

**Aargus**

Environmental - Remediation - Engineering - Laboratories - Drilling

# PRELIMINARY SITE INVESTIGATION

**120 Mona Vale Road,  
Warriewood NSW**

*Prepared for*

**Opera Properties Pty Ltd**

6<sup>th</sup> November 2013

HEAD OFFICE: PO Box 398 Drummoyne NSW 1470

Aargus Pty Ltd ACN 050 212 710 • Aargus Holdings Pty Ltd ACN 063 579 313

Aargus Australia Pty Ltd ACN 086 993 937 • Aargus Recruitment Pty Ltd ACN 098 905 894

Telephone: 1300 137 038 • Facsimile: 1300 136 038 • Email: [admin@aargus.net](mailto:admin@aargus.net) • Website: [www.aargus.net](http://www.aargus.net)

**Other office locations in NSW - QLD - VIC - SA and 4 overseas countries**

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## ABBREVIATIONS

AIP	Australian Institute of Petroleum Ltd
ADWG	Australian Drinking Water Guidelines
ANZECC	Australian and New Zealand Environment and Conservation Council
AST	Aboveground Storage Tank
BGL	Below Ground Level
BTEX	Benzene, Toluene, Ethyl benzene and Xylene
COC	Chain of Custody
DQOs	Data Quality Objectives
EPA	Environment Protection Authority
ESA	Environmental Site Assessment
HIL	Health-Based Soil Investigation Level
LGA	Local Government Area
NEHF	National Environmental Health Forum
NEPC	National Environmental Protection Council
NHMRC	National Health and Medical Research Council
OCP	Organochlorine Pesticides
OPP	Organophosphate Pesticides
PAH	Polycyclic Aromatic Hydrocarbon
PCB	Polychlorinated Biphenyl
PID	Photo Ionisation Detector
PQL	Practical Quantitation Limit
PSH	Phase Separated Hydrocarbon
PSI	Preliminary Site Investigation
QA/QC	Quality Assurance / Quality Control
RAC	Remediation Acceptance Criteria
RAP	Site Remediation Plan
RPD	Relative Percentage Difference
SAC	Site Assessment Criteria
SMP	Site Management Plan
SVC	Site Validation Criteria
TCLP	Toxicity Characteristics Leaching Procedure
TPH	Total Petroleum Hydrocarbons
UCL	Upper Confidence Limit
UST	Underground Storage Tank
VOC	Volatile Organic Compounds
VHC	Volatile Halogenated Compounds

## EXECUTIVE SUMMARY

Aargus Pty Ltd (Aargus) was appointed by Opera Properties Pty Ltd to undertake a Preliminary Site Investigation (PSI) for the property located at 120 Mona Vale Road, Warriewood NSW (the site). It is understood that the site is proposed to be rezoned to allow for residential subdivision.

At the time of the inspection (18<sup>th</sup> September 2013), the site was occupied by the following; two houses, glass houses, a number of farm sheds and farming infrastructure, pig pen, chicken run, sheep shelter, two dams, cars, trucks, boat and farming equipment. Bushland vegetation was abundant within and surrounding the site with the Warriewood Escarpment located to the south of the site and the Katandra Bushland Sanctuary to the north of the site. There were livestock located on the site and included; cows, chickens, pigs and sheep. Hazardous material was observed during the site walkover and this included; fibro cement sheeting, oil drums and chemicals for market gardening and/or grazing activities.

A PSI was requested by Pittwater Council to determine the potential for onsite contamination. This report shall provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

The current owners of Lot 3, 4, 5 & DP124602 and Lot 1 DP 383009 is Opera Properties Pty Ltd, Lot 2 in DP 816070 is Planet Warriewood Pty Ltd & Part Lot 10 in DP 5055 is The Uniting Church in Australia Property Trust (NSW). Based on the aerial photographs and information from the land title searches, the site was developed from 1947 to 1955 for farming purposes including market gardening and / or grazing activities. The potential for off-site contamination migration is present due to the proximity of Narrabeen creek running along the western and southern boundary of the site.

From observations made during the site visit, fill material of unknown origin may have been used across the site in the past. There were stockpiles of fill & bitumen located around site.

There were no other visual or olfactory indicators of potential contamination and there were no indicators of underground storage tanks (past or present) on the site.

The findings of the assessment indicated the following areas of potential environmental concern:

- Importation of uncontrolled fill;
- Cut and fill operations in da areas (uncontrolled);
- Potential for pesticides to have been sprayed or injected on or underneath sealed surfaces and within open market garden and stock areas;
- Historical & current use of general chemicals;
- Hydrocarbon leaks and spills from vehicles and farm plant machinery;
- Potential burial of livestock carcasses, and animal products;
- Car park areas where leaks and spills from cars may have occurred; and
- Hazardous materials within former or current building structures including farm sheds and glass houses.

The following were considered low to moderate environmental concerns for the following reasons:

- Fill material, if used, is likely to be of local origin sourced from the site.
- Car parking & farm sheds contained some staining on the unsealed driveway surfaces, within farm sheds and on the grassed areas. All these areas are located on a clay geology and as such any potential contaminants would be restricted to the upper surface layers;
- Chemicals, if used, for market gardening & grazing activities were located in a farm shed and they were not appropriately stored. Oil drums were noted on the unsealed surfaces of the site. Once again, these areas are located on a clay geology and as such any potential contaminants would be restricted to the upper surface layers;



- Asbestos and synthetic mineral fibres were not observed during the site visit. If present, it is considered likely that they would be in semi bonded form within the features and should be removed by a qualified asbestos contractor during demolition.

Based on the information collected during this investigation and in reference to Clause 6 “Contamination and remediation to be considered in zoning or rezoning proposal” of SEPP 55, based on the low to moderate environmental concerns encountered across the site, the site will be suitable for the proposed residential rezoning as part of this application, with the completion of a Detailed Site Investigation to be undertaken during the DA stage.

## 1 INTRODUCTION

Aargus Pty Ltd (Aargus) was appointed by Opera Properties Pty Ltd to undertake a Preliminary Site Investigation (PSI) for the property located at 120 Mona Vale Road, Warriewood NSW (the site). The location of the property is presented in Figure 1 of Appendix A.

It is understood that the site is proposed to be rezoned to allow for residential subdivision. The proposed master plans can be found in Appendix B.

A PSI was requested by Pittwater Council to determine the potential for onsite contamination.

This report was prepared with reference to the NSW Environment Protection Authority (EPA) "*Guidelines for Consultants Reporting on Contaminated Sites*" (2011). CVs of the project team can be found in Appendix C.

## 2 OBJECTIVE

The objective of this PSI was to assess the potential for the soils and groundwater to have been impacted by on-site or off-site current and past activities and to assess the suitability of the site to be rezoned to allow for residential subdivision in its current condition.

### 3 SCOPE OF WORKS

The scope of works for this PSI includes:

- Research and review of the information available, including previous environmental investigations, current and historical titles information, review of aerial photographs, groundwater bore searches, EPA notices, council records, anecdotal evidence, site survey and site records on waste management practices;
- Site walkover, including research of the location of sewers, drains, holding tanks and pits, spills, patches of discoloured vegetation, etc.;
- Development of a preliminary conceptual site model to demonstrate the interactions between potential sources of contamination, exposure pathways and human/environmental receptors identified; and
- Recommendations for additional investigations should any data gaps be identified or possible strategies for the management of the site, where relevant.

## 4 SITE CONDITION AND SURROUNDING ENVIRONMENT

### 4.1 Site Identification

The site is currently registered as Lot 3, 4 & 5 in DP 124602, Lot 1 in DP383009, Lot 2 in DP 816070 & Part Lot 10 in DP 5055 and is located at 120 Mona Vale Road, Warriewood NSW as shown in Figure 2 of Appendix A. Site identification information is summarised in the table below.

**Table 1: Site Identification**

Street Address	120-122 Mona Vale Road	4 Boundary Street	10 Jubilee Avenue
Lot and DP Number	Lot 3, 4 & 5 in DP 124602 Lot 1 in DP 383009	Lot 2 in DP 816070	Part Lot 10 in DP 5055
Local Government Area	Pittwater Council		
Parish	Narrabeen		
County	Cumberland		
Current Site Owners	Opera Properties Pty Ltd Planet Warriewood Pty Ltd The Uniting Church in Australia Property Trust (NSW)		
Approx. Site Area	8.94 hectares		
Zoning	1 (a) non-urban 1 (b) non-urban		

\* refer to the proposed master plan in Appendix B.

### 4.2 Site Description

A site visit was carried out on Wednesday 18<sup>th</sup> September 2013 by an Aargus field scientist to inspect the site for any potential sources of contamination and document any observations made regarding the current site conditions.

At the time of the site inspection, the following observations were made:

- The site was irregular in shape.
- The main access to the site is along Mona Vale Road;
- Two houses were located on the site.
- A number of farm sheds and farming infrastructure were located over the 8.9ha site. The farm sheds contained the following; car and plant parts, farm equipment, chemicals and other goods. There was a pig pen, chicken run and sheep shelter located on the site.
- A number of glass houses were located in the south eastern portion of the property. The glass houses were not operational and were dilapidated.
- Waste storage was observed throughout the site with a skip bin located on the site.
- The driveways and dam walls were observed to be fill material including gravel and road base. A number of soil stockpiles and bitumen stockpiles were also observed on the site.
- There were two dams located on the site. There was a runoff pipe located in the north west of the site the feeds into the top dam and the pipe which is visible feeds into the bottom dam and glass houses for irrigation purposes.
- Bushland vegetation was abundant within and surrounding the site with the Warriewood Escarpment located to the south of the site and the Katandra Bushland Sanctuary to the north of the site.
- There was evidence of chemical storage observed inside a farm shed.
- There was livestock located on the site and this included; cows, chickens, pigs and sheep.
- There are no indicators of underground storage tanks within the site.
- Hazardous material was observed during the site walkover and this included; fibro cement sheeting, oil drums and chemicals for market gardening and / or grazing activities.
- Full site operations appeared to have slowed and/ or stopped but it was evident that the site was previously used for market garden activities, grazing and other farm practices.

The site features are presented in Figure 3 of Appendix A. Site photographs are included in Appendix D.

### 4.3 Topography and Surface Waters

The existing topography of No 120-122 Mona Vale Road generally slopes down from the north western to the eastern and southern land parcels. The northern boundary along Mona Vale Road slopes from west to east. The difference between the highest and lowest points on the site is approximately 56m according to the master plan document located in Appendix B. The site is affected by slopes varying between 15 to 25 degrees. The site is located along a ridge which links the site to a north-south corridor. However, it was observed that the regional topography slopes to the south-east.

Stormwater runoff from the site is expected to flow in a south easterly direction and discharge into the stormwater drains located along the boundaries of the site.

### 4.4 Surrounding Land Uses

The surrounding land uses identified are described in the table below:

**Table 2: Surrounding Land Uses**

<b>Orientation</b>	<b>Description</b>
North	Mona Vale Road and then Katandra Bushland Sanctuary (high biodiversity area).
South	Warriewood Escarpment ( high biodiversity area)
East	Boundary Street then residential, commercial, church and a school
West	Warriewood Escarpment & Mona Vale Road.

## 4.5 Geology

There were two geological profiles located across the site and they include the following:

The Geological Map of Sydney (Geological Series Sheet 9130, Scale 1:100,000, 1983), published by the Department of Mineral Resources indicates the residual soils within the site to be underlain by Hawkesbury Sandstone comprising medium to coarse grained quartz sandstone, very minor shale and laminite lenses.

The Geological Map of Sydney (Geological Series Sheet 9130, Scale 1:100,000, 1983), published by the Department of Mineral Resources indicates the residual soils within the site to be underlain by Interbedded laminite, shale, quartz to lithic quartz sandstone with minor red claystone north.

## 4.6 Acid Sulfate Soils

To determine whether there is a potential for acid sulphate soils to be present within a site, reference was made to the NSW Department of Land & Water Conservation (DLWC) *Acid Sulphate Soil Risk Maps* (Edition Two, December 1997, Scale 1:250,000). A review of the 'Hornsby / Mona Vale Risk Map No 89' indicated that no known occurrences of acid sulphate soils were expected to occur at the site.

The following factors were considered to determine if ASS were likely to be present on site (extracted from ASSMAC (1998) Acid Sulphate Soils Assessment Guidelines):

- Sediments of recent geological age (Holocene) ~ 10 000 y.o.
- Soil horizons less than 5m AHD (Australian Height Datum).
- Marine or estuarine sediments and tidal lakes.
- In coastal wetlands or back swamp areas; waterlogged or scalded areas; interdune swales or coastal sand dunes.
- In areas where the dominant vegetation is mangroves, reeds, rushes and other swamp tolerant and marine vegetation.

- In areas identified in geological descriptions or in maps bearing sulphide minerals, coal deposits or former marine shales/sediments.
- Deeper older estuarine sediments >10m below the ground surface, Holocene or Pleistocene age.

#### 4.7 Hydrogeology

A search of the Department of Natural Resources (DNR) borehole database information revealed five (5) groundwater bores within a 500m radius of the site.

A summary of the relevant information provided by the registered groundwater bore record search is provided in the following table:

**Table 3: Summary of Registered Groundwater Bore Records**

GW Bore ID	Approximate Location	Intended Purpose	Depth (m bgl)	Standing Water Level (m bgl)	Water Bearing Zones	Salinity (µS/cm)
GW104417	400 NW	Domestic Stock	180	33.00	Sandstone / Ironstone Quartz	134
GW055934	350 NW	Domestic	60.00	No details	Sandstone / Clay Seams	No details
GW108676	330 N	Domestic	120.00	No details	No details	No details
GW105648	50 N	Domestic Stock	120.50	31.00	Sandstone quartz , frey, Siltstone	207-410
GW108132	550 E	Recreation	210.00	17.50	Shale, Sandstone	330-348

Based on available information, our desktop study indicates that groundwater from site is likely to be flowing in a south easterly direction. The registered groundwater bores within a 500m radius of the site were for recreation, domestic stock and domestic purposes.

