

# PLANNING

# CERTIFICATE

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UNDER SECTION 10.7 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

## PROPERTY DETAILS

**Address:** 20 Avon Road PYMBLE NSW 2073

**Lot Description:** Lot 1 DP 69541, Lot 5 DP 3532, Lot 2 DP 567503, Lot 1 DP 7131,  
Part Lot 26 DP 7131, Lot 3 DP 7131, Lot 4 DP 7131, Lot 5  
DP 7131, Lot 6 DP 7131, Lot 7 DP 7131, Lot 8 DP 7131, Lot

## CERTIFICATE DETAILS

**Certificate No:** ePC3828/21      **Certificate Date:** 27/09/2021

**Certificate Type:** Section 10.7(2) & (5)

## APPLICANT DETAILS

REF: Section 10.7 (2) & (5)

InfoTrack  
DX 578  
SYDNEY

## BACKGROUND INFORMATION

This certificate provides information on how a property (such as land, a house, a commercial building, etc.) may be used and the limits on its development. The certificate contains information Council is aware of through its records and environmental plans with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 10.7 of the Environmental Planning and Assessment Act.

THE FOLLOWING INFORMATION IS ISSUED UNDER SECTION 10.7(2)  
OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 –  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT REGULATION, 2000.

1. Names of relevant planning instruments and development control plans

(1) **Which environmental planning instruments apply to the carrying out of development on this land?**

Ku-ring-gai Local Environmental Plan 2015 as published on the NSW Legislation Website on 5 March 2015.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 & Offensive Development.

State Environmental Planning Policy No.44 - Koala Habitat Protection.

State Environmental Planning Policy No.55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No.64 - Advertising and Signage.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (State Significant Precincts) 2005.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

State Environmental Planning Policy (Coastal Management) 2018.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(2) **Which proposed environmental planning instruments apply to the carrying out of development on this land?** (Including planning proposals and proposed environmental planning instruments that are or have been the subject of community consultation or on public exhibition under the E. P. & A. Act).

There are no proposed environmental planning instruments that apply to this land.

(3) **Which development control plans apply to the carrying out of development on this land?**

Ku-ring-gai Development Control Plan

*SPECIAL NOTE: A development control plan adds further detail to local environmental plans and may address issues such as building design, car parking, landscaping etc. Copies of the Plans are available from Council.*

## **2. Zoning and land use under relevant local environmental plans (other than a SEPP or proposed SEPP)**

**(a) *What is the zoning of this property and the relevant environmental planning instrument?***

Aquaculture; SP2 Infrastructure - Educational Establishment under the provisions of Ku-ring-gai Local Environmental Plan 2015.

**(b) *What does not require development consent under the above environmental planning instrument?***

Nil.

Note: Please refer to the provisions for Exempt and Complying Development as described in Part 3 of Ku-ring-gai Local Environmental Plan 2015.

**(c) *What does require development consent under the above environmental planning instrument?***

Educational establishment, including any development that is ordinarily incidental or ancillary to development for that purpose; Environmental protection works; Flood mitigation works; Recreation areas; Roads.

**(d) *What is prohibited under the above environmental planning instrument?***

Any development not specified in item (b) or (c).

**(e) *What is the proposed zoning of this property and the relevant proposed environmental planning instrument?***

Not applicable. There are no proposed environmental planning instruments that relate to this matter.

**(f) *What does not require development consent under the above proposed environmental planning instrument?***

Not applicable. There are no proposed environmental planning instruments that relate to this matter.

**(g) *What does require development consent under the above proposed environmental planning instrument?***

Not applicable. There are no proposed environmental planning instruments that relate to this matter.

**(h) *What is prohibited under the above proposed environmental planning instrument?***

Not applicable. There are no proposed environmental planning instruments that relate to this matter.

**(i) Do any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land?**

There are no provisions in Ku-ring-gai Local Environmental Plan 2015 that regulate minimum dimension sizes for the erection of a dwelling house on this property.

**(j) Does the land include or comprise critical habitat?**

No.

**(k) Is the land in a conservation area?**

No.

**SPECIAL NOTE:** A conservation area is a place of historic and aesthetic value to the community. It contains a number of elements of significance, such as a historic subdivision layout, a pattern of building "footprints" within each street block, buildings of historic and architectural importance, road alignments, trees, gutters and kerb edges which all combine to create a sense of place that is worth keeping. Council's Heritage Planner can provide you with more information on this matter.

**(l) Is an item of environmental heritage situated on the land?**

No.

**SPECIAL NOTE:** You are advised that the consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

### 3. Complying development

**The extent to which the land is land on which complying development may or may not 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), 1.18(1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and if complying development may not be carried out on that land the reason why it may not be carried out under those clauses?**

**(Special Note:** It is your responsibility to ensure that you comply with any other general requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failure to do so 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).

#### Container Recycling Facilities Code

Complying development under the Container Recycling Facilities Code **may** be carried out on the land.

