



address 200 Miller Street North Sydney NSW 2060

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

telephone (02) 9936 8100

facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Applicant:

Anna Wang
Angel Place, Level 8, 123 Pitt Street
SYDNEY 2000

**PLANNING CERTIFICATE UNDER
SECTION 10.7 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

Cert. No.: 75606/02
Page No.: 1 of 9

Parcel No: 7233

Date: 10/03/2020
Receipt No.:
Your REF:

Property Description:

128 Miller Street NORTH SYDNEY NSW
2060
LOT: 5 DP: 262534

Owner (as recorded by council):

Monte Sant' Angelo Mercy College

C/- Stuart Hanrahan
PO Box 1064
NORTH SYDNEY NSW 2059

The Title information shown on this Certificate has been obtained from the Land and Property Information NSW, therefore Council cannot guarantee accuracy.

The information required to be disclosed in this planning certificate is that prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000. If no response is provided in this planning certificate for an item listed in Schedule 4, that matter has been considered and determined as not applying to the land to which this certificate relates.

**AS AT THE DATE OF THE CERTIFICATE THE FOLLOWING MATTERS APPLY TO THE ABOVE
MENTIONED LAND.**

PLANNING INSTRUMENT:

North Sydney Local Environmental Plan 2013, published on the NSW legislation website on 2 August 2013 and came into force on 13 September 2013, as amended.

Zone: SP2 – Infrastructure “Educational establishment”

Permitted without consent

Environmental protection works

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

Prohibited

Any development, other than a development specified above, is prohibited in the zone

Exempt Development

Development for the purposes set out in clause 3.1 of *North Sydney Local Environmental Plan 2013* is exempt development, which may be carried out within the zone without the need for development consent.

Complying Development



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Development for the purposes set out in clause 3.2 of *North Sydney Local Environmental Plan 2013* is complying development, which may be carried out within the zone without the need for development consent, provided that a complying development certificate is obtained.

DRAFT PLANNING INSTRUMENTS:

Planning Proposal 7/15 to amend North Sydney Local Environmental Plan 2013 – 575-583 Pacific Highway, St Leonards

This Planning Proposal seeks to amend the planning controls to *North Sydney Local Environmental Plan 2013* for land at 575-583 Pacific Highway, St Leonards. In particular, the proposed amendments include:

- increasing the maximum building height from 26m to 56m; and
- applying a whole of site maximum Floor Space Ratio of 7:1.

Accompanying the Planning Proposal is a draft Voluntary Planning Agreement (VPA) that proposes a monetary contribution of \$4,095,803 to assist Council in providing public open space in the area as envisaged by the *St Leonards/Crows Nest Planning Study for Precinct 1*.

The Planning Proposal and VPA will be on public exhibition from Thursday 8 March 2018 to Thursday 12 April 2018.

Planning Proposal 6/16 to amend North Sydney Local Environmental Plan 2013 – 100 Christie Street, St Leonards

This Planning Proposal seeks to amend the planning controls to *North Sydney Local Environmental Plan 2013* for land at 100 Christie Street, St Leonards. In particular, the proposed amendments include:

- increasing the maximum building height from 49m to 132m;
- introducing a maximum floor space ratio (FSR) of 18:1;
- introducing a minimum non-residential FSR of 4.25:1;
- adding a clause to Schedule 1 – *Additional Permitted Uses* such that “shop top housing” is permissible with consent on the subject site;
- adding a clause to Part 6 – *Local Provisions* such that basement parking may be constructed under 50% of the lot containing Christie Street Reserve; and
- amending Clause 4.6 to exclude the use of Clause 4.6 to vary the development standard proposed above under Part 6.

Accompanying the Planning Proposal is a draft Voluntary Planning Agreement (VPA) which seeks to provide Council with a material public benefit in the form of two floors of co-working commercial office space within the building podium, embellishment and dedication of the Christie Street Reserve to Council in perpetuity, upgrade of Chandos Street and Sergeants Lane and a monetary contribution of \$100,000 to Council for the purpose of a bike hub in the area.

