

Appendix F City of Sydney Section 149 Certificate

City of Sydney
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JULIA NICHOLSON
JBS ENVIRONMENTAL PTY LTD
LEVEL 1 50 MARGARET ST
SYDNEY NSW 2000

PLANNING CERTIFICATE

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

Applicant:	JBS ENVIRONMENTAL PTY LTD
Applicant's reference:	JBS & G
Address of property:	13A Hickson Road , DAWES POINT NSW 2000
Owner:	MARITIME AUTHORITY of NSW
Description of land:	Lot 11 DP 1138931
Certificate No.:	2014300871
Certificate Date:	14/02/14
Receipt No:	5018824
Fee:	\$80.00
Paid:	14/02/14

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

Zone 1 – Walsh Bay Conservation Zone – Sydney Regional Environmental Plan 16.

(1) The objectives of this zone are:

- (a) To allow an appropriate range of uses to encourage the adaptive re-use of existing structures while not required for commercial port uses;
- (b) To ensure that development is consistent with the heritage significance, the scale, the built form and the materials of existing structures in the zone and adjoining areas;
- (c) To ensure that development is compatible with and does not detract from the financial, commercial and retail functions of the existing city central business district functions and the Sydney Cove Redevelopment Area; and
- (d) To ensure that development is compatible with and does not adversely impact on the residential amenity and function of the adjoining areas.

(2) Without Development Consent

Nil

(3) Only with Development Consent

Any purpose other than a purpose included in item (2) or (4)

(4) Prohibited

Bus depots, bus stations, car repair stations, gas holders, generating works, helipads, heliports, industries (other than home industries and light industries), institutions, junk yards, liquid fuel depots, marinas, mines, roadside stalls, road transport terminals, sawmills.

Zone 2 – Walsh Bay Waterway Zone – Sydney Regional Environmental Plan No 16.

(1) The objectives of the zone are:

- (a) To control the use of the waterway between the wharves to ensure that any activities associated with any development are compatible with the commercial shipping and navigational requirements in Sydney Harbour;
- (b) To ensure that the Harbour and Harbour Foreshore is recognised as a community asset; and
- (c) To limit mooring facilities for private vessels used by the lessees and tenants of property in Zone 1 – Walsh Bay Conservation Zone.

(2) Without Development Consent

Aids to navigation, maintenance dredging, maintenance of mooring facilities, mooring of vessels owned by the Maritime Services Board.

(3) Only with Development Consent

Boating or waterway access stairs, dredging, emergency vehicle accessways, floating restaurants or entertainment facilities, flora and fauna enclosures, mooring facilities, mooring of fishing and charter vessels, pontoons, public walkways, utility installations (other than gas holders and generating works).

(4) Prohibited

Any purpose other than a purpose included in item (2) or (3).

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)

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

Walsh Bay Conservation Zone

A person shall not, in respect of the Walsh Bay Conservation Zone: demolish or alter a building or work within the Zone; damage or remove a relic, including excavation for the purpose of exposing or removing a relic, within the Zone; damage or despoil a place within the Zone; erect a building on or subdivide land within the Zone; or damage any tree within the Zone, except with the consent of the consent authority.

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.

SREP 16 – Walsh Bay

Clauses 9 & 10 of State Environmental Planning Policy No. 4 do not apply to the land within Sydney Regional Environmental Plan No. 16 – Walsh Bay.

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. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

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.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this Policy are as follows:

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to confer functions on joint regional planning panels to determine development applications.

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.

Sydney Regional Environmental Plan No.16 Walsh Bay (Gazetted 16/06/89, as amended)

This plan provides for the redevelopment of Walsh Bay by encouraging re-use of existing structures, protection of heritage items, control use of waterways & provision of public access to waterfront.

**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.	YES
▪ 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 temporary 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 temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(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.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16 th June 2003	NO
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15 th December 1994 and Council 19 th December 1994)	NO
▪ City of Sydney Development Contributions Plan 2006 – in operation 7 th April 2007	NO
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16 th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16 th May 2007	NO

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates 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 consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

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) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:

Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

**PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:

The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:

Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)

This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment Act 1979*. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the *Environmental Planning and Assessment Act, 1979*). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

Resident & Visitor Parking Permit Schemes Restriction

Owners and occupiers of this address are **not eligible** to participate in the resident and visitor permit parking schemes.

The Minister is the Consent Authority

The Minister is the consent authority where development has a capital investment value of more than \$10 million. (State Environmental Planning Policy (Major Projects))

Sydney Harbour Foreshore Authority Act 1998

The provisions of the Sydney Harbour Foreshore Authority Act 1998 apply to the subject land.

For more information, contact the Property Officer at Sydney Harbour Foreshore Authority on telephone (02) 9240 8500.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice

Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :

Telephone: 02 9265 9333

Facsimile: 02 9265 9415

Town Hall House

Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre

Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross

50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern

158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre

The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:

*Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000*

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City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au
GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au



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JBS ENVIRONMENTAL PTY LTD
LEVEL 1 50 MARGARET ST
SYDNEY NSW 2000

PLANNING CERTIFICATE

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

Applicant:	JBS ENVIRONMENTAL PTY LTD
Applicant's reference:	JBS & G
Address of property:	13 Hickson Road , DAWES POINT NSW 2000
Owner:	THE OWNERS - STRATA PLAN NO 73989
Description of land:	Lot 24 DP 1071597, Lots 1-22 SP 73989
Certificate No.:	2014300873
Certificate Date:	14/02/14
Receipt No:	5018824
Fee:	\$80.00
Paid:	14/02/14

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

Zone 1 – Walsh Bay Conservation Zone – Sydney Regional Environmental Plan 16.

(1) The objectives of this zone are:

- (a) To allow an appropriate range of uses to encourage the adaptive re-use of existing structures while not required for commercial port uses;
- (b) To ensure that development is consistent with the heritage significance, the scale, the built form and the materials of existing structures in the zone and adjoining areas;
- (c) To ensure that development is compatible with and does not detract from the financial, commercial and retail functions of the existing city central business district functions and the Sydney Cove Redevelopment Area; and
- (d) To ensure that development is compatible with and does not adversely impact on the residential amenity and function of the adjoining areas.

(2) Without Development Consent

Nil

(3) Only with Development Consent

Any purpose other than a purpose included in item (2) or (4)

(4) Prohibited

Bus depots, bus stations, car repair stations, gas holders, generating works, helipads, heliports, industries (other than home industries and light industries), institutions, junk yards, liquid fuel depots, marinas, mines, roadside stalls, road transport terminals, sawmills.

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)

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

Walsh Bay Conservation Zone

A person shall not, in respect of the Walsh Bay Conservation Zone: demolish or alter a building or work within the Zone; damage or remove a relic, including excavation for the purpose of exposing or removing a relic, within the Zone; damage or despoil a place within the Zone; erect a building on or subdivide land within the Zone; or damage any tree within the Zone, except with the consent of the consent authority.

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.

SREP 16 – Walsh Bay

Clauses 9 & 10 of State Environmental Planning Policy No. 4 do not apply to the land within Sydney Regional Environmental Plan No. 16 – Walsh Bay.

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. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

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.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this Policy are as follows:

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to confer functions on joint regional planning panels to determine development applications.

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.

Sydney Regional Environmental Plan No.16 Walsh Bay (Gazetted 16/06/89, as amended)

This plan provides for the redevelopment of Walsh Bay by encouraging re-use of existing structures, protection of heritage items, control use of waterways & provision of public access to waterfront.

**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.	YES
▪ 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 temporary 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 temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(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 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.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16 th June 2003	NO
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15 th December 1994 and Council 19 th December 1994)	NO
▪ City of Sydney Development Contributions Plan 2006 – in operation 7 th April 2007	NO
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16 th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16 th May 2007	NO

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates 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 consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

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) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:

Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

**PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:

The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:

Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)

This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment Act 1979*. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the *Environmental Planning and Assessment Act, 1979*). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

Resident & Visitor Parking Permit Schemes Restriction

Owners and occupiers of this address are **not eligible** to participate in the resident and visitor permit parking schemes.