### **Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations 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.

### **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.

### **General Development Code**

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

### **Housing Code**

Complying development under the 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.

### **Low Rise Medium Density Housing Code**

Complying development under the Low Rise Medium Density Housing Code **may** be carried out on the land.

### **Subdivision Code**

Complying development under the Subdivision Code **may** be carried out on the land.

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

Not applicable. This matter does not apply to land within Ku-ring-gai Local Government Area.

## 5. Mine subsidence

***Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?***

No. Council has not been notified that the land is subject to such a proclamation.

## 6. Road widening and road realignment

***Is the land affected by any road widening or road realignment under the Roads Act, any environmental planning instrument or any resolution of council?***

No.

## 7. Council and other public authority policies on hazard risk restrictions.

***Is the land affected by a policy adopted by council, or by any other public authority required to be referred to in a planning certificate, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, contamination, acid sulphate soils or other risk (other than flooding)?***

No.

Note: A review of Council's readily available records has been conducted to identify previous land uses that may have caused land contamination. This review did not reveal any reason for contamination of this property. However, prior to urban settlement, sizeable areas of Ku-ring-gai were covered by agricultural and horticultural activities. These uses are listed in the Managing Land Contamination Planning Guidelines as activities that may cause contamination. If you are concerned about possible contamination of the site you should make your own investigations regarding the condition of this property.

## 7A. Flood related development controls information

***Is the land or part of the land within the flood planning area and subject to flood related development controls?***

No.

***Is the land or part of the land between the flood planning area and the probable maximum flood and subject to flood related development controls?***

Yes

***SPECIAL NOTE: Flood planning area*** has the same meaning as in the Floodplain Development Manual. ***Floodplain Development Manual*** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005. ***Probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

## 8. Land reserved for acquisition

***Do any environmental planning instruments or proposed environmental planning instruments referred to in clause 1 make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act?***

No.

## 9. Contribution plans

***Which contribution plans apply if this land is developed?***

Ku-ring-gai Contributions Plan 2010.  
Ku-ring-gai s94A Contributions Plan 2015.

***SPECIAL NOTE:*** A contribution plan, commonly known as a section 94 plan, outlines the financial costs Council charges if land is developed and Council believes the development will require additional services such as parks, roads etc. Copies of the contribution plans are available from Council.

## 9A. Biodiversity certified land

***Is the land, land that is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016?***

Council has not been notified that the land is biodiversity certified land.

***SPECIAL 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

***Is the land, land that is a biodiversity stewardship site under a biodiversity stewardship agreement under part 5 of the Biodiversity Conservation Act 2016?***

Council has not been notified that the land is biodiversity stewardship land.

***SPECIAL 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

***Is the land, land that contains a set aside area under section 60ZC of the Local Land Services Act 2013?***

Council has not been notified that the land contains a set aside area.

## 11. Bush fire prone land

### ***Is the land bush fire prone land?***

The land is bush fire prone land.

“Bush fire prone land” is defined in section 4 of the Environmental Planning & Assessment Act 1979 as meaning “land recorded for the time being as bushfire prone land on a bush fire prone land map for the area.”

“The “area” is the local government area of Ku-ring-gai.”

“The bush fire prone land map referred to in the definition may be inspected at the office of the Council.”

**SPECIAL NOTE:** *Bush fire prone land is defined in section 4 of the Environmental Planning and Assessment Act 1979 as meaning “land recorded for the time being as bushfire prone land on a bush fire prone land map for the area”. The “area” is the local government area of Ku-ring-gai.*

## 12. Property vegetation plans

### ***Is the land, land to which a property vegetation plan under Native Vegetation Act 2003 applies?***

Council has not been notified that the land is subject to an approved property vegetation plan.

## 13. Orders under Trees (Disputes between Neighbours) Act 2006

### ***Is the land, subject to an order under the Tree (Disputes between neighbours) Act 2006 to carry out work in relation to a tree on the land?***

Council has not been notified that the land is subject to such an order.

## 14. Directions under Part 3A

### ***Is the land, land subject to a direction under Part 3A Section 75P(2)(c1) of the Environmental Planning and Assessment Act 1979 No.203?***

No.



## 15. Site Compatibility certificates and conditions for seniors housing

***Is there a current site compatibility certificate (seniors housing), of which council is aware, in respect of proposed development on the land issued under clause 24 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004?***

The land is not subject to such a current site compatibility certificate (seniors housing) of which Council is aware.

## 16. Site Compatibility certificates for infrastructure, schools or TAFE establishments

***Is there a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools and TAFE establishments), of which council is aware, in respect of proposed development on the land?***

The land is not subject to such a valid site compatibility certificate (infrastructure) of which Council is aware.

## 17. Site Compatibility certificates and conditions for affordable rental housing

***Is there a current site compatibility certificate (affordable rental housing), of which council is aware, in respect of proposed development on the land issued under clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009?***

The land is not subject to such a current site compatibility certificate (affordable rental housing) of which Council is aware.