The Planning Proposal and VPA will be on public exhibition from Thursday 8 November 2018 to Thursday 6 December 2018.

Planning Proposal 1/18 to amend North Sydney Local Environmental Plan 2013 – 23 – 35 Atchison Street, St Leonards

The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2013* to amend the planning controls for land at 23-35 Atchison Street, St Leonards. In particular, the proposed amendments include:



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- increasing the maximum building height from 20m to 56m (equivalent to 16 storeys);
- increasing the minimum non-residential floor space ratio from 0.6:1 to 1.5:1; and
- imposing a maximum floor space ratio of 6.3:1

Accompanying the Planning Proposal is a draft Voluntary Planning Agreement (VPA) that proposes the dedication of a 5-metre wide strip for the purpose of a linear park along Oxley Street, the provision of a publically accessible 6-metre wide laneway from Atchison Street to Albany Lane along the western boundary of the site, and a monetary contribution of \$2,800,000 towards the upgrade of Hume Street Park or public open space within the North Sydney Local Government Area.

In addition, Council resolved to place an associated draft amendment to *North Sydney Development Control Plan 2013* (NSDCP 2013) on public exhibition concurrently with the Planning Proposal that seeks to introduce a 6m ground level setback control along the Atchison Street portion of the site.

The Planning Proposal, VPA and associated draft DCP amendment will be on public exhibition from Thursday 4 April 2019 to Thursday 2 May 2019.

Planning Proposal 5/19 to amend North Sydney Local Environmental Plan 2013 – 6 Hayes Street, Neutral Bay

The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2013* to identify 6 Hayes Street, Neutral Bay, as an item of local heritage significance.

The Planning Proposal, will be on public exhibition from Thursday 10 October 2019 to Wednesday 6 November 2019.

DEVELOPMENT CONTROL PLANS:

North Sydney Development Control Plan 2013

North Sydney Development Control Plan 2013 applies to all land to which *North Sydney Local Environmental Plan 2013* applies. The Development Control Plan was adopted by Council on 2 September 2013 and came into effect on 13 September 2013. Amended 20/02/14. Amended 08/01/2015. Amended 26/03/2015. Amended 6/08/2015. Amended 5/11/2015. Amended 7/07/2016. Amended 13/10/2016. Amended 19/07/2017. Amended 16/11/2017. Amended 7/12/2017. Amended 15/03/2018, Amended 5/12/2019 .

Draft Amendments North Sydney DCP 2013 (8 Hayes Street)

On 22 July 2019, Council resolved to place a draft amendment to the *North Sydney Development Control Plan 2013* on public exhibition, to identify 8 Hayes Street, Neutral Bay, as a “contributory item” recognising its contribution to the Kurraba Point Conservation Area. This DCP amendment is being publically exhibited concurrently with the Planning Proposal relating to land at 6 Hayes Street, Neutral Bay.

Public exhibition of the draft amendment to NSDCP 2013 will take place from Thursday 10 October 2019 to Wednesday 6 November 2019.

INFRASTRUCTURE CONTRIBUTION PLANS:

North Sydney Section 94 Contributions Plan. Local infrastructure contributions plan made under Section 7.11 of the Environmental Planning and Assessment Act 1979, applying to all development in the North Sydney local government area. Effective from 20 June 2013.



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HERITAGE CONTROLS:

The subject land IS NOT WITHIN A CONSERVATION AREA, under clause 5.10 - Heritage Conservation to *North Sydney Local Environmental Plan 2013*.

The whole or part of the subject land IS A HERITAGE ITEM, under clause 5.10 - Heritage Conservation to *North Sydney Local Environmental Plan 2013*. Development consent is required for demolition (including partial demolition) or any change to the property, construction of a building on, or subdivision of, the land. Council may refuse consent to demolish a Heritage Item.

The subject land IS NOT identified as containing a HERITAGE ITEM under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

OTHER CONTROLS:

The subject land is NOT PROCLAIMED as a MINE SUBSIDENCE DISTRICT within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under the *Roads Act 1993*.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under any environmental planning instrument.

