**

**Note:** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

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

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

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

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

**The land is not subject to a management order within the meaning of the Contaminated Land Management Act 1997.**

**The land is not subject to a Voluntary Management Proposal that is the subject of the Environment Protection Authority's agreement under Section 17 of the Contaminated Land Management Act 1997.**

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

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

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

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

**Note:**

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- (1) When information pursuant to section 10.7(5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section.
  - (2) Council draws your attention to section 10.7(6), which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).
  - (3) The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter not referred to in this certificate.
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**The land is subject to the provisions of the SEPP (Biodiversity and Conservation) 2021, Vegetation in non-rural areas which sets the rules for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.**

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

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

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

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

**Demolition of a building or work requires development consent under clause 2.7 of Fairfield Local Environmental Plan 2013.**

# FAIRFIELD CITY COUNCIL DEVELOPMENT CONTROL PLANS

## Fairfield Citywide Development Control Plan

Title	Adopted by Council*	Effective Date
Fairfield Citywide Development Control Plan 2013	13 November 2012	31 May 2013
<u>Amendment No.1</u> change maximum height permissible for detached secondary dwellings, clarify requirements and correct various anomalies, incorporate outdoor dining policy into a number of site specific DCPs (see table below)	11 February 2014	5 March 2014
<u>Amendment No.2</u> amend chapter 2 to reference Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
<u>Amendment No.3</u> Introduce Chapter 4B - Secondary Dwellings in Rural Area - Horsley Park and Cecil Park	11 December 2013	14 March 2014
<u>Amendment No. 4</u> amends Chapter 9 Industrial Development Site Specific Controls for 449 Victoria Street and 96 Newton Road, Wetherill Park	24 September 2013	21 March 2014
<u>Amendment No.5</u> amends Chapters 2 and 10 and Appendix B to ensure provisions within the DCP are in line with the SEPP (Exempt and Complying Development Codes) 2008.	13 May 2014	28 May 2014
<u>Amendment No. 5A</u> amends Chapter 6A – Multi Dwelling Housing – Town house and Villas: Site Specific DCP – 46 & 50 Cobbett Street, Wetherill Park.	12 March 2013	22 August 2014
<u>Amendment No. 6</u> including increase to building heights for detached granny flats, removal of reference to minimum lot sizes for R1 zoned lands, inclusion of new controls and provisions relating to neighbourhood shops and pad mounted sub stations, clarify requirements and correct a number of anomalies associated with secondary dwellings, dual occupancy, narrow lots and residential flat buildings and other minor inconsequential amendments.	12 August 2014	3 September 2014
<u>Amendment No. 6A</u> amends Chapter 14 Subdivision – Applying to land located on 630 Elizabeth Drive and 9-10 Schubert Place, Bonnyrigg Heights to facilitate a future road link between Stivala Place and Schubert Place.	12 August 2014	3 September 2014
<u>Amendment No.7</u> proposed amendments include – Additional Controls for Child Care Centres, Boarding Houses and Granny Flats; Revised Heritage Chapter; New provisions relating to CCTV for specific land uses, and; Acoustic measures for development in the Rural Area.	25 November 2014	3 December 2014
<u>Amendment No. 7A</u> amends Chapter 10 Miscellaneous Development - applying to land located on 1 Bartley Street, Cabramatta to facilitate the development of a hotel or motel accommodation at the Cabravale Diggers site.	26 August 2014	16 January 2015
<u>Amendment 8</u> amends Chapter 9 – Industrial Development. This amendment includes provisions for industrial/employment development proposals in close proximity to residential land. The amended controls cover the following issues: General Design Requirements (including setback considerations, driveways, loading and storage areas, etc); Bulk and scale; Vehicular and Pedestrian Access Privacy; Light Spill; Noise and Vibration; and Landscaping.	10 March 2015	1 April 2015
<u>Amendment 9</u> includes new provisions relating to various forms of residential development including: Building Appearance, Landscaping, Private Open space, Minimum Lot Width, Car Parking Rates and Notification of S82A Applications.	12 May 2015	27 May 2015
<u>Amendment 10</u> including amendments to: <ul style="list-style-type: none"> <li>the intent of the Development Control Plan and Development Application process – the DA Guide</li> <li>provisions for rural zone development</li> <li>residential flat building setbacks</li> <li>heritage advice</li> <li>road classifications</li> </ul>	14 July 2015	5 August 2015
<u>Amendment No.11</u> includes site specific development controls (private open space, car parking and dwelling density) for 46-50 Cobbett Street, Wetherill Park included in Chapter 6A Multi Dwelling Housing – Townhouses and Villas.	1 December 2015	16 December 2015
<u>Amendment No. 12</u> addresses anomalies in the DCP including but not limited to providing clarity on minimum room sizes, updated acoustic proofing measures for new dwellings in rural areas, car parking rates for disabled parking, and provisions for site servicing and loading requirements in neighbourhood shops in residential zones.	10 May 2016	25 May 2016



