

PLANNING CERTIFICATE

UNDER SECTION 10.7 (2&5) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979



WAVERLEY
COUNCIL

Page No: 1

Online Services
Waverley Council

Cert. No.42037
Date: 23 July 2019
Receipt No. 2111952
Your reference: 57079:35004

Property location	Moriah College, 3 Queens Park Road, QUEENS PARK NSW 2022
Parcel description:	Lot 3 DP 701512
Owner:	Mr R N Simons and Mr R M Goot and Mr R B Gavshon and Mr D Goulburn and Mr G B Einfeld C/- Mr T Johnson PO Box 986 BONDI JUNCTION NSW 1355

[The next page is page 2]

Waverley Council | ABN: 12 502 583 608

PO Box 9, Bondi Junction NSW 1355 | DX 12006 Bondi Junction

PHONE **9083 8000** | FAX **9387 1820**

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**PLANNING CERTIFICATE UNDER
SECTION 10.7 (2&5) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The information in this certificate is provided under section 10.7(2) Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000, specifically Schedule 4.

The Council warns that:

- other authorities may hold information in respect of the land to which this certificate relates;
- the Council's records may not be complete or accurate in respect of the land; and
- the absence of a reference to any matter affecting the land does not imply that the land is not affected by any matter not referred to in this certificate.

Further information about this certificate may be available from Council's Duty Planner.

ITEM 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.

The following environmental planning instruments apply to the carrying out of development on the land:

Waverley Local Environmental Plan 2012 *as published on the NSW Legislation website (www.legislation.nsw.gov.au) and updated from time to time.*

- SEPP No. 19 Bushland in Urban Areas
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 50 Canal Estates
- 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 (Revised Schemes)
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal Management) 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 (State and Regional Development) 2011
- SEPP (State Significant Precincts) 2005
- SEPP (Vegetation in Non-Rural Areas) 2017
- SREP (Sydney Harbour Catchment) 2005

Any enquiries regarding these SEPPs should be directed to the Department of Planning and Environment on: **1300 305 695** or <http://www.planning.nsw.gov.au>

- (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

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

The following proposed environmental planning instruments apply to the carrying out of development on the land:

Draft Waverley Local Strategic Planning Statement

- - Infrastructure SEPP (Review)
 - SEPP 64 (Advertising and Signage) Amendment

Note: Any enquiries regarding these SEPPs should be directed to the Department of Planning and Environment on: **1300 305 695** or <http://www.planning.nsw.gov.au>

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

The following development control plan (DCP) applies to the land:

- Waverley Development Control Plan 2012 (WDCP 2012)

Please note the WDCP 2012 is amended from time to time. It is the responsibility of the applicant to ensure that the correct version is applied.

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

ITEM 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,

Waverley Local Environmental Plan 2012 *as published on the NSW Legislation website (www.legislation.nsw.gov.au) and updated from time to time.*

Zone SP2 Infrastructure

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.

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2 Permitted without consent

Nil

3 Permitted with consent

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** comprise critical habitat.

- (g) whether the land is in a conservation area (however described),

The land **is** within a Heritage Conservation Area.

- The land is located within a Heritage Conservation Area - Landscape identified in Waverley Local Environmental Plan 2012.

▪

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

The land does **not** contain an Item of Environmental Heritage.

ITEM 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** subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

ITEM 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 1.17A (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.
- (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), 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 the land. The land is affected by specific land exemption:

- land is located within a Heritage Conservation Area - development is excluded from SEPP (Exempt and Complying Development) 2008, unless the development is for a detached outbuilding or swimming pool.
- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Rural Housing Code

There are no lands within the Waverley Council area that are affected by this Code.

Low Rise Medium Density Housing Code

Complying development under the Low Rise Medium Density Housing Code **may not** be carried out on the land. The land is affected by specific land exemption:

- land is located within a Heritage Conservation Area - development is excluded from SEPP (Exempt and Complying Development) 2008, unless the development is for a detached outbuilding or swimming pool.
- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Greenfield Housing Code

There are no lands within the Waverley Council area that are affected by this Code.

