

City of Sydney

ABN 22 636 550 790
GPO Box 1591 Sydney NSW 2001 Australia
Town Hall House 456 Kent Street Sydney NSW 2000 Australia
Phone +61 2 9265 9333 Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



CONSULTING EARTH SCIENTISTS – MARK PICKETT
SUITE 3 LEVEL 1
55 GRANDVIEW STREET
PYMBLE NSW 2073

PLANNING CERTIFICATE

Under Section 149 of the Environmental Planning and Assessment Act, 1979

Applicant:	CONSULTING EARTH SCIENTISTS
Applicant's reference:	CES 111206-CA
Address of property:	185A Sussex Street , SYDNEY NSW 2000
Owner:	SYDNEY HARBOUR FORESHORE AUTHORITY
Description of land:	Lot 101 DP 1009697
Certificate No.:	2012302182
Certificate Date:	17/04/12
Receipt No:	4310174
Fee:	\$80.00
Paid:	17/04/12

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.

Issuing Officer *VW*
per **Monica Barone**
Chief Executive Officer

CERTIFICATE ENQUIRIES:

Ph: 9265 9333
Fax: 9265 9415

**PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

**MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 -
ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).**

DEVELOPMENT CONTROLS

The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.

ZONING

Darling Harbour Development Plan No.1

- a) The subject land is affected by the Darling Harbour Development Plan No.1 (as amended). This is deemed to be a regional environmental plan under Schedule 6, Part 7, clause 23 of the *Environmental Planning and Assessment Act, 1979*, as amended.
- b) There are no purposes for which development may be carried out without a Development Application.
- c) Purposes for which development may be carried out with a Development Application include the following: tourist, educational, recreational, entertainment, cultural or commercial facilities; transport facilities; purposes of beautifying the landscape; amusement parks; art galleries; child care centres; commercial premises; car parking stations; charter boat facilities; convention centres; entertainment centres; exhibition centres; film, television and radio studios; hotels; light industries; markets; motels; museums; parks and gardens; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recording studios; recreation facilities; refreshment rooms; residential buildings; serviced apartments; shops; theatre restaurants; utility installations; or any purpose incidental or subsidiary to a purpose referred to in this paragraph.
- d) Any other purpose not listed in (c) above is prohibited.
- e) The demolition of any building requires a Development Application.

PROPOSED ZONING

This property is not affected by a draft zone.

LOCAL PLANNING CONTROLS

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (commenced 28.09.2005) – This DCP applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005 (refer to the Foreshores and Waterways Area map)

City of Sydney Signage and Advertising Structures Development Control Plan 2005 (commenced 28.03.2005) – This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown in Figure 1 within the DCP.

City of Sydney Visitor and Tourist Accommodation Development Control Plan 2006 (commenced 24.03.2006) – This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown in Figure 1 within the DCP.

City of Sydney Telecommunications and Radiocommunications Development Control Plan 2006 (commenced 14.08.2006) – This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown below in Figure 1 within the DCP.

City of Sydney Late Night Trading Premises Development Control Plan 2007 (commenced 01.01.2008) – This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown in Figure 1 within the DCP.

HERITAGE

State Heritage Register (Amendment to Heritage Act, 1977, gazetted 2/4/99)

This property is identified as being of state significance and has been entered on the State Heritage Register. Unless the proposed work is exempt under the Heritage Office Standard Exemptions or is covered by site specific exemptions, an applicant must seek an integrated development approval from Council and as such the proposal will be referred to the Heritage Council. If major changes are proposed the Heritage Council may require the applicant to prepare a conservation management plan in accordance with the NSW Heritage Manual Guidelines. For further information please contact the Heritage Office (02) 9873 8500 or alternatively online www.heritage.nsw.gov.au.

STATE PLANNING INSTRUMENTS

Full copies of State Environmental Planning Policies are available online at www.planning.nsw.gov.au.

