
PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Advisian Pty Ltd
Level 17/141 Walker St
NORTH SYDNEY NSW 2060

Description of land: Lot 1 DP 870720
Address: 61 High Street, RANDWICK NSW 2031
Date of Certificate: 3 July 2019
Certificate No: 51356
Receipt No: 4369646
Amount: \$203.00
Reference: SSDA:46025

This planning certificate should be read in conjunction with the Randwick City Council Local Environmental Plan 2012. This is available on the NSW Legislation website at <https://www.legislation.nsw.gov.au/#/view/EPI/2013/36>

The land to which this planning certificate relates, being the lot or one of the lots described in the application made for this certificate, is shown in the Council's record as being situated at the "Address" stated above. The legal "description of land" (by lot(s) and DP/SP numbers) is obtained from NSW Land Registry Services. It is the responsibility of the applicant to enquire and confirm with NSW Land Registry Services the accuracy of the lot(s) and DP/SP numbers pertaining to the land for which application is made for the certificate.

There is more information about some property conditions than is included on this property certificate.

If this case, after the condition text, there is a URL and a square bar code or 'QR code' which provides the address of a page on the Randwick City Council website. You will need internet access and either:

1. Download a QR code scanner app to your phone and scan the QR code
or
2. Type the URL into your internet browser

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

INFORMATION PROVIDED UNDER SECTION 10.7 (2)

In accordance with the requirements of section 10.7 of the Environmental Planning and Assessment Act 1979 (as amended), the following prescribed matters relate to the land as at the date of this certificate. The information provided in reference to the prescribed matters has been obtained from Council's records and/or from other authorities/government department. Council provides the information in good faith but disclaims all liability for any omission or inaccuracy. Specific inquiry should be made where doubt exists as to the accuracy of the information so provided.

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.

Randwick Local Environmental Plan (LEP) 2012, and relevant State Environmental Planning Policies (SEPPs) apply to the land.

- SEPP No. 19 - Bushland in Urban Areas
- SEPP No. 21 - Caravan Parks
- SEPP No. 33 - Hazardous and Offensive Development
- SEPP No. 55 - Remediation of Land
- SEPP No. 64 - Advertising and Signage
- SEPP No. 65 - Design Quality of Residential Flat Development
- SEPP No. 70 - Affordable Housing
- SEPP - (Affordable Rental Housing) 2009
- SEPP - BASIX (Building Sustainability Index) 2004
- SEPP - (Coastal Management) 2018
- SEPP - (Concurrence) 2018
- SEPP - (Educational Establishments and Child Care Facilities) 2017
- SEPP - (Exempt and Complying Development Codes) 2008
- SEPP - (Housing for Seniors or People with a Disability) 2004
- SEPP - (Infrastructure) 2007
- SEPP - (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP - (Miscellaneous Consent Provisions) 2007
- SEPP - (State and Regional Development) 2011
- SEPP - (State Significant Precincts) 2005
- SEPP - (Three Ports) 2013
- SEPP - (Vegetation in Non-Rural Areas) 2017

Note: Any questions regarding State Environmental Planning Policies and Regional Environmental Plans should also be directed to the Department of Planning & Infrastructure (02) 9228 6111 or www.planning.nsw.gov.au.

Local Environmental Plan (LEP) Gazetted 15 February 2013

Randwick LEP 2012 (Amendment No1) - Gazetted 21 November 2014
Applies to part of Royal Randwick Racecourse (identified as "Area A" on the LEP Additional Permitted Uses Map). Permits additional uses of hotel or motel accommodation, serviced apartments and function centres with development consent.

Randwick LEP 2012 (Amendment No2) - Gazetted 2 April 2015
Applies to land at Young Street Randwick – Inglis Newmarket Site (shown as Area 1 on the LEP Key Sites Map). Amendment to planning controls, including zoning, height of buildings, heritage items and heritage area, FSR (subject to new Clause 6.16) and inclusion of the site as a Key Site.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Randwick LEP 2012 (Amendment No3) - Gazetted 15 July 2016
Amends Schedule 1 to include 'childcare centre' as an additional permitted use (with development consent) at 270 Malabar Road, Maroubra (Lot 3821, DP 752015).

Randwick LEP 2012 (Amendment No4) - Gazetted 25 January 2018
Applies to part of the land at 1T Romani Way, MATRAVILLE (Lot 1 DP 107189). Amendment to planning controls, including zoning, height of buildings and FSR.

Randwick LEP 2012 (Amendment No5) - Gazetted 17 August 2018
Applies to subdivision of dual occupancies (attached) in the Zone R2 Low Density Residential for which development consent was granted before 6 July 2018. Permits development consent to be granted for the Torrens Title or Strata subdivision of a dual occupancy if the development meets certain standards specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Randwick LEP 2012 (Amendment No 6) – Gazetted 22 February 2019
Applies to the following land in Coogee, 38 Dudley Street (Lot 17 DP 6489), 40 Dudley Street (Lot 18 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229), 46 Dudley Street (Lot 2 in DP 952229) and 122 Mount Street (Lot 22 DP 6489) by incorporating these properties into the Dudley Street Heritage Conservation Area. Further, 38 Dudley Street (Lot 17 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229) and 122 Mount Street (Lot 22 DP 6489) have been listed as local heritage items in Schedule 5 the Randwick LEP 2012.

(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 Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

draft Environment State Environmental Planning Policy (SEPP)

On the 15th of May 2019, Council received a Gateway Determination from the Department of Planning and Environment with conditions to progress a Planning Proposal to amend Schedule 5 of the Randwick Local Environmental Plan 2012 (RLEP) which relates to Environmental Heritage. The proposal seeks to create a new Heritage Conservation Area (HCA) known as 'Edgecumbe Estate' and to list three properties (3) as Heritage Items. The proposed HCA is to incorporate properties at 142A to 152 Brook Street, COOGEE, 37 to 41 Dudley Street, COOGEE and 5 Edgecumbe Avenue, COOGEE. The proposed properties to be listed as Heritage Items are 39 Dudley Street, 41 Dudley Street and 148 Brook Street COOGEE. The proposal will be public exhibition from the 28th of May 2019 until the 25th of June 2019.

