

**Keylan Consulting**  
1/2 Rialto Lane  
MANLY NSW 2095

<b>Issue Date:</b>	16 August 2019
<b>Certificate No:</b>	PLN2019/2139
<b>Your Ref:</b>	Meadowbank

## PLANNING CERTIFICATE SECTION 10.7

NSW Environmental Planning and Assessment Act 1979 ('Act')

**Property Address:** 57 Constitution Rd MEADOWBANK NSW 2114  
**Legal Description:** Lot 11 DP 1232584  
**Property Reference:** 552679  
**Land Reference:** 60347

### INFORMATION PROVIDED PURSANT TO SECTION 10.7(2) OF THE ACT AND SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

#### 1. NAMES OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Local Environment Plan 2014

**b) PROPOSED LOCAL ENVIRONMENTAL PLANS that are or have been the subject of community consultation or public exhibition under the Act.**

Nil

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2014

**d) STATE ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Proposed State Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No 1-Development Standards

State Environmental Planning Policy No 19 - Bushland in Urban Areas.

State Environmental Planning Policy No 21 - Caravan Parks.

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

State Environmental Planning Policy No 50 - Canal Estate Development.

State Environmental Planning Policy No 55 - Remediation of Land.

State Environmental Planning Policy No 64 - Advertising and Signage.  
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.  
State Environmental Planning Policy No 70-Affordable Housing (Revised Schemes)  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (State Significant Precincts) 2005  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007  
State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy (Concurrences) 2018  
State Environmental Planning Policy (Primary Production and Rural Development) 2019.

#### **Deemed State Environmental Planning Policies**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

#### **Proposed State Environmental Planning Policies**

State Environmental Planning Policy (Environment)

*Note: Specific constraints and zoning of the land may affect the applicability of certain provisions within the Policies listed above.*

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

### **(a) ZONING and ZONING TABLE**

#### **Ryde Local Environmental Plan 2014 - Zone SP2 Infrastructure - Educational Establishment**

##### **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 ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Aquaculture; 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

### **(b) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**

No development standards under the Local Environment Plan apply to the land that fix minimum land dimension for the erection of a dwelling house on the land.

**(c) CRITICAL HABITAT / AREA OF OUTSTANDING BIODIVERSITY VALUE**

No. The land does not include or comprise critical habitat under Local Environmental Plan.

**(d) CONSERVATION AREA (however described)**

No. The land has not been identified as being within a heritage conservation area under the Local Environment Plan.

**(e) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

No. An item of environmental heritage is not situated on the land under the Local Environmental Plan.

**2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

This land **is not** within any zone 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 (within the meaning of the 2006 SEPP) that is or has been the subject of community consultation or on public exhibition.

**OTHER PRESCRIBED INFORMATION**

**3. COMPLYING DEVELOPMENT**

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of provisions of clauses 1.17A(1)(c) to (e), (2), (3), and (4), 1.18(1)(c3) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Housing Code, Inland Code and Rural Housing Code**

Complying Development under the Housing Code, Inland Code and Rural Housing Code may be carried out on this land.

**Housing Alterations Code and General Development Code**

Complying development under the Housing Alterations Code and General Development Code may be carried out on the land.

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

Complying development under the Commercial and Industrial (New Building and Additions) Code may be carried out on the land.

**Low Rise Medium Density Housing Code**

No, the Ryde Local Government Area is one of the Local Government Areas that has been deferred from the commencement of the Low Rise Medium Density Housing Code

**Greenfield Housing Code**

No, the Greenfield Housing Code **does not** apply to land within the Ryde Local Government Area.

*Note: It is necessary for the zoning, size of land and other criteria such as risk level of flood prone and bushfire prone land to be in accordance with that specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for certain types of development to occur under the Policy.*

**4, 4A (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).

NO

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

**5. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.**

No. The land has not been proclaimed to be a mine subsidence district.

**6. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening or road realignment.**

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

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

**7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

**Whether or not the land is affected by a policy adopted by the council, or 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 council, that restricts the development because of the likelihood of:**

- (i) landslip YES.
- (ii) bush fire - NO.
- (iii) tidal inundation - NO.
- (iv) subsidence - NO.
- (v) acid sulphate soil YES
- (vi) any other risk (other than flooding) - NO.