The Minister is the Consent Authority

The Minister is the consent authority where development has a capital investment value of more than \$10 million. (State Environmental Planning Policy (Major Projects))

Sydney Harbour Foreshore Authority Act 1998

The provisions of the Sydney Harbour Foreshore Authority Act 1998 apply to the subject land.

For more information, contact the Property Officer at Sydney Harbour Foreshore Authority on telephone (02) 9240 8500.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice

Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :

Telephone: 02 9265 9333

Facsimile: 02 9265 9415

Town Hall House

Level 2,
Town Hall House,
456 Kent Street,
Sydney.
8am – 6pm, Monday - Friday

Glebe Customer Service Centre

Glebe Library,
186 Glebe Point Road,
Glebe
9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross

50 Darlinghurst Road,
Potts Point
9am – 5pm, Monday – Friday
9am – 12pm, Saturday

Neighbourhood Service Centre Redfern

158 Redfern Street
Redfern
9am-5pm Monday – Friday
9am – 12 Noon Saturday

Green Square Customer Service Centre

The Tote,
100 Joynton Avenue,
Zetland
10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:
Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000

End of Document

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000
Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au
GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au



JULIA NICHOLSON
JBS ENVIRONMENTAL PTY LTD
LEVEL 1 50 MARGARET ST
SYDNEY NSW 2000

PLANNING CERTIFICATE

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

Applicant:	JBS ENVIRONMENTAL PTY LTD
Applicant's reference:	JBS & G
Address of property:	15 Hickson Road , DAWES POINT NSW 2000
Owner:	WATERWAYS AUTHORITY
Description of land:	Lot 65 DP 1048377
Certificate No.:	2014300874
Certificate Date:	14/02/14
Receipt No:	5018824
Fee:	\$80.00
Paid:	14/02/14

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

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

CERTIFICATE ENQUIRIES:

Ph: 9265 9333
Fax: 9265 9415

city of villages

Sydney2030 Green/Global/Connected

**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

Zone 1 – Walsh Bay Conservation Zone – Sydney Regional Environmental Plan 16.

(1) The objectives of this zone are:

- (a) To allow an appropriate range of uses to encourage the adaptive re-use of existing structures while not required for commercial port uses;
- (b) To ensure that development is consistent with the heritage significance, the scale, the built form and the materials of existing structures in the zone and adjoining areas;
- (c) To ensure that development is compatible with and does not detract from the financial, commercial and retail functions of the existing city central business district functions and the Sydney Cove Redevelopment Area; and
- (d) To ensure that development is compatible with and does not adversely impact on the residential amenity and function of the adjoining areas.

(2) Without Development Consent

Nil

(3) Only with Development Consent

Any purpose other than a purpose included in item (2) or (4)

(4) Prohibited

Bus depots, bus stations, car repair stations, gas holders, generating works, helipads, heliports, industries (other than home industries and light industries), institutions, junk yards, liquid fuel depots, marinas, mines, roadside stalls, road transport terminals, sawmills.

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)

Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)

HERITAGE

Walsh Bay Conservation Zone

A person shall not, in respect of the Walsh Bay Conservation Zone: demolish or alter a building or work within the Zone; damage or remove a relic, including excavation for the purpose of exposing or removing a relic, within the Zone; damage or despoil a place within the Zone; erect a building on or subdivide land within the Zone; or damage any tree within the Zone, except with the consent of the consent authority.

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.

SREP 16 – Walsh Bay

Clauses 9 & 10 of State Environmental Planning Policy No. 4 do not apply to the land within Sydney Regional Environmental Plan No. 16 – Walsh Bay.

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. NOTE: Does not apply to land at Green Square or at Ultimo Pymont

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.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this Policy are as follows:

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to confer functions on joint regional planning panels to determine development applications.

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.

Sydney Regional Environmental Plan No.16 Walsh Bay (Gazetted 16/06/89, as amended)

This plan provides for the redevelopment of Walsh Bay by encouraging re-use of existing structures, protection of heritage items, control use of waterways & provision of public access to waterfront.

**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.	YES
▪ 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 temporary 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 temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(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.

(9) Contribution plans

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16 th June 2003	NO
▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15 th December 1994 and Council 19 th December 1994)	NO
▪ City of Sydney Development Contributions Plan 2006 – in operation 7 th April 2007	NO
▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16 th May 2007 ▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16 th May 2007	NO

(9A) Biodiversity certified land

The land has not been certified as biodiversity certified land.

(10) Biobanking Agreement

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

(11) Bush fire prone land

The land has not been identified as Bush fire prone land.

(12) Property vegetation plans

Not Applicable.

(13) Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of an order which has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates 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 consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

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) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

PLANNING CERTIFICATE SECTION 149(2) INFORMATION:

Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.

**PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979**

PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.

Contaminated Land Potential:

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

Hazard Risk Restriction:

The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

Construction Noise and View Loss Advice:

Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

City of Sydney Tree Preservation Order 2004 (TPO)

This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment Act 1979*. Contact Council's Contract and Asset Management section for more information.

Outstanding Notice & Order information

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the *Environmental Planning and Assessment Act, 1979*). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the *Environmental Planning and Assessment Act* and Section 735A of the *Local Government Act*.

Resident & Visitor Parking Permit Schemes Restriction

Owners and occupiers of this address are **not eligible** to participate in the resident and visitor permit parking schemes.

Sydney Harbour Foreshore Authority Act 1998

The provisions of the Sydney Harbour Foreshore Authority Act 1998 apply to the subject land. For more information, contact the Property Officer at Sydney Harbour Foreshore Authority on telephone (02) 9240 8500.

ADVICE FROM OTHER BODIES

Sydney Ports Corporation Advice

Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).

For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.

Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:

General Enquiries :

Telephone: 02 9265 9333

Facsimile: 02 9265 9415

Town Hall House

Level 2,
Town Hall House,
456 Kent Street,
Sydney.

8am – 6pm, Monday - Friday

Glebe Customer Service Centre

Glebe Library,
186 Glebe Point Road,
Glebe

9am – 5pm, Monday – Friday

Neighbourhood Service Centre Kings Cross

50 Darlinghurst Road,
Potts Point

9am – 5pm, Monday – Friday

9am – 12pm, Saturday

Neighbourhood Service Centre Redfern

158 Redfern Street
Redfern

9am-5pm Monday – Friday

9am – 12 Noon Saturday

Green Square Customer Service Centre

The Tote,
100 Joynton Avenue,
Zetland

10am-6pm Monday – Friday

State planning controls are available for inspection at the following locations:

Sydney Harbour Foreshore Authority (former Sydney Cove Authority and Darling Harbour Authority),
Level 6,
66 Harrington Street,
The Rocks.

Department of Planning & Infrastructure Information Centre
23-33 Bridge Street,
Sydney NSW 2000

Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:

*Chief Executive Officer,
City of Sydney,
G.P.O. Box 1591,
Sydney, NSW 2000*

End of Document

Appendix G WorkCover NSW Dangerous Goods Database Search Results



Dangerous Goods Licensing
WorkCover NSW
Locked Bag 2906
LISAROW NSW 2252

To whom it may concern

I, Marianna Preston of Arts NSW (current property owner), hereby authorise JBS&G to undertake a 'Site Search for License to Keep Dangerous Goods' for the property located at Pier 2/3 - Lot 11 DP 1138931, Pier 2/3 Shore Sheds – Lot 24 DP 1071597 and Wharf 4/5 - Lot 65 in DP 1048377. The information is required by JBS&G in the preparation of an Environmental Site Assessment report for the property.

If you have any queries relating to the property or require further information please do not hesitate to contact me on marianna.preston@arts.nsw.gov.au or by phone on 02 9995 0502.

Kind regards

Marianna Preston
Director, Infrastructure

Date: 11 Feb 2014.