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

Randwick DCP adopted by Council on the 28 May 2013 and came into effect on the 14th of June 2013

Provides detailed planning controls and guidance for development applications

Amendment to Randwick DCP 2013 Newmarket Green, Randwick (E5)

Site-specific DCP controls to supplement Randwick LEP 2012 (Amendment No 2)

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

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2 Zoning and land use under relevant LEPs

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) The identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)")

(b) The purposes for which the instrument provides that development may be carried out within the zone without the need for development consent

(c) The purposes for which the instrument provides that development may not be carried out within the zone except with development consent

(d) The purposes for which the instrument provides that development is prohibited within the zone

Zone SP2 (Infrastructure) in Randwick LEP 2012.

1. Objectives of zone

To provide for infrastructure and related uses.
To prevent development that is not compatible with or that may detract from the provision of infrastructure.
To facilitate development that will not adversely affect the amenity of nearby and adjoining development.
To protect and provide for land used for community purposes.

2. Permitted without consent

Recreation areas

3. Permitted with consent

Aquaculture; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4. Prohibited

Any development not specified in item 2 or 3.

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

The land IS NOT subject to any development standards that fix minimum land dimensions for the erection of a dwelling house.

(f) Whether the land includes or comprises critical habitat

The land DOES NOT include or comprise a critical habitat area under the Threatened Species Conservation Act 1995.

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

Part of the land IS within a heritage conservation area.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Part of the land IS listed as a heritage item under the Randwick LEP 2012.

The land IS NOT listed on the State Heritage Register under Heritage Act 1977.

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

To the extent that the land is within any zone (however described) under:

(a) Part 3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP), or

(b) a Precinct Plan (within the meaning of the 2006 SEPP), or

(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,

the particulars referred to in clause 2 (a)–(h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).

The land IS NOT within any zone (however described) under this planning policy.

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 1.17.A (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.

(2) 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.

(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.

Housing Code

Complying development under the Housing Code MAY NOT be carried out on that part of the land, that is:

P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

P Part of the land is within a heritage conservation area or a draft heritage conservation area unless the development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Low Rise Medium Density Housing Code

Commencement of the Low Rise Medium Density Code has been deferred in the City of Randwick until 1st of November 2019. Please contact the NSW Department of Planning and Environment for further information regarding this matter.

Rural Housing Code

Complying development under the Rural Housing Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.
- P Part of the land is within a heritage conservation area or a draft heritage conservation area unless the development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Housing Alterations Code

Complying development under the Housing Alterations Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

General Development Code

Complying development under the General Development Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

Commercial and Industrial Alteration Code

Complying development under the Commercial and Industrial Alteration Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

Commercial and Industrial (New Buildings and Additions) Code

Complying development under the Commercial and Industrial (New Buildings and Additions) Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.
- P Part of the land within a heritage conservation area.

Subdivisions Code

Complying development under the Subdivision Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

Demolition Code

Complying development under the Demolition Code MAY NOT be carried out on that part of the land, that is:

- P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Fire Safety Code

Complying development under the Fire Safety Code MAY NOT be carried out on that part of the land, that is:

P Part of the land IS listed as a heritage item under the Randwick LEP 2012.

A copy of the Codes SEPP is available at www.planning.nsw.gov.au. For further information please call the Department of Planning and Infrastructure's Information Centre on Free call 1300 305 695 or 02 9228 6333.

Note: To be complying development, the development must meet the General requirements set out in clause 1.18 of the Codes SEPP. Development must also meet all development standards set out in the relevant code.

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 so notified by the Department of Services, Technology and Administration.

Council HAS NOT been notified by the Department that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

4A Certain information relating to beaches and coasts

(1) Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency 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.

An order HAS NOT been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) (a) Whether the council has been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and

The council HAS NOT been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works have been placed on the land (within the meaning of that Act) on the land (or on public land adjacent to that land).

(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.

(3) (Repealed)

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

Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Not applicable.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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.

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

6 Road widening and road realignment

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

(a) Division 2 of Part 3 of the Roads Act 1993, or

The land IS NOT affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

(b) Any environmental planning instrument, or

The land IS NOT affected by any road widening or road realignment under the provisions of Randwick LEP 2012.

(c) Any resolution of the council.

The land IS NOT affected by any resolution of the Council for any road widening or road realignment.

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

The land IS affected by a policy adopted by the Council as follows:

Contaminated Land Policy. This policy does not specifically identify the subject land (or any other land) as contaminated. The policy does, however, apply to all land in the City of Randwick. The policy requires Council to consider the possibility of land contamination and its implications for any proposed or permissible future uses of the land, including all rezoning, subdivision and development applications. This policy will restrict development of land:

- (1) Which is affected by contamination; or
- (2) Which has been used for certain purposes; or
- (3) In respect of which there is not sufficient information about contamination; or
- (4) Which is proposed to be used for certain purposes; or
- (5) In other circumstances contained in the policy.

Excluding Councils Contaminated Land Policy, the subject land IS NOT affected by any other council policy relating to hazard risk restrictions.

(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 sulphate soils or any other risk (other than flooding).

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, (other than flooding), tidal inundation, subsidence, acid sulphate soils or any other risk.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7A Flood related development controls information

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

Development on the land subject of this planning certificate for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings IS subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

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

Development on the land subject of this planning certificate for purposes other than dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings IS subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

(3) Words and expressions in this clause have the same meanings as in the Standard Instrument.

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 to 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

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 27 of the Act.

The land IS NOT affected by any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 that makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

Randwick City Council Section 94A Development Contributions Plan (effective 21 April 2015).

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.

The land IS NOT biodiversity certified land.

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. (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995).

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).