A copy of the groundwater bore search records can be found in Appendix E.



#### **4.8 Sensitive Receptors**

The nearest watercourse is Narrabeen Creek, located on the southern & western border of the site. A contributory watercourse to the Warriewood Wetlands known as the Narrabeen Creek Green corridor runs along the southern boundary of the site and terminates at the wetlands located, approximately 3.7km south east of the site.

Human receptors that may be impacted by site contamination are current and future end-users, construction workers, the general public within the immediate vicinity and the School / Church located 10m to the east of the site along Boundary Street.

The Katandra Bushland Sanctuary and the Warriewood Escarpment bushland areas are located 100m to the north of the site and 1m to the south of the site respectively. These areas are recognised for having a high biodiversity value.

## 5 SITE HISTORY

### 5.1 Land Titles

A review of historical documents held at the NSW Department of Lands offices was undertaken to identify the current and previous land owners and potential land uses. A copy of the historical land titles information obtained by Aargus can be found in Appendix F.

The site is currently registered as Lot 3, 4 & 5 in DP 124602, Lot 1 in DP383009, Lot 2 in DP 816070 & Part Lot 10 in DP 5055. The results of the title search are summarised in the following table.

**Table 4: Land Title Information**

<b>Year</b>	<b>Lots 3, 4 &amp; 5, in DP124602 (120 Mona Vale Road, Warriewood NSW)</b>
1994 - current	Opera Properties Pty Ltd <b>Prior title: Vol. 6628, Fol. 234</b>
1953 - 1994	Tomislav Urlich of Warriewood, Market Gardener <b>Prior title: Vol. 6557, Fol. 215</b>
1952 - 1953	Tomislav Urlich <b>Prior title: Vol. 6435, Fol. 214</b>
1952 - 1952	Tomislav Urlich of Warriewood, Market Gardener
1952 - 1952	Joseph Altshuser <b>Prior title: Vol. 5325, Fol. 240</b>
1950 - 1952	Joseph Altshuser
1949 - 1950	Andrew Hugh Johne
1947 - 1949	P W Glenhill Evered Arundel <b>Prior title: Vol. 2939, Fol. 167</b>
1962	Andrew Hugh Johne <b>Prior title: Vol. 8370 Fol. 115</b>
1980	Joseph Altshuser
1950-1980	P W Gledhill
1946-1950	Resumption of Public Road
1942-1946	P W Gledhill & EHA Lambert
1915-1942	James Booth <b>Prior title: Vol. 232 Fol. 230</b>
1875	Robert McIntosh

Year	Lot1 in DP383009 (122 Mona Vale Road, Warriewood NSW)
2011 - current	Opera Properties Pty Ltd
	<b>Prior title: Vol. 6704 Fol. 199</b>
1953-2011	Tomislav Urlich
	<b>Prior title: Vol. 6498, Fol. 213</b>
1952 - 1953	Tomislav Urlich
1952	Victor Burn Worshed
	<b>Prior title: Vol. 7372, Fol. 194 &amp; 195</b>
1953	Tomislav Urlich
1952-1953	Peter Surnish Antica Surnish – Fish Merchants
	<b>Prior title: Vol. 6110 Fol. 20 &amp; 21</b>
1952	Peter Surnish
1950-1952	J K Hurbisson
	<b>Prior title: Vol. 4717 Fol. 68</b>
1949-1952	J K Hurbisson
1938	<b>Sydney Cowell Steele</b>
1935-1938	M Lawrie
1935	J H Fea
1935	J Richards
	<b>Prior title: Vol. 4044 Fol. 41</b>
1924	J McLards
1921-1924	M H Coggins
	<b>Prior title: Vol. 3448 Fol. 147</b>
1923	Rosa Lillian MacNamara
	<b>Prior title: Vol. 3407 Fol. 146</b>
1923-1923	Joseph Kentigen Hayden
	<b>Prior title: Vol. 2267 Fol. 101</b>
1912	Grant of land conditionally purchased for the purpose of mining other than gold mining

Year	Lot 2 in DP 816070 (4 Boundary Street, Warriewood NSW)
2009 - current	Planet Warriewood Pty Ltd
	<b>Prior title: Vol. 13893 Fol. 234</b>
1979-2009	Cornelis Snoeys - Engineer Annie Snoeys- Housewife Frank Snoeys –Beach Inspector
	<b>Prior title: Vol. 5957 Fol. 214</b>
1972-1979	Anana Pty Ltd
1970-1972	Jan Ferguson
1953-1970	John Milusu – Advertising Agent Phyllis Milusu
1949-1953	R K Been
	<b>Prior title: Vol. 2106 Fol. 36</b>
1947-1949	Kenneth Rack
1944-1947	R K Been

1926-1944	William Wood
1910-1926	Charles William Geister – Orchard
	<b>Prior title: Vol. 1856 Fol. 49</b>
1908-1910	Henry Halloran

<b>Year</b>	<b>Part Lot 10 in DP 5055 (10 Jubilee Avenue, Warriewood NSW)</b>
2005 - current	The Uniting Church in Australia Property Trust (NSW)
	<b>Prior title: Vol. 2034 Fol. 218</b>
1985-1993	John Chanak
1952-1985	Mike Charman – Warriewood Tomato Growers
1945-1952	William Morrisey
1930-1945	H Berry Junior N Berry
1925-1930	Ethel Berry H Berry N Berry
1924-1925	H Berry – Wool Glasser
1911-1924	Charles John Fielder - Poultry
1910-1911	J Wilkins

In summary, the land title information provided suggests that the site was owned by private individuals until the early 2000s when site ownership of individual lots were transferred to various companies. The land title information indicates the site has been used for market gardening, poultry & wool purposes.

## 5.2 Aerial Photographs

A number of aerial photographs obtained from the NSW Department of Lands were reviewed as part of this PSI. Descriptions of the site and surrounding areas from each aerial photograph reviewed are presented in the table below:

**Table 5: Summary of Historical Aerial Photos**

<b>Year</b>	<b>Site</b>	<b>Surrounding areas</b>
1930	The site appears to be undeveloped bushland. One small shed is present indicating the site is probably part of a large rural property, but the low resolution of the photograph did not show the site features clearly.	N: Mona Vale Road then rural property S: Bushland E: Bushland and rural / market gardening properties W: Bushland.
1947	The site has changed since the 1930 aerial photograph. The site appears to be predominantly undeveloped bushland. There are two dirt roads located on the northern border of the site.	No significant changes appear to have occurred in the surrounding area, with the exception of the following: S: Cleared land for grazing/ pastures.
1955	The site has changed significantly since the 1947 aerial photograph. The site appears to be developed into a farm. There are a number of glass houses visible in the southern portion of the property. A dam, house, farm sheds and dirt access roads are also visible around the site. There also appears to be a number of paddocks prepared for market gardening and/or grazing activities.	Significant changes appear to have occurred in the surrounding area these include: S: Cleared land for grazing/ pastures & market gardening activities. E: Boundary Street, then market gardening properties.
1970	The site has changed since the 1955 aerial photo. There are three more glass houses located in the southern portion of 120-122 Mona Vale Road.	No significant changes appear to have occurred in the surrounding area, with the exception of the following: E: Cleared land for development. S: Narrabeen Creek is visible.
1994	The site has changed significantly since the 1970 aerial photo. The site has been cleared of trees to create more usable ground in the north of the site. Another dam is visible. There appears to be a number of paddocks prepared for market gardening and/or grazing activities.	No significant changes appear to have occurred in the surrounding area
2005	The site appears to be unchanged since the 1994 aerial photo..	Significant changes appear to have occurred in the surrounding area these include:

		S: Residential property then Narrabeen Creek, ridge line and bushland reserve E: School, church, residential and commercial properties W: Bushland Reserve
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In summary, the site appeared to have been developed into a farm for market gardening and /or grazing land use since 1955 and no significant changes appeared to have occurred since. The surrounding area was predominantly bushland to the west and rural properties to the east prior to the 1930s and has since been converted to a mixture of commercial and residential land uses over time.

### 5.3 EPA Records

The NSW EPA publishes records of contaminated sites under Section 58 of the Contaminated Land Management (CLM) Act 1997. The notices relate to investigation and/or remediation of site contamination considered to pose a significant risk of harm under the definition in the CLM Act. However, it should be noted that the EPA record of Notices for Contaminated Land does not provide a record of all contaminated land in NSW.

A search of the EPA database revealed that the site is not listed and no other notices were listed within the Warriewood area. Several former sites were listed within the Pittwater Council area; however they were all located more than 500m away from the site.

**Table 6: Summary of EPA Records**

Issued Date of Notice	Suburb	Address	Site Name
27.09.2000 03.09.2003 17.10.2012	Mona Vale	79 Barrenjoey Road	Caltex Service Station
27.09.2000	Mona Vale	4, 10-14 Polo Ave	Investigation area adjacent to Caltex Service Station
27.09.2000	Mona Vale	3-9 Perak Street	Investigation area adjacent to Caltex Service Station

27.09.2000	Mona Vale	51 Bassett Street	Investigation area adjacent to Caltex Service Station
27.09.2000	Mona Vale	58 Darley Street	Investigation area adjacent to Caltex Service Station
27.09.2000 03.09.2003 17.10.2012	Mona Vale	6 Polo Avenue	Remediation area adjacent to Caltex Service Station
27.09.2000 03.09.2003 17.10.2012	Mona Vale	75 Barrenjoey Road	Remediation area adjacent to Caltex Service Station
27.09.2000 03.09.2003 17.10.2012	Mona Vale	45 Bassett Street	Remediation area adjacent to Caltex Service Station

Copies of the EPA records are included in Appendix G.

#### 5.4 WorkCover NSW Records

A search of the Stored Chemical Information Database (SCID) for licences to keep dangerous goods at the site has been undertaken with results pending to date.

#### 5.5 Council Records

An informal access to information was submitted to Pittwater Council on the 18<sup>th</sup> September 2013. A response from council has not been received to date and therefore the council record search has not been undertaken.

#### 5.6 Section 149 Certificates

The Planning Certificate – Section 149 (2 & 5) of the Environmental Planning & Assessment Act 1979 for the site was obtain. A summary of the information pertaining to the site is provided below:

##### Lot 3 in DP 124602

- The site is zoned 1(a) Non –Urban “A”;

- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;
- The land is not subject to flood related development control measures;
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and
- The land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

#### **Lot 4 in DP 124602**

- The site is zoned 1(a) Non –Urban “A”;
- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;
- The land is not subject to flood related development control measures;
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and
- The land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

#### **Lot 5 in DP 124602**

- The site is zoned 1(a) Non –Urban “A”.
- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;



- The land is subject to flood related development control measures for the purposes of dwelling houses, dual occupancies, multi dwelling houses or residential flat buildings. The land is subject to flood related development control measures for any other purposes. The land in question is affected by the Flood Planning Level & the Probable Maximum Flood & is therefore classified as Category 3 – Overland Flow Path – Major;
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and
- The land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

#### **Lot 1 in DP383009**

- The site is zoned 1(a) Non –Urban “A”;
- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;
- The land is subject to flood related development control measures for the purposes of dwelling houses, dual occupancies, multi dwelling houses or residential flat buildings. The land is subject to flood related development control measures for any other purposes. The land in question is affected by the Flood Planning Level & the Probable Maximum Flood & is therefore classified as Category 3 – Overland Flow Path – Major;
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and
- The land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

### **Lot 2 in DP 816070**

- The site is zoned 1(b) Non –Urban “B”;
- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;
- The land is not subject to flood related development control measures;
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and
- The land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

### **Part Lot 10 in DP 5055**

- The site is zoned 1(b) Non –Urban “B”;
- The land does not include or comprise critical habitat, heritage conservation areas, or environmental heritage items;
- The land is not affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*;
- The land is subject to flood related development control measures for the purposes of dwelling houses, dual occupancies, multi dwelling houses or residential flat buildings. The land is subject to flood related development control measures for any other purposes. The land in question is affected by the Flood Planning Level & the Probable Maximum Flood & is therefore classified as Category 3 – Overland Flow Path – Major. The land in question is located within the Warriewood Valley Urban Release Area. All development on this land is subject to the requirements of the Warriewood Valley Water Management Specification (12 February 2001 or as revised);
- Council records to date do not indicate that the subject land is declared by the EPA to be significantly contaminated land, as defined under the Contaminated Land Management Act 1997;
- The land is subject to a tree management order; and

- Part of the land is identified on a bush fire prone land map certified by the Commissioner of the NSW Rural Fire Service.

Copies of the certificates are included in Appendix H.

## **5.7 Spill & Loss History**

It was indicated by site personnel at the time of the site walkover, that to their knowledge no serious land or water contamination had occurred.

At the time of the inspections, there were some visible signs of oil and/or chemical staining across the site, indicating that any spills (if they did occur at all) were probably limited to the upper surfaces of the soil.

## **5.8 Anecdotal Evidence**

No interviews were conducted by Aargus during the site visit.

## **5.9 Summary of Historical Land Use**

Based on the aerial photographs and information from the land title searches, the site was developed from 1947 to 1955 for farming purposes including market gardening and / or grazing. The potential for off-site contamination migration is present due to the proximity of Narrabeen creek running along the western and southern boundary of the site. The current owners of Lot 3, 4, 5 & DP124602 and Lot 1 DP 383009 is Opera Properties Pty Ltd, Lot 2 in DP 816070 is Planet Warriewood Pty Ltd & Part Lot 10 in DP 5055 is The Uniting Church in Australia Property Trust (NSW).

