



PLANNING CERTIFICATE ISSUED UNDER SECTION 10.7(2&5)
ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979

Certificate No: 43514
Receipt No: 2030338
Issue date: 04-Jun-2019
Customer Ref: STAMATELLIS:31162

Ms S Stamatellis
173 Sussex St
SYDNEY NSW 2000

Property Location: 211 Pacific Highway, ST LEONARDS NSW 2065.
Legal Description: **LOT 101 DP 791327**

Disclaimer

1. *The information provided in this certificate has been obtained from Council's records. The Council advises that:

(a) other authorities may hold information in respect of the property not contained in the Council's records;
and
(b) the Council's records themselves may not be complete or accurate in respect of the property.*
2. *The instrument(s) referred to in this certificate may contain other important information in respect to the property. In order to understand the effects of the instrument(s) on the property, the Council advises that the whole of each instrument(s) should be read and considered. This certificate cannot be used as a substitute for reading the whole of the instrument(s) referred to in the certificate.*
3. *It may be appropriate or necessary to obtain legal or other expert advice in respect of the matters contained in the certificate or the instruments referred to in the certificate.*
4. *The Council cannot and will not accept any liability in respect of any error, inaccuracy, or omission in this certificate.*

Debra Just
GENERAL MANAGER

(Computer printed copy – No signature required)

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1. RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following environmental planning instruments:

Willoughby Local Environmental Plan 2012

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. 50 - Canal Estate Development
State Environmental Planning Policy No. 55 - Remediation of Land
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 No. 70 - Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

(2) Proposed Environmental Planning Instruments

As at the date of this certificate the above mentioned land is affected by the following proposed environmental planning instruments:

Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016

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(3) Development Control Plans

As at the date of this certificate the above mentioned land is affected by the following development control plans:

Development Control Plan 2005 - Sydney Foreshore and Waterways Area

The plan applies to all development proposals within the foreshores and waterways area identified in SREP (Sydney Harbour Catchment) 2005 - (Refer to the Foreshores and Waterways Area Map).

Willoughby Development Control Plan

2. ZONING AND LAND USE

(a) Zone Identity

SP1 Special Activities

(b), (c), (d) (Development)

Zone SP1 Special Activities – under Willoughby Local Environmental Plan 2012

Objectives of zone

- *To provide for special land uses that is not provided for in other zones.*
- *To provide for sites with special natural characteristics that is not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

Permitted without consent

Nil

Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Prohibited

Any development not specified in item 2 or 3.

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NOTE: You are advised that in addition to the matters set out above, the instrument may make further provisions with respect to the purposes for which development may be carried out on the land without consent and with consent and the purposes for which development of the land is prohibited. Applicants are advised that they should read the whole of the instrument(s) in order to determine whether that instrument prohibits, restricts or otherwise relates to the development of the land.

(e) Development Standards applying to the land fixing minimum dimensions for the erection of a dwelling house?

No

(NB: the erection of a dwelling house on the land requires consent to be obtained which will require assessment of the particular application under provisions of the Act. The Council makes no representation that consent will be granted to any application.)

(f) Critical Habitat

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(g) Conservation Area

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(h) Heritage Item

This property is identified in Schedule 5 of the Willoughby Local Environmental Plan 2012 as a heritage item.

3. COMPLYING DEVELOPMENT

NOTE: This certificate only addresses matters raised in 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. It is your responsibility to ensure that the development is permissible with consent in the land use zone and that you comply with any other requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 including Clauses 1.18 and 1.20 of that Policy, the Complying Development Codes in Parts 3 to 8 of that Policy, and the Willoughby Local Environmental Plan 2012. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.

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(a) General Housing Code and Rural Housing Code

The land is land on which complying development may not be carried out under these Codes. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(b) Housing Alterations Code and General Development Code

The land is land on which complying development may not be carried out under these Codes. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(c) Commercial and Industrial Alterations Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(d) Commercial and Industrial (New Buildings and Additions) Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

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(e) Subdivisions Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(f) Demolition Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(g) Fire Safety Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

(h) Container Recycling Facilities Code

The land is land on which complying development may not be carried out under this Code. The land is affected by the following land exemption(s):

- land that is identified as a heritage item by an environmental planning instrument or on which is located an item that is so identified.
- land that comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located.