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Council HAS NOT been notified that the land is a biodiversity stewardship site 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.

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).

The land DOES NOT contain a set aside area under section 60ZC of the Local Land Services Act 2013.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the 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.

The land IS NOT bush fire prone land (as defined in the act).

12 Property vegetation plans

If the land is 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 only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council HAS NOT been notified of any property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under 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).

The land IS NOT land to which an order under Trees (Disputes Between Neighbours) Act 2006 applies.

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.

There IS NOT a direction by the Minister under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument does not have effect.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 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

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(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.

The land IS NOT subject of a current site compatibility certificate (of which the Council is aware) that has been issued under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 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 of Planning.

The land IS NOT subject to a valid site compatibility certificate (of which the Council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of 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 of Planning.

- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

The land IS NOT subject to a current site compatibility certificate (of which the council is aware) for affordable rental housing.

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.

The land IS NOT land to which a development plan or subdivision order applies.

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 Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (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 of Planning and Environment.

The land IS NOT subject to a current site verification certificate (of which the council is aware), in relation to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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.

The land DOES NOT include 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.

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.

(3) In this clause:

Affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

The land IS NOT affected by any notice or order within the meaning of the Building Products (Safety) Act 2017.

Contaminated Land Management Act 1997

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,

The land IS NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(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,

Council HAS NOT received a copy of a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for this land.

Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

INFORMATION PROVIDED UNDER SECTION 10.7(5)

NOTE:

Council has no obligation to provide any advice in this planning certificate in response to a request made under s.10.7 (5) of the Act.

If Council does include advice in this planning certificate in response to a s.10.7 (5) request then, as far as practicable on the information available to Council, the advice shall be current as at 12:noon two(2) working days prior to the date of issue of this planning certificate.

Council draws your attention to the fact that if there is an omission or absence of reference in any advice given in this planning certificate, that is or may be relevant to the subject land, that shall not imply that the land is not affected by any matter not mentioned or referred to in this planning certificate.

Council draws your attention to s.10.7(6) of the Act which provides that Council shall not incur any liability in respect of any advice provided in good faith pursuant to s.10.7(5) of the Act.

Additional Relevant Matters

At the date of this certificate, the following relevant matters affecting the land are provided in good faith in accordance with the requirements of Section 10.7(5) of the Environmental Planning and Assessment Act 1979.

Council resolutions to prepare draft Local Environmental Plans

Name of proposed environmental planning instrument that includes a planning proposal for LEP or a draft environmental planning instrument.

On 17 December 2016, Council resolved to endorse the draft Planning Strategy and associated planning controls for Kensington and Kingsford town centres to enable public exhibition.

Note: Draft Local Environmental Plans that have yet to be placed on Community Consultation under the Environmental Planning and Assessment Act, 1979.

Terrestrial Biodiversity

The land IS NOT identified and mapped as 'Biodiversity' in Randwick LEP 2012.

Foreshore Scenic Protection Areas

The land IS NOT identified and mapped within a Foreshore Scenic Protection Area in Randwick LEP 2012.

Foreshore Area (Foreshore Building Line)

The land IS NOT identified and mapped as "Foreshore Area" within the Randwick LEP 2012 Foreshore Building Line Map.

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Licences Under The Water Act 1912

The Property IS within the ground water extraction embargo area or the water shortage zone declared under the Water Act 1912.

For more information please see:

www.randwick.nsw.gov.au/149-Groundwater

Aircraft Noise (ANEF)

This property IS NOT affected by aircraft noise levels as measured by the Australian Noise Exposure Forecast (ANEF) identified by Sydney Airport Corporation Limited (SACL), endorsed by Air Services Australia (ASA).

Flood Studies

Council IS in possession of a flood study that covers the catchment in which this property is located. The flood study is available for inspection at the Council if required.

For more information please see:

www.randwick.nsw.gov.au/149-Flooding

Residential Parking Schemes

No resident parking permits will be issued for new development or for significant alterations and additions to residential flat buildings that have been determined under Randwick Local Environmental Plan 2012 and Randwick Development Control Plan 2013.

Alan Bright

Manager Strategic Planning

1300 722 542

Date:03-Jul-2019

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Advisian Pty Ltd
Level 17/141 Walker St
NORTH SYDNEY NSW 2060

Description of land: Lot 6 DP 13995

Address: 35 Eurimbla Avenue, RANDWICK NSW 2031

Date of Certificate: 3 July 2019

Certificate No: 51357

Receipt No: 4369646

Amount: \$203.00

Reference: SSDA:46025

This planning certificate should be read in conjunction with the **Randwick City Council Local Environmental Plan 2012**. This is available on the NSW Legislation website at <https://www.legislation.nsw.gov.au/#/view/EPI/2013/36>

The land to which this planning certificate relates, being the lot or one of the lots described in the application made for this certificate, is shown in the Council's record as being situated at the "Address" stated above. The legal "description of land" (by lot(s) and DP/SP numbers) is obtained from NSW Land Registry Services. It is the responsibility of the applicant to enquire and confirm with NSW Land Registry Services the accuracy of the lot(s) and DP/SP numbers pertaining to the land for which application is made for the certificate.

There is more information about some property conditions than is included on this property certificate.

*If this case, after the condition text, there is a URL and a square bar code or 'QR code' which provides the address of a page on the Randwick City Council website.
You will need internet access and either:*

1. **Download a QR code scanner** app to your phone and scan the QR code
- or
2. **Type the URL** into your internet browser



INFORMATION PROVIDED UNDER SECTION 10.7 (2)

In accordance with the requirements of section 10.7 of the Environmental Planning and Assessment Act 1979 (as amended), the following prescribed matters relate to the land as at the date of this certificate. The information provided in reference to the prescribed matters has been obtained from Council's records and/or from other authorities/government department. Council provides the information in good faith but disclaims all liability for any omission or inaccuracy. Specific inquiry should be made where doubt exists as to the accuracy of the information so provided.

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.