The subject land is NOT AFFECTED by any ROAD WIDENING OR ROAD REALIGNMENT under any Council resolution.

The subject land is NOT IDENTIFIED as BUSHFIRE PRONE LAND on Council's Bushfire Prone Land Map as certified by the NSW Rural Fire Service Commissioner dated 22 June 2018 pursuant to the requirements under the of the *Rural Fires Act 1997* and *Environmental Planning and Assessment Act 1979*.

The subject land is NOT SUBJECT to any reservation for LAND ACQUISITION by a public authority for any purpose under any environmental planning instrument applying to the land as set out in this certificate.

Council is NOT AWARE of the subject land being subject to an ORDER issued under the *Trees (Disputes Between Neighbours) Act 2006*.

Loose-fill Asbestos Insulation

Council has no record of the subject land being identified on the NSW Fair Trading's *Loose-Fill Asbestos Insulation Register* as containing a residential building containing loose-fill asbestos insulation, (sometimes called "Mr Fluffy" insulation). Loose-fill asbestos is easy to disturb and can become airborne and it is then easily inhaled. Inhaling asbestos fibres can result in serious illness including asbestosis, lung cancer and mesothelioma.

You are advised to contact NSW Fair Trading for more information:

<https://www.fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation>

Note: Nothing in this statement relates to information about the presence of bonded asbestos materials such as asbestos cement sheeting which may have been used at this site.



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Council is not aware of any *Affected Building Notice*, *Building Product Rectification Order* or *Intention to make a Building Product Rectification Order* made under the *Building Products (Safety) Act 2017* applying to the subject land.

The subject land is NOT 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 the Council, that restricts the development of the land by reason of the likelihood of landslip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLY:

State Environmental Planning Policies (SEPPs)

SEPP No. 1 – Development Standards
SEPP No. 19 - Bushland in urban areas
SEPP No. 33 - Hazardous and offensive development
SEPP No. 50 - Canal estate development
SEPP No. 55 - Remediation of land
SEPP No. 64 - Advertising and signage
SEPP No. 65 - Design Quality of Residential Apartment Development
SEPP No. 70 – Affordable Housing (Revised Schemes)
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Concurrences) 2018
SEPP (Educational Establishments & Child Care Facilities) 2017
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004 - *formerly SEPP (Seniors Living) 2004*
SEPP (Infrastructure) 2007
SEPP (Primary Production and Rural Development) 2019
SEPP (State Significant Precincts) 2005 - *formerly SEPP Major Development, SEPP Major Projects & SEPP State Significant Development*
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Miscellaneous Consent Provisions) 2007 - *formerly SEPP (Temporary Structures) 2007*
SEPP (State and Regional Development) 2011
SEPP (Vegetation in Non-Rural Areas) 2017

Regional Environmental Plans (REPs) (Deemed SEPPs)

Sydney REP (Sydney Harbour Catchment) 2005

Note: summaries of the SEPPs and deemed SEPPs are provided on the Department of Planning's website at:
www.planning.nsw.gov.au

Draft State Environmental Planning Policies (SEPPs)

Draft SEPP No. 66 - Integration of Land Use and Transport
Draft SEPP (Application of Development Standards) 2004
Draft SEPP (Competition) 2010
Draft SEPP (Environment) 2017
Draft SEPP (Remediation of Land) 2018
Draft SEPP (Short-term Rental Accommodation) 2019

Note: summaries of the draft SEPPs are provided on the Department of Planning's website at:
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FOR THE PURPOSE OF SECTION 10.7(2) AND CLAUSE 3 TO SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000, THE FOLLOWING INFORMATION IS PROVIDED:

Housing Code

Complying development types specified within the Housing Code under Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Rural Housing Code

Complying development types specified within the Rural Housing Code under Part 3A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Housing Alterations Code

Complying development types specified within the Housing Alterations Code under Part 4 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

General Development Code

Complying development types specified within the General Development Code under Part 4A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Commercial and Industrial Alterations Code

Complying development types specified within the Commercial and Industrial Alterations Code under Part 5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Commercial and Industrial (New Buildings and Additions) Code