<u>Amendment No. 13</u> Clarification to requirements for acoustic measures for development in the rural areas, location of alfresco areas for secondary dwellings, car parking rates for restaurants & amendments to ensure controls for residential flat buildings are consistent with the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development & associated Apartment Design Guide.	14 March 2017	5 April 2017
<u>Amendment No. 14</u> Site specific provisions for 620 Elizabeth Drive, Bonnyrigg Heights.	27 June 2017	15 September 2017
<u>Amendment No. 15</u> Amendment to Appendix G, and addition of Appendix H to introduce Aboriginal Heritage Management controls for development across Fairfield City	12 September 2017	28 February 2018
<u>Amendment No. 16</u> Amendments provide clarity relating to alfresco areas and carports provisions for secondary dwellings, lot width provisions for dual occupancy and multi dwelling housing on cul-de-sac heads, setbacks for residential flat buildings on corner sites, removal of Chapter 8B Neighbourhood and Local Centres – Mixed Use (Up to 2 storeys) to ensure consistency with the Apartment Design Guide, inclusion of accessibility requirements, inclusion of Council's Stormwater Management Policy, and guidelines for acknowledging petitions.	27 February 2018	21 March 2018
<u>Amendment No. 18</u> Amendment to Chapter 10.11 to revise existing site specific DCP in relation to the Cabravale Diggers Club site at 1 Bartley Street, Canley Vale	14 November 2017	28 February 2018
<u>Amendment No. 19</u> Amendment to introduce site specific development controls for 17-23 Longfield Street, Cabramatta.	11 September 2018	28 February 2019
<u>Amendment No. 20</u> Amendment No. 20 provides clarity on controls and guidelines within the following chapters: <ul style="list-style-type: none"> <li>• Chapter 3 – Environmental Management and Constraints;</li> <li>• Chapter 4A – Development in the Rural Zones;</li> <li>• Chapter 5A – Dwelling Houses;</li> <li>• Chapter 5B – Secondary Dwellings;</li> <li>• Chapter 6A – Multi Dwelling Housing;</li> <li>• Chapter 6B – Dual Occupancy;</li> <li>• Chapter 9 – Industrial Development; and</li> <li>• Chapter 14 – Subdivision</li> </ul>	12 February 2019	13 March 2019
<u>Amendment No. 22</u> Amendment No. 22 provides clarity on control and guidelines within the following chapters: <ul style="list-style-type: none"> <li>• Appendix A – Definitions</li> <li>• Chapter 2 – Development Application Process</li> <li>• Chapter 3 – Environmental Management and Constraints</li> <li>• Chapter 5A – Dwelling Houses</li> <li>• Chapter 5B – Secondary Dwellings</li> <li>• Chapter 5C – Dwelling Houses on Narrow Lots</li> <li>• Chapter 7 – Residential Flat Buildings and Shop Top Housing</li> <li>• Chapter 8 – Neighbourhood and Local Centres Business Use</li> <li>• Chapter 12 – Car Parking, Vehicle and Access Management</li> <li>• Chapter 13 – Child Care Centres</li> <li>• Chapter 14 - Subdivision</li> </ul>	9 June 2020	21 September 2020

## Place Based and Site Specific Development Control Plans

Title	Adopted by Council*	Effective Date
Bonnyrigg Town Centre DCP 2018	6 August 2019	4 September 2020
Cabramatta Town Centre DCP (5/2000) - <u>Amendment No.1</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 2</u> (New clause regarding Model Submission – 3.09.2014) - <u>Amendment No. 3</u> (Amended clauses and map regarding Precinct 2- Dutton Lane Car Park)	11 October 2016	10 March 2017
Fairfield City Centre DCP 2013 - <u>Amendment No.1</u> (Outdoor Dining Controls – 5.3. 2014) - <u>Amendment No. 2</u> (Remove reference to Public Art Guide and update signage controls reference – 3.09.2014) - <u>Amendment No. 3</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Canley Corridor DCP No.37 (2013) (Canley Vale and Canley Heights town centres) - <u>Amendment No.1:</u> (Development Controls for Adams Reserve 12.9.2006) - <u>Amendment No.2:</u> (Development Controls for 45-47 Peel St, Canley Heights 9.4.2008) - <u>Amendment No.3:</u> (Awnings controls 3.11.2010) - <u>Amendment No.4:</u> (Development Controls for 190 Canley Vale Rd, Canley Heights 19.4.2011) - <u>Amendment No.5:</u> (References to Fairfield LEP 2013 31.5.2013) - <u>Amendment No.6:</u> (Outdoor Dining Controls –5.3.2014) - <u>Amendment No. 7</u> (Remove reference to Public Art Guide – 3.09.2014) - <u>Amendment No. 8</u> (Include 46 Derby Street, Canley Heights into Town Centre Catchment – 01.07.2015) - <u>Amendment No. 9</u> (removes reference to the Fairfield Art Strategy as Council has not formally adopted a Public Art Strategy)	10 May 2016	25 May 2016
Prairiewood Town Centre – Southern Precinct DCP 2013	13 November 2012	31 May 2013
Site Specific DCP – Wetherill Park Market Town	20 March 2013	7 March 2014
Fairfield Heights Town Centre DCP 2018	06 August 2019	05 June 2020
Villawood Town Centre DCP 2020	28 April 2020	05 June 2020