Randwick Local Environmental Plan (LEP) 2012, and relevant State Environmental Planning Policies (SEPPs) apply to the land.

- **SEPP No. 19** - Bushland in Urban Areas
- **SEPP No. 21** - Caravan Parks
- **SEPP No. 33** - Hazardous and Offensive Development
- **SEPP No. 55** - Remediation of Land
- **SEPP No. 64** - Advertising and Signage
- **SEPP No. 65** - Design Quality of Residential Flat Development
- **SEPP No. 70** - Affordable Housing
- **SEPP** - (Affordable Rental Housing) 2009
- **SEPP** - BASIX (Building Sustainability Index) 2004
- **SEPP** - (Coastal Management) 2018
- **SEPP** - (Concurrence) 2018
- **SEPP** - (Educational Establishments and Child Care Facilities) 2017
- **SEPP** - (Exempt and Complying Development Codes) 2008
- **SEPP** - (Housing for Seniors or People with a Disability) 2004
- **SEPP** - (Infrastructure) 2007
- **SEPP** - (Mining, Petroleum Production and Extractive Industries) 2007
- **SEPP** - (Miscellaneous Consent Provisions) 2007
- **SEPP** - (State and Regional Development) 2011
- **SEPP** - (State Significant Precincts) 2005
- **SEPP** - (Three Ports) 2013
- **SEPP** - (Vegetation in Non-Rural Areas) 2017

Note: Any questions regarding State Environmental Planning Policies and Regional Environmental Plans should also be directed to the Department of Planning & Infrastructure (02) 9228 6111 or www.planning.nsw.gov.au.

Local Environmental Plan (LEP) Gazetted 15 February 2013

- **Randwick LEP 2012 (Amendment No1) - Gazetted 21 November 2014**
Applies to part of Royal Randwick Racecourse (identified as "Area A" on the LEP Additional Permitted Uses Map). Permits additional uses of hotel or motel accommodation, serviced apartments and function centres with development consent.
- **Randwick LEP 2012 (Amendment No2) - Gazetted 2 April 2015**
Applies to land at Young Street Randwick – Inglis Newmarket Site (shown as Area 1 on the LEP Key Sites Map). Amendment to planning controls, including zoning, height of buildings, heritage items and heritage area, FSR (subject to new Clause 6.16) and inclusion of the site as a Key Site.



- **Randwick LEP 2012 (Amendment No3) - Gazetted 15 July 2016**
Amends Schedule 1 to include 'childcare centre' as an additional permitted use (with development consent) at 270 Malabar Road, Maroubra (Lot 3821, DP 752015).
- **Randwick LEP 2012 (Amendment No4) - Gazetted 25 January 2018**
Applies to part of the land at 1T Romani Way, MATRAVILLE (Lot 1 DP 107189). Amendment to planning controls, including zoning, height of buildings and FSR.
- **Randwick LEP 2012 (Amendment No5) - Gazetted 17 August 2018**
Applies to subdivision of dual occupancies (attached) in the Zone R2 Low Density Residential for which development consent was granted before 6 July 2018. Permits development consent to be granted for the Torrens Title or Strata subdivision of a dual occupancy if the development meets certain standards specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- **Randwick LEP 2012 (Amendment No 6) – Gazetted 22 February 2019**
Applies to the following land in Coogee, 38 Dudley Street (Lot 17 DP 6489), 40 Dudley Street (Lot 18 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229), 46 Dudley Street (Lot 2 in DP 952229) and 122 Mount Street (Lot 22 DP 6489) by incorporating these properties into the Dudley Street Heritage Conservation Area. Further, 38 Dudley Street (Lot 17 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229) and 122 Mount Street (Lot 22 DP 6489) have been listed as local heritage items in Schedule 5 the Randwick LEP 2012.

(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 Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

- **draft Environment State Environmental Planning Policy (SEPP)**
- **On the 15th of May 2019, Council received a Gateway Determination from the Department of Planning and Environment with conditions to progress a Planning Proposal to amend Schedule 5 of the Randwick Local Environmental Plan 2012 (RLEP) which relates to Environmental Heritage. The proposal seeks to create a new Heritage Conservation Area (HCA) known as 'Edgecumbe Estate' and to list three properties (3) as Heritage Items. The proposed HCA is to incorporate properties at 142A to 152 Brook Street, COOGEE, 37 to 41 Dudley Street, COOGEE and 5 Edgecumbe Avenue, COOGEE. The proposed properties to be listed as Heritage Items are 39 Dudley Street, 41 Dudley Street and 148 Brook Street COOGEE. The proposal will be public exhibition from the 28th of May 2019 until the 25th of June 2019.**

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

- **Randwick DCP adopted by Council on the 28 May 2013 and came into effect on the 14th of June 2013**

Provides detailed planning controls and guidance for development applications
- **Amendment to Randwick DCP 2013 Newmarket Green, Randwick (E5)**

Site-specific DCP controls to supplement Randwick LEP 2012 (Amendment No 2)

(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 LEPs

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) The identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)")

(b) The purposes for which the instrument provides that development may be carried out within the zone without the need for development consent

(c) The purposes for which the instrument provides that development may not be carried out within the zone except with development consent

(d) The purposes for which the instrument provides that development is prohibited within the zone

Zone R2 (Low Density Residential) in Randwick LEP 2012.

1. Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

2. Permitted without consent

Home occupations; Recreation areas

3. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Office premises; Oyster Aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Shops; Tank-based aquaculture

4. Prohibited

Funeral homes; Any other development not specified in item 2 or 3.

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

The land IS NOT subject to any development standards that fix minimum land dimensions for the erection of a dwelling house.

(f) Whether the land includes or comprises critical habitat

The land DOES NOT include or comprise a critical habitat area under the Threatened Species Conservation Act 1995.

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

The land IS NOT located in a heritage conservation area under the Randwick LEP 2012.



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

The land IS NOT listed as a heritage item under the Randwick LEP 2012.