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Complying development types specified within the Commercial and Industrial (New Buildings and Additions) Code under Part 5A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Subdivisions Code

Complying development types specified within the Subdivisions Code under Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Demolition Code

Complying development types specified within the Demolition Code under Part 7 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Fire Safety Code

Complying development types specified within the Fire Safety Code under Part 8 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Low Rise Medium Density Housing Code

Complying development types specified within the Low Rise Medium Density Housing Code under Part 3B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Greenfield Housing Code

Complying development types specified within the Greenfield Housing Code under Part 3C of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CANNOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is:

- Wholly identified as an item of environmental heritage or heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note. This part of the Planning Certificate only addresses matters raised in Clauses 1.17A(c)-(e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is your responsibility to ensure that you comply with any other relevant requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is invalid.



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**FOR THE PURPOSE OF SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997,
THE FOLLOWING INFORMATION IS PROVIDED:**

Council is NOT AWARE of the land (or part of the land) being declared SIGNIFICANTLY CONTAMINATED land, as defined under Section 11 of the Contaminated Land Management Act, 1997.

Council is NOT AWARE of the land (or part of the land) being subject to a management order, as defined under Section 14(1) of the Contaminated Land Management Act, 1997.

Council is NOT AWARE of the land (or part of the land) being the subject of an approved voluntary management proposal, as defined under Section 17(1) of the Contaminated Land Management Act, 1997.

Council is NOT AWARE of the land (or part of the land) being subject to an ongoing maintenance order, as defined under Section 28(2) of the Contaminated Land Management Act, 1997.

Council is NOT AWARE of the land (or part of the land) being the subject of a site audit statement, as defined under Part 4 of the Contaminated Land Management Act, 1997.

FOR THE PURPOSE OF SECTION 10.7(5) THE FOLLOWING INFORMATION IS PROVIDED:

MAXIMUM BUILDING HEIGHT:

The whole or part of the subject site is identified under *North Sydney Local Environmental Plan 2013* as having a maximum building height of 16m.

Non-residential Floor Space Ratio (FSR):

The whole or part of the subject site is identified under *North Sydney Local Environmental Plan 2013* as having a minimum non-residential FSR of 0.5:1.

The whole or part of the subject land IS LISTED in the Register of the National Trust of NSW.

The subject land is NOT AFFECTED by the *HERITAGE ACT, 1977*.

A Tree Preservation Order applies throughout the North Sydney Council area. Contact Council for details.

Part of the subject land is located within 25m of the *Sydney Metro Rail Corridor* and the provisions of Clause 86 to *State Environmental Planning Policy (Infrastructure) 2007* apply to the subject land.

Information regarding loose-fill asbestos insulation

NSW Fair Trading have identified that some residential buildings in the North Sydney LGA may contain loose-fill asbestos insulation (sometimes called "Mr Fluffy" insulation), for example in the roof space of the building. Loose-fill asbestos is easy to disturb and can become airborne and it is then easily inhaled. Inhaling asbestos fibres can result in serious illness including asbestosis, lung cancer and mesothelioma. The use of loose-fill asbestos insulation was banned in 1980.

NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.



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You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.

Contact NSW Fair Trading for further information as follows: <https://www.fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation>.

Note: Nothing in this statement relates to information about the presence of bonded asbestos materials such as asbestos cement sheeting which may have been used at this site.

FLOODING INFORMATION:

Council is in the possession of a flood study that covers the catchment in which this subject land is located. The *North Sydney LGA Flood Study* (prepared by WMA Water and dated February 2017) was adopted by Council on 20 February 2017. The *Flood Study* does not establish any flood related development controls, which are to be determined at the completion of the North Sydney Floodplain Risk Management Study and Plan. You should make you own enquiries as to whether the subject land to which this Certificate relates is affected by flooding and overland flow. Copies of the Flood Study are available for inspection at the Council if required.

For further information, please contact Council's
DIVISION OF CITY STRATEGY

KEN GOULDTHORP

GENERAL MANAGER

*Electronically generated certificate
– no signature required*