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

**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) living is subject to flood related development controls - YES

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

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

## **8. LAND RESERVED FOR ACQUISITION**

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

No Environmental Planning Instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Act.

## **9. CONTRIBUTIONS PLAN**

The name of each contributions plan applying to the land:

City of Ryde Section 94 Development Contributions Plan 2007 – Interim Update (2014).

## **9A. BIODIVERSITY CERTIFIED LAND**

This land is not biodiversity certified land Under Part 8 of the Biodiversity Conservation Act 2016.

**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.

## **10. BIODIVERSITY STEWARDSHIP SITES**

The land is not the subject of a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**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**

Council has not been notified that the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013* by Local Land Services.

## **11. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land (as defined in the Act)

## **12. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

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

There has not been an order made under the Trees (Disputes between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

## **14. DIRECTIONS UNDER PART 3A (REPEALED)**

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

## **15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

a) There is no current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land.

b) There are no terms of a kind referred to in clause 18(2) of State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application since 11 October 2007 in respect of proposed development on the land.

**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS**

There is no valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the Council is aware, in respect of proposed development on the land.

**17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

There is no current site compatibility certificate (affordable rental housing) that Council is aware of, in respect of proposed development on the land.

There are no terms of a kind referred to in clause 17(1) or 37(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.

**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. NIL

(2) The date of any subdivision order that applies to the land. NIL

(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

**Note:** *City of Ryde does not hold any paper subdivision within the meaning of this clause.*

**19. SITE VERIFICATION CERTIFICATES**

There is no current site verification certificate of which the Council is aware in respect of the land.

**20. LOOSE-FILL ASBESTOS INSULATION**

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) Whether or not there is any affected building notice of which the council is aware that is in force in respect of the land.

No

(2) (a) Whether or not 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,

No

and

(b) Whether or not there is any notice of intention to make a building product rectification order of which the council is aware that has been given in respect of the land and is outstanding.

No

(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.

**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:*

City of Ryde

- (a) The land to which this certificate relates IS NOT significantly contaminated land.
- (b) The land to which this certificate relates IS NOT subject to a management order.
- (c) The land to which this certificate relates IS NOT the subject of an approved voluntary management proposal.
- (d) The land to which this certificate relates IS NOT subject to an ongoing maintenance order.
- (e) The land to which this certificate relates IS NOT subject of a site audit statement.

## **ADDITIONAL INFORMATION UNDER SECTION 10.7(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

Registers of Consents may be examined at Council's Customer Service Centre for particulars relating to development consents which may have been issued for the use or development of the land.

Enquiries regarding areas reserved for Classified Road and Regional Open Space should be directed to the Roads and Maritime Services and Departments of Planning and Environment respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Office of Environment and Heritage.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

## **FURTHER ADDITIONAL INFORMATION UNDER SECTION 10.7(5) OF THE ACT**

### Landslip

The following studies/reports indicate that the land is subject to landslip : Maps Titled - Slope Instability Risk Zones in the City of Ryde dated 22 August 2003 to be read in conjunction with Reports titled 'Ryde City Council Instability Risk Zones - City of Ryde Stability Assessment Report No. 4365/1-AB 2 July 2002 and 1 October 2002' by Geotechnique Pty Ltd. These maps and reports identify that the subject land is affected by landslip risk. Details are available by inspection of the maps and report held by Council's Customer Service Centre. For proposed development of the report may be required to accurately define the degree of risk associated with the proposed development.

### Heritage

The property is within 100 metres of a heritage item as listed in Schedule 5 of Ryde Local Environmental Plan 2014. Your attention is drawn to Clause 5.10(5) which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

### Acid Sulphate Soil

The State Government has advised that the subject land is affected by Acid Sulphate Soil. Details of the extent of affectation can be determined by examination of maps held by Council.

*Note: The information in this certificate is current as of the date of the certificate.*

A handwritten signature in black ink, appearing to read 'Liz Coad', with a long horizontal flourish extending to the right.

Liz Coad  
Director City Planning and Development