State Environmental Planning Policy No. 1 – Development Standards

This policy makes development standards more flexible. It allows Council to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development

This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation

This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

State Environmental Planning Policy No. 32 – Urban Consolidation

This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

State Environmental Planning Policy No. 55 – Remediation of Land

This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No 60 – Exempt and Complying Development (Gazetted 3.03.00)

Specifies exempt and complying development in certain areas that have not provided for those types of development through a Local Environmental Plan. This is achieved by identifying the development of minimal environmental impact that is to be exempt and identifying development that is to be complying development. The policy also specifies standards for that development, identify complying development separately for metropolitan Sydney and regional areas of New South Wales, specifies conditions for complying development certificates and ensures that development consent is required for the subdivision of land, and the erection of a building or for demolition.

State Environmental Planning Policy No. 64 – Advertising and Signage

This policy aims to ensure that signage (including advertising):

- Is compatible with the desired amenity and visual character of an area, and
- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

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

This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

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

Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

State Environmental Planning Policy (Major Development) 2005

This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.
NB: This SEPP also contains exempt & complying provisions

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

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

State Environmental Planning Policy (Infrastructure) 2007

This Policy aims to facilitate the effective delivery of infrastructure across the state.
NB: This SEPP also contains exempt & complying provisions

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

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

This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying

development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

State Environmental Planning Policy (Urban Renewal) 2010

The aims of this Policy are as follows:

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment: to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

Darling Harbour Development Plan No. 1

The Darling Harbour Development Plan No 1 is taken to be a regional environmental plan, under *The Environmental Planning and Assessment Act 1979* (as amended), Schedule 6, clause 23 and may be amended and repealed accordingly. It sets out the uses permitted on land within the Darling Harbour Authority area. This land is now part of the Sydney Harbour Foreshore Authority, who is the responsible authority.

**OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 -
E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)**

(3) Complying Development

- (1) Whether or not 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 clause 1.17A and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) If complying development may not be carried out on that land because of the provisions of clause 1.17A and 1.19 of that Policy, the reasons why it may not be carried out under that clause.

Note: All Exempt and Complying Development Codes : Clause 1.17A(a) Development that requires concurrence of a person other than the consent authority, or the Director General of the Department of Environment, Climate Change and Water is **not** complying development.

General Housing Code

Complying development **may not** be carried out on the land under the General Housing Code if because of the provisions of clause 1.17A & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

▪ Clause 1.17A(b). Has been identified as land that is a critical habitat.	NO
▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i> .	YES
▪ Clause 1.17A(d) & 1.19(3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.	NO
▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the <i>Wilderness Act 1987</i> .	NO
▪ Clause 1.17A(e) & 1.19(1). Has been identified as land that is within an environmentally sensitive area.	NO
▪ Clause 1.19(6)a. Has been identified as being within a heritage conservation area or a draft heritage conservation area.	NO
▪ Clause 1.19(6)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.	NO
▪ Clause 1.19(6)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.	YES
▪ Clause 1.19(6)d. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.	NO
▪ Clause 1.19 (6)e. Has been identified as being excluded land identified by an environmental planning instrument.	NO
▪ Clause 1.19(6)f. Has been identified as being land in a foreshore area.	YES
▪ Clause 1.19(6)g. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour.	NO
▪ Clause 1.19(6)h. Has been identified as unsewered land within a drinking water catchment.	NO
▪ Clause 1.19(6)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.	NO

Housing Alterations Code

Complying development under the Housing Alterations Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) applies

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) applies

Subdivisions Code

Complying development under the Subdivisions Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) applies

Rural Housing Code

The Rural Housing Code does not apply to this Local Government Area.

General Development Code

Complying development under the General Development Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) applies

Demolition Code

Complying development under the Demolition Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) applies

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(3) In relation to a coastal council : Council has **not** been notified of any information as is required by the regulations under section 56B of the Coastal Protection Act 1979.

(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 : The owner (or any previous owner) of the land has not 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).

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.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

- (a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and
- (b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

(7A) Flood related development controls information.

The development on this land or part of this land is not subject to flood related development controls.

(8) Land reserved for acquisition

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.