The land IS NOT listed on the State Heritage Register under Heritage Act 1977.

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

To the extent that the land is within any zone (however described) under:

(a) Part 3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP), or

(b) a Precinct Plan (within the meaning of the 2006 SEPP), or

(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,

the particulars referred to in clause 2 (a)–(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).

The land IS NOT within any zone (however described) under this planning policy.

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 1.17.A (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.

(2) 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.

(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.



Housing Code

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

Low Rise Medium Density Housing Code

Commencement of the Low Rise Medium Density Code has been deferred in the City of Randwick until 1st of November 2019. Please contact the NSW Department of Planning and Environment for further information regarding this matter.

Rural Housing Code

Complying development under the Rural Housing 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.

General Development Code

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

Commercial and Industrial Alteration Code

Complying development under the Commercial and Industrial Alteration Code **MAY** be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code

Complying development under the Commercial and Industrial (New Buildings and Additions) Code **MAY** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions 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.

A copy of the Codes SEPP is available at www.planning.nsw.gov.au. For further information please call the Department of Planning and Infrastructure's Information Centre on Free call 1300 305 695 or 02 9228 6333.

Note: To be complying development, the development must meet the General requirements set out in clause 1.18 of the Codes SEPP. Development must also meet all development standards set out in the relevant code.

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 so notified by the Department of Services, Technology and Administration.

Council HAS NOT been notified by the Department that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.



4A Certain information relating to beaches and coasts

- (1) *Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency 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.*

An order HAS NOT been made under Part 4D of the *Coastal Protection Act 1979* in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

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

The council HAS NOT been notified under section 55X of the *Coastal Protection Act 1979* that emergency coastal protection works have been placed on the land (within the meaning of that Act) on the land (or on public land adjacent to that land).

- (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.

- (3) (Repealed)

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

Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Not applicable.

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.

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

6 Road widening and road realignment

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

- (a) *Division 2 of Part 3 of the Roads Act 1993, or*

The land IS NOT affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

- (b) *Any environmental planning instrument, or*

The land IS NOT affected by any road widening or road realignment under the provisions of Randwick LEP 2012.

- (c) *Any resolution of the council.*

The land IS NOT affected by any resolution of the Council for any road widening or road realignment.



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

The land **IS** affected by a policy adopted by the Council as follows:

Contaminated Land Policy. This policy does not specifically identify the subject land (or any other land) as contaminated. The policy does, however, apply to all land in the City of Randwick. The policy requires Council to consider the possibility of land contamination and its implications for any proposed or permissible future uses of the land, including all rezoning, subdivision and development applications. This policy will restrict development of land:

- (1) Which is affected by contamination; or
- (2) Which has been used for certain purposes; or
- (3) In respect of which there is not sufficient information about contamination; or
- (4) Which is proposed to be used for certain purposes; or
- (5) In other circumstances contained in the policy.

Excluding Councils Contaminated Land Policy, the subject land **IS NOT** affected by any other council policy relating to hazard risk restrictions.

(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 sulphate soils or any other risk (other than flooding).

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, (other than flooding), tidal inundation, subsidence, acid sulphate soils or any other risk.

7A Flood related development controls information

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

Development on the land subject of this planning certificate for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings **IS NOT** subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

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

Development on the land subject of this planning certificate for purposes other than dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings **IS NOT** subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

(3) Words and expressions in this clause have the same meanings as in the Standard Instrument.

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 to 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

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 27 of the Act.

The land IS NOT affected by any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 that makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

Randwick City Council Section 94A Development Contributions Plan (effective 21 April 2015).

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.

The land IS NOT biodiversity certified land.

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. (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995).

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).

Council HAS NOT been notified that the land is a biodiversity stewardship site 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.

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).

The land DOES NOT contain a set aside area under section 60ZC of the Local Land Services Act 2013.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the 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.

The land IS NOT bush fire prone land (as defined in the act).



12 Property vegetation plans

If the land is 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 only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council HAS NOT been notified of any property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under 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).

The land IS NOT land to which an order under Trees (Disputes Between Neighbours) Act 2006 applies.

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.

There IS NOT a direction by the Minister under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument does not have effect.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 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*

(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.

The land IS NOT subject of a current site compatibility certificate (of which the Council is aware) that has been issued under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 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 of Planning.*

The land IS NOT subject to a valid site compatibility certificate (of which the Council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007.



17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of 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 of Planning.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

The land IS NOT subject to a current site compatibility certificate (of which the council is aware) for affordable rental housing.

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.

The land IS NOT land to which a development plan or subdivision order applies.

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 Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

- (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 of Planning and Environment.

The land IS NOT subject to a current site verification certificate (of which the council is aware), in relation to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

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.

The land DOES NOT include 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.

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.*
- (3) *In this clause:*
Affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.
Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

The land IS NOT affected by any notice or order within the meaning of the Building Products (Safety) Act 2017.

Contaminated Land Management Act 1997

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,*

The land IS NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

(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,*

The land IS NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.

(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,*

The land IS NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.

(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,*

The land IS NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.

(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,*

Council HAS NOT received a copy of a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for this land.

Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.



INFORMATION PROVIDED UNDER SECTION 10.7(5)

NOTE:

Council has no obligation to provide any advice in this planning certificate in response to a request made under s.10.7 (5) of the Act.

If Council does include advice in this planning certificate in response to a s.10.7 (5) request then, as far as practicable on the information available to Council, the advice shall be current as at 12:noon two(2) working days prior to the date of issue of this planning certificate.

Council draws your attention to the fact that if there is an omission or absence of reference in any advice given in this planning certificate, that is or may be relevant to the subject land, that shall not imply that the land is not affected by any matter not mentioned or referred to in this planning certificate.

Council draws your attention to s.10.7(6) of the Act which provides that Council shall not incur any liability in respect of any advice provided in good faith pursuant to s.10.7(5) of the Act.