## **6 SUMMARY OF PREVIOUS ENVIRONMENTAL REPORTS**

### **6.1 General**

There were no previous environmental reports provided or found for review within the time frame allocated to produce this document.

## 7 SITE CHARACTERISATION

### 7.1 Areas of Potential Environmental Concern

Based on the site inspection, site history, previous reports and review of available information from the desktop study, the potential Areas of Environmental Concern (AEC) and their associated Contaminants of Concern (CoC) for the site were identified. These are summarised in the following table.

**Table 7: Summary of Potential Areas and Contaminants of Concern**

Potential AEC	Potentially contaminating activity	Potential CoCs	Likelihood of Site Impact	Justification
Entire site	Importation of fill material from unknown origin	Metals, TPH, BTEX, PAH, OCP, PCB, Phenols, Cyanides, Asbestos	Low to Moderate	Based on the site observations and site topography, the presence of imported fill material is likely to be medium around the driveways, dam walls, farm sheds, glass houses and various stockpiles located around the site.
	Potential for pesticides to have been sprayed or injected on or underneath sealed surfaces and within open garden areas.	OCP	Moderate	The site is known for having been used for agricultural purposes from the 1950s when OCPs were first introduced into Australia. If use of OCPs has occurred, the impact is likely to have been localised and limited to the topsoil layer. The vegetation at the site was found to be generally healthy. Furthermore, the use of persistent pesticides, such as dieldrin, heptachlor and DDT, have been either restricted or prohibited from agricultural use since 1986/1987.
120 Mona Vale Road	Historical and current use and storage of chemicals	Various	Moderate	Chemicals for market gardening activities were noted in a farm shed and they were not contained.  Oil drums were noted on the unsealed surfaces of the site.
Car parking areas	Leaks from vehicles	Metals, TPH, BTEX, PAH	Moderate	Some staining areas were noted on the unsealed driveway surfaces and on the grassed areas.
Building Structures	Potential Asbestos/Fibro Features	Asbestos	Medium	Fibre containing material was observed during the site inspection. The houses

Potential AEC	Potentially contaminating activity	Potential CoCs	Likelihood of Site Impact	Justification
				were mainly constructed from bricks, asbestos features may be present within farm sheds and glass houses.
Farm shed workshop areas around the site	Hydrocarbon leaks and spills from cars and farm plant machinery	TPH, BTEX, PAH, Metals, Phenols	Moderate	Some staining areas were noted on the unsealed driveway surfaces and on the grassed areas.
Vicinity of Metal Features	Degradation of metal features	Metals	Low	If this has occurred, the impact is likely to be restricted to the topsoil.
Building Structures	Farm sheds & Glass houses	Metals, OCP, Asbestos	Low	The vegetation at the site was found to be generally healthy. Furthermore, the use of persistent pesticides, such as dieldrin, heptachlor and DDT, have been either restricted or prohibited from agricultural use since 1986/1987.
120 Mona Vale Road	Burial of livestock carcasses, eggs and shells	Various	Low	If this has occurred, there is a potential for microbiological impact to the soils within the burial pit.

## 7.2 Conceptual Site Model

The Conceptual Site Model (CSM) presented in the table below provides a representation of the potential risks associated with the linkages between the following elements:

- Potential contamination sources and their associated contaminants of concern identified in Section 7.1.;
- Potential current and future human and environmental receptors identified in Section 4.8;
- Potential exposure pathways; and
- Whether each source-pathway-receptor pollution linkage are complete, limited or not present, based on current and future site conditions.

**Table 8: Conceptual Site Model**

Potential Sources	Potential Receptor	Potential Exposure Pathways	Complete Linkages	Risk	Justification
Contaminated soil from placement of uncontrolled fill across the site.	Site users or the general public	Dermal contact, inhalation or ingestion of exposed impacted soils	Limited (Current)	Medium	The site is entirely unsealed with direct contact with impacted soils possible.
			No (Future)	Negligible	If present, contaminated soils are likely to be remediated and removed for off-site disposal.
Use of OCPs and chemicals.	The aquatic ecosystems of Narrabeen Creek and Warriewood Wetlands located on the border of the site and 3.7km from the site respectively.	Migration of impacted groundwater and surface water run-off	Yes (Current)	Low	When factors such as dilution, advection and diffusion are taken into account the contaminants in groundwater are likely to be at low concentrations when discharging into the nearest waterbodies.
			Yes (Future)	Negligible to Low	If present, contaminated groundwater is likely to be remediated and any remaining residual contamination would likely be at negligible to low concentrations.
Hydrocarbon spills and leakages from car parking and farm shed workshop areas around the site.	Underlying Aquifer	Leaching and migration of contaminants through groundwater infiltration	Limited (Current)	Low	Groundwater infiltration would be limited to the areas with permeable soil.
Metal features and scrap metal within the site.			No (Future)	Negligible	If present, contaminated soils are likely to be remediated and removed for off-site disposal.
Building Structures	Site user or visitors	Inhalation of airborne fibres	Limited (Current)	Low	If present, asbestos material is likely to be limited to the building fabric and would be in bonded form.
			No (Future)	Negligible	A hazardous materials survey is likely to be required prior to the demolition of the existing buildings for the proposed development and licensed contractors would have to remove any asbestos likely to be present.

### 7.3 Data Gaps

Based on the CSM, the following data gaps were identified with respect to the pollution linkages identified:

- The presence, origin and thickness of fill material (whether sourced from site or imported);
- The source of soil material used for dams and under houses during cut and fill operations;
- Confirmation if contamination has occurred from current and historical site activities through collection and laboratory analysis of soil samples, particularly in the areas proposed for deep soil and landscape areas;
- The presence and quality of surface water is currently unknown and may be impacted by potentially impacted fill on site or migration of surface waters from areas of activity, if present. These lead to surface water receptors off-site.
- WorkCover search results in regards to Licences to Keep Dangerous Goods pertaining to the site were in the process of being obtained and need to be read to further define CSM; and
- The Council records were in the process of being obtained and need to be read to further define CSM.



## 8 CONCLUSION AND RECOMMENDATIONS

The findings of the assessment indicated the following areas of potential environmental concern:

- Importation of uncontrolled fill;
- Cut and fill operations in da areas (uncontrolled);
- Potential for pesticides to have been sprayed or injected on or underneath sealed surfaces and within open market garden and stock areas;
- Historical & current use of general chemicals;
- Hydrocarbon leaks and spills from vehicles and farm plant machinery;
- Potential burial of livestock carcasses, and animal products;
- Car park areas where leaks and spills from cars may have occurred; and
- Hazardous materials within former or current building structures including farm sheds and glass houses.

The areas were considered low to moderate for the following reasons:

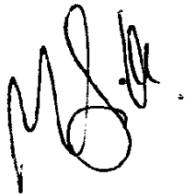
- Fill material, if used, is likely to be of local origin sourced from the site.
- Car parking & farm sheds contained some staining on the unsealed driveway surfaces, within farm sheds and on the grassed areas. All these areas are located on a clay geology and as such any potential contaminants would be restricted to the upper surface layers;
- Chemicals, if used, for market gardening & grazing activities were located in a farm shed and they were not appropriately stored. Oil drums were noted on the unsealed surfaces of the site. Once again, these areas are located on a clay geology and as such any potential contaminants would be restricted to the upper surface layers;
- Asbestos and synthetic mineral fibres were not observed during the site visit. If present, it is considered likely that they would be in semi bonded form within the features and should be removed by a qualified asbestos contractor during demolition.

Based on the information collected during this investigation and in reference to Clause 6 “Contamination and remediation to be considered in zoning or rezoning proposal” of SEPP 55, based on the low to moderate environmental concerns encountered across the site, the site will be suitable for the proposed residential rezoning as part of this application, with the completion of a Detailed Site Investigation to be undertaken during the DA stage.

Thank you for the opportunity to undertake this work. We would be pleased to provide further information on any aspects of this report.

For and on behalf of

**Aargus Pty Ltd**



**Michael Silk (author)**  
Environmental Scientist

**Reviewed By:**



**Nick Kariotoglou**  
Managing Director / Principal Scientist

## LIMITATIONS

The Aargus assessment is based on the result of limited site investigations and sample testing. Neither Aargus, nor any other reputable consultant, can provide unqualified warranties nor does Aargus assume any liability for site conditions not observed or accessible during the time of the investigations.

Despite all reasonable care and diligence, the materials encountered and concentrations of contaminants measured may not be representative of conditions between the locations sampled and investigated. There is always some disparity in subsurface conditions across a site that cannot be fully defined by investigation. Hence it is unlikely that measurements and values obtained from sampling and testing during environmental works carried out at a site will characterise the extremes of conditions that exist within the site. In addition, site characteristics may change at any time in response to variations in natural conditions, chemical reactions, truck movement or contractor movement of soils and other events, e.g. groundwater movement and or spillages of contaminating substances. These changes may occur subsequent to Aargus investigations and assessment.

This report and associated documentation and the information herein have been prepared solely for the use of the client and interested parties at the time of writing the report and is valid (for the purposes of management or transport of material) for a period of one month only from the date of issue. Any other reliance assumed by third parties on this report shall be at such parties' own risk. Any ensuing liability resulting from use of the report by third parties cannot be transferred to Aargus.

Whilst this report provides a review of site conditions encountered at sampling locations within the investigation, it should be noted that if materials are proposed to be moved from site - Part 5.6, Section 143 of the Protection of the Environment Operations (POEO) Act 1997 states that it is an offence for waste to be transported to a place that cannot lawfully be used as a facility to accept that waste. It is the duty of the owner and transporter of the waste to ensure that all material removed from a site must be accompanied by an appropriate waste

classification report and materials are disposed of appropriately. An environmental or validation report does not constitute a waste classification report and results are treated differently. Aargus accepts no liability for the unlawful disposal of waste materials from any site. Aargus does not accept any responsibility for the material tracking, loading, management, transport or disposal of waste from the site. If material is to be removed from a site, before disposal of any material to a licensed landfill is undertaken, the site owner must ensure an appropriate waste classification exists for all materials on the site planning to be removed, the waste producer will need to obtain prior consent from the licensed landfill/recycler. The receiving site should check to ensure that the material received matches the description provided in the report.

Opinions are judgements, which are based on our understanding and interpretation of current regulatory standards, and should not be construed as legal opinions.

Appendix I – Important information about your environmental site report should also be read in conjunction with this report.

## REFERENCES

- ANZECC/NHMRC (1992) – “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites”. Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, Canberra;
- ANZECC National Water Quality Management Strategy “Australian Water Quality Guidelines for Fresh and Marine Waters”, 1992.
- CRC Care Technical Report No. 13 – Soil Vapour Assessment (August 2009);
- Department of Urban Affairs and Planning – EPA (1998) “Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land”;
- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1);
- National Environmental Protection Council (NEPC) (1999) National Environmental Protection (Assessment of Site Contamination) Measure;
- NSW DEC, “Guidelines for the Assessment and Management of Groundwater Contamination” (March 2007);
- NSW DEC “Guidelines for the NSW Site Auditor Scheme” (2006, 2<sup>nd</sup> edition). NSW Environment Protection Authority, Sydney;
- NSW DECC (2009) – “Waste Classification Guidelines, Part 1: Classifying Waste”;
- NSW DECCW, “Vapour Intrusion: Technical Practice Note”, (September 2010);
- NSW EPA “Guidelines for Assessing Service Station Sites” (1994). NSW Environment Protection Authority, Sydney;
- NSW EPA “Guidelines for Consultants Reporting on Contaminated Sites” (2011). NSW Environment Protection Authority, Sydney;
- NSW EPA “Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997” (2009). NSW Environment Protection Authority, Sydney;
- NSW EPA “Sampling Design Guidelines” (1995). NSW Environment Protection Authority, Sydney.