## 18. Paper subdivision information

***Is the land, land subject to a development plan adopted by a relevant authority, land proposed to be subject to a consent ballot or land subject to a subdivision order?***

Not applicable.

***SPECIAL NOTE:*** Words and expressions used in this item have the same meaning as they have in Part 16C of the Environmental Planning and Assessment Regulation 2000.

## 19. Site verification certificate

***Is there a current site verification certificate, of which council is aware, in respect of the land issued under clause 17C of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007?***

The land is not subject to a current site verification certificate of which Council is aware.

***SPECIAL 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.

## 20. Loose-fill asbestos insulation

***Does the land 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?***

NSW Fair Trading has not provided Council with written confirmation that this property is listed on the Loose-Fill Asbestos Insulation Register.

***SPECIAL NOTE:*** Some residential homes located in the Ku-ring-gai Local Government Area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.

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, the 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.

For further information about the Loose-fill asbestos Public Register contact NSW Fair Trading. Tel:13 32 20 or [www.loosefillasbestos.nsw.gov.au](http://www.loosefillasbestos.nsw.gov.au).

## 21. Affected building notices and building product rectification orders

***(1) Is there any affected building notice of which council is aware that is in force in respect of the land?***

No.

***(2) Is there any building product rectification order of which council is aware that is in force in respect of the land and has not been fully complied with?***

No.

***(3) Has any notice of intention to make a building product rectification order of which council is aware has been given in respect of the land and is outstanding?***

No.

***SPECIAL NOTE:*** The terms "affected building notice" and "building product rectification order" have the same meaning as in the Building Products (Safety) Act 2017.

**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) *Is the land to which this certificate relates significantly contaminated land within the meaning of that Act?***

No.

**(b) *Is the land to which this certificate relates subject to a management order within the meaning of that Act?***

No.

**(c) *Is the land to which this certificate relates subject to an approved voluntary management proposal within the meaning of that Act?***

No.

**(d) *Is the land to which this certificate relates subject to an ongoing maintenance order within the meaning of that Act?***

No.

**(e) *Is the land of which this certificate relates subject to a site audit statement within the meaning of the Act?***

No.

**SPECIAL NOTE:** *If you have any concerns about land contamination beyond the information described in this certificate, you should contact the NSW Environmental Protection Authority. Tel: 131 555 or email [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au).*

## THE FOLLOWING INFORMATION IS ISSUED UNDER SECTION 10.7(5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### ***Land Slip or Subsidence:***

Council records do not have sufficient information to indicate land slip or subsidence is likely to restrict development on this land. However, some lots in Ku-ring-gai Local Government Area contain filling and/or road batters which may be subject to settlement and require special consideration in the design of foundations.

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### ***Flooding:***

The Blackbutt Creek Flood Study which was adopted by Council on 16/03/2021 has identified this property to be located between the Flood Planning Level and the Probable Maximum Flood (PMF) on the PMF flood extent map.

*Please note: The flood study reports or flood certificate report will provide further detail about the location, extent and nature of flooding on the lot.*

*For further information please see <https://www.krg.nsw.gov.au/floodrisk>*

***SPECIAL NOTE:*** *The Department of Planning and Environment and the Department of Commerce have not indicated any private property which may be affected by flooding of major rivers or creeks in the Ku-ring-gai Local Government Area.*

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### ***Loose-fill asbestos insulation:***

Some residential homes located in the Ku-ring-gai Local Government Area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.

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, the 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.

*For further information about the Loose-fill asbestos Public Register please contact NSW Fair Trading. Tel: 13 32 20 or [www.loosefillasbestos.nsw.gov.au](http://www.loosefillasbestos.nsw.gov.au).*

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### ***Contamination:***

Council records do not have sufficient information relating to any previous uses of this land to confirm that the land has not 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.

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***Threatened species, populations and ecological communities:***

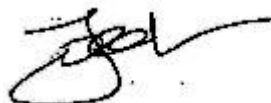
This land may contain threatened species, populations and ecological communities listed under the *Biodiversity Conservation Act 2016 (NSW)* and or the *Environment Protection Biodiversity Conservation Act 1999* (Commonwealth). For more information contact NSW Office of Environment and Heritage Tel: 131 555 or the Australian Government Department of Environment and Energy Tel: 1800 803 772.

This land may contain one or more of the following endangered or critically endangered ecological communities listed under Schedule 2 of the *Biodiversity Conservation Act 2016 (NSW)*:

Blue Gum High Forest in the Sydney Basin Bioregion,  
Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions,  
Coastal Upland Swamp in the Sydney Basin Bioregion,  
Duffys Forest Ecological Community in the Sydney Basin Bioregion,  
Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions,  
Sydney Turpentine Ironbark Forest.

For more information contact NSW Department of Environment & Heritage. Tel:131 555 or email [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au) <<mailto:info@environment.nsw.gov.au>>

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**John McKee**  
General Manager