CONTACT FOR NOTIFICATION INQUIRIES

Title: Mr / Miss / Ms / Mrs / Other (please specify) MR Family name PRESTON
Given name JOHN Other names EDWARD
Gender ☒ Male / Female (please circle) Date of birth 01 / 03 / 46 Place of birth GRIFFIN
Postal address P.O. Box 777
Suburb Millers Point State NSW Postcode 2000
Business phone 02 9250 1730 Business fax number 02 9250 1732
Business email address jpreston@sydneytheatre.com.au

Previous Licence Number or Acknowledgement Number (if known)

35/ 02 47388 / 1/10/06

Previous Occupier (if known)

100.00
Date 3.8.06
Rec. No. 467417

Site on which dangerous goods are to be kept

Number Street

4/5 HICKSON ROAD WALSH BAY

Nearest cross Street

POTTINGER STREET

Lot and DP if no street number

Is the site staffed? If yes state number of employees 100Site staffing: Hours per day 17 Days per week 6

Site Emergency Contact

Phone number

Name

(02) 0414 313 765 MARTYN NIGHTINGALE

Nature of site (eg petrol station, warehouse etc)

PERFORMING ARTS VENUES

Nature of your primary business activity

LIVE PERFORMANCE PRODUCTION

ABN Number (if any)

Website details (if any)

87 001 667 983 WWW.SYDNEYTHEATRE.COM.AU

What is the ANSZIC code most applicable to your business? (see guide for list of codes and further information)

Code

Description

925 LIVE PERFORMANCE PRODUCTION

Attach a site sketch(s) of the premises. Refer to the Guide for information on the requirements for the site sketch.

Attach a photocopy page from a local Street Directory or other map showing the locality of the premises. Mark the location of the premises with an X

< notifiable amounts
1/10/06

List the dangerous goods that will be stored and/or processed on these premises. Copy this page and attach additional sheets if there is insufficient space.

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
2	Flammable Goods Cabinet	3	250 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
UN 1193		III		ETHYL METHYL KETONE		5	L
UN 1219		III		ISOPROPANOL		2	L
UN 1263		III		Paint related material		8	L
UN 1300	Turps	III		TURPENTINE SUBSTITUTE		20	L

LP
1/14/06

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
2	Flammable Goods Cabinet	3	250 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
UN 1866		III		RESIN SOLUTION		81	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
H69	Roofed Store	3-1/2	850 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
UN 1170				ETHANOL		20	L
UN 1263				PAINT		24	L
UN 1263				PAINT		40	L
UN 1300				TURPENTINE SUBSTITUTE		250	L

LP
if mixed PG

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
H69	Roofed Store	3-1/2	850 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
UN 1300				TURPENTINE SUBSTITUTE		20	L

340 g.

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³

No 2 Depot

Paints Workshop

WORKSHOP

Compressed
air lines

Note: For high level lighting
to these areas see A38

Line of cable tray

Existing
Hoist



Chain link
enclosure

RC Soffit to stair

Steel deck exposed
as ceiling

SD

Remov

Ex. cl
to re

Ex mmb

DECK 1

Ex. crane rail
to remain

SCENERY SET UP

Remove ex gantry rails

PAINT FLOOR
Depot
H69

PAINT FLOOR

STAFF ROOM

Depots
No 1

Mech. exhaust
ducts
Steel truss

PUBLIC WALKWAY

remain

No 4
No 3

STAFF

DYING

SD

SD

SD

SD

SD

SD

SD

SD

SD

SD

SD

from this point

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

P.B.

List the dangerous goods that will be stored and/or processed on these premises. Copy this page and attach additional sheets if there is insufficient space.

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
Nº1	FLAMMABLE LIQUIDS CABINET	3	850 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1170	ETHYL ALCOHOL		II	ETHANOL		20	L
1263	ZINC RICH KIT		II	PAINT		64	L
1300	TURPS SUBSTITUTE		II	TURPENTINE		270	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
Nº2	FLAMMABLE LIQUIDS CABINET	3	250 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1193	ETHYL KETONE		II	METHYLETHYL KETONE		5	L
1219	ISOPROPANOL		II	ISOPROPYL ALCOHOL		2	L
1263	PAINT		II	PAINT		8	L
1300	TURPS		II	TURPENTINE		20	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
Nº1	FLAMMABLE LIQUIDS CABINET	3	250 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1866	RESIN SOLUTION		II	RESIN		81	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
H69	ROOFED STORE	2 1/2	900 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1263	PAINT		II	WATER BASED		150	L
1263	PAINT		II	AEROSOL		20	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
Nº3	FLAMMABLE LIQUIDS CABINET	3	160 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1263	PAINT		II	DESIGN MASTER		10	L
1950	PAINT	2	II	DESIGN MASTER		10	L

NOTIFICATION OF DANGEROUS GOODS ON PREMISES FORM

FDG01

List the dangerous goods that will be stored and/or processed on these premises. Copy this page and attach additional sheets if there is insufficient space.

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)
N° 4	Flammable Liquids Cabinet	3	80 L

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³
1950	DESIGN MASTER	2	II	DESIGN MASTER		8	L
1263	PAINT		II	PAINT		4	L

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)

UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³

Identifier	Type of storage location or process	Class	Maximum Storage Capacity (L, kg, M ³)

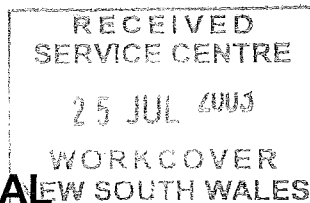
UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	HazChem Symbol	Typical Qty	Unit eg L, kg, M ³



Add New fcc
order file

ORD-2

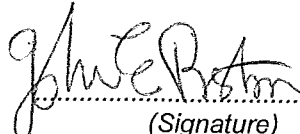
Licence No. 35/027888



APPLICATION FOR RENEWAL OF LICENCE TO KEEP DANGEROUS GOODS

ISSUED UNDER AND SUBJECT TO THE PROVISIONS OF THE DANGEROUS GOODS ACT, 1975 AND REGULATION THEREUNDER

DECLARATION: Please renew licence number 35/027888 to 15/08/2004. I confirm that all the licence details shown below are correct (amend if necessary).


(Signature)

for: SYDNEY THEATRE CO LTD

John PRESTON
(Please print name)

3/7/03
(Date signed)

THIS SIGNED DECLARATION SHOULD BE RETURNED TO:

WorkCover New South Wales
Dangerous Goods Licensing Section
LOCKED BAG 2906
LISAROW NSW 2252

Enquiries:ph (02) 43215500
fax (02) 92875500

Details of licence on 27 June 2003

Licence Number 35/027888 Expiry Date 15/08/2003

Licensee SYDNEY THEATRE CO LTD ACN 001 667 983

Postal Address: P O BOX 777 MILLERS POINT NSW 2000

Licensee Contact JOHN EDWARD PRESTON Ph. 9250 1700 Fax. 9251 3687

Premises Licensed to Keep Dangerous Goods PIER 4
SYDNEY THEATRE CO LTD
HICKSON RD WALSH BAY 2000

Nature of Site PERFORMING ARTS VENUES

Major Supplier of Dangerous Goods NOT APPLICABLE

Emergency Contact for this Site JOHN ED PRESTON(0414-907734) Ph: 9250-1730

Site staffing 17 HRS 6 DAYS

MARTYN NIGHTINGALE OH 9313765 02 9250 1724
9250 1700

Details of Depots

Depot No.	Depot Type	Goods Stored in Depot	Qty
H69	ROOFED STORE	Class 3	850 L
		UN 1170 ETHANOL (ETHYL ALCOHOL)	20 L
		UN 1263 PAINT, (ZINC RICH KIT)	24 L
		UN 1263 PAINT, (ZINC RICH KIT)	40 L
		UN 1300 TURPENTINE SUBSTITUTE	250 L
		UN 1300 TURPENTINE SUBSTITUTE	20 L