Additional Relevant Matters

At the date of this certificate, the following relevant matters affecting the land are provided in good faith in accordance with the requirements of Section 10.7(5) of the Environmental Planning and Assessment Act 1979.

Council resolutions to prepare draft Local Environmental Plans

Name of proposed environmental planning instrument that includes a planning proposal for LEP or a draft environmental planning instrument.

- On 17 December 2016, Council resolved to endorse the draft Planning Strategy and associated planning controls for Kensington and Kingsford town centres to enable public exhibition.

Note: Draft Local Environmental Plans that have yet to be placed on Community Consultation under the Environmental Planning and Assessment Act, 1979.

Terrestrial Biodiversity

The land IS NOT identified and mapped as 'Biodiversity' in Randwick LEP 2012.

Foreshore Scenic Protection Areas

The land IS NOT identified and mapped within a Foreshore Scenic Protection Area in Randwick LEP 2012.

Foreshore Area (Foreshore Building Line)

The land IS NOT identified and mapped as "Foreshore Area" within the Randwick LEP 2012 Foreshore Building Line Map.

Licences Under The Water Act 1912

The Property IS NOT within the ground water extraction embargo area or the water shortage zone declared under the Water Act 1912.

Aircraft Noise (ANEF)

This property IS NOT affected by aircraft noise levels as measured by the Australian Noise Exposure Forecast (ANEF) identified by Sydney Airport Corporation Limited (SACL), endorsed by Air Services Australia (ASA).

Flood Studies

Council **IS** in possession of a flood study that covers the catchment in which this property is located. The flood study is available for inspection at the Council if required.



For more information please see:

www.randwick.nsw.gov.au/149-Flooding



Residential Parking Schemes

No resident parking permits will be issued for new development or for significant alterations and additions to residential flat buildings that have been determined under Randwick Local Environmental Plan 2012 and Randwick Development Control Plan 2013.

Alan Bright
Manager Strategic Planning
1300 722 542

Date:03-Jul-2019

PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Advisian Pty Ltd
Level 17/141 Walker St
NORTH SYDNEY NSW 2060

Description of land: Lot 11 DP 13995

Address: 45 Eurimbla Avenue, RANDWICK NSW 2031

Date of Certificate: 3 July 2019

Certificate No: 51358

Receipt No: 4369646

Amount: \$203.00

Reference: SSDA:46025

This planning certificate should be read in conjunction with the **Randwick City Council Local Environmental Plan 2012**. This is available on the NSW Legislation website at <https://www.legislation.nsw.gov.au/#/view/EPI/2013/36>

The land to which this planning certificate relates, being the lot or one of the lots described in the application made for this certificate, is shown in the Council's record as being situated at the "Address" stated above. The legal "description of land" (by lot(s) and DP/SP numbers) is obtained from NSW Land Registry Services. It is the responsibility of the applicant to enquire and confirm with NSW Land Registry Services the accuracy of the lot(s) and DP/SP numbers pertaining to the land for which application is made for the certificate.

There is more information about some property conditions than is included on this property certificate.

*If this case, after the condition text, there is a URL and a square bar code or 'QR code' which provides the address of a page on the Randwick City Council website.
You will need internet access and either:*

- 1. Download a QR code scanner** app to your phone and scan the QR code
- or**
- 2. Type the URL** into your internet browser



INFORMATION PROVIDED UNDER SECTION 10.7 (2)

In accordance with the requirements of section 10.7 of the Environmental Planning and Assessment Act 1979 (as amended), the following prescribed matters relate to the land as at the date of this certificate. The information provided in reference to the prescribed matters has been obtained from Council's records and/or from other authorities/government department. Council provides the information in good faith but disclaims all liability for any omission or inaccuracy. Specific inquiry should be made where doubt exists as to the accuracy of the information so provided.

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.

Randwick Local Environmental Plan (LEP) 2012, and relevant State Environmental Planning Policies (SEPPs) apply to the land.

- **SEPP No. 19** - Bushland in Urban Areas
- **SEPP No. 21** - Caravan Parks
- **SEPP No. 33** - Hazardous and Offensive Development
- **SEPP No. 55** - Remediation of Land
- **SEPP No. 64** - Advertising and Signage
- **SEPP No. 65** - Design Quality of Residential Flat Development
- **SEPP No. 70** - Affordable Housing
- **SEPP** - (Affordable Rental Housing) 2009
- **SEPP** - BASIX (Building Sustainability Index) 2004
- **SEPP** - (Coastal Management) 2018
- **SEPP** - (Concurrence) 2018
- **SEPP** - (Educational Establishments and Child Care Facilities) 2017
- **SEPP** - (Exempt and Complying Development Codes) 2008
- **SEPP** - (Housing for Seniors or People with a Disability) 2004
- **SEPP** - (Infrastructure) 2007
- **SEPP** - (Mining, Petroleum Production and Extractive Industries) 2007
- **SEPP** - (Miscellaneous Consent Provisions) 2007
- **SEPP** - (State and Regional Development) 2011
- **SEPP** - (State Significant Precincts) 2005
- **SEPP** - (Three Ports) 2013
- **SEPP** - (Vegetation in Non-Rural Areas) 2017

Note: Any questions regarding State Environmental Planning Policies and Regional Environmental Plans should also be directed to the Department of Planning & Infrastructure (02) 9228 6111 or www.planning.nsw.gov.au.

Local Environmental Plan (LEP) Gazetted 15 February 2013

- **Randwick LEP 2012 (Amendment No1) - Gazetted 21 November 2014**
Applies to part of Royal Randwick Racecourse (identified as "Area A" on the LEP Additional Permitted Uses Map). Permits additional uses of hotel or motel accommodation, serviced apartments and function centres with development consent.
- **Randwick LEP 2012 (Amendment No2) - Gazetted 2 April 2015**
Applies to land at Young Street Randwick – Inglis Newmarket Site (shown as Area 1 on the LEP Key Sites Map). Amendment to planning controls, including zoning, height of buildings, heritage items and heritage area, FSR (subject to new Clause 6.16) and inclusion of the site as a Key Site.