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(i) Low Rise Medium Density Housing Code

The provisions of the Low Rise Medium Density Housing Code do not apply to the Willoughby Local Government Area. They have been deferred until 1 July 2019.

4. COASTAL PROTECTION (repealed)

4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS (repealed)

4B. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS.

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5. MINE SUBSIDENCE

The land is not within a proclaimed mine subsidence district under Section 15 of the Mine Subsidence Compensation Act, 1961.

6. ROAD WIDENING AND REALIGNMENT

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

- 1) Division 2 of Part 3 of the Roads Act 1993; or
- 2) An Environmental Planning Instrument; or
- 3) A resolution of Council.

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

The land is not affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

It is the Council's policy to consider previous land uses to determine whether land may be affected by contamination which restricts or prohibits the carrying out of development on the land. Depending on the previous uses of the land, the applicant may be required to investigate possible site contamination and/or carry out remediation as part of any proposed development and the development potential of the site may be restricted or prohibited. This is assessed by the Council on a case-by-case basis.

The Council will have regard to Clause 6.1 Acid Sulfate Soils of Willoughby Local Environmental Plan 2012 and the Acid Sulfate Soils Map in assessing any development applications relating to the land.

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7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

- (1) Development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi-dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls
- (2) Development on that land or part of the land for any other purpose is not subject to flood related development controls

NB. This response does not imply that development for particular purposes is permissible on the land. Development is permissible in accordance with the zoning and landuse as set out in Question 2. ZONING AND LANDUSE of this Certificate.

Based on the information currently available from Council's flood maps, this land is not affected by overland flooding. However, Council reviews flood studies on an on-going basis and new information may become available in future which may alter the flood affectation status of the subject parcel of land.

It is important to note that in some circumstances, a piece of land may experience inundation as a result of the creation of stormwater detention basins, channels or flow paths after the development of the land. The applicant is therefore advised to engage the services of a suitably qualified engineer to investigate whether remedial measures should be adopted to minimise the effects of any such inundation.

8. LAND RESERVED FOR ACQUISITION

The land is not affected by any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instruments which provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. CONTRIBUTION PLANS

Willoughby City Section 94A Development Contributions Plan 2011

9A. BIODIVERSITY CERTIFIED LAND

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10. BIODIVERSITY STEWARDSHIP SITES

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10A. NATIVE VEGETATION CLEARING SET ASIDES

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11. BUSH FIRE PRONE LAND

The land has not been identified as bush fire prone under the Rural Fires and Environmental Legislation Amendment Act 2002.

12. PROPERTY VEGETATION PLANS

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

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14. DIRECTIONS UNDER PART 3A

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15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS AFFECTING SENIORS HOUSING

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**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE OR SITE COMPATIBILITY
CERTIFICATE (SCHOOLS OR TAFE ESTABLISHMENTS)**

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17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

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18. PAPER SUBDIVISION INFORMATION

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19. SITE VERIFICATION CERTIFICATES

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20. LOOSE-FILL ASBESTOS INSULATION

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21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

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In addition to the information provided above, the following information is provided in respect of the abovementioned land.

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NOTES:

Hand written or typed items appearing on this certificate at the time of issue are to be read as forming part of this certificate.

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In accordance with Section 10.7(5) and subject to Section 10.7(6) of the Environmental Planning and Assessment Act 1979, the following additional information is provided in respect of the abovementioned land:

Under Clause 5.10 of Willoughby Local Environmental Plan 2012 the Council, before granting consent to development on land in the vicinity of a heritage item or a heritage conservation area, may require the assessment of the effect the proposed development has on the heritage significance of the heritage item or heritage conservation area concerned.

Information on the preservation of trees and vegetation can be obtained from Council and on Council's website.

Council is unaware of whether the current use is in accordance with an approval which may have been issued. You are advised to rely on your own enquiries.

Registers of Planning Consents and Subdivision Approvals may be inspected at the Council offices for particulars relating to Development Consents / Subdivision Approvals which may have been issued for use or development of the land.

Note: The property is included in the State Heritage Register as an item of particular importance to the people of New South Wales and is therefore legally protected under the New South Wales Heritage Act.