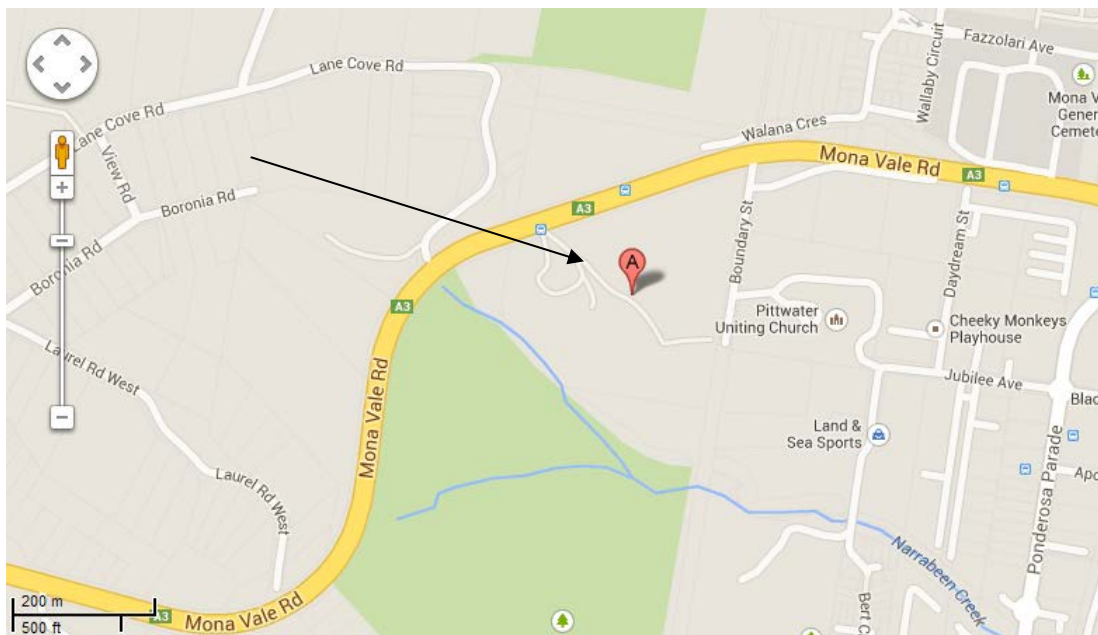
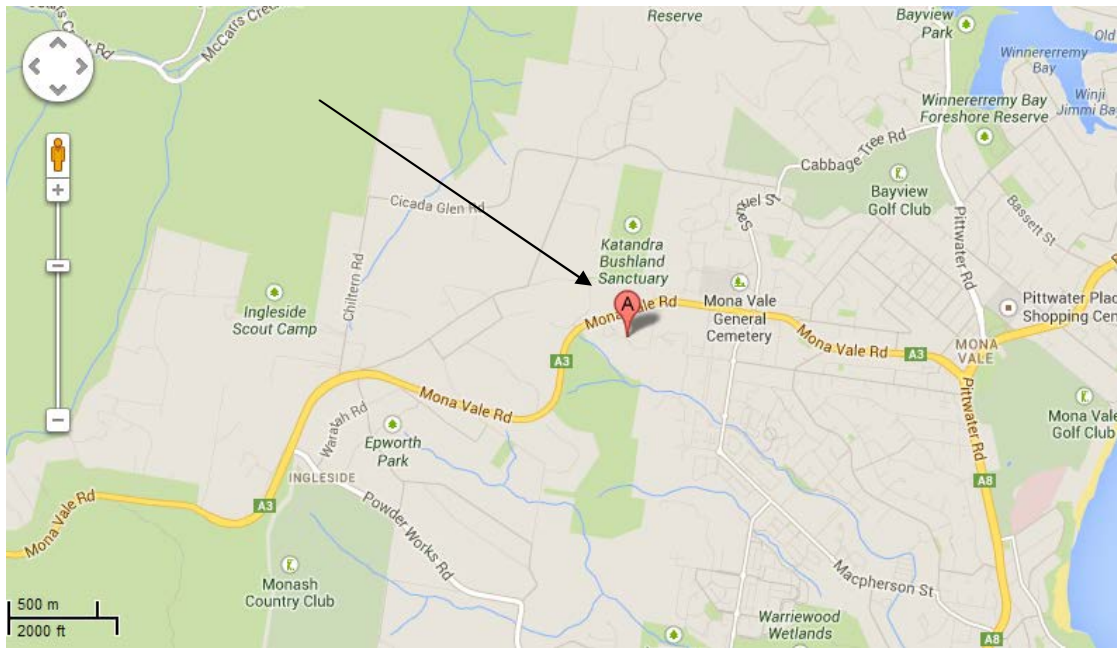
# APPENDIX A

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## SITE PLANS



# LOCALITY MAP



Reference: [googlemaps.com.au](http://googlemaps.com.au) (2013)

ABN 75 050 212 710

**Aargus Pty Limited**

Environment – Remediation – Geotechnical Engineering

Drawn:	MS
Approved:	MK
Date:	20.09.13
Scale:	As shown

**Preliminary Site Investigation  
Opera Properties Pty Ltd  
120 Mona Vale Road,  
Warriewood NSW**

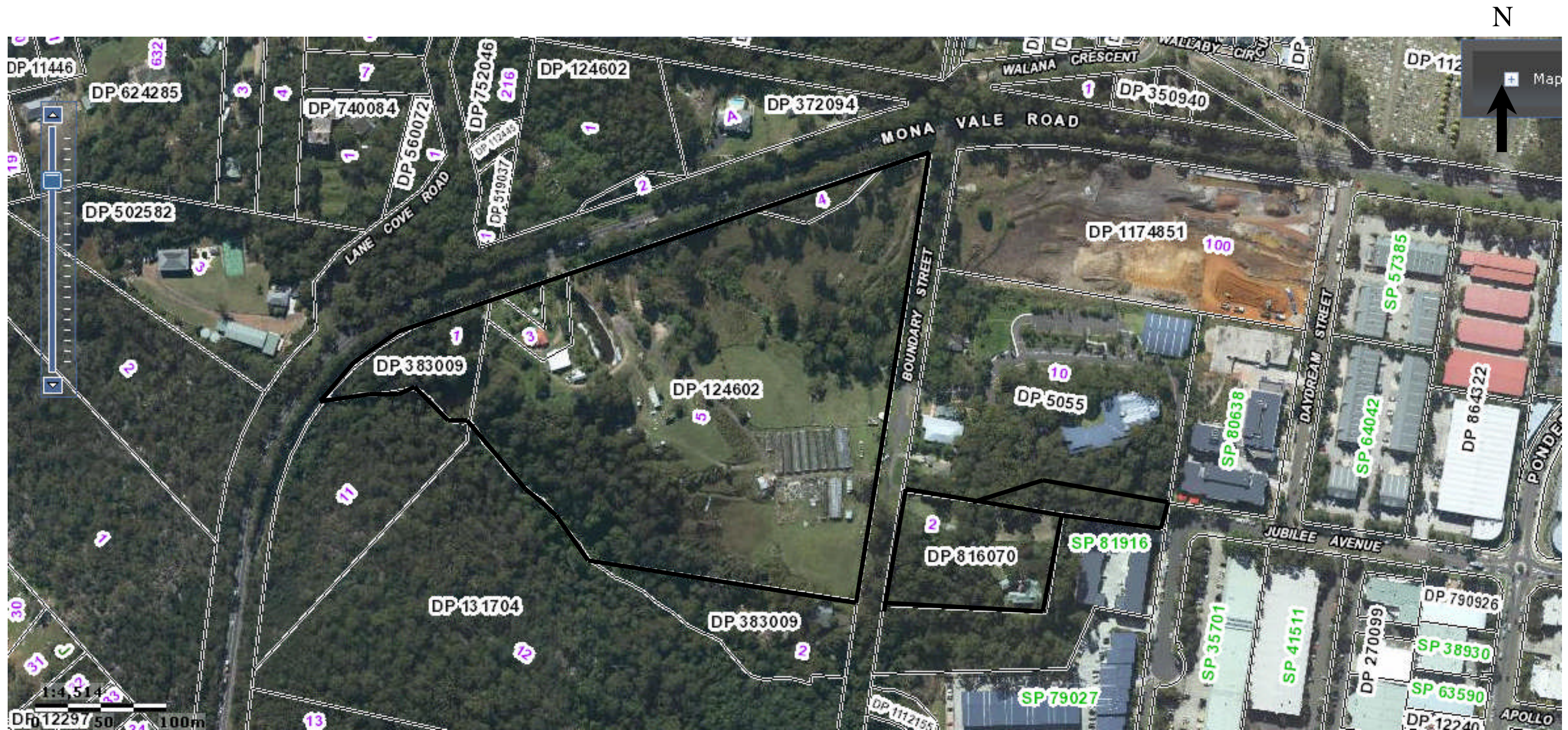


Figure

**1**

Job No: ES5620

# SITE LOT AND DP PLAN



ABN 75 050 212 710

Aargus Pty Limited

Environment – Remediation – Geotechnical Engineering

Drawn	MS
Approved	MK
Date	20.09.13
Approx Scale	1:4,514

**Preliminary Site Investigation**  
**Opera Properties Pty Ltd**  
**120 Mona Vale Road, Warriewood NSW**

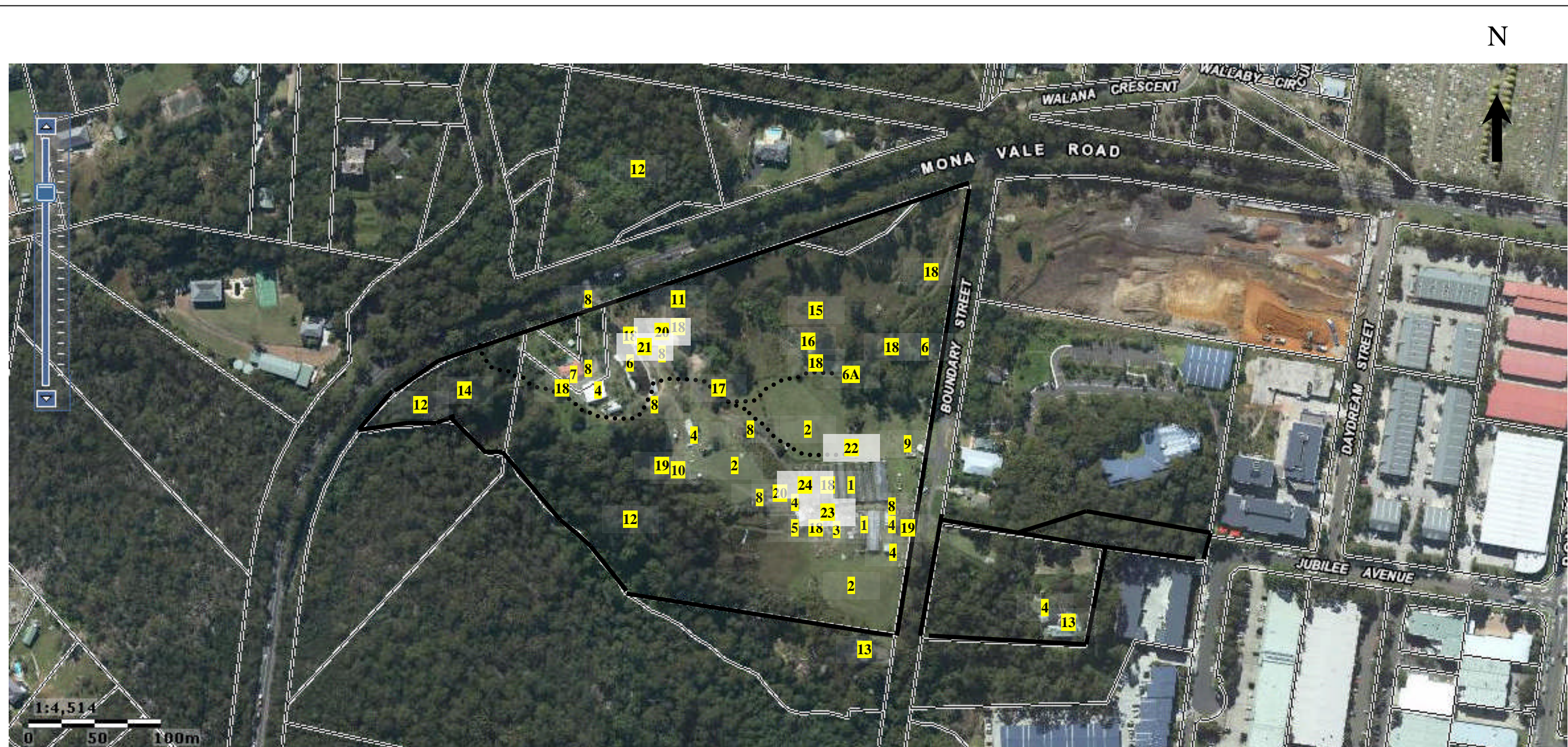


Fig 2

ES5620



# SITE FEATURES PLAN



No	Feature	No	Feature	No	Feature	No	Feature
1	Glass house	7	Brick house with tile roof	13	House	19	44 Gallon Drums
2	Grazing paddocks	8	Gravel / Road base driveway	14	Waterfall / Creek	20	Excavator / Plant Equipment
3	Stockpiles of bricks & soil	9	Chicken Pen	15	Dam (unfilled)	21	Skip Bin
4	Farm Sheds	10	Boat	16	Bitumen stockpile	22	Irrigation pump area
5	Farm Sheds (Chemicals)	11	Pig Pen	17	Runoff pipe for dams & glass house	23	Sandstone blocks
6	Dams	12	Bushland	18	Fill	24	Compressors & Electrical fence

