

15 March 2021

Architectus  
Mlc Centre L 18, 19-29 Martin Pl  
SYDNEY NSW 2000

Certificate 30237

## Environmental Planning & Assessment Act 1979

### Planning Certificate Section 10.7(2)

**Property:** 745 Military Road MOSMAN 2088  
**Title:** LOT: 1 DP: 1268793  
**Parish:** Willoughby **County:** Cumberland

**1. The land is affected by the following Local Environmental Plan:**

*Mosman Local Environmental Plan 2012 - Published on the NSW legislation website on 9/12/2011*

### Zoning Provisions

**2. The effect of the Mosman Local Environmental Plan 2012 is to zone the land:**

*Zone SP2 - Infrastructure. Attachment No. SP2 sets out the purposes for which development is permissible without consent, permissible with consent and prohibited.*

**At the date of this certificate the property is affected by the following prescribed matters:**

**3. Proposed Local Environmental Plan or Planning Proposal.**

*Not affected by any draft Local Environmental Plan or Planning Proposal.*

#### 4. 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.*

##### **Housing Code.**

*The land is land on which complying development may not be carried out under the Housing Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

*The land is partly within a heritage conservation area or a draft heritage conservation area. Notwithstanding, a detached outbuilding, detached development (other than a detached studio) or swimming pool may be carried out under the Housing Code, unless affected by another land exemption.*

*Note: A restriction applies to the land, but it 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. Despite the Planning Certificate stating that complying development may not be undertaken under the complying development Codes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, complying development may be able to be undertaken on the subject land which is only partly affected by a land exclusion.*

*Mosman Local Environmental Plan 2012 maps can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)*

##### **Low Rise Housing Diversity Code.**

*The land is land on which complying development may not be carried out under the Low Rise Housing Diversity Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

*The land is partly within a heritage conservation area or a draft heritage conservation area.*

*Note: A restriction applies to the land, but it 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. Despite the Planning Certificate stating that complying development may not be undertaken under the complying development Codes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, complying development may be able to be undertaken on the subject land which is only partly affected by a land exclusion.*

*Mosman Local Environmental Plan 2012 maps can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)*

*Note: It should be noted that complying development under the Low Rise Housing Diversity Code cannot be carried out on land zoned R2 Low Density Residential or in any business zone in Mosman, as a consequence of clauses 1.18(1)(b) and 3B.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Housing Alterations Code.**

*The land is land on which complying development may not be carried out under the Housing Alterations Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

**Commercial and Industrial Alterations Code.**

*The land is land on which complying development may not be carried out under the Commercial and Industrial Alterations Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

**Subdivisions Code.**

*The land is land on which complying development may not be carried out under the Subdivisions Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

**General Development Code.**

*The land is land on which complying development may not be carried out under the General Development Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

**Demolition Code.**

*The land is land on which complying development may not be carried out under the Demolition Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

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

*The land is land on which complying development may not be carried out under the Commercial and Industrial (New Buildings and Additions) Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

*The land is partly within a heritage conservation area or a draft heritage conservation area.*

*Note: A restriction applies to the land, but it 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. Despite the Planning Certificate stating that complying development may not be undertaken under the complying development Codes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, complying development may be able to be undertaken on the subject land which is only partly affected by a land exclusion.*

*Mosman Local Environmental Plan 2012 maps can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)*

### **Container Recycling Facilities Code.**

*The land is land on which complying development may not be carried out under the Container Recycling Facilities Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

### **Fire Safety Code.**

*The land is land on which complying development may not be carried out under the Fire Safety Code pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the following land exemptions:*

*The land is wholly identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.*

### **Rural Housing Code.**

*The Rural Housing Code does not apply to this local government area.*

### **Greenfield Housing Code.**

*The Greenfield Housing Code does not apply to this local government area.*

*Disclaimer: This certificate only addresses matters raised in 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. It is your responsibility to ensure that you comply with any other general requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.*

**5. State Environmental Planning Policies.**

*AFFECTED by State Environmental Planning Policies and draft State Environmental Planning Policies (See Attachment No.2).*

**5A. State Environmental Planning Policy (Coastal Management) 2018.**

*Not Affected.*

**6. Do any Development Standards apply to the Land fixing Minimum Land Dimensions for the Erection of a Dwelling House?**

*NO - There are no development standards under Mosman Local Environmental Plan 2012 applying to the land fixing dimensions for the erection of a dwelling house.*

**7. Critical Habitat.**

*The land does not include or comprise critical habitat.*

**8. Land Reserved for Acquisition.**

*No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in Section 3.15 of the Environmental Planning and Assessment Act 1979.*