Housing Alterations Code

Complying development under the Housing Alterations Code **may not** be carried out on the land. The land is affected by specific land exemption:

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- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

General Development Code

Complying development under the General Development Code **may not** be carried out on the land. The land is affected by specific land exemption:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Commercial and Industrial Alterations Code

Complying development under the Commercial and Industrial Alteration Code **may not** be carried out on the land. The land is affected by specific land exemptions:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Commercial and Industrial (New Buildings and Additions) Code

Complying development under the Commercial and Industrial (New Building and Additions) Code **may not** be carried out on the land. The land is affected by specific land exemptions:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.
- land is located within a Heritage Conservation Area.

▪

Container Recycling Facilities Code

Complying development under the Container Recycling Facilities Code **may not** be carried out on the land. The land is affected by specific land exemptions:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Subdivisions Code

Complying development under the Subdivisions Code **may not** be carried out on the land. The land is affected by specific land exemptions:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Demolition Code

Complying development under the Demolition Code **may not** be carried out on the land. The land is affected by specific land exemption:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

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Fire Safety Code

Complying development under the Fire Safety Code **may not** be carried out on the land. The land is affected by specific land exemptions:

- part of land is identified in an Environmental Planning Instrument as being high biodiversity.

▪

Disclaimer: If a restriction applies to the land, the restriction may not apply to all of the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development may be able to be carried out on the land provided it meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

ITEM 4, 4A (Repealed)

ITEM 4B

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

In relation to a coastal council - 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.

ITEM 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.

ITEM 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
- (b) any environmental planning instrument, or
- (c) any resolution of the council.

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The land is **not** affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993, or any environmental planning instrument or any resolution of the Council.

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

- (a) The land is **not** affected by a policy adopted by Council that restricts the development of land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).
- (b) The land is **not** affected by a policy adopted by another 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 land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

ITEM 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 land is **not** subject to flood related development controls 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).

- (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 land is **not** subject to flood related development controls.

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

ITEM 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 provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

ITEM 9

Contributions plans

The name of each contributions plan applying to the land.

Waverley Council Development Contribution Plan 2006

Please note the Development Contribution Plan is amended from time to time. It is the responsibility of the applicant to ensure that the correct version is applied.

ITEM 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.

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.

The land is **not** biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

ITEM 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).

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.

Council has **not** been notified of any biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 relating to the land.

ITEM 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).

Council has **not** been notified of the existence of any set aside area by Local Land Services.

ITEM 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).

ITEM 12

Property vegetation plans

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 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 plans under the Native Vegetation Act 2003 applying to the land.

ITEM 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).

No.

ITEM 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 **no** direction under Part 3A.

ITEM 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

Council is **not** aware of any Site Compatibility Certificate (Seniors Housing) for this property.

- (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.

Council is **not** aware of any Site Compatibility Certificate (Seniors Housing) for this property.

ITEM 16

Site compatibility certificates for infrastructure, school or TAFE establishments

A statement of whether there is a 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 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.

Council is **not** aware of a site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments).

ITEM 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.

Council has **not** been notified of any site compatibility certificate and condition for affordable rental housing.

- (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.

Council has **not** been notified of any site compatibility certificate and condition for affordable rental housing.

ITEM 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.

Council is **not** aware 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.

There is **no** subdivision order applying to the land.

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

ITEM 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.

Council has **not** been notified of any site verification certificates.

ITEM 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

Council has **not** been notified of a residential dwelling erected on this land containing loose-fill asbestos ceiling insulation. Contact NSW Fair Trading for more information.

ITEM 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.

Council is **not** aware of any affected building notice 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

Council is **not** aware of any building product rectification order that is in force in respect of the land and has not been fully complied with.

- (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.

Council is **not** aware of any notice of intention to make a building product rectification order 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*.

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.

- (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,

No.

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- (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.

Additional information may be provided under section 10.7(5) of the Environmental Planning & Assessment Act 1979. The provision of any such additional information in this certificate is in good faith and subject to section 10.7(6) of the Environmental Planning & Assessment Act 1979.