ABN 75 050 212 710

Aargus Pty Limited

Environment – Remediation – Geotechnical Engineering

Drawn	MS
Approved	MK
Date	20.09.13
Approx Scale	1:4,514

## Preliminary Site Investigation Opera Properties Pty Ltd 120 Mona Vale Road, Warriewood NSW



Fig 3

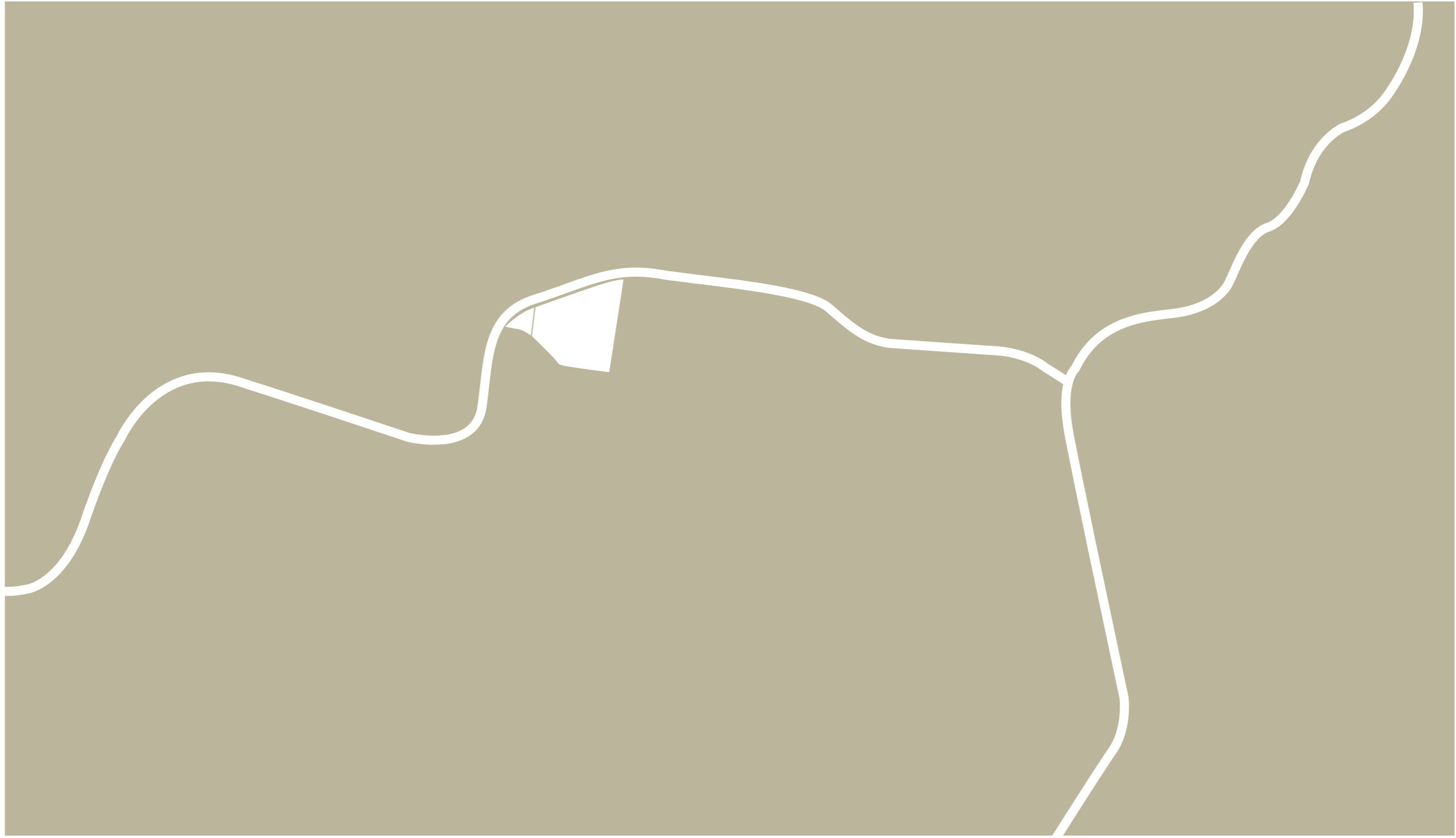
ES5620

# APPENDIX B

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**PROPOSED DEVELOPMENT PLANS**





MASTER PLAN  
120 MONA VALE ROAD  
WARRIEWOOD  
OCTOBER 2012



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Prepared by : GM URBAN DESIGN & ARCHITECTURE PTY LTD  
Studio 201, 8 Clarke street  
Crows Nest , NSW 2065

Email: gmorrish@gmu.com.au  
Tel: (02) 9460 6088  
Fax: (02) 9460 6099  
Mobile: 0407 007 444

Prepared for: OPERA PROPERTIES PTY LTD

Date: OCTOBER 2012

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# CHAPTER I - INTRODUCTION

GMU

# PURPOSE OF REPORT AND BRIEF

GM Urban Design & Architecture (GMU) has been appointed by Opera Properties Pty Ltd to provide urban design and master planning services for a proposed residential subdivision of the site, which comprises of two parcels of land at No.120 -122 Mona Vale Road and No.4 Boundary Street, Warriewood. This master plan report is to form part of a planning application to rezone the site from its existing zone 1(a) non-urban "A" (No.120 -122 Mona Vale Road) and zone 1(b) non-urban "B" (No.4 Boundary Street) to residential 2(a). This report documents the initial site analysis that led to the formulation of issues and strategy diagrams, translated into the concept options and the preferred master plan.

The aims and objectives of the current planning controls for the Warriewood locality have also been taken into account within this study. The current zoning 1(a) (Non- Urban "A") and 1(b) (Non-Urban "B") does not permit residential uses on the site. The findings of this report including the master plan for the site form part of a rezoning planning application to subdivide the site for the introduction of residential uses on site.

# BROAD CONTEXT

## METROPOLITAN STRATEGY

According to the Strategy's Economy and Employment Section, Pittwater LGA has an employment capacity target of 6,000 to year 2031. It is envisaged that the Warriewood Valley's commercial and industrial zone will have a key function focusing on utilities and urban services. In terms of housing targets, the Metropolitan Strategy indicates that the subject site has 0-5 dwellings per hectare and is located in between a Land Release Area to the west of No.120-122 Mona Vale Road and Rezoned Land Release Area to the east of Boundary Street.

The closest centre to the site is Mona Vale. This centre is expected to contribute to the dwelling targets for Pittwater Council. The natural attributes of the site, proximity to the centre and generous recreational opportunities in the immediacy of the site make it an ideal location to assist with meeting the housing targets for the Mona Vale Centre.



Map showing the location of subject site and the surrounding centres (Courtesy: NSW Metropolitan Strategy)

# BROAD CONTEXT CONTINUED

## COUNCIL'S VISION FOR THE WARRIEWOOD LOCALITY

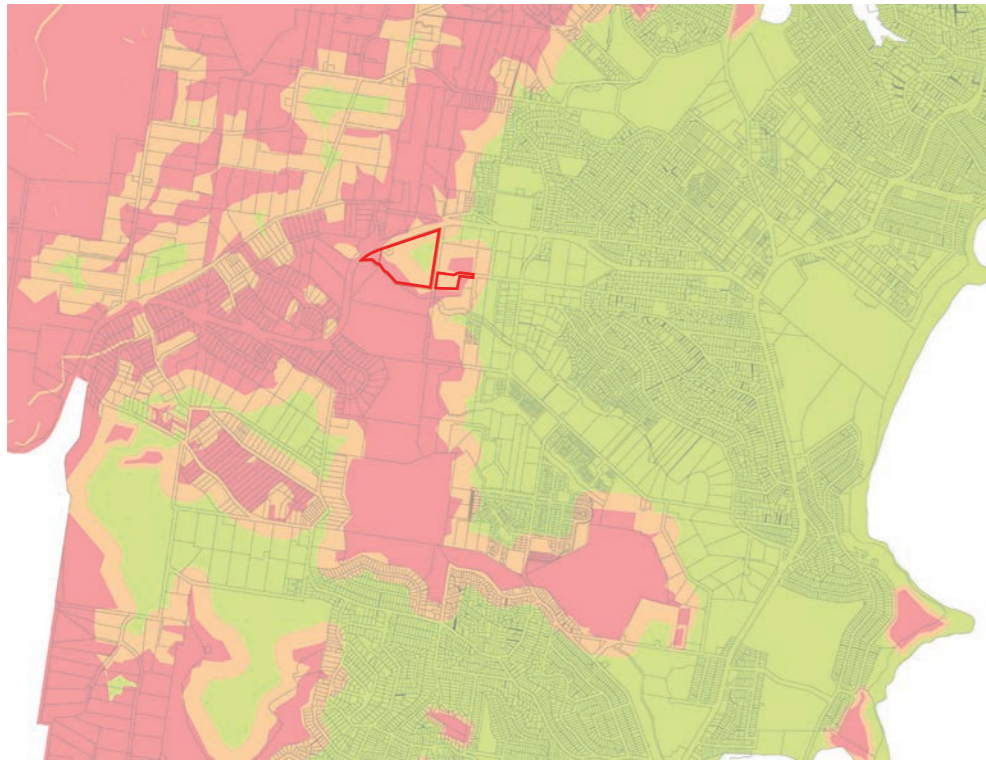
According to the Pittwater DCP 21, the desired future character for residential uses within the Warriewood locality is "primarily low-density" dwellings with a "maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape." The desired future character for multi-unit housing is that it will be located within and around commercial centres, public transport and community facilities."

The DCP also requires "existing and new native vegetation, including canopy trees to be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards."

As shown later in this report, the proposed master plan envisions dwellings for this site that include well articulated 2 storey homes set within a canopy of trees with fenestration, shading devices, private open spaces that will respond to the varying orientations, topography and view corridors. The layout of lots and roads has been designed to respond to the topography and to maximize viewing opportunities to critical landscape features from the public domain. The master plan ensures that an efficient road layout is complemented by special moments and high amenity in the form of communal open spaces including landscape features, walking trails and viewing points. As this report will show, the proposed development has taken into account Council's vision for the locality in the design of the lots and the overall master plan layout.

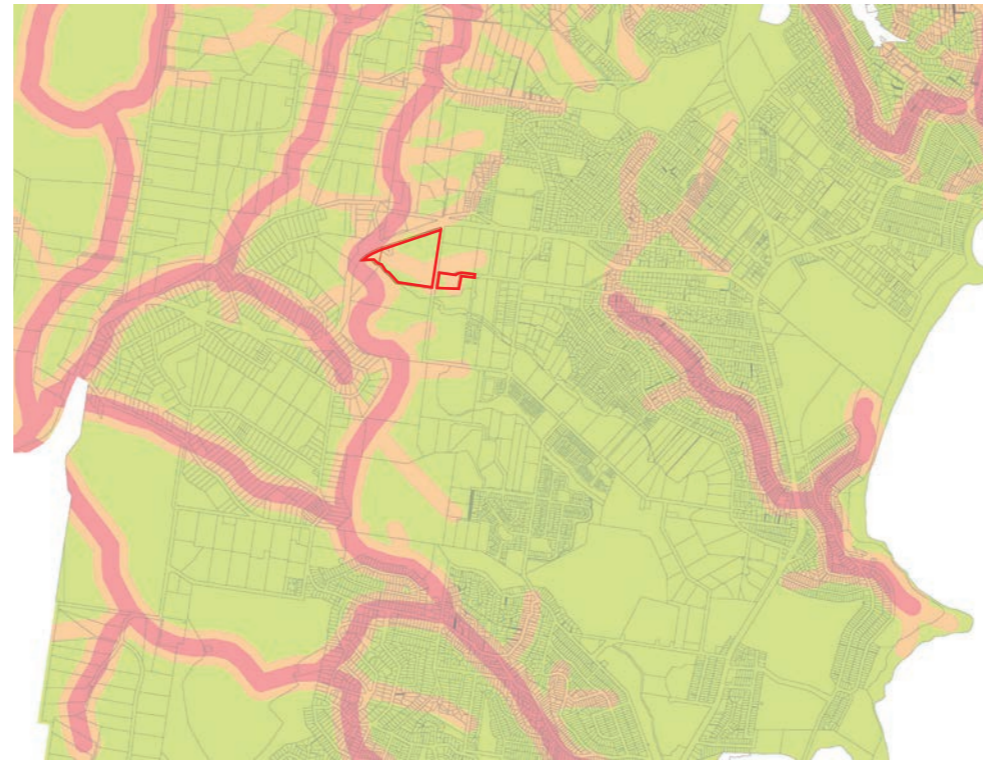


Map showing the location of subject site and the surrounding recreational spaces in the region (Courtesy: NSW Metropolitan Strategy)



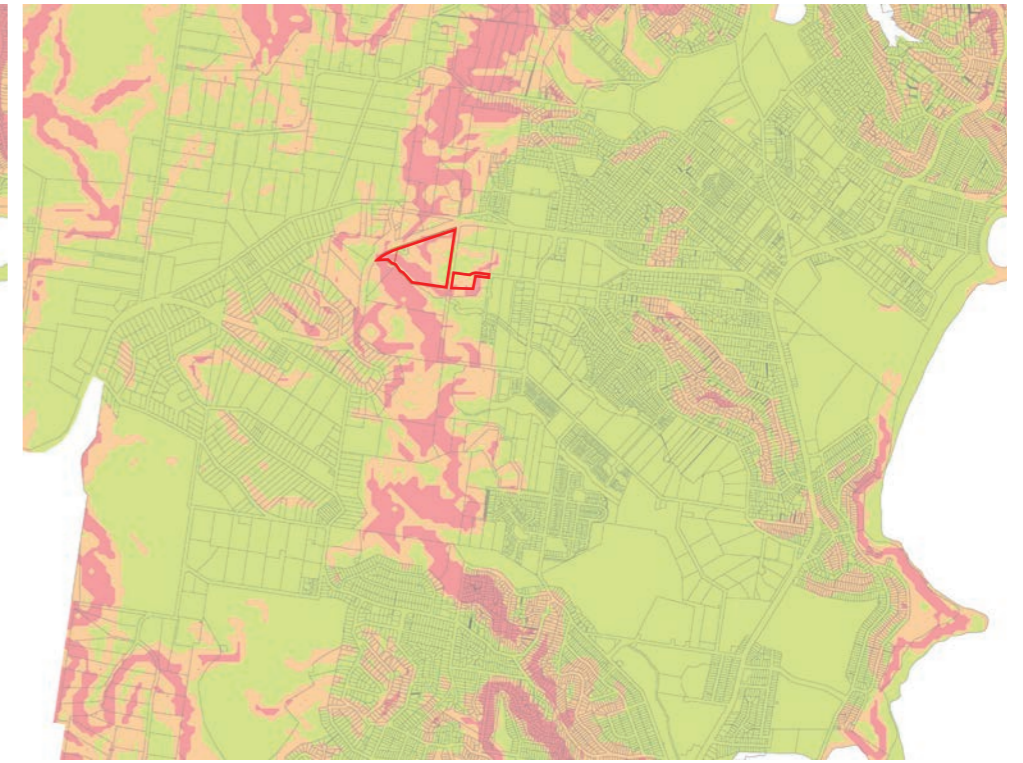
Bushfire (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Other land
- B - Bushfire buffer area
- C - Bushfire flame zone
- Subject site