**9. Development Control Plans**

*Land is affected by Mosman Open Space and Infrastructure Development Control Plan dated 29 March 2012*

**10. Contribution Plan**

*AFFECTED by Mosman Contributions Plan 2018 (in force from 14 June 2018)*

**11. Coastal Management Act 2016**

*The owner (or any previous owner) of the land has not consented in writing to the land being subject to an annual charge 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).*

**12. Coal Mine Subsidence Compensation Act 2017.**

*NOT affected by the Coal Mine Subsidence Compensation Act 2017, proclaiming land to be a mine subsidence district.*

**13. Road Widening or Realignment.**

*NOT affected by any road widening or road realignment under (1) Division 2 of part 3 of the Roads Act 1993; or (2) any Environmental Planning Instrument; or (3) any resolution of Council. The Roads & Maritime Authority may have proposals that are not referred to in this item. For advice about affectation by Roads & Maritime Authority proposals, contact Roads and Maritime Authority.*

**14. Council and Other Public Authority Policies on Hazard Risk Restrictions.**

*The land is not affected by a policy;*

*i) adopted by the Council, or*

*ii) 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, tidal inundation, subsidence, acid sulfate soils or any other risks*

*The absence of such a policy does not necessarily mean that no such risk exists.*

*It should be noted that Part 7.5 of the Mosman Business Centres Development Control Plan provides as follows*

*All development in low lying areas must not have a basement level less than 4m AHD.*

*It should be noted that Part 5.2 of the Mosman Open Space and Infrastructure Development Control Plan provides as follows:*

*All development in low lying areas must not have a basement level less than 4m AHD.*

**15. Flood related development control information.**

*Development on the land is not subject to flood related development controls.*

**16. Matters Arising Under the Contaminated Land Management Act 1997**

*(a) The land is NOT declared to be significantly contaminated land within the meaning of that Act.*

*(b) The land is NOT subject to a management order within the meaning of that Act.*

*(c) The land is NOT the subject of an approved voluntary management proposal within the meaning of that Act.*

*(d) The land is NOT subject to an ongoing maintenance order within the meaning of that Act.*

*(e) The land is NOT the subject of a site audit statement within the meaning of that Act.*

**17. Nation Building and Jobs Plan (State Infrastructure Delivery) Act 1997**

*The land is NOT affected by an order issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.*

**18. Heritage Item.**

*DOES contain a listed Heritage Item under Mosman Local Environmental Plan 2012.*

**19. Conservation Area.**

*Within the Military Road Heritage Conservation Area under Mosman Local Environmental Plan 2012. Refer to Attachment 5g.*

**20. Bush Fire Prone Land.**

*The land is not shown as bush fire prone in Council's records.*

**21. Property Vegetation Plans.**

*The land is not subject to a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force).*

**22. Orders Under Trees (Disputes Between Neighbours) Act 2006**

*The land is not subject to an order under the Trees (Disputes Between Neighbours) Act 2006.*

**23. Directions under Part 3A.**

*The land is not subject to a direction by the Minister in force under section 75P(2)(c1) of the Act.*

**24. Conditions affecting seniors housing.**

*(a) The land is not subject to a site compatibility certificate issued under clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*(b) The land is not subject to a development consent granted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, granted after 11 October 2007.*

**25. Site compatibility certificates for infrastructure.**

*The land is not subject to a site compatibility certificate issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007.*

**26. Site compatibility certificates and conditions for affordable rental housing.**

*a) The land is not subject to a site compatibility certificate issued under clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

*b) The land is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of development consent to a development application in respect of the land.*

**27. Biobanking Agreements.**

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



**27A. Affected building notices and building product rectification orders.**

*(1) There is no affected building notice of which the council is aware that is in force in respect of the land.*

*(2) There is no building product rectification order of which the council is aware that is in force in respect of the land and that has not been fully complied with. Further, there is no outstanding notice of intention to make a building product rectification order of which the council is aware in respect of the land.*

## **Planning Certificate Section 10.7(5)**

**Note:** When information pursuant to Section 10.7(5) is requested Council is under no obligation to furnish any of the information provided below. Your attention is drawn to Section 10.7(6) of the Act which states that a Council shall not incur any liability in respect of any advice provided in good faith under this sub-section.

**Further, in accordance with Section 10.7(5), Council's records have been checked in respect of the matters set out below. The Property is:**

**28. Foreshore Building Line.**

*NOT affected by a Foreshore Building Line under Mosman Local Environmental Plan 2012.*

**29. Scenic Protection Area.**

*Not affected by a Scenic Protection Area under Mosman Local Environmental Plan 2012.*

**30. Resident Parking Schemes.**

*Council has a number of Resident Parking Schemes which operate in various streets. Owners/occupiers of properties within areas affected by Resident Parking Schemes may be eligible for parking permits subject to certain conditions, including the payment of a fee.*

**31. Tree Preservation.**

*The ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of most trees is prohibited except with the written consent of Council.  
Contact Council for details.*

**Notes:**

While this certificate indicates the zoning of the land, it is suggested the relevant Planning Instrument be inspected at Council's Customer Support Desk to provide an overall view of the area.