- BOARDING HOUSES: State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) includes provisions for Boarding Houses. The ARHSEPP is to be consulted if it is intended to demolish, alter or add to, or change the fabric or furnish of a boarding house or to change its use.

- View recent Development Applications relating to the land via the Development Application Tracking Tool available at Council's website [Track a Development Application.](#)

Further information about this certificate may be available from Council's Duty Planner.



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Ross McLeod
GENERAL MANAGER

PLANNING CERTIFICATE

UNDER SECTION 7(2&5) ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979

Page No: 1

L Luedecke
LEVEL 150 Margaret Street
SYDNEY NSW 2000

Cert.No.42044
Date: 24 July 2019
ReceiptNo. 2112038
Yourreference:57079:35014

Property location Moriah College, York Road, QUEENS PARK NSW 2022

Parcel description: Lot 22 DP79582

Owner: Mr RN Simons and Mr R M Goot and Mr RB Gavshori and Mr D
Goulburn and Mr G B Einfeld
C/- Mr T Johnson
PO Box 986
BONDI JUNCTION NSW 1355

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SEPP N4.9 Bushland in Urban Areas
SEPP N6.3 Hazardous and Offensive Development
SEPP N5.0 Canal Estates
SEPP N6.5 Remediation of Land
SEPP N6.4 Advertising and Signage
SEPP N6.5 Design Quality of Residential Flat Development
SEPP N7.0 Affordable Housing (Revised Schemes)
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Coastal Management) 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
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SEPP 64 (Advertising and Signage) Amendment

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

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Please note the WDCP 2012 is amended from time to time. It is the responsibility of the applicant to ensure that the correct version is applied.

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

ITEM 2

Zoning and 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):

- 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)"),
- the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,
- the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,
- the purposes for which the instrument provides that development is prohibited within the zone,

Waverley Local Environment Plan 2012 as published on the NSW Legislation website (www.legislation.nsw.gov.au) and updated from time to time.

Zone SP2 Infrastructure

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

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 dwellinghouse.

- (f) whether the land includes or comprises critical habitat,

The land does not comprise critical habitat.

- (g) whether the land is in a conservation area (however described),

The land is within a Heritage Conservation Area.

The land is located within a Heritage Conservation Area- Landscape identified in Waverley Local Environmental Plan 2012.

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

The land does not contain an Item of Environmental Heritage.

ITEM 2A

Zoning and 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 of the 2006 SEPP, the Precinct Plan or proposed Precinct Plan, the case requires).

The land is not subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

ITEM 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 1.17A (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.
- (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), 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 the land. The land is affected by specific land exemption:

land is located within a Heritage Conservation Area development is excluded from SEPP (Exempt and Complying Development) 2008, unless the development is for a detached outbuilding or swimming pool.

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Rural Housing Code

There are no lands within the Waverley Council area that are affected by this Code.

Low Rise Medium Density Housing Code

Complying development under the Low Rise Medium Density Housing Code may not be carried out on the land. The land is affected by specific land exemption:

land is located within a Heritage Conservation Area development is excluded from SEPP (Exempt and Complying Development) 2008, unless the development is for a detached outbuilding or swimming pool.

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Greenfield Housing Code

There are no lands within the Waverley Council area that are affected by this Code.

Housing Alterations Code

Complying development under the Housing Alterations Code may not be carried out on the land. The lands affected by specific land exemption:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

General Development Code

Complying development under the General Development Code may not be carried out on the land. The land is affected by specific land exemption:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Commercial and Industrial Alteration Code

Complying development under the Commercial and Industrial Alteration Code may not be carried out on the land. The land is affected by specific exemptions:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

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 the land. The land is affected by specific exemptions:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

land is located within a Heritage Conservation Area.

Container Recycling Facilities Code

Complying development under the Container Recycling Facilities Code may not be carried out on the land. The land is affected by specific land exemptions:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Subdivisions Code

Complying development under the Subdivisions Code may not be carried out on the land. The land is affected by specific land exemptions:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Demolition Code

Complying development under the Demolition Code may not be carried out on the land. The land is affected by specific land exemption:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Fire Safety Code

Complying development under the Fire Safety Code may not be carried out on the land. The land is affected by specific land exemptions:

part of land is identified in an Environmental Planning Instrument as being high biodiversity.