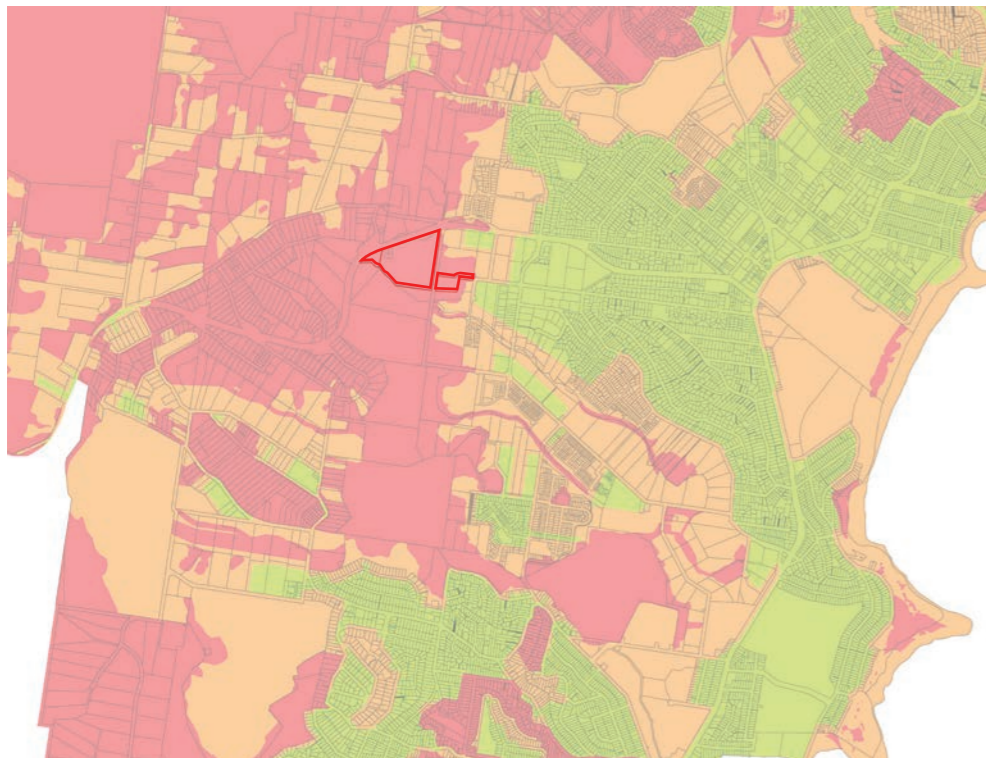
Ridge Line (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Other land
- B - Within 50m of a secondary ridgeline or between 50-100m of a major ridgeline or escarpment edge
- C - Within 50m of a major ridgeline or escarpment edge
- Subject site



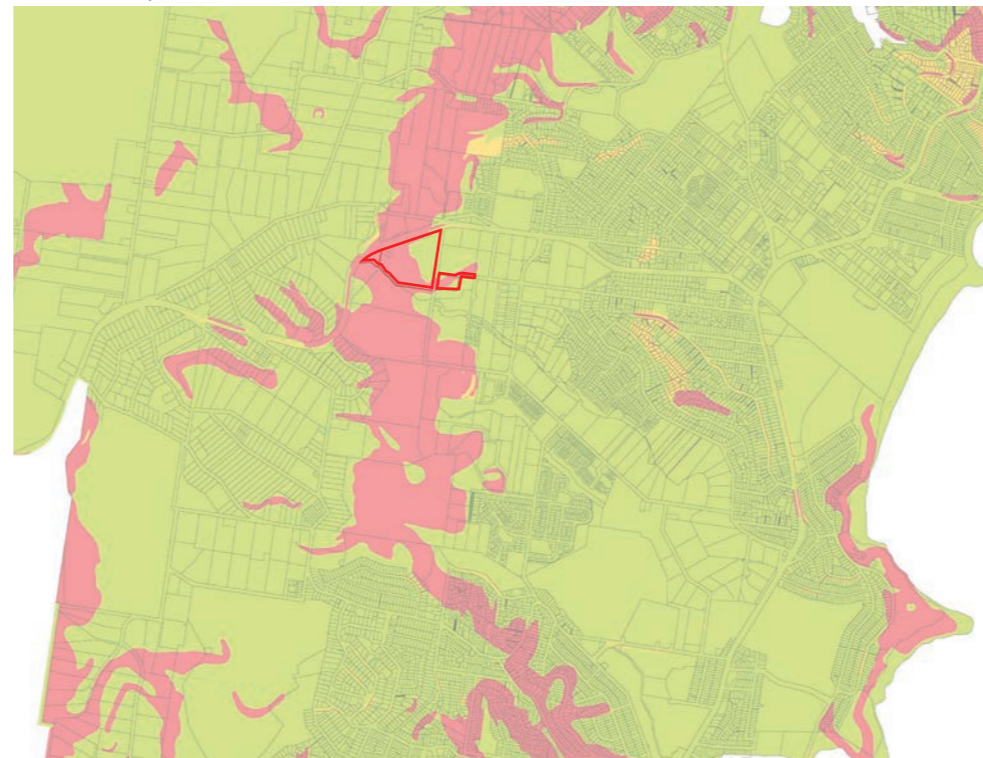
Slope (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Slope less than 15%
- B - Slope between 15% - 25%
- C - Slope greater than 25%
- Subject site



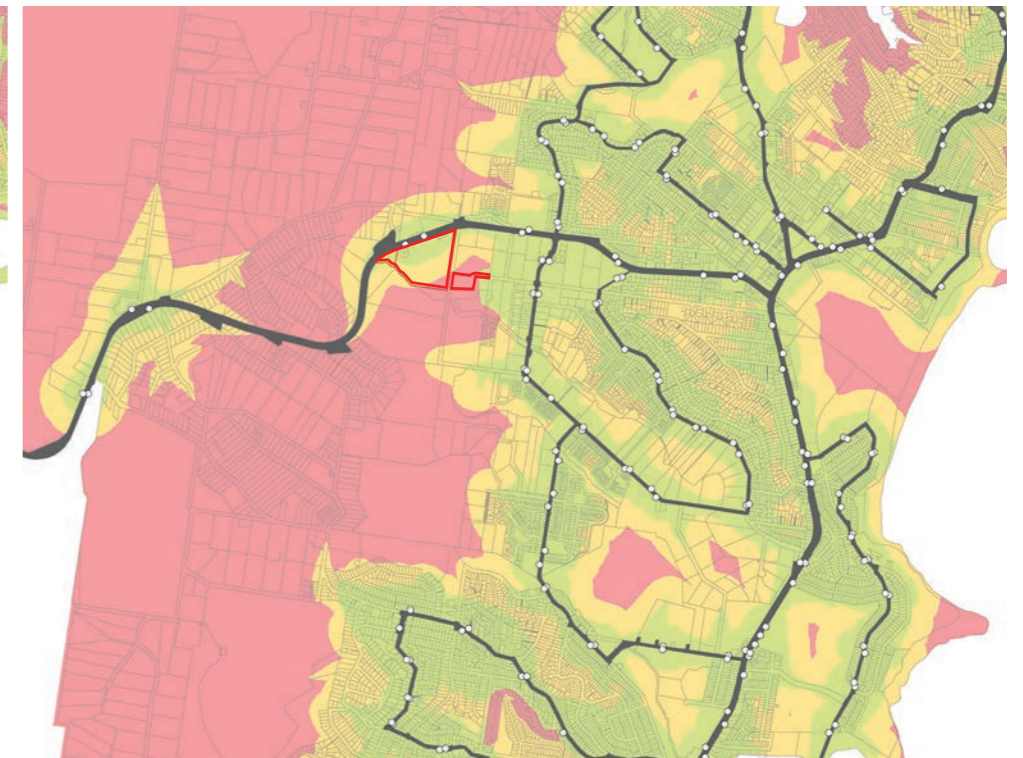
Biodiversity (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Low biodiversity value
- B - Medium biodiversity value
- C - High biodiversity value
- Subject site



Geotechnical (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Other land
- B - Areas of medium geotechnical hazard (Zone H2)
- C - Areas of high geotechnical hazard (Zone H1)
- Subject site



Proximity to public transport (excerpt from Pittwater Council's Land Use Planning Strategy)

- A - Land within 400m walking distance from a bus stop on a public transport route
- B - Land within 400-800m walking distance from a bus stop on a public transport route
- C - Land more than 800m walking distance from a bus stop on a public transport route
- Bus Stop
- Public Transport Route
- Subject site



# BROAD CONTEXT CONTINUED

The site is located within the Pittwater Council LGA about 2km from the major centre of Mona Vale. It is located to the east of important recreational areas and to the west of the Warriewood Commercial and Industrial Hub, an important local employment zone. At the moment, the site is connected to Mona Vale Centre via Mona Vale Road which is a major east-west road that connects to Barrenjoey Road to the north and Pittwater Road to the south. This road network also connects the site to the ocean front and natural reserves available along the coast such as Mona Vale Golf Club and North Narrabeen Reserve. Nearby centres include Elanora Heights Village Centre to the south and the stand alone shopping centre at Warriewood Square.

The nearby densities vary from 5-9 dwelling per hectare to the south east to pockets of 25 dwellings per hectare in areas close to the periphery of Warriewood Square and Mona Vale Centre. The majority of the land holdings to the west are part of the Land Release Areas which are yet to be given a density designation. The largest concentration of residential densities is located south of Mona Vale Centre, east of Pittwater Road and northeast of the Warriewood Escarpment and Wetlands and it straddles on both sides of Mona Vale Road as it gets closer to the connection with Pittwater Road. No.120-122 Mona Vale Road is generally located to the north-west along Mona Vale Road and can be linked to the rezoned release area through the proposed access road through No.4 Boundary Street.

According to Pittwater Council's mapping, the natural environment in the Broad Context is formed by areas affected by bush fire along natural ridge lines as shown on page 6. Council's maps also show that the site is affected by areas of high geotechnical hazard (Zone HI) where the slope on the site varies between 15% to areas with slopes greater than 25%. The site is located along a ridge which links the site to a north-south corridor affected by similar slope conditions. The site is also recognised for having High Biodiversity value. A contributory watercourse to the Warriewood wetlands known as the Narrabeen Creek Green Corridor runs along the southern boundary of the site and terminates at the wetlands. However, the mapping by Council still reflects the former condition of the land and this mapping needs to be updated to reflect the recent changes to the legislation in terms of bushfire and riparian corridors as well as the site's existing biodiversity. A number of preliminary reports have been commissioned as part of this study in order to document the existing site conditions in terms of slope, bushfire, access, geotechnical and biodiversity. These findings will be discussed later as part of the next chapters of this report.

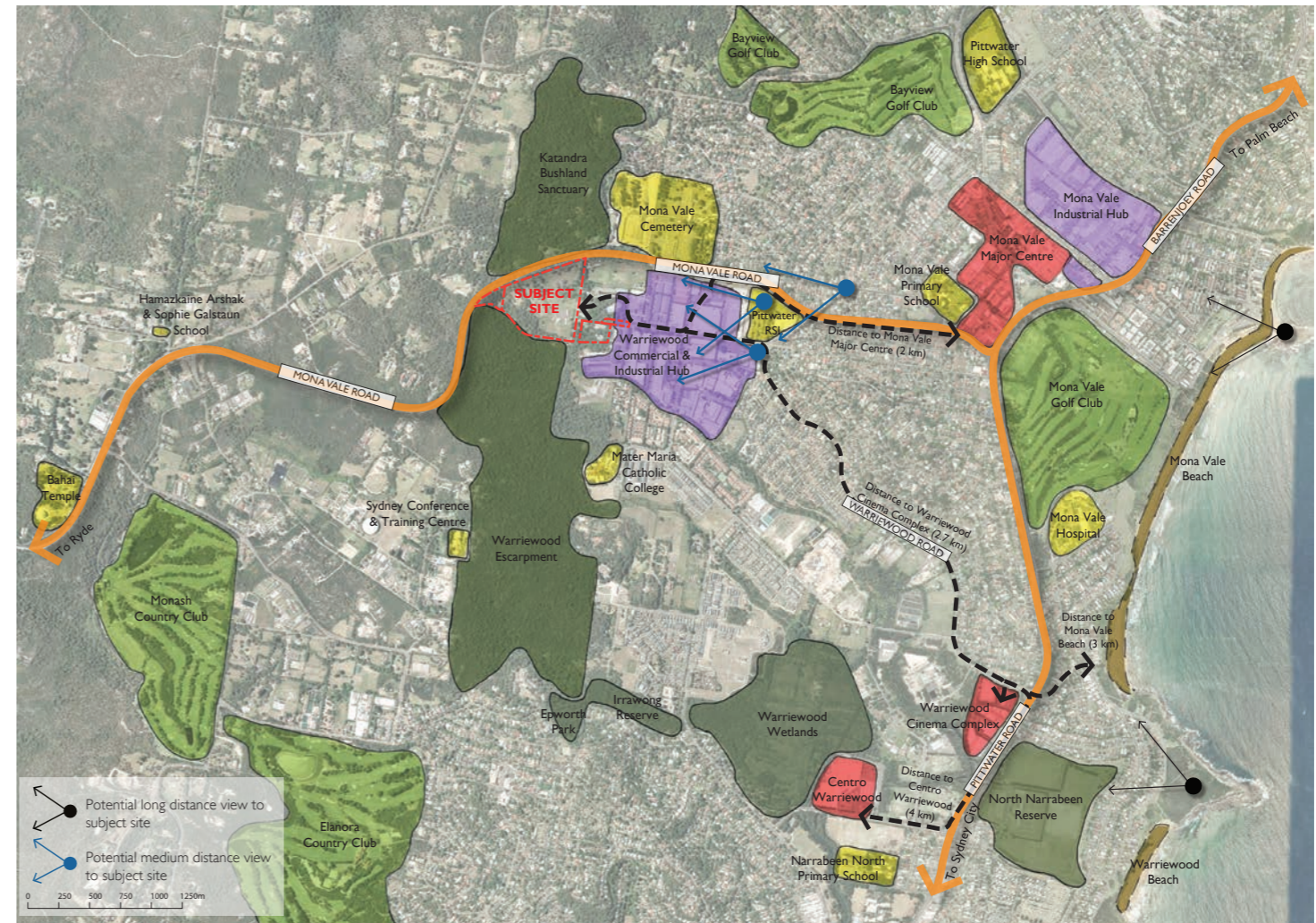
## SURROUNDING CONTEXT

The site is located in the transitional area where a change in the dwelling density occurs between Mona Vale Town Centre to the east and rural areas to the west. The site is located adjacent to heavily vegetated bushland to the west and light industrial, commercial and some residential areas to the east. This area is known as the Warriewood Commercial and Industrial Hub which provides important employment opportunities for the region.