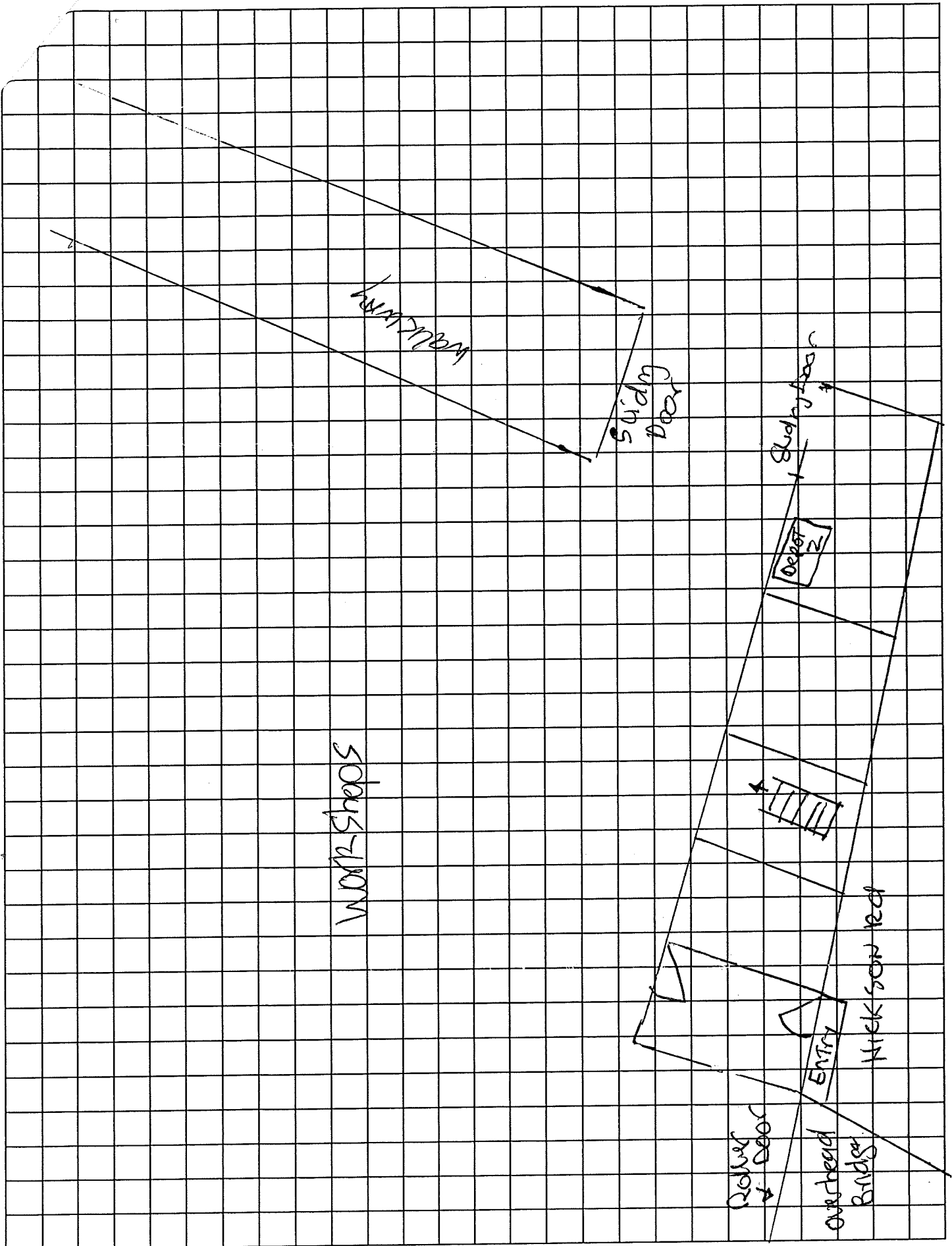
Application for Licence to Keep Dangerous Goods

Application for: New Licence ☒ Amendment ☐ Transfer ☐ Renewal of expired licence ☒

PART A - Applicant and site information (See page 2 of Guidance Notes)

- 1 Name of applicant ACN
SYDNEY THEATRE COMPANY LTD 001 667 983
- 2 Postal Address of Applicant Suburb/Town Postcode
P.O. BOX 777 MILLERS POINT 2000
- 3 Trading Name or Site Occupier's Name
SYDNEY THEATRE COMPANY
- 4 Contact for Licence Inquiries
Phone Fax Name
(02) 9250 1730 (02) 9250 1732 JOHN PRESTON
- 5 Previous Licence Number (if known) 35/
- 6 Previous Occupier (if known)
- 7 Site to be Licensed
No Street
PIER 4 HICKSON RD WALSH BAY
- 8 Main Business of Site
PERFORMING ARTS VENUES
- 9 Site staffing: Hours per day 17 Days per week 6
- 10 Site Emergency Contact
Phone Name
(02) 9250 1724 - 9250 1700 MARTYN NISHTINGALE
- 11 Major Supplier of Dangerous Goods N/A
- 12 If a new site or for amendments to depots - see page 4 of Guidance Notes.
Plans Stamped by: Signature of Competent Person Printed Name Date stamped
N/A
- I certify that the details in this application (including any accompanying computer disk) are correct and cover all licensable quantities of dangerous goods kept on the premises.
- 13 Signature of Applicant Printed Name
John E Preston JOHN EDWARD PRESTON

Dangerous Goods Licensing,
WorkCover NSW, Locked Bag 2906, LISAROW NSW 2252



pot? See page 5 of the Guidance Notes

- Dangerous Goods Storage Complete one section per depot

u have more depots than that space provided, photocopy sufficient sheets first

Depot Number	Type of Depot (see page 5)	Depot Class	Maximum Storage Capacity			
2	Flammable liquids Cabinet	3	250 Lt			
UN Number	Proper Shipping Name	Class	PG (I, II, III)	Product or Common Name	Typical Quantity	Unit eg L, kg, m ³
UN1300	Mineral Turpentine	3	III	Turpentine	20	Lt
1263 LFP	Paints & Thinners	3	II	Brush Wash	8	Lt
1760 3910	Resin	6.1(b)	II	Casting Resin Part A	16	Kg
1760	"	8	III	" " Part D	8	Kg
1866	Polyvinyl Alcohol	3	III	PVA Blue	4	Kg
Free	Resin	2	II	Poly Foaming Resin A	4	Lt
2207	"	6	III	" " " B	4	Lt
-	Foam	3	-	Plast. Foam A	1	Kg
-	"	"	-	" " " B	1	Kg
1219	Alcohol Gel	4		130 Propyl Alcohol gel	2	Lt
3105	Methyl Ethyl Ketone			Ketone	5	Kg
1866	Gelcoat	3	III	Polyester Gelcoat	4	Lt
	Hydrochloric Acid			Acid	8	Lt
1866	Flowcoat	3	III	Polyester Flowcoat	4	Lt
1866	Fiber Glass Resin	3	III	Resin	22.44	Kg
1866	Flowcoat	3	3	White Flowcoat	25	Kg
	Multi-purpose thinner	3		Thinners	20	Lt
	Foam			Taxidermist Foam A	5	Kg
	"			" " " B	7	Kg



WorkCover New South Wales, 400 Kent Street, Sydney 2000. Telephone 9370 5000 ALL MAIL TO G.P.O. BOX 5364 SYDNEY 2001

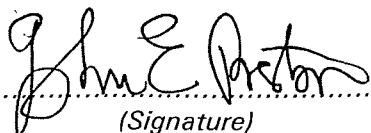
Licence No. 35/027888



APPLICATION FOR RENEWAL OF LICENCE TO KEEP DANGEROUS GOODS

ISSUED UNDER AND SUBJECT TO THE PROVISIONS OF THE DANGEROUS GOODS ACT, 1975 AND REGULATION THEREUNDER

DECLARATION: Please renew licence number 35/027888 to 16/08/2000. I confirm that all the licence details shown below are correct (amend if necessary).


(Signature)

John Edward Preston
(Please print name)

22/7/99
(Date signed)

for: SYDNEY THEATRE CO LTD

THIS SIGNED DECLARATION SHOULD BE RETURNED TO:

WorkCover New South Wales
Dangerous Goods Licensing Section
GPO BOX 5364
SYDNEY 2001

Enquiries: ph (02) 9370 5187
fax (02) 9370 6105

Details of licence on 14 July 1999

Licence Number 35/027888 Expiry Date 16/08/1999

Licensee SYDNEY THEATRE CO LTD ACN 001 667 983

Postal Address: BOX 777 P O MILLERS POINT NSW 2000

Licensee Contact JOHN EDWARD PRESTON Ph 9250 1700 Fax 9251 3687

Premises Licensed to Keep Dangerous Goods PIER 4
SYDNEY THEATRE CO LTD
HICKSON RD WALSH BAY 2000

Nature of Site PERFORMING ARTS VENUES

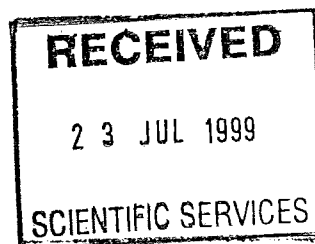
Major Supplier of Dangerous Goods NOT APPLICABLE

Emergency Contact for this Site JOHN EDWARD PRESTON Ph 9250 1730 MOB 0914 907734

Site staffing 17 HRS 6 DAYS

Details of Depots

Depot No.	Depot Type	Goods Stored in Depot	Qty
H69	ROOFED STORE	Class 3	850 L
		UN 1170 ETHANOL (ETHYL ALCOHOL)	20 L
		UN 1263 PAINT, (ZINC RICH KIT)	24 L
		UN 1263 PAINT, (ZINC RICH KIT)	40 L
		UN 1300 TURPENTINE SUBSTITUTE	250 L
		UN 1300 TURPENTINE SUBSTITUTE	20 L



Form DG10



Box No. 620

WorkCover New South Wales, 400 Kent Street, Sydney 2000. Tel: 9370 5000 Fax: 9370 5999 ALL MAIL TO G.P.O. BOX 5364 SYDNEY 2001
Licence No. 35/027888



APPLICATION FOR RENEWAL OF LICENCE TO KEEP DANGEROUS GOODS

ISSUED UNDER AND SUBJECT TO THE PROVISIONS OF THE DANGEROUS GOODS ACT, 1975 AND REGULATION THEREUNDER

DECLARATION: Please renew licence number 35/027888 to 15/08/2001. I confirm that all the licence details shown below are correct (amend if necessary).


(Signature)

John Edward Preston
(Please print name)

29/6/00
(Date signed)

for: SYDNEY THEATRE CO LTD

THIS SIGNED DECLARATION SHOULD BE RETURNED TO: (please do not fax)

WorkCover New South Wales
Dangerous Goods Licensing Section
GPO BOX 5364
SYDNEY 2001

Enquiries: ph (02) 9370 5187
fax (02) 9370 6104

Details of licence on 27 June 2000

Licence Number 35/027888 Expiry Date 15/08/2000

Licensee SYDNEY THEATRE CO LTD ACN 001 667 983

Postal Address: BOX 777 P O MILLERS POINT NSW 2000

Licensee Contact JOHN EDWARD PRESTON Ph. 9250 1700 Fax. 9251 3687

Premises Licensed to Keep Dangerous Goods PIER 4
SYDNEY THEATRE CO LTD
HICKSON RD WALSH BAY 2000

Nature of Site PERFORMING ARTS VENUES

Major Supplier of Dangerous Goods NOT APPLICABLE

Emergency Contact for this Site JOHN ED. PRESTON(0414 907734) Ph. 9250 1730

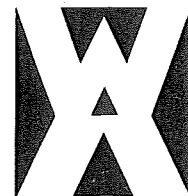
Site staffing 17 HRS 6 DAYS

Details of Depots

Depot No.	Depot Type	Goods Stored in Depot	Qty
H69	ROOFED STORE	Class 3	850 L
		UN 1170 ETHANOL (ETHYL ALCOHOL)	20 L
		UN 1263 PAINT, (ZINC RICH KIT)	24 L
		UN 1263 PAINT, (ZINC RICH KIT)	40 L
		UN 1300 TURPENTINE SUBSTITUTE	250 L
		UN 1300 TURPENTINE SUBSTITUTE	20 L

Form DG10

WORKCOVER AUTHORITY



LICENCE TO KEEP DANGEROUS GOODS

(Dangerous Goods Act 1975)

Application for new licence, amendment or transfer

Expiry: 16.8.94

1. Name of applicant ACN
 THE SYDNEY THEATRE COMPANY 001 667 983

2. Site to be licensed
 No * Pier 4
 Street 7
 16R 4 WICKSON RD DATA
 Suburb/Town delete 4 from Street no. 29 JUN 1993
 WALSH BAY 2000 ENTERED

3. Previous licence number (if known) 35-027888

4. Nature of site * 9136
 LIVE THEATRE CONSTRUCTION & PERFORMANCE

5. Emergency contact on site:
 Phone Name
 * 250-1730 W.Hours. * John EDWARD PRESTON JP

6. Site staffing: 70 Hours per day * 17 Days per week * 6

7. Major supplier of dangerous goods

8. If new site or significant modification
 Plan stamped by: Accredited consultant's name: Date stamped

9. Number of dangerous goods depots at site 1

10. Trading name or occupier's name
 THE SYDNEY THEATRE COMPANY LTD (delete ctrl-L)

11. Postal address of applicant Suburb/Town Postcode
 * P.O. Box 777 * Millers Point * 2000

12. Contact for licence enquiries:
 Phone Fax Name
 * 250-1100 * 251-3687 * John Edward Preston JP

I certify that the details contained in this application (or the accompanying computer disk) are true and correct

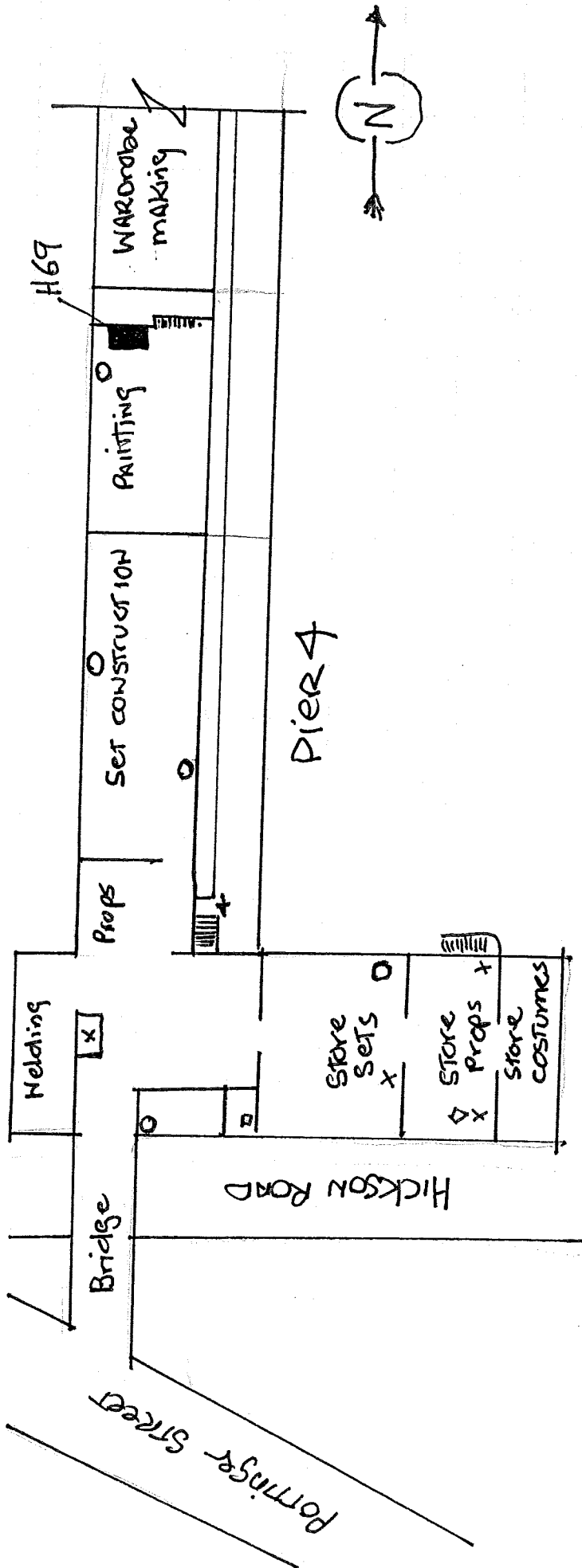
13. Signature of applicant Date
 John E Preston JP 18/5/93

Sent 20/6/93

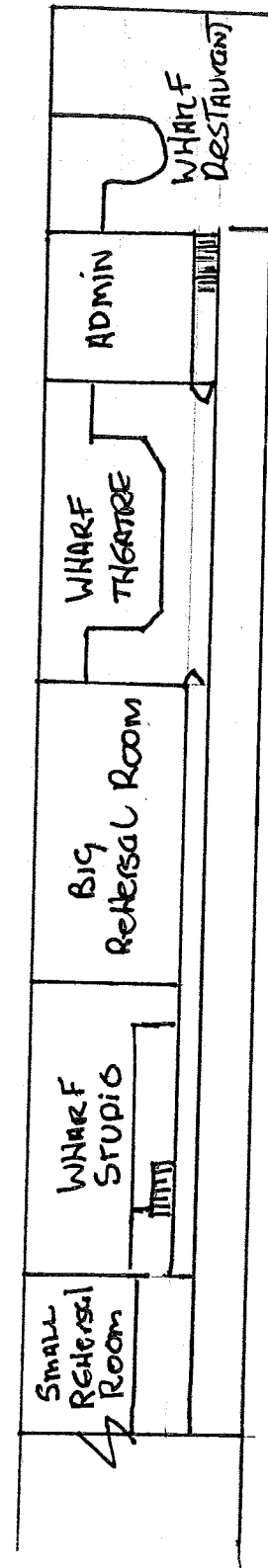
Site Sketch

35-027888

Please carefully read the instructions in Part B of the guide before sketching the site.



PART B



O - HOSE REEL

X - H2O

△ -

If you have more depots than the space provided, photocopy sufficient sheets first.

[illegible]

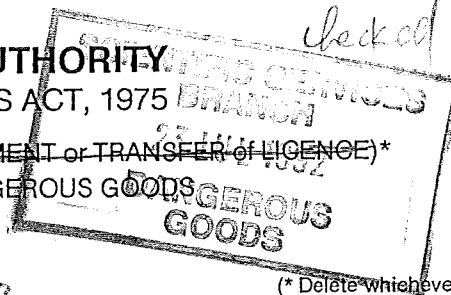
WORKCOVER AUTHORITY

DANGEROUS GOODS ACT, 1975

APPLICATION FOR LICENCE (or AMENDMENT or TRANSFER of LICENCE)*
FOR THE KEEPING OF DANGEROUS GOODS

LICENCE No.

35 027888



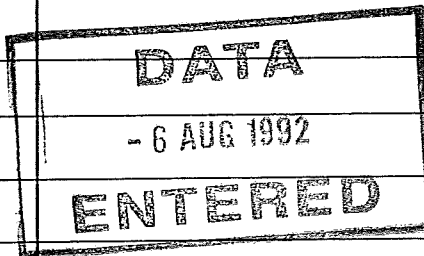
Plan No: 367

(* Delete whichever is not required)

Name of Applicant in full (see Item 1 - Explanatory notes - page 4)		
Trading name or occupier's name (if any)	SYDNEY THEATRE COMPANY LTD.	
Postal Address		Postcode
Address of the premises to be licensed. (Including Street No.)	THE WHARF THEATRE PIER 4 HICKSON ST. WASHBAY Postcode 2000	
Nature of premises (See Item 2 - Explanatory notes - page 4)	THEATRE, PROPS & PAINT STORE.	
Telephone number of applicant	STD Code	Number

Particulars of type of depots and maximum quantities of dangerous goods to be kept at any one time.

Depot number	Type of depot (See item 3 - Explanatory notes - page 4)	Storage capacity	Dangerous goods	C & C Office use only
			Product being stored	
1	INT. FLAM. CABINET	850 L.	Mixed Products Class 3.	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				



Has site plan been approved by the Dangerous Goods Branch?

Yes
~~No~~

If yes, no plans required.

If no, please attach site plan, or provide sketch plan overleaf. which has been checked by an accredited consultant

Have premises previously been licensed?

Yes
~~No~~

If, yes, state name of previous occupier, and licence No. (if known)

Name of oil company supplying flammable liquid (if applicable).

Various

Signature of applicant

[Signature]

Date

10.7.92

For external explosives magazine(s), please fill in page 3.

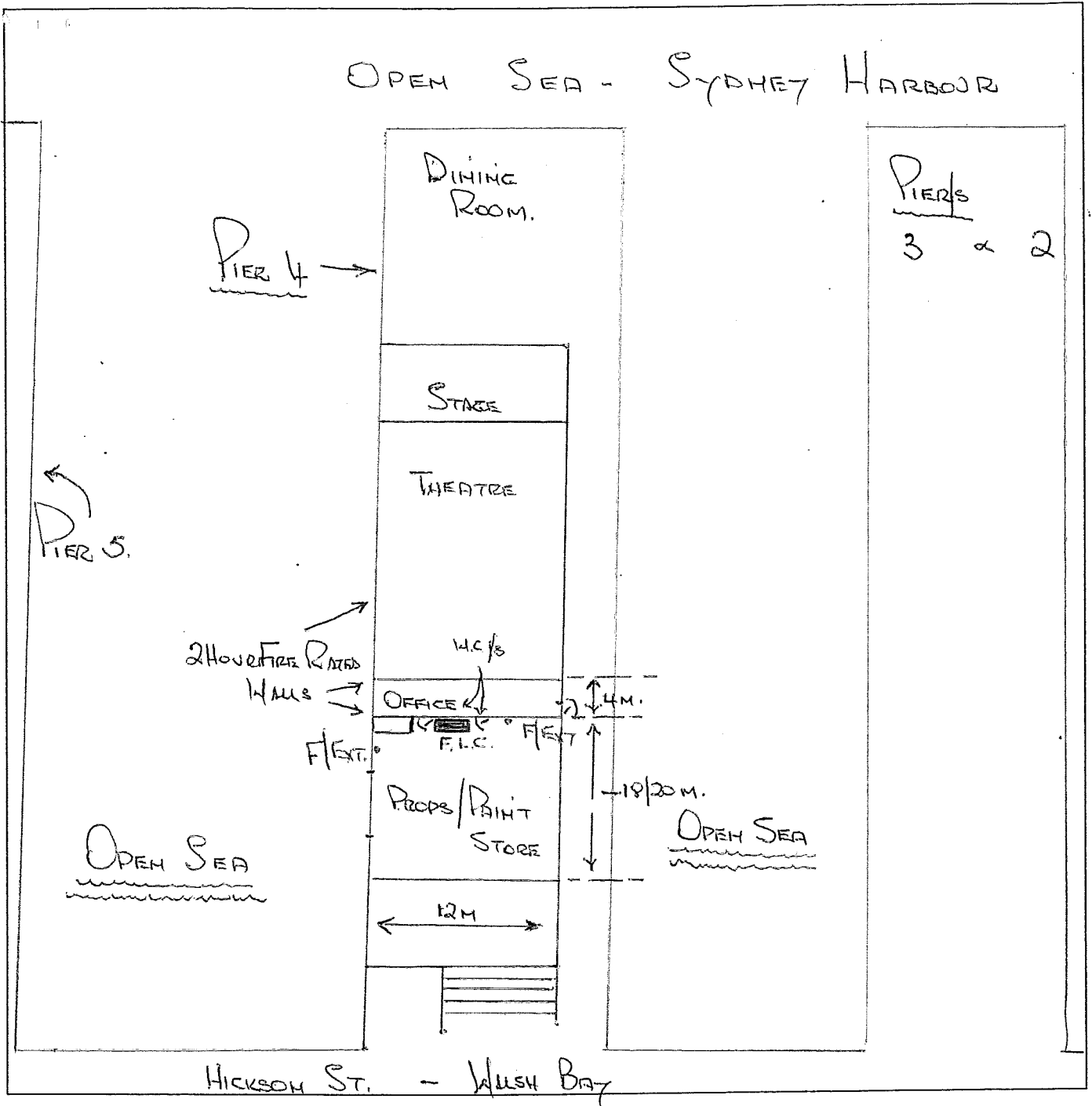
FOR OFFICE USE ONLY

CERTIFICATE OF INSPECTION

I, being an Inspector under the Dangerous Goods Act, 1975, do hereby certify that the premises described above do comply with the requirements of the Dangerous Goods Act, 1975, and the Dangerous Goods Regulation with regard to their situation and construction for the keeping of dangerous goods of the nature and in the quantity specified.

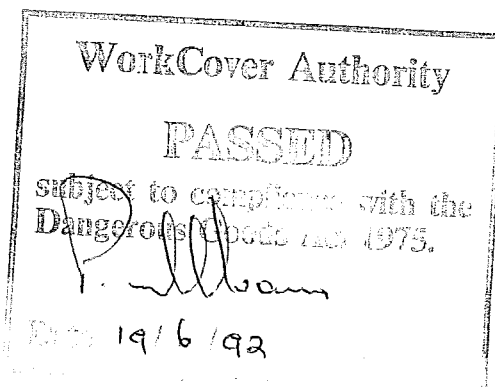
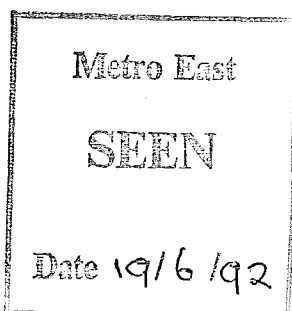
Date

SKETCH PLAN OF SITE



Show positions of Depot(s) with:-

- (1) distances from public places and protected works;
- (2) street names;
- (3) nature and details of adjacent properties.



Appendix H Sampling, Analysis and Quality Plan for Proposed Soil Investigation

H1. Objective and Scope of Work

The objectives of the proposed soil sampling program at the site investigation are to: characterise the top 1.0m of the soil horizon within the land-based portion of the site with respect to the nature and magnitude of potential contaminants; and to make recommendations for any future actions that may be required to address potential site impacts.

The scope of work for the site investigation comprises:

- Review existing site investigation information, as completed in **Sections 2 and 3** of the main report;
- Preparation of this SAQP for the works, to be developed using the Data Quality Objectives (DQO) project planning process;
- Completion of underground services search and site clearance by professional services locator;
- Completion of a program of soil sampling to achieve the investigation objectives;
- Assess whether further works, or management plans, are required to address potential site impacts; and
- Prepare a report on the results of the investigation in accordance with the requirements of OEH (2011) and DEC (2006).

H2.Sampling and Analysis Plan - Data Quality Objectives

Data Quality Objectives (DQOs) were established for the assessment works, as described in the following sections.

H2.1 State the Problem

A Stage 2 Environmental Impact Statement (EIS) for the WBAP will be submitted to the Department of Planning. The site area has been subject to several previous uses (including uses associated with wharfage and commercial / industrial activities) and potential historical filling activities. Given the historical use of the area as wharfage and other commercial activities, future EIS lodgements for the WBAP will require a statement on whether the site is suitable, from a contamination perspective, for the proposed use.

H2.2 Identify the Decision

Based on the decision making process for assessing urban redevelopment site detailed in DEC (2006), modified to meet the specific project objectives, the following decisions must be made:

- Are there any unacceptable risks to likely future onsite receptors from soil?
- Are there any issues relating to the local area background soil concentrations that exceed appropriate soil criteria?
- Are there any impacts of chemical mixtures?
- Are there any aesthetic issues?
- Is there any evidence of, or potential for, migration of contaminants from the site?
- Is a site management strategy required?

H2.3 Identify Inputs to the Decision

Inputs to the decisions are:

- The site description provided in **Section 2** of the main report;

- The potential for contamination of the site as detailed in Section 4 of the main report;
- Soil environmental data collected by soil sampling and analysis consisting of total concentrations;
- Soil criteria based on the proposed landuse as defined in **Section H.4**; and
- Confirmation that data generated by sample analysis are of an acceptable quality to allow reliable comparison to assessment criteria by assessment of quality assurance / quality control as per the data quality indicators established in **Section H2.6**.

H2.4 Define the Study Boundaries

The study boundary is described is the land-based extent of the proposed WBAP as shown on **Figure 3**. Noting that the exact position of the seawall is unclear, the land based portion of the WBAP is considered to have an area of less than 0.1 hectares.

The vertical extent of the soil investigation will be to a maximum depth of 1.5 m below the base of the existing ground slab or refusal, whichever is shallower. This is anticipated to be a depth of approximately 2.0 m below ground level, based on results of previous investigations in proximity of the WBAP.

Due to the project objectives, seasonality will not be assessed as part of this investigation. Data will therefore be representative of the timing and duration of the current investigation.

H2.5 Develop a Decision Rule

The decision rules adopted to answer the decisions identified in **Section H2.3** are summarised in **Table H.1**.

Table H.1 Summary of Decision Rules

Decision Required to be Made	Decision Rule
1. Are concentrations in soil at the site exceeding adopted assessment criteria for the current landuse?	The nature and extent of soil impacts will be assessed, and soil analytical data will be compared against EPA endorsed criteria for public and commercial land use. Statistical analyses of the data in accordance with relevant guidance documents will be undertaken, if appropriate, to facilitate the decisions. The following statistical criteria will be adopted with respect to soils: <u>Either</u> : the reported concentrations are all below the site criteria; <u>Or</u> : the average site concentration for each analyte must be below the adopted site criterion; no single analyte concentration exceeds 250% of the adopted site criterion; and the standard deviation of the results must be less than 50% of the site criteria. <u>And</u> : the 95% upper confidence limit (UCL) ¹ of the average concentration for each analyte must be below the adopted site criterion. If the statistical criteria stated above are satisfied, and an assessment of risk indicates no unacceptable risks, the decision is No. Otherwise, the decision is Yes.
2. Are there any issues relating to the local area background soil concentrations that exceed appropriate soil criteria?	If the 95% UCL of surface soils exceeds published background concentrations (NEPC 1999), the decision is Yes. Otherwise, the decision is No.
3. Are there any chemical mixtures?	Are there more than one group of contaminants present which increase the risk of harm? If there is, the decision is Yes. Otherwise, the decision is No.
4. Are there any aesthetic issues?	Are there any ACM fragments on the ground surface, any unacceptable odours or soil discolouration, the decision is Yes. Otherwise, the decision is No.
5. Is there any evidence of, or potential for, migration of contaminants from the site?	Are there contaminants present at concentrations exceeding published background concentrations (NEPC 1999)? If yes, the decision is Yes. Otherwise, the decision is No.

¹ *Sampling Design Guidelines*. (NSW EPA, 1995)

H2.6 Specify Limits of Decision Error

This step is to establish the decision maker's tolerable limits on decision errors, which are used to establish performance goals for limiting uncertainty in the data. Data generated during this project must be appropriate to allow decisions to be made with confidence.

Specific limits for this project have been adopted in accordance with the appropriate guidance from the NSW EPA, NEPC (2013), appropriate indicators of data quality (DQIs used to assess QA/QC) and standard JBS&G's procedures for field sampling and handling.

To assess the usability of the data prior to making decisions, the data will be assessed against pre-determined Data Quality Indicators (DQIs) for completeness, comparability, representativeness, precision and accuracy. The acceptable limit on decision error is 95% compliance with DQIs.

The pre-determined Data Quality Indicators (DQIs) established for the project are discussed below in relation to precision, accuracy, representativeness, comparability and completeness (PARCC parameters), and are shown in **Table H.2**.

- **Precision** - measures the reproducibility of measurements under a given set of conditions. The precision of the laboratory data and sampling techniques is assessed by calculating the Relative Percent Difference (RPD) of duplicate samples.
- **Accuracy** - measures the bias in a measurement system. The accuracy of the laboratory data that are generated during this study is a measure of the closeness of the analytical results obtained by a method to the 'true' value. Accuracy is assessed by reference to the analytical results of laboratory control samples, laboratory spikes and analyses against reference standards.
- **Representativeness** –expresses the degree which sample data accurately and precisely represent a characteristic of a population or an environmental condition. Representativeness is achieved by collecting samples on a representative basis across the site, and by using an adequate number of sample locations to characterise the site to the required accuracy.
- **Comparability** - expresses the confidence with which one data set can be compared with another. This is achieved through maintaining a level of consistency in techniques used to collect samples; ensuring analysing laboratories use consistent analysis techniques and reporting methods.
- **Completeness** – is defined as the percentage of measurements made which are judged to be valid measurements. The completeness goal is set at there being sufficient valid data generated during the study.

If any of the DQIs are not met, further assessment will be necessary to determine whether the non-conformance will significantly affect the usefulness of the data. Corrective actions may include requesting further information from samplers and/or analytical laboratories, downgrading of the quality of the data or alternatively, re-collection of the data.

Table H.2 Summary of Quality Assurance / Quality Control Program

Data Quality Objective	Frequency	Data Quality Indicator
Precision		
Blind duplicates (intra laboratory)	1 / 20 samples	<50% RPD ¹
Blind duplicates (inter laboratory)	1 / 20 samples	<50% RPD ¹
Accuracy		
Surrogate spikes	All organic samples	70-130%
Laboratory control samples	1 per lab batch	70-130%
Matrix spikes	1 per lab batch	70-130%
Representativeness		
Sampling appropriate for media and analytes		-

Data Quality Objective	Frequency	Data Quality Indicator
Samples extracted and analysed within holding times.	-	organics (14 days), inorganics (6 months)
Trip spike (for volatiles)	1/sampling event	70-130% recovery
Trip blank	1/sampling event	<LOR
Rinsate	1 per event	<LOR
Comparability		
Standard operating procedures for sample collection & handling	All Samples	All samples
Standard analytical methods used for all analyses	All Samples	All samples
Consistent field conditions, sampling staff and laboratory analysis	All Samples	All samples
Limits of reporting appropriate and consistent	All Samples	All samples
Completeness		
Sample description and COCs completed and appropriate	All Samples	All samples
Appropriate documentation	All Samples	All samples
Satisfactory frequency and result for QC samples	All QA/QC samples	-
Data from critical samples is considered valid	-	Critical samples valid

1. Relative per cent difference

H2.7 Optimise the Design for Obtaining Data

Various strategies for developing a statistically based sampling plan are identified in EPA 1995 , including judgemental, random, systematic and stratified sampling patterns.

Random sampling is not appropriate based on the areas of environmental concern identified in previous investigation and the site inspection. Stratified sampling is not appropriate given the size of the site, and purely judgemental sampling is inappropriate given the potential for localised impacts across much of the site.

Based on the site inspection and known history of the site, a generally systematic sampling program is considered the most appropriate for the current investigation. Table A of NSW EPA (1995) specifies that for detailed characterisation of soil conditions, the minimum sampling density on a site of 1000 m² area should be capable of detecting a circular hotspot 25m in diameter with a 95% level of confidence. A minimum of 6 new evenly spaced locations is required to achieve these requirements and provide general coverall of the site. A figure showing the distribution of proposed sampling locations is provided as **Figure 5**. It should be noted that the final position of each sampling point will need to be finalised on site in consultation with INSW and current lessees of the site.

H3. Investigation Methodology

H3.1 Sampling Approach

The proposed sampling locations for investigations are shown on **Figure 5**. The proposed sampling and analysis plan is summarised in **Table H.3**.

Table H.3: Proposed Sampling and Analysis Plan

Media	Number of Sampling Locations	Primary Analyses (exc. QA/QC)
Soil	6	Heavy metals (As, Cd, Cr, Cu, Hg, Ni, Pb, Zn)– 6 samples TPH – 6 samples BTEX – 6 samples PAHs – 6 samples OCP/OPPs – 6 samples PCBs – 6 samples VOCs/SVOCs – 6 samples Asbestos – 4 samples

H3.2 Soil Assessment

H3.2.1 Sampling Method

Soil samples will be collected in the fill profile at intervals of 0.1 m below the existing ground slab, 0.5 m below the existing ground slab and 1.0 m below the existing ground slab or refusal, whichever is shallower. Given the site remains publicly accessible, it is proposed that manual hand augers are used to progress each borehole, once concrete coring of the existing ground slab has been completed. At each location at least one sample will be submitted to the laboratory for analytical testing as per **Table H.3**.

Collected samples will be immediately transferred to laboratory supplied sample jars and plastic resealable 'ziplock' bags (for field screening). Care will be taken to minimise the potential for loss of volatile contaminants during sampling.

Field soil duplicate and split samples will be obtained using the above sampling methods. Samples will not be mixed prior to collection of duplicate and split samples to minimise the potential for loss of volatiles.

Filled sample jars will be transferred to a chilled ice box for sample preservation prior to and during shipment to the testing laboratory. A chain-of-custody form will be completed and forwarded with the samples to the testing laboratory. Based upon field observations and the PID screening results, samples will be analysed in accordance with the laboratory schedule in **Table H.3**.

H3.2.2 Field Descriptions

During the collection of soil samples, features such as seepage, discolouration, staining, odours and other indications of contamination will be noted.

H3.3.3 Field PID Screening

Soil samples will be screened on site during works using a photo-ionisation detector (PID) containing a standard ionisation lamp with electron voltage (eV) range associated with the ionisation potentials of typical volatile organic compounds (VOCs) including petroleum hydrocarbons. The PID used will be appropriately calibrated, and will also be used to assist in collection of samples for petroleum hydrocarbon analysis.

Samples obtained for PID screening will be placed in a sealed plastic bag for a period of approximately 5 minutes to equilibrate, prior to a PID being attached to the bag. Readings will then be monitored for a period of approximately 30 seconds or until values stabilise and the stabilised/highest reading will be recorded. PID screening results will be recorded on the borehole logs included in the assessment report.

H3.3.4 Decontamination

Decontamination of soil sampling/drilling equipment and groundwater sampling will be undertaken between sample locations to ensure cross-contamination does not occur between sampling locations.

H3.3.5 Laboratory Analysis

JBS&G will contract project laboratories which are NATA accredited for the required analyses. In addition, the laboratories will be required to meet JBS&G's internal Quality Assurance requirements. Note that the analytical schedule may be modified should evidence of other potential contaminants be identified during preparation of the SAQP or subsequent site assessment works.

The laboratory analysis program proposed is outlined below and in **Table H.3**:

- Note that not all samples collected will be analysed. All samples will remain at the primary laboratory for a period of two months for possible future analysis (provided analysis of analytes is within holding times) if required following the receipt of sample results.

- Not all samples will be analysed. PID screening will be used to assess samples to be nominated for analysis. Where elevated concentrations are reported in initial sample analyses, analysis of additional samples will be discussed with Telstra to enable further assessment of relevant COPC vertically and laterally.

In addition to the above analyses, for QA/QC purposes field duplicates and split duplicates will be analysed at a rate of 1/20 primary samples. A rinsate samples will be collected for each sampling event, and trip spike and trip blank samples will accompany the soil and water samples submitted to the laboratory.

H.4 Assessment Criteria

The investigation will be undertaken with consideration to aspects of the following guidelines and technical documents, as relevant:

- Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites, Office of Environment and Heritage, 2011 (OEH 2011);
- Contaminated Sites: Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act*, NSW Department of Environment and Climate Change, 2009 (DECC 2009);
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1), National Environment Protection Council, 2013 (NEPC 2013).

Based on the proposed ongoing commercial/industrial use, concentrations of contaminants in soil will be compared against NEPC (2013) health-based investigation and screening levels (HILs and HSLs), and ecological investigation and screening levels (EILs and ESLs), for commercial/industrial land use scenarios.

Where required, results will be statistically assessed in accordance with the method summarised in **Table H.1**.

H.5 Data Assessment and Reporting

The assessment report shall be prepared to meet the requirements similar to a detailed site investigation as per OEH (2011) reporting guidelines. As well as relevant content from this SAQP, the assessment report shall include:

- Copies of relevant instrument calibration certificates;
- Copies of borehole logs;
- Copies of sample summary tables prepared showing all analyte results as compared to appropriate assessment criteria;
- Copies of all laboratory documentation;
- Site plans showing all sample;
- An assessment of QA/QC including calculation of all required DQIs. Where field or laboratory based DQIs fail SAQP objectives, discussions will be provided as to the source of the failure and potential implications as to data quality; and
- Provision of advice as to whether the site requires notification under provisions of the CLM Act.


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