Council has made no inspection of the property for the purpose of this certificate. The purchaser should satisfy themselves that there have been no breaches of development consent.

Information on current Development Applications under assessment and determination s in Mosman can be found on Council's DA Tracker, available at [www.mosman.nsw.gov.au](http://www.mosman.nsw.gov.au) .



The above matters (pursuant to Section 10.7(5)) have been selected for checking as matters most likely to be of concern and do not comprise an exhaustive list. Should the applicant require further information about any other matter specific inquiry should be made.

### Document Details and References

<b>Certificate Fee:</b> \$133.00			
<b>Fee Paid:</b>	<b>\$133.00</b>	<b>Receipt Date:</b>	<b>Receipt No.: 896366780</b>
<b>Applicant's Reference:</b>			

Dominic Johnson  
GENERAL MANAGER

Per: Checked by KL  
15 March 2021

(.....)

**Extract from Mosman Local Environmental Plan 2012**

---

**Land Use Table**

<b>Zone SP2 Infrastructure</b>	
<b>1 Objectives of zone</b>	<ul style="list-style-type: none"><li>• To provide for infrastructure and related uses.</li><li>• To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li></ul>
<b>2 Permitted without consent</b>	Nil
<b>3 Permitted with consent</b>	Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads.
<b>4 Prohibited</b>	Any development not specified in item 2 or 3.

### Relevant State Environmental Planning Policies

---

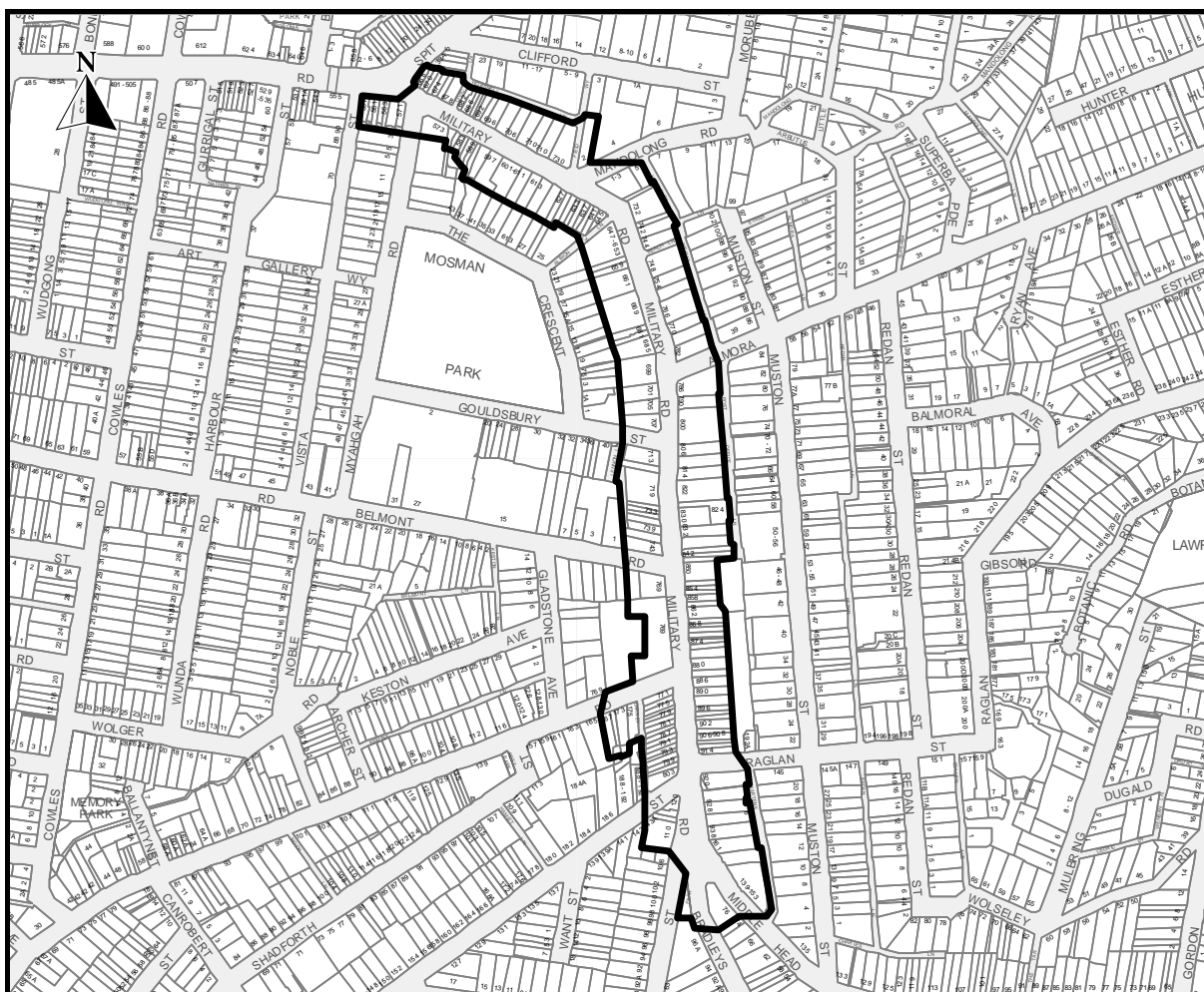
#### State Environmental Planning Policies (SEPP)