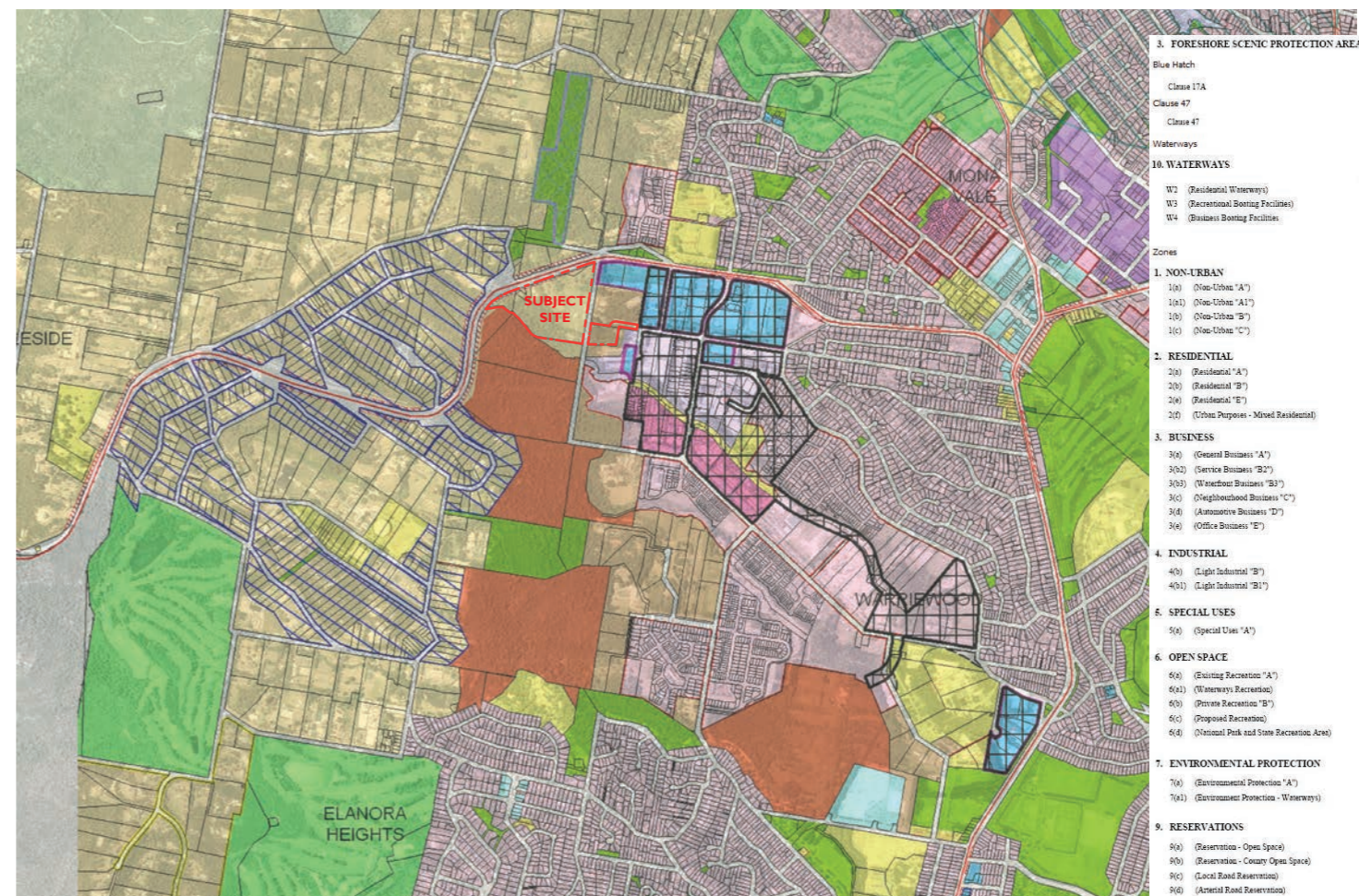
The immediate surroundings of No.120-122 Mona Vale Road are zoned (1a) Non-Urban "A" to the north and west and (7a) Environmental Protection "A" to the south. The immediate surrounding of No.4 Boundary Street is zoned (1b) Non-Urban "B" to the north and south and (1b) Non-Urban "B" and (4b) Light Industrial "B" to the east. The site is directly adjacent to the Warriewood Valley Rezoned Land Release Area, where most of the sectors within the area consist of medium density residential. The urban design objectives of the Land Release Area are:

- To ensure that future development achieves an overall standard of urban design and amenity which is commensurate with surrounding development and provides a vibrant, pleasant and attractive neighbourhood;
- To provide a sense of community and identity to the future population of the development.

Other zonings include business uses (Office Business "E") and Recreation uses.

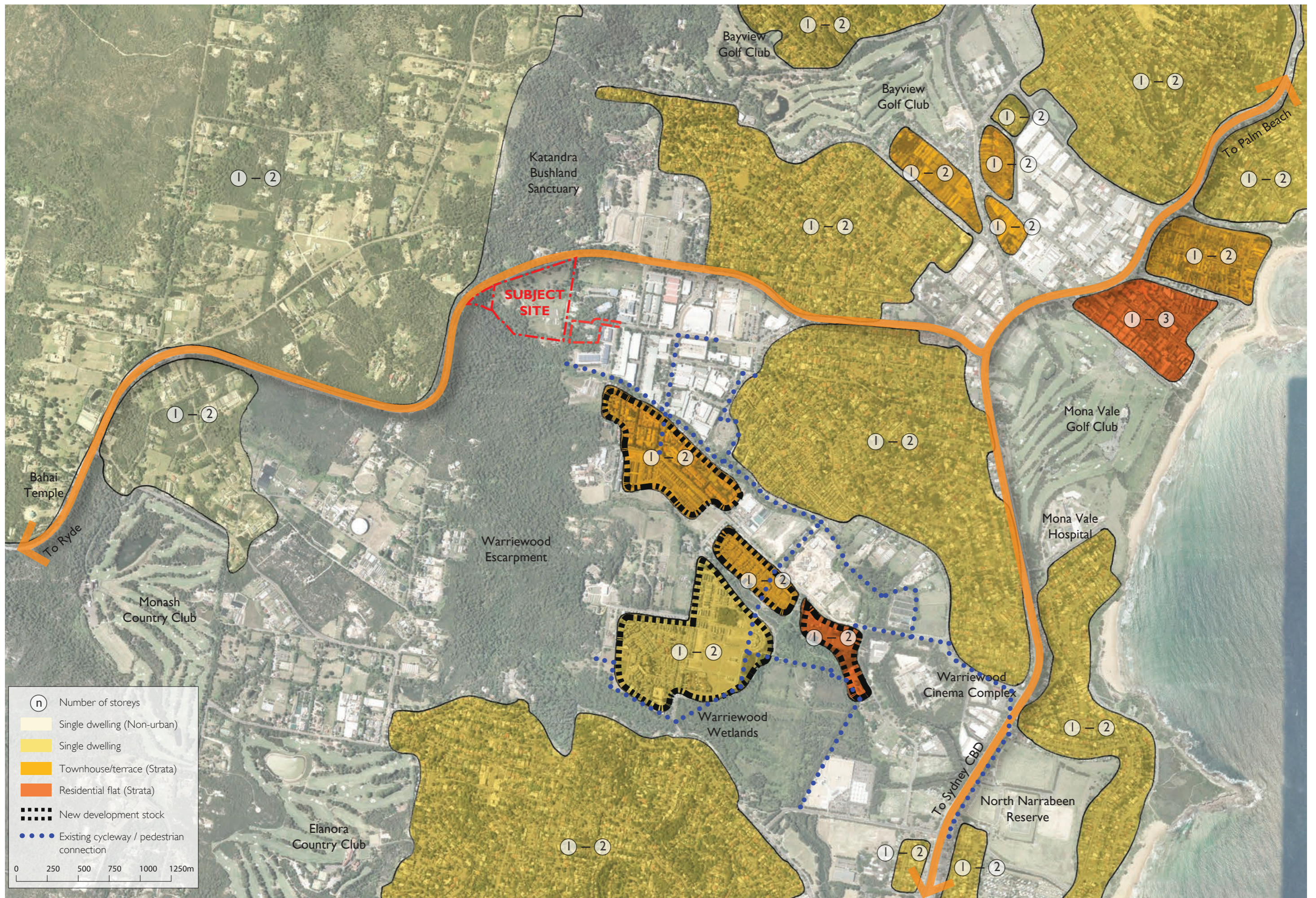


LAND USE

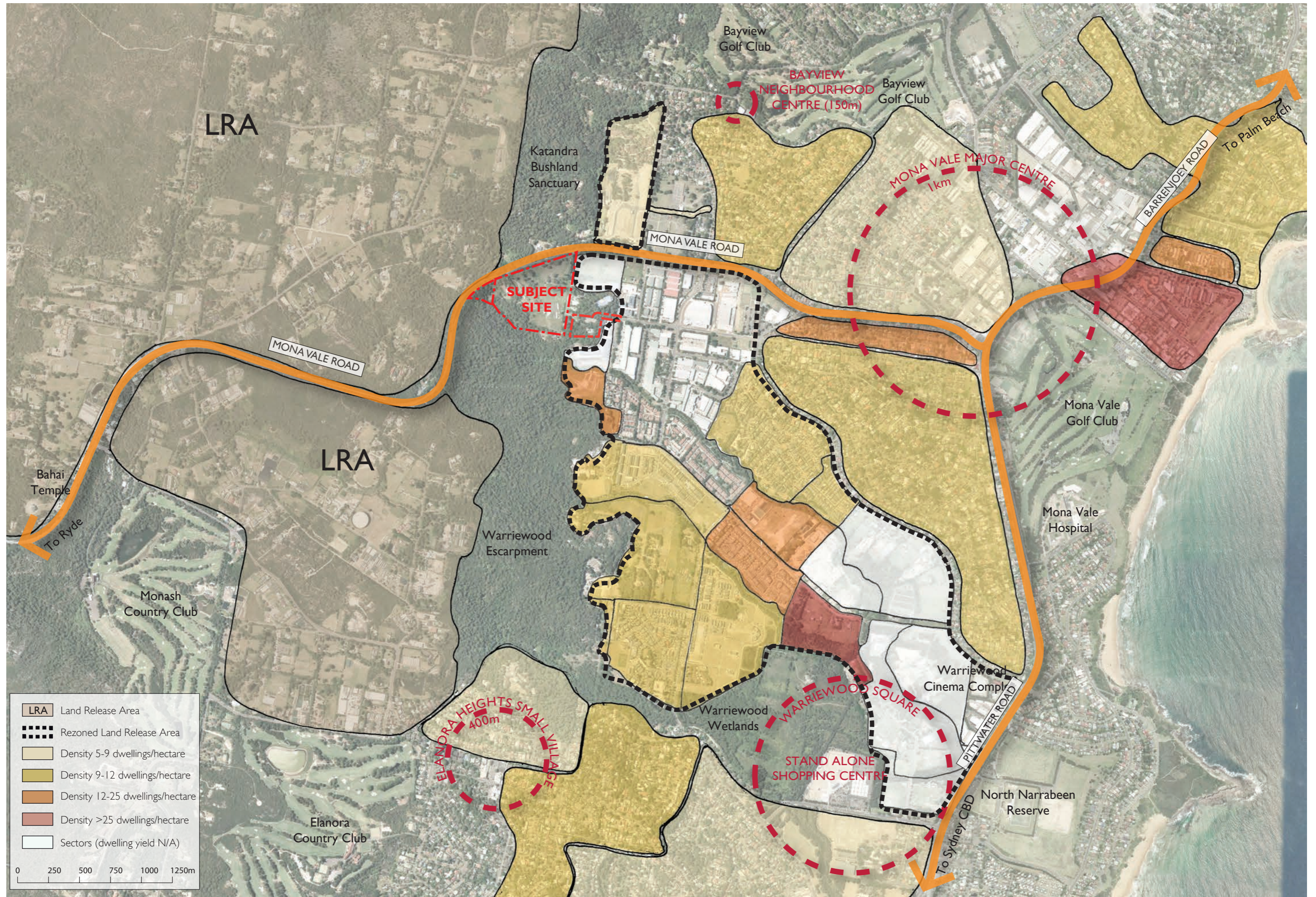


ZONING

# BUILT FORM



# DENSITY



# NETWORK



# THE SITE

The subject site comprises of two land parcels, hereafter referred to as No.120 -122 Mona Vale Road and No.4 Boundary Street divided by Boundary Street. No.120-122 Mona Vale Road is composed of four adjacent lots (Lot 1 DP383009 and Lot 3, 4 and 5 DP124602) bound by Mona Vale Road to the north, Narrabeen Creek to the south west and Boundary Street to the east. No.4 Boundary Street is bounded by Boundary Street to the west, Lot No.8 Jubilee Avenue to the south and Lot No.10 Jubilee Avenue to the north (also known as Pittwater Uniting Church). The site is bounded to the east by the Warriewood commercial and industrial hub. The combined lot area of No.120 Mona Vale Road is approximately 7.94ha and it is largely vacant except for a few single residential dwellings and farming structures which currently gain access directly from Mona Vale Road. Access is also possible from Boundary Street to the east. No.4 Boundary Street measures around 1ha and is also largely vacant except for a single storey cottage in the south-east corner and various farming structures and sheds which currently gain access from Boundary Street. The combined site area (No.120-122 Mona Vale Road + No.4 Boundary Street) is approximately 8.94ha.