- **Randwick LEP 2012 (Amendment No3) - Gazetted 15 July 2016**
Amends Schedule 1 to include 'childcare centre' as an additional permitted use (with development consent) at 270 Malabar Road, Maroubra (Lot 3821, DP 752015).
- **Randwick LEP 2012 (Amendment No4) - Gazetted 25 January 2018**
Applies to part of the land at 1T Romani Way, MATRAVILLE (Lot 1 DP 107189). Amendment to planning controls, including zoning, height of buildings and FSR.
- **Randwick LEP 2012 (Amendment No5) - Gazetted 17 August 2018**
Applies to subdivision of dual occupancies (attached) in the Zone R2 Low Density Residential for which development consent was granted before 6 July 2018. Permits development consent to be granted for the Torrens Title or Strata subdivision of a dual occupancy if the development meets certain standards specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- **Randwick LEP 2012 (Amendment No 6) – Gazetted 22 February 2019**
Applies to the following land in Coogee, 38 Dudley Street (Lot 17 DP 6489), 40 Dudley Street (Lot 18 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229), 46 Dudley Street (Lot 2 in DP 952229) and 122 Mount Street (Lot 22 DP 6489) by incorporating these properties into the Dudley Street Heritage Conservation Area. Further, 38 Dudley Street (Lot 17 DP 6489), 42 Dudley Street (Lot 19 DP 6489), 44 Dudley Street (Lot 20 DP 6489 & Lot 1 DP 952229) and 122 Mount Street (Lot 22 DP 6489) have been listed as local heritage items in Schedule 5 the Randwick LEP 2012.

(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 Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

- **draft Environment State Environmental Planning Policy (SEPP)**
- **On the 15th of May 2019, Council received a Gateway Determination from the Department of Planning and Environment with conditions to progress a Planning Proposal to amend Schedule 5 of the Randwick Local Environmental Plan 2012 (RLEP) which relates to Environmental Heritage. The proposal seeks to create a new Heritage Conservation Area (HCA) known as 'Edgecumbe Estate' and to list three properties (3) as Heritage Items. The proposed HCA is to incorporate properties at 142A to 152 Brook Street, COOGEE, 37 to 41 Dudley Street, COOGEE and 5 Edgecumbe Avenue, COOGEE. The proposed properties to be listed as Heritage Items are 39 Dudley Street, 41 Dudley Street and 148 Brook Street COOGEE. The proposal will be public exhibition from the 28th of May 2019 until the 25th of June 2019.**

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

- **Randwick DCP adopted by Council on the 28 May 2013 and came into effect on the 14th of June 2013**
Provides detailed planning controls and guidance for development applications
- **Amendment to Randwick DCP 2013 Newmarket Green, Randwick (E5)**
Site-specific DCP controls to supplement Randwick LEP 2012 (Amendment No 2)

(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 LEPs

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) The identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)")

(b) The purposes for which the instrument provides that development may be carried out within the zone without the need for development consent

(c) The purposes for which the instrument provides that development may not be carried out within the zone except with development consent

(d) The purposes for which the instrument provides that development is prohibited within the zone

Zone R2 (Low Density Residential) in Randwick LEP 2012.

1. Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

2. Permitted without consent

Home occupations; Recreation areas

3. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Office premises; Oyster Aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Shops; Tank-based aquaculture

4. Prohibited

Funeral homes; Any other development not specified in item 2 or 3.

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

The land IS NOT subject to any development standards that fix minimum land dimensions for the erection of a dwelling house.

(f) Whether the land includes or comprises critical habitat

The land DOES NOT include or comprise a critical habitat area under the Threatened Species Conservation Act 1995.

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

The land IS NOT located in a heritage conservation area under the Randwick LEP 2012.



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

The land IS NOT listed as a heritage item under the Randwick LEP 2012.

The land IS NOT listed on the State Heritage Register under Heritage Act 1977.

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

To the extent that the land is within any zone (however described) under:

(a) Part 3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP), or

(b) a Precinct Plan (within the meaning of the 2006 SEPP), or

(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,

the particulars referred to in clause 2 (a)–(h) in relation to that land (with a reference to “the instrument” in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).

The land IS NOT within any zone (however described) under this planning policy.

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 1.17.A (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.

(2) 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.

(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.



Housing Code

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

Low Rise Medium Density Housing Code

Commencement of the Low Rise Medium Density Code has been deferred in the City of Randwick until 1st of November 2019. Please contact the NSW Department of Planning and Environment for further information regarding this matter.

Rural Housing Code

Complying development under the Rural Housing 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.

General Development Code

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

Commercial and Industrial Alteration Code

Complying development under the Commercial and Industrial Alteration Code **MAY** be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code

Complying development under the Commercial and Industrial (New Buildings and Additions) Code **MAY** be carried out on the land.

Subdivisions Code

Complying development under the Subdivisions 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.

A copy of the Codes SEPP is available at www.planning.nsw.gov.au. For further information please call the Department of Planning and Infrastructure's Information Centre on Free call 1300 305 695 or 02 9228 6333.

Note: To be complying development, the development must meet the General requirements set out in clause 1.18 of the Codes SEPP. Development must also meet all development standards set out in the relevant code.

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 so notified by the Department of Services, Technology and Administration.

Council HAS NOT been notified by the Department that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.



4A Certain information relating to beaches and coasts

- (1) *Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency 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.*

An order HAS NOT been made under Part 4D of the *Coastal Protection Act 1979* in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

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

The council HAS NOT been notified under section 55X of the *Coastal Protection Act 1979* that emergency coastal protection works have been placed on the land (within the meaning of that Act) on the land (or on public land adjacent to that land).

- (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.

- (3) (Repealed)

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

Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Not applicable.

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.

