



PLANNING CERTIFICATE

Under Section 10.7 Environmental Planning and Assessment Act, 1979

Applicant:

Ethos Urban Pty Ltd
173 Sussex Street
Sydney NSW 2000

Date of Issue:

12/04/2022

Council Reference:

211574

Applicant Reference:

2190376

Certificate No:

545

Property address: 95 River Road GREENWICH NSW 2065
Description: Lot: 4 DP: 584287
Property Reference: 10402

INFORMATION PROVIDED PURSUANT TO SECTION 10.7(2) & (5) OF THE ACT

The planning information contained in this certificate applies specifically to the land.

Table of Contents	
Description	Section No.
Part 2: Information for Section 10.7 (2)	
Names of relevant planning instruments and DCP	1
Zoning, Heritage, Conservation	2
Zoning & land use under SEPP (Sydney Region Growth Centres) 2006	2A
Complying Development	3
Coastal protection	4
Certain information relating to beaches and coasts	4A
Annual charges: Local Government Act – coastal protection	4B
Mine Subsidence	5
Road Widening and road realignment	6
Council and other public hazard risk restriction	7
Flood related development controls	7A
Land reserved for acquisition	8
Contributions plans	9
Biodiversity certified land	9A
Biobanking agreements	10
Bushfire prone land	11
Property Vegetation Plans	12
Orders under Trees (disputes between neighbours) act	13
Directions under part 3A	14
Site compatibility certificates and conditions for seniors housing	15
Site compatibility certificates for infrastructure	16
Site compatibility certificates and conditions for affordable rental housing	17
Contaminated Land Management Act 1997s.59(2)	Note
Part 5: Additional information for Section 10.7 (5)	Part 5

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #:545, Page 1 of 10



PART 2:

Sec: 1 Names of relevant planning instruments and DCP

- 1) The name of each environmental planning instrument that applies to the carrying out of development on the land.
Lane Cove Local Environmental Plan 2009 - gazetted on 19 February 2010

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Resilience and Hazards) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Industry and Employment) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - gazetted 25 June 2004

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Housing) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – gazetted 2 December 2021; effective 1 March 2022.

State Environmental Planning Policy (Exempt & Complying Development Codes) - gazetted 12 December 2008

State Environmental Planning Policy (Planning Systems) 2021 – gazetted 2 December 2021; effective 1 March 2022.

Sydney Regional Environmental Plan: Sydney Harbour Catchment 2005 - gazetted 28 September 2005. Consolidated to State Environmental Planning Policy (Biodiversity and Conservation) 2021 on 1 March 2022
- 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 consultations or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)
- 3) The name of each development control plan that applies to the carrying out of development on the land.
Lane Cove Development Control Plan, effective 22 February 2010
- 4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or draft environmental planning instrument.



Sec: 2 Zoning and land use under relevant LEPs

The land is zoned: Infrastructure SP2

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.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

- 5) 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:

Not Applicable

- 6) Whether the land includes or comprises critical habitat:

NO

- 7) Whether the land is in a conservation area (however described):

NO

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

Lane Cove LEP 2009 Heritage Schedule 5 (Environmental Heritage) applies.

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

Not applicable.



Sec: 3 Complying development

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

(1) Complying development may not be carried out on any part of the land under the SEPP.

(2) Affects the land as a whole. Reason: Local heritage item or draft heritage item under Lane Cove LEP.

(1) Complying development may be carried out on the land as a whole under the SEPP in accordance with the following Codes (unless the land is excluded elsewhere in this Section):- Housing Code, Housing Alterations Code, General Development Code, Subdivision Code, Demolition Code and/or Fire Safety Code.

(2) Not applicable.

(3) Not applicable

Sec: 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.

NO

Sec: 4A Certain information relating to beaches and coasts

Not applicable.

Sec: 4B Annual charges under [Local Government Act 1993](#) for coastal protection services that relate to existing coastal protection works

Not applicable.

Sec: 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*:

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #:545, Page 4 of 10



NO

Sec: 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*:
Not affected by road widening
- b) Any environmental planning instrument:
NO
- c) Any resolution of the council:
NO

Sec: 7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- a) Adopted by the council, or
- b) Adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of :-

Land slip:
NO

Bushfire:
See Section 11.

Tidal inundation:
NO

Subsidence:
NO

Acid Sulphate soils:
NO

Sec: 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.
The Lane Cove Development Control Plan - effective 22 February 2010 - applies



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

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

The Lane Cove Development Control Plan - effective 22 February 2010 - applies

Overland Flow

A study is currently being undertaken to determine exact locations subject to overland flow in the Municipality of Lane Cove. Until such time as Council has completed this work, property owners should conduct their own investigations to be satisfied that this property is not affected by overland flow.

Words and expressions in this clause have the same meanings as in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.

Sec: 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.

NO

Sec: 9 Contributions plans

Lane Cove Section 94 Contributions Plan.

Sec: 9A Biodiversity certified land

Not applicable.

Sec: 10 Biobanking agreements

Not applicable.

Sec: 11 Bushfire prone land

The land is not identified on the Lane Cove Bushfire Prone Land Map dated 27 May 2016.

Sec: 12 Property vegetation plans

Not applicable.

Sec: 13 Orders under Trees (disputes Between Neighbours) Act 2006

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

NONE



Sec: 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.

NONE

Sec: 15 Site compatibility certificates and conditions for seniors housing

If the land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

NO

Sec: 16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

NO

Sec: 17 Site compatibility certificates and conditions for affordable rental housing

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:

NO

Sec: 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.
Not applicable
- 2) The date of an subdivision order that applies to the land.
Not applicable
- 3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

Sec: 19 Site verification certificates

Not applicable

Sec: 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.

- Some residential homes located in the Local Government Area have been identified as containing Loose Fill Asbestos Insulation (LFAI) , for example in the roof space
- NSW Fair Trading maintains a Register of these homes that are affected by Loose Fill Asbestos Insulation. This register can be found on NSW Fair Trading's website - http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Loose_fill_asbestos_insulation.page

You should make your own enquiries as to the age of the buildings on the land to which this certificate relates to confirm the status of the property.

Sec: 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.
NO
- 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
NO
 - (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.
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:

- 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,
NO
- 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,
NO



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

- c) That the land to which the certificate relates is 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,
NO
- 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,
NO
- 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.
NO

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this Section 10.7 certificate. To confirm that the land hasn't been used for a purpose which would be likely to have contaminated the land, parties should make their own enquiries as to whether the land may be contaminated.

For further information, please contact the Strategic Planning Department on 9911 3612.



Part 5:

ADDITIONAL INFORMATION PROVIDED UNDER SECTION 10.7(5) OF THE ACT

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

The land is subject to a Tree Preservation Order, details of which are available at Council's Customer Service Centre.

The Register 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 Arterial Road Reservations and Regional Open Space should be directed to the Roads and Traffic Authority and Department of Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

For more information, please contact the Strategic Planning Department on 9911 3555