Disclaimer: If a restriction applies to the land, the restriction may not apply to all of the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development may be able to be carried out on the land provided it meets the requirements and standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

ITEM 4, 4A (Repealed)

ITEM 4B

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

In relation to a coastal council 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.

ITEM 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.

ITEM 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
- (b) any environmental planning instrument, or
- (c) any resolution of the council.

The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of the Council.

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

- (a) The land is not affected by a policy adopted by Council that restricts the development of land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).
- (b) The land is not affected by a policy adopted by another 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 land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

ITEM 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 land is not subject to flood related development controls 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).

- (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 land is not subject to flood related development controls.

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

ITEM 8

Land reserved for acquisition

Whether or not any environmental planning instrument 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 provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

ITEM 9

Contributions plans

The name of each contributions plan applying to the land.

Waverley Council Development Contribution Plan 2006

Please note the Development Contribution Plan is amended from time to time. It is the responsibility of the applicant to ensure that the correct version is applied.

ITEM 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.

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

The land is not biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016

ITEM 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).

Note. Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016

Council has not been notified of any biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 relating to the land.

ITEM 10A

Native vegetation clearing set asides

If the land contains a set aside area under section 60Z 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).

Council has not been notified of the existence of any set aside by Local Land Services.

ITEM 11

Bushfire 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).

ITEM 12

Property vegetation plans

If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 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 plans under the Native Vegetation Act 2003 applying to the land.

ITEM 13

Orders under Trees (Dispute Between Neighbours) Act 2006

Whether an order has been made under the Trees (Dispute 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).

No.

ITEM 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 no direction under Part 3A.

ITEM 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 statements 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
- Council is not aware of any Site Compatibility Certificate (Seniors Housing) for this property.
- (b) a statement setting out any terms of a kind referred to in clause 8(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.
- Council is not aware of any Site Compatibility Certificate (Seniors Housing) for this property.

ITEM 16

Site compatibility certificates for infrastructure, school or TAFE establishments

A statement of whether there is a 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 and, if there is a certificate, the statements 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.
- Council is not aware of a site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments).

ITEM 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 statements 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.
- Council has not been notified of any site compatibility certificate and condition for affordable rental housing.
- (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) 2008 that have been

imposed as a condition of consent to a development application in respect of the land.

Council has not been notified of any site compatibility certificate and condition for affordable rental housing.

ITEM 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.

Council is not aware 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.

There is no subdivision order applying to the land.

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

ITEM 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 and/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.

Council has not been notified of any site verification certificates.

ITEM 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

Council has not been notified of a residential dwelling erected on this land containing loose-fill asbestos ceiling insulation. Contact NSW Fair Trading for more information.

ITEM 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.

Council is not aware of any affected building notice 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

Council is not aware of any building product rectification order that is in force in respect of the land and has not been fully complied with.

- (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.

Council is not aware of any notice of intention to make a building product rectification order in respect of the land and is outstanding.

- (3) In this clause:

affected building notice has the same meanings in Part 4 of the Building Products (Safety) Act 2017.

building product rectification order has the same meaning as 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 and 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.

- (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,

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 anytime to the local authority issuing the certificate.

No.

Additional information may be provided under section 10.7(5) of the Environmental Planning & Assessment Act 1979. The provision of any such additional information in this certificate is in good faith and subject to section 10.7(6) of the Environmental Planning & Assessment Act 1979.

BOARDING HOUSES State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) includes provisions for Boarding Houses. The ARHSEPP is to be consulted if it is intended to demolish, alter or add to, or change the fabric or furnish of a boarding house or to change its use.

View recent Development Applications relating to the land via the Development Application Tracking Tool available at Council's website [Track a Development Application](#).

Further information about this certificate may be available from Council's Duty Planner.

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Ross McLeod
GENERAL MANAGER