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

6 Road widening and road realignment

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

- (a) *Division 2 of Part 3 of the Roads Act 1993, or*

The land IS NOT affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

- (b) *Any environmental planning instrument, or*

The land IS NOT affected by any road widening or road realignment under the provisions of Randwick LEP 2012.

- (c) *Any resolution of the council.*

The land IS NOT affected by any resolution of the Council for any road widening or road realignment.



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

The land **IS** affected by a policy adopted by the Council as follows:

Contaminated Land Policy. This policy does not specifically identify the subject land (or any other land) as contaminated. The policy does, however, apply to all land in the City of Randwick. The policy requires Council to consider the possibility of land contamination and its implications for any proposed or permissible future uses of the land, including all rezoning, subdivision and development applications. This policy will restrict development of land:

- (1) Which is affected by contamination; or
- (2) Which has been used for certain purposes; or
- (3) In respect of which there is not sufficient information about contamination; or
- (4) Which is proposed to be used for certain purposes; or
- (5) In other circumstances contained in the policy.

Excluding Councils Contaminated Land Policy, the subject land **IS NOT** affected by any other council policy relating to hazard risk restrictions.

(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 sulphate soils or any other risk (other than flooding).

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, (other than flooding), tidal inundation, subsidence, acid sulphate soils or any other risk.

7A Flood related development controls information

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

Development on the land subject of this planning certificate for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings **IS NOT** subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

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

Development on the land subject of this planning certificate for purposes other than dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings **IS NOT** subject to flood related development controls (provided that such development is permissible on the land with or without development consent).

(3) Words and expressions in this clause have the same meanings as in the Standard Instrument.

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 to 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

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 27 of the Act.

The land IS NOT affected by any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 that makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

Randwick City Council Section 94A Development Contributions Plan (effective 21 April 2015).

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.

The land IS NOT biodiversity certified land.

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. (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995).

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).

Council HAS NOT been notified that the land is a biodiversity stewardship site 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.

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).

The land DOES NOT contain a set aside area under section 60ZC of the Local Land Services Act 2013.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the 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.

The land IS NOT bush fire prone land (as defined in the act).



12 Property vegetation plans

If the land is 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 only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council HAS NOT been notified of any property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under 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).

The land IS NOT land to which an order under Trees (Disputes Between Neighbours) Act 2006 applies.

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.

There IS NOT a direction by the Minister under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument does not have effect.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 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*

(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.

The land IS NOT subject of a current site compatibility certificate (of which the Council is aware) that has been issued under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 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 of Planning.*

The land IS NOT subject to a valid site compatibility certificate (of which the Council is aware), issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007.



17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of 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 of Planning.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

The land IS NOT subject to a current site compatibility certificate (of which the council is aware) for affordable rental housing.

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.

The land IS NOT land to which a development plan or subdivision order applies.

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 Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

- (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 of Planning and Environment.

The land IS NOT subject to a current site verification certificate (of which the council is aware), in relation to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

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.

The land DOES NOT include 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.

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.*
- (3) *In this clause:*
Affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.
Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

The land IS NOT affected by any notice or order within the meaning of the Building Products (Safety) Act 2017.



Contaminated Land Management Act 1997

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,

The land IS NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.

(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,

The land IS NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.

(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,

Council HAS NOT received a copy of a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for this land.

Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.



INFORMATION PROVIDED UNDER SECTION 10.7(5)

NOTE:

Council has no obligation to provide any advice in this planning certificate in response to a request made under s.10.7 (5) of the Act.

If Council does include advice in this planning certificate in response to a s.10.7 (5) request then, as far as practicable on the information available to Council, the advice shall be current as at 12:noon two(2) working days prior to the date of issue of this planning certificate.

Council draws your attention to the fact that if there is an omission or absence of reference in any advice given in this planning certificate, that is or may be relevant to the subject land, that shall not imply that the land is not affected by any matter not mentioned or referred to in this planning certificate.

Council draws your attention to s.10.7(6) of the Act which provides that Council shall not incur any liability in respect of any advice provided in good faith pursuant to s.10.7(5) of the Act.

Additional Relevant Matters

At the date of this certificate, the following relevant matters affecting the land are provided in good faith in accordance with the requirements of Section 10.7(5) of the Environmental Planning and Assessment Act 1979.

Council resolutions to prepare draft Local Environmental Plans

Name of proposed environmental planning instrument that includes a planning proposal for LEP or a draft environmental planning instrument.

- On 17 December 2016, Council resolved to endorse the draft Planning Strategy and associated planning controls for Kensington and Kingsford town centres to enable public exhibition.

Note: Draft Local Environmental Plans that have yet to be placed on Community Consultation under the Environmental Planning and Assessment Act, 1979.

Terrestrial Biodiversity

The land IS NOT identified and mapped as 'Biodiversity' in Randwick LEP 2012.

Foreshore Scenic Protection Areas

The land IS NOT identified and mapped within a Foreshore Scenic Protection Area in Randwick LEP 2012.

Foreshore Area (Foreshore Building Line)

The land IS NOT identified and mapped as "Foreshore Area" within the Randwick LEP 2012 Foreshore Building Line Map.

Licences Under The Water Act 1912

The Property IS NOT within the ground water extraction embargo area or the water shortage zone declared under the Water Act 1912.

Aircraft Noise (ANEF)

This property IS NOT affected by aircraft noise levels as measured by the Australian Noise Exposure Forecast (ANEF) identified by Sydney Airport Corporation Limited (SACL), endorsed by Air Services Australia (ASA).

Flood Studies

Council **IS** in possession of a flood study that covers the catchment in which this property is located. The flood study is available for inspection at the Council if required.



For more information please see:

www.randwick.nsw.gov.au/149-Flooding



Residential Parking Schemes

No resident parking permits will be issued for new development or for significant alterations and additions to residential flat buildings that have been determined under Randwick Local Environmental Plan 2012 and Randwick Development Control Plan 2013.

Alan Bright
Manager Strategic Planning
1300 722 542

Date:03-Jul-2019