SEPP No. 19 - Bushland in Urban Areas  
SEPP No. 21 – Caravan Parks  
SEPP No. 33 – Hazardous and Offensive Development  
SEPP No. 50 – Canal Estate Development  
SEPP No. 55 - Remediation of Land  
SEPP No. 64 - Advertising and Signage  
SEPP No. 65 - Design Quality of Residential Apartment Development  
SEPP No. 70 – Affordable Housing (Revised Schemes)  
SEPP (Affordable Rental Housing) 2009  
SEPP (Building Sustainability Index: BASIX) 2004  
SEPP (Coastal Management) 2018 (only land within the coastal zone)  
SEPP (Concurrences) 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 (Mining, Petroleum Production and Extractive Industries) 2007  
SEPP (Miscellaneous Consent Provisions) 2007  
SEPP (Primary Production and Rural Development) 2019  
SEPP (State and Regional Development) 2011  
SEPP (State Significant Precincts) 2005  
SEPP (Vegetation in Non-Rural Areas) 2017  
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

#### Draft State Environmental Planning Policies (Draft SEPP)

Draft SEPP (Competition) 2010  
Draft SEPP (Environment)  
Draft SEPP (Short-term Rental Accommodation) 2019  
Proposed Design and Place SEPP  
Proposed Housing Diversity SEPP  
Proposed Remediation of Land SEPP  
SEPP (Educational Establishments and Child Care Facilities) 2017 Amendment  
SEPP (Infrastructure) 2007 Amendment – Health Services Facilities  
SEPP (State and Regional Development) 2011 Amendment – Water Treatment Facilities  
SREP (Sydney Harbour Catchment) 2005 Amendment

## Military Road Heritage Conservation Area



### Statement of Significance

The historic significance of Military Road is that it formed part of the earliest residential and military development of Mosman. It is associated with the area as a major defence post in Sydney Harbour. The road influenced the growth of the suburb because it was, and still is, the major traffic route to and from the area. It became the centre of retail and commercial activity in the suburb.

In aesthetic terms, the commercial and retail area of Military Road is a marvellous microcosm of the range of architecture to be found in Mosman, distinctively combining retail and residential uses in a unified, lively and diverse linear and curvilinear streetscape. Its scale is pleasantly moderate and the variety of forms, materials, textures and colours is full of interest. The successful integration of some facades of later and very recent vintage, as can be seen here, indicates that good design is an ageless quality. The 'village' atmosphere prevails despite some unhappy incursions. Several impressive buildings elevate the generally good aesthetic quality of the Conservation Area to a high level of value. The social significance of the area lies first in the fact that here can be seen a great many of Mosman's municipal, commercial and principal educational institutions, as well a stretch of residential development. It is associated with prominent developers who erected speculative ensembles of shops, dwellings and commercial occupancies, and with the sequences of tenants in retail, trade and commerce activities, many of them well-known, identifies past and present in Mosman. (*Mosman Heritage Review 1996*)

## Attachment No. 5g

### Planning Certificate

The sandstone walls, kerbs, fences and features are key elements of the character of the Mosman Council area. They collectively contribute to the heritage and urban values of their settings. While not all features are of equal heritage value, it is the range and collective value that is most important in retaining the character of the area.

Heritage fences are a very important streetscape element of the conservation area. Fences vary in style and material and include stone fences, stone and iron fences, timber fences or timber and metal fences. In a number of locations fences are a continuous feature across a number of properties reflecting a common design and construction, in other areas the use of a material such as stone links a range of properties. (*Mosman Heritage Review 2007*)