## Master Plans

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

## Urban Design Studies

Title	Adopted by Council
Fairfield City Centre Key Sites Urban Design Study	27 March 2018
Fairfield Heights Town Centre Urban Design Study	27 March 2018
Villawood Town Centre Urban Design Study	27 March 2018

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

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# Flood Information Sheet

**Applicant:** Mr J Faddoul  
**Certificate No.:** 2293/2021  
**Applicant's Reference:**  
**Issue Date:** 24/06/2022  
**Receipt No.:** 4079866

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**PROPERTY ADDRESS:** 137B Victoria Street SMITHFIELD NSW 2164  
**LEGAL DESCRIPTION:** Lot: 2 DP: 240613

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

## FLOOD CONTROL LOT

The subject property is identified as a flood control lot as defined under the SEPP (Exempt & Complying Development Codes) 2008 and SEPP (Housing) 2021. Development under the SEPP (Exempt and Complying Development Code) 2008 and SEPP (Housing) 2021 must not be carried out on any part of a flood control lot, other than that part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following—

- (a) a flood storage area,
- (b) a floodway area,
- (c) a flow path,
- (d) a high hazard area,
- (e) a high risk area.

Where relevant, for properties that are a flood control lot and flood related development controls apply, Council provides information on whether or not a property is in a high risk/high hazard area under Part 7A(1) of this planning certificate.

**In addition, under the SEPP (Exempt & Complying Development Codes) 2008 and SEPP (Housing) 2021 a range of other restrictions, development standards and requirements apply to various categories of residential, commercial and industrial complying development located on flood control lots.**

**For further information please contact Council's Catchment Planning Branch on 9725 0222**

**Important Notes:**

**Not Applicable** values indicate that the subject land is not known to be subject to flooding.

**Not Available** values indicate that Council does not have the required flood information for the subject land.

A Glossary is also attached at the end of this Flood Information Sheet.

# MAINSTREAM FLOODING

## Description

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

## Mainstream Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum PMF maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 100 year minimum 1 in 100 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>
1 in 20 year minimum 1 in 20 year maximum	<b>Not Applicable</b> <b>Not Applicable</b>

# LOCAL OVERLAND FLOODING

## Description

This parcel is within the floodplain and identified as being partly within a High Flood Risk Precinct and partly within a Medium Flood Risk Precinct as a result of overland flooding.

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

The term High Flood Risk Precinct is defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.

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

## Local Overland Flood Details

Size of Flood	Flood Level (m AHD)
PMF minimum	<b>28.7</b>
PMF maximum	<b>30.5</b>
1 in 100 year minimum	<b>28.0</b>
1 in 100 year maximum	<b>28.7</b>
1 in 20 year minimum	<b>27.9</b>
1 in 20 year maximum	<b>28.5</b>

Local overland flood levels in the vicinity of the above property have been extracted from the Catchment Simulation Solutions (2016) Smithfield West Overland Flood Study.

<b>GLOSSARY</b>	
<b>m AHD</b>	metres Australian Height Datum (AHD).
<b>Australian Height Datum (AHD)</b>	A common national plane of level approximately equivalent to the height above sea level. All flood levels, floor levels and ground levels are normally provided in metres AHD.
<b>Average Recurrence Interval (ARI)</b>	The long term average number of years between the occurrence of a flood as big as the selected event. For example, floods with a discharge as great as the 20 year ARI event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.
<b>Flood</b>	A relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam. It also includes local overland flooding associated with major drainage before entering a watercourse, or coastal inundation resulting from raised sea levels, or waves overtopping the coastline.
<b>Flood risk precinct</b>	<p>An area of land with similar flood risks and where similar development controls may be applied by a Council to manage the flood risk. The flood risk is determined based on the existing development in the precinct or assuming the precinct is developed with normal residential uses. Usually the floodplain is categorised into three flood risk precincts 'low', 'medium' and 'high', although other classifications can sometimes be used.</p> <p><b>High Flood Risk:</b> This has been defined as the area of land below the 100-year flood event that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.</p> <p><b>Medium Flood Risk:</b> This has been defined as land below the 100-year flood level that is not within a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties.</p> <p><b>Low Flood Risk:</b> This has been defined as all land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either a High Flood Risk or a Medium Flood Risk Precinct. The Low Flood Risk Precinct is that area above the 100-year flood event.</p>
<b>Local overland flooding</b>	The inundation of normally dry land by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
<b>Mainstream flooding</b>	The inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.
<b>Probable Maximum Flood (PMF)</b>	The largest flood that could conceivably occur at a particular location.
<b>Flood Planning Area</b>	The area of land below the FPL and thus subject to flood related development controls.
<b>Flood Planning Level</b>	Are the combinations of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans.
<b>Flood Control Lot</b>	A lot to which flood related development controls apply in respect of development for the purposes of industrial buildings, commercial premises, dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing)