

# PLANNING

# CERTIFICATE

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

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ABN 86 408 856 411



## PROPERTY DETAILS

**Address:** 12 Waratah Road TURRAMURRA NSW 2074

**Lot Description:** Lot 4 DP 24669

## CERTIFICATE DETAILS

**Certificate No:** ePC1925/18      **Certificate Date:** 23/06/2018

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

## APPLICANT'S DETAILS

**REF:**

**Mr MJW Connell**  
12 Waratah Road  
TURRAMURRA NSW 2074

## BACKGROUND INFORMATION

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

**1. WHICH ENVIRONMENTAL PLAN RESTRICTS THE USE OF THIS PROPERTY?**

(Including planning proposals and draft local environmental plans exhibited prior to 1 July 2009 pursuant to section 66(1) b of the E. P. & A. Act).

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

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**2. WHAT IS THE ZONING OF THIS PROPERTY and the relevant environmental plan?**

(Zoning is a way of classifying land and limits the range of uses or activities that may be permitted on that land or property).

R2 Low Density Residential

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

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**3. WHAT DOES NOT REQUIRE DEVELOPMENT CONSENT under the above environmental plan(s)?**

Home occupations.

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

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**4. WHAT DOES REQUIRE DEVELOPMENT CONSENT under the above environmental plan(s)?**

Bed and breakfast accommodation; Boarding houses; Building identification sign, Business identification sign; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home business; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings.

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**5. WHAT IS PROHIBITED under the above environmental plan(s)?**

Any other development not specified in item 3 or 4.

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**6. DO THE DIMENSIONS OF THE LAND PERMIT THE ERECTION OF A DWELLING HOUSE ON THIS PROPERTY under the above environmental plan(s)?**

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

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**7. WHAT IS THE PROPOSED ZONING OF THIS PROPERTY and the relevant proposed environmental plan?**

(Zoning is a way of classifying land and limits the range of uses or activities that may be permitted on that land or property).

There are no zoning changes under any proposed environmental plans applying to this land.

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**8. WHAT DOES NOT REQUIRE DEVELOPMENT CONSENT under the above proposed environmental plan(s)?**

Not applicable.

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**9. WHAT DOES REQUIRE DEVELOPMENT CONSENT under the above proposed environmental plan(s)?**

Not applicable.

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**10. WHAT IS PROHIBITED by the above proposed environmental plan(s)?**

Not applicable.

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**11. DO THE DIMENSIONS OF THE LAND PERMIT THE ERECTION OF A DWELLING HOUSE ON THIS PROPERTY by the above proposed environmental plan(s)?**

Not applicable.

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**12. WHAT OTHER PLANNING INSTRUMENTS AFFECT THIS PROPERTY?**

(State and deemed state environmental plans are prepared by the State Government and cover issues as varied as rivers, residential development, employment, etc. If you have any further enquiries please contact the Department of Planning, Tel: 02 9228 6333 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au).)

Draft State Environmental Planning Policy (Competition)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

State Environmental Planning Policy No.21 - Caravan Parks

State Environmental Planning Policy No.33 - Hazardous & Offensive Development.

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

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

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

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

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.  
State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes).  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.  
State Environmental Planning Policy (State Significant Precincts) 2005.  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007.  
State Environmental Planning Policy (Infrastructure) 2007.  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.  
State Environmental Planning Policy (Affordable Rental Housing) 2009.  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.  
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.  
State Environmental Planning Policy (Coastal Management) 2018.  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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**13. WHICH DEVELOPMENT CONTROL PLANS APPLY TO THE PROPERTY?**

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

Ku-ring-gai Development Control Plan

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**14. WHICH DEVELOPMENT CONTRIBUTION PLANS APPLY IF THIS PROPERTY IS DEVELOPED?**

(A Development Contribution Plan – commonly known as a Section 94 Plan outlines the financial costs Council charges if a property is developed and Council believes the development will require additional services or facilities such as parks, roads etc. Copies of the Plans are available from Council).

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

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**15. IS THE PROPERTY IDENTIFIED AS A HERITAGE ITEM by Council or State Government? (and if so, what is the status, e.g. local environmental plan, Heritage Act etc.)**

No.

**SPECIAL NOTE:** Your attention is drawn to Clause 5.10(5) of the Ku-ring-gai Local Environmental Plan 2015 which states that the consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

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**16. IS THE PROPERTY IN A CONSERVATION AREA?**

No.

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

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**17. DOES THE PROPERTY INCLUDE OR COMPRISE CRITICAL HABITAT?**

No.

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**18. IS THE PROPERTY AFFECTED BY A ROAD WIDENING OR ROAD REALIGNMENT under the Roads Act, any environmental planning instrument or any Council resolution?**

No.

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**19. IS THE PROPERTY RESERVED FOR ACQUISITION BY A PUBLIC AUTHORITY UNDER ANY ENVIRONMENTAL PLAN OR PROPOSED ENVIRONMENTAL PLAN?**

No.

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**20. IS THE PROPERTY PART OF ANY APPLICATION DECLARED TO BE "STATE SIGNIFICANT DEVELOPMENT"?**

(Development is judged to be "State significant" if the Minister for Planning declares it to be so based on substantial cost of development, significant numbers of employees or other criteria. If you have any further enquiries please contact the Department of Planning, Tel: 02 9228 6333 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au).)

No.

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**21. IS THE PROPERTY WITHIN A "PROCLAIMED MINE SUBSIDENCE DISTRICT"?**

No.

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**22. IS THE PROPERTY AFFECTED BY ONE OF THE MATTERS PRESCRIBED BY SECTION 59(2) OF THE *CONTAMINATED LAND MANAGEMENT ACT 1997*?**

No.

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

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**23. IS THE PROPERTY BUSH FIRE PRONE LAND?**

Part of the land is bush fire prone land.

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

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

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

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**24. IS THE PROPERTY, LAND TO WHICH A PROPERTY VEGETATION PLAN UNDER PART 4 OF THE *NATIVE VEGETATION ACT 2003* APPLIES?**

No.

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**25. IS THE PROPERTY, LAND SUBJECT TO AN ORDER UNDER THE *TREE (DISPUTES BETWEEN NEIGHBOURS) ACT 2006*?**

The land is not known to be subject to such an order.

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**26. IS THE PROPERTY SUBJECT TO DIRECTIONS UNDER PART 3A MAJOR INFRASTRUCTURE AND OTHER PROJECTS of the *Environmental Planning & Assessment Act 1979 No.203*?**

No.

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**27. IS THE PROPERTY SUBJECT TO A CURRENT SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR SENIORS HOUSING under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004?**

No.

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**28. IS THE PROPERTY SUBJECT TO A VALID SITE COMPATIBILITY CERTIFICATE (INFRASTRUCTURE) OR SITE COMPATIBILITY CERTIFICATE (SCHOOLS AND TAFE ESTABLISMENTS) of which council is aware, in respect of proposed development on the land?**

No.

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**29. IS THE PROPERTY SUBJECT TO A VALID SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING issued under clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009?**

No.

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**30. IS THE PROPERTY SUBJECT TO AN EXEMPTION UNDER SECTION 23 OR AUTHORISATION UNDER SECTION 24 OF THE NATION BUILDING AND JOBS PLAN (*STATE INFRASTRUCTURE DELIVERY*) ACT 2009?**

No.

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**31. IS THE PROPERTY, LAND THAT IS BIODIVERSITY CERTIFIED LAND UNDER PART 8 OF THE *BIODIVERSITY CONSERVATION ACT 2016*? (Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*).**

No.

*Special Note: For further information about the Biodiversity Certified Land contact the NSW Office of Environment & Heritage. Tel:131 555 or email [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au).*

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- 32. IS THE PROPERTY, LAND THAT IS A BIODIVERSITY STEWARDSHIP SITE UNDER A BIODIVERSITY STEWARDSHIP AGREEMENT UNDER PART 5 OF THE *BIODIVERSITY CONSERVATION ACT 2016*? (Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*).**

No.

*Special Note: For further information about the Biodiversity Stewardship Agreement contact NSW Office of Environment & Heritage. Tel:131 555 or email [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au).*

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- 33. IS THE PROPERTY, LAND THAT CONTAINS A SET ASIDE AREA UNDER SECTION 60ZC OF THE *LOCAL LAND SERVICES ACT 2013*?**

No.

- 34. DOES THE PROPERTY INCLUDE ANY RESIDENTIAL PREMISES (WITHIN THE MEANING OF DIVISION 1A OF PART 8 OF THE *HOME BUILDING ACT 1989*) THAT ARE LISTED ON THE REGISTER THAT IS REQUIRED TO BE MAINTAINED UNDER THAT DIVISION?**

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

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

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- 35. IS THE PROPERTY AFFECTED BY ONE OF THE MATTERS PRESCRIBED BY PART 4 OF THE BUILDING PRODUCTS (SAFETY) ACT 2017?**

Council is not aware of any affectations under Part 4 of the Building Products (Safety) Act 2017 relating to this land.

*Special Note: For further information about affected building notices and/or building product rectification orders contact NSW Fair Trading: Tel. 133220 or Council's Regulatory and Compliance on Tel. 9424000.*

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**36. MAY COMPLYING DEVELOPMENT BE CARRIED OUT UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT IN STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 ON THE LAND AND IF COMPLYING DEVELOPMENT MAY NOT BE CARRIED OUT ON THAT LAND, BECAUSE OF ONE OR MORE OF THE REQUIREMENTS UNDER CLAUSES 1.17A(1)(c) TO (e), (2), (3) AND (4), 1.18(1)(c3) AND 1.19 OF THAT POLICY, WHY IT MAY NOT BE CARRIED OUT ON THAT LAND?**

**Housing Code**

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

**Housing Alterations Code**

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

**General Development Code**

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

**Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations Code **may** be carried out on the land.

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

Complying development under the Commercial and Industrial (New Buildings and Additions) Code **may** be carried out on the land.

**Subdivision Code**

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

**Demolition Code**

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

**Fire Safety Code**

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

**Container Recycling Facilities Code**

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

**SPECIAL NOTE:** *The above question relates to whether or not the land falls within an exclusion area under Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is your responsibility to ensure that you comply with any other general requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is invalid.*

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- 37. DO ANY ADOPTED COUNCIL POLICIES OR RESOLUTIONS OR ANY POLICIES ADOPTED BY A PUBLIC AUTHORITY AND NOTIFIED TO THE COUNCIL FOR THE EXPRESS PURPOSE OF ITS ADOPTION BY THAT AUTHORITY BEING REFERRED TO IN PLANNING CERTIFICATES ISSUED BY THE COUNCIL RESTRICT THE DEVELOPMENT OF THE PROPERTY DUE TO THE LIKELIHOOD OF LANDSLIP, BUSHFIRE, TIDAL INUNDATION, SUBSIDENCE, CONTAMINATION, ACID SULPHATE SOILS OR ANY OTHER RISK (OTHER THAN FLOODING)?**

No.

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

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- 38. DO ANY ADOPTED COUNCIL POLICIES OR RESOLUTIONS OR ANY POLICIES ADOPTED BY A PUBLIC AUTHORITY REQUIRED TO BE REFERRED TO IN A PLANNING CERTIFICATE EFFECT THE DEVELOPMENT OF THE PROPERTY DUE TO FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION?**

No.

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**The following additional information is issued under Section 10.7(5).**

- 39. IS LAND SLIP OR SUBSIDENCE LIKELY TO RESTRICT DEVELOPMENT OF THE LAND?**

No.

*SPECIAL NOTE: Some lots in the Ku-ring-gai Local Government area contain filling and/or road batters which may be subject to settlement and require special consideration in the design of foundations.*

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#### **40. IS FLOODING LIKELY TO RESTRICT DEVELOPMENT OF THE LAND?**

Some properties in the Ku-ring-gai Local Government area contain or adjoin natural drainage paths, pipelines, watercourses and depressions. During major rainfall or blockage of the drainage system surface water may affect the site or restrict future development.

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

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#### **41. OTHER INFORMATION RELATING TO DEVELOPMENT OF THE SITE.**

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

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

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

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

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#### **42. INFORMATION REGARDING LOOSE-FILL ASBESTOS INSULATION.**

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

You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.

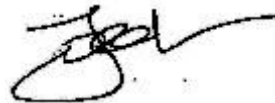
*For further information about the Loose-fill asbestos Public Register contact NSW Fair Trading. Tel:13 32 20 or [www.loosefillasbestos.nsw.gov.au](http://www.loosefillasbestos.nsw.gov.au).*

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#### **43. DO YOU NEED TO REFER TO ANY OTHER DOCUMENTS?**

Yes. The Environmental Planning and Assessment Amendment Act 1997 No.152 commenced operation on 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998. Your solicitor will have a copy of this legislation or it may be obtained from the Government Information Office.

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**John McKee**  
General Manager