The major characteristics of the site include the topography, available views and a few constrained areas for development due to slope conditions and the need to provide an APZ due to bush fire prone land.

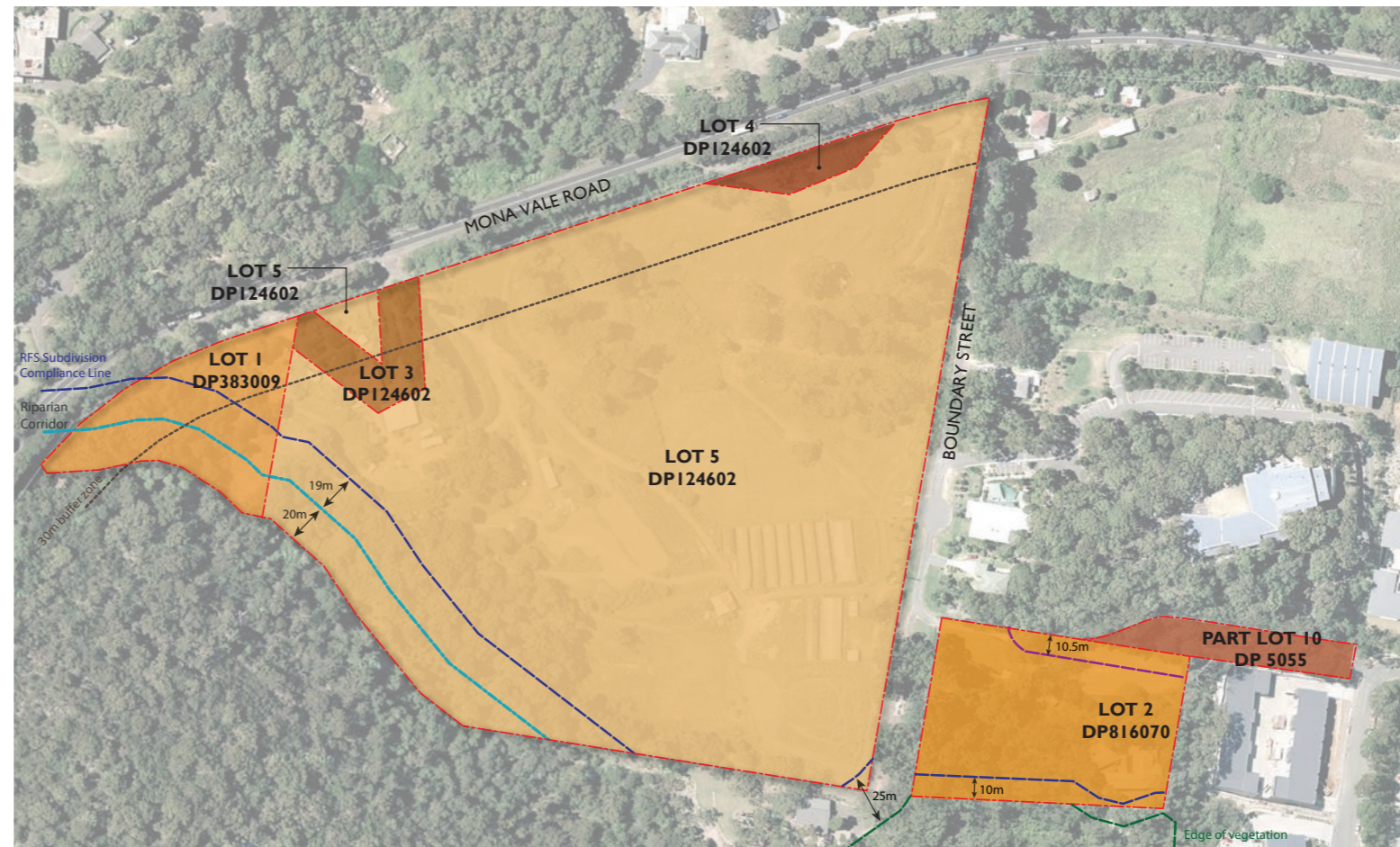
## BUSH FIRE AND GEOTECHNICAL HAZARDS

The Narrabeen Creek which runs along the south-western end of No.120-122 Mona Vale Road, requires the provision of a riparian corridor of 20m (10m to either side from the top of bank) plus a 19 metre wide Asset Protection Zone. This zone limits the developable area of No.120-122 Mona Vale Road towards the centre, north and eastern boundaries. A vegetated corridor is also required along Mona Vale Road which is not bush fire affected, but limits the area in which houses can be located.

The western half of No.120-122 Mona Vale Road falls into the Pittwater Council Geotechnical Risk Map (Zone H1) as high risk, which had been confirmed by the preliminary geotechnical study undertaken by Aargus. This high risk zone extends across Boundary Street to the east into No.4 Boundary Street and occupies a large proportion in the center of that land parcel.

## ECOLOGICAL SITE ANALYSIS (BIO-DIVERSITY)

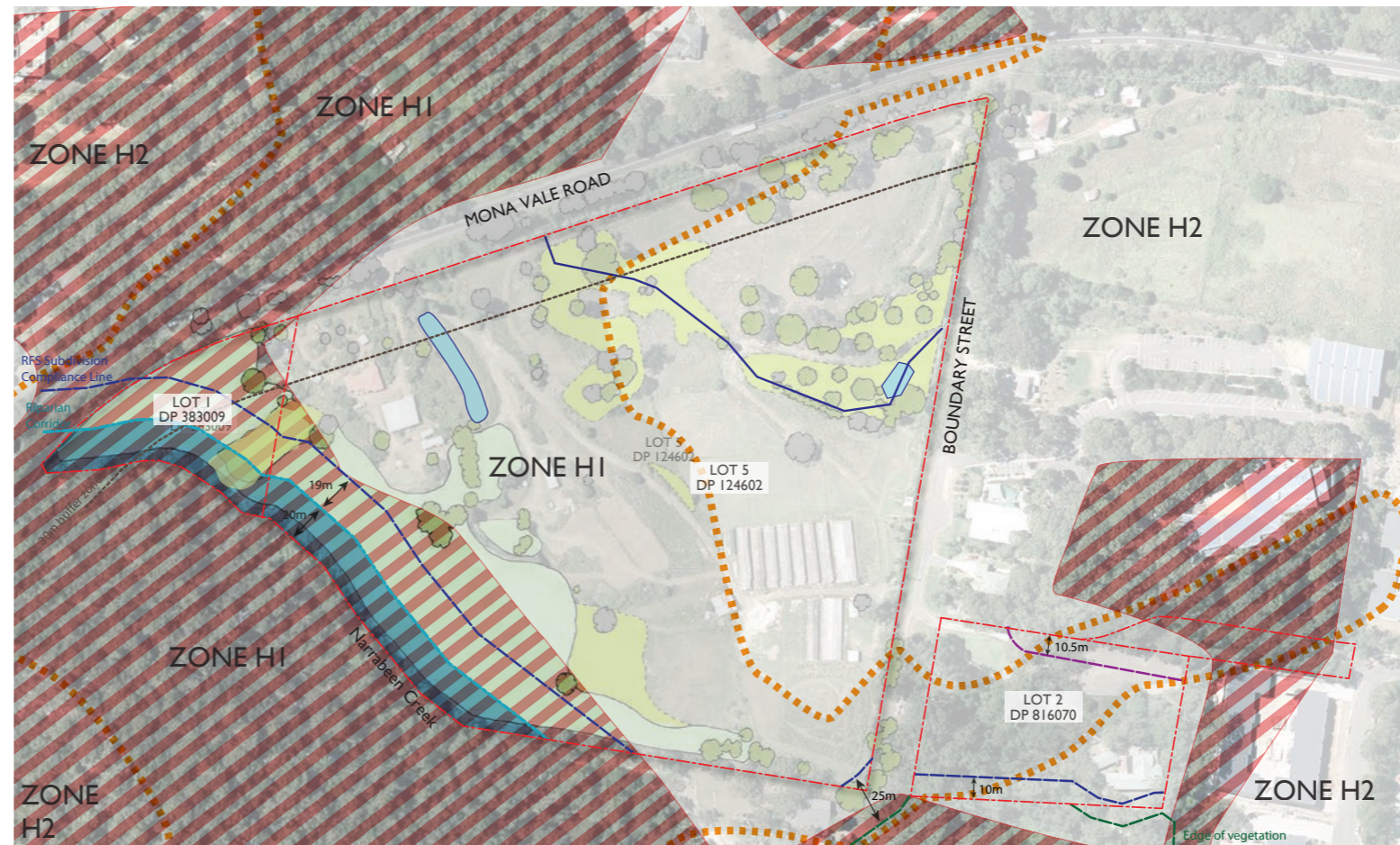
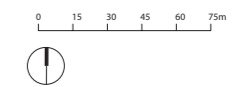
Extensive studies were conducted with regards to ecology including flora and fauna surveys to understand the site's vegetation, ecological communities and habitats of threatened species. This testing of No.120-122 Mona Vale Road concluded that there are 3 main habitat areas considered in the report based on the current land use and level of disturbance which include an area of Open Forest, generally located along the south western boundary of the site parallel to the Narrabeen Creek; smaller areas of disturbed woodland and scrubland areas dispersed across various locations across the site and the open paddocks and infrastructure areas occupying the remainder of the site.



## LOTS INVOLVED

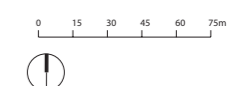
- Subject site
- Landscape buffer - 30m
- Riparian corridor - 20m
- RFS Subdivision Compliance Line
- RFS Subdivision Compliance Line (Applicable only to Option 1)
- Edge of vegetation

LOT	DP	ADDRESS
3	124602	120 Mona Vale Road
4	124602	120 Mona Vale Road
5	124602	120 Mona Vale Road
1	383009	122 Mona Vale Road
2	816070	4 Boundary Street
Part Lot 10	5055	10 Jubilee Avenue



## ANALYSIS

- Subject site
- Landscape buffer - 30m
- Edge of vegetation
- Riparian corridor - 20m
- Drainage line
- Creek bank
- 20m riparian zone
- Bushfire hazard vegetation
- Bushland vegetation
- Regrowth forest partially cleared
- Existing dam
- Existing trees (Priority / consider for retention)
- Existing trees (Priority / consider for removal)
- Geotechnical hazards zoning (Zone H1, Zone H2)
- RFS Subdivision Compliance Line
- RFS Subdivision Compliance Line (Applicable only to Option 1)



Despite extensive field survey across all areas of No.120-122 Mona Vale Road, the Magenta Lillypilly and the Eastern Bent-wing Bat were the only threatened species recorded on site. The general recommendations provided for the redevelopment of No.120-122 Mona Vale Road include the retention of the vegetation and habitats in the riparian areas (20m from top of bank along Narrabeen Creek); maximising the retention of vegetation and habitats within the open forest area, the lower gully line in the disturbed Woodland and Scrubland and of indigenous trees in the open paddocks and infrastructure areas of the site.

## TOPOGRAPHY

The existing topography of No.120-122 Mona Vale Road generally slopes down from the north western to the eastern and southern parts of the land parcel. The highest point is located around the common boundary to the north-west and it is visible from the lower areas of the Valley floor as far as Warriewood Beach. The northern boundary along Mona Vale Road slopes from west to east. The lowest points are located at the gullies to the south where Narrabeen Creek runs in an east to west direction and to the east along Boundary Street. The difference between the highest and lowest points is approximately 56m. The gradient of the slope has the largest drop along Narrabeen Creek to the southern part of the land parcel. The parts that have minimum gradients (0-5 degrees) are considered to be relatively flat and are suitable for development. These areas are generally located to the south eastern part (RL+50m), the centre (between contour of RL+60m and RL+80m) and the north western part (RL+80m).

The slope on No.4 Boundary Street is generally flat (0-14.9%) along the northern boundary of the site and sharply chops towards the south western corner of the site where the lowest point is generally at RL+30m.

## VIEWS

The nature of the site's sloping topography affords the site wide view corridors towards the coastline. Major unobstructed panoramic views are oriented towards east and southeast directions and they are evident from locations as shown on the adjacent diagrams. This presents the opportunity to create a master plan that shares views with both the private and public domain. The views to the north and west of the site are towards heavily vegetated bushland and largely vegetated areas. In terms of the visibility of the site, the uppermost part of the site (above RL+80m) is visible from the valley floor (Warriewood Valley to the southeast). The site above RL+60m is visible from the RSL Club located approximately 1.4km to the east of the site. No.4 Boundary Street is generally between RL+30m to the south gully and RL+48.5 to the north-east corner of the site. This lot is not visible from the Valley floor.

## SUITABILITY OF THE LAND FOR REDEVELOPMENT

No.120-122 Mona Vale Road is currently zoned I(a) (Non-Urban A) while No.4 Boundary Street is zoned I(b) (Non-Urban "B") which does not permit residential uses to be developed within the site. However it is GMU's opinion that the location of the site in close proximity to Mona Vale Centre, employment hubs to the east and large areas to the east of Boundary Street designated by Council as Land Release Areas present the site as a suitable location for residential uses due to its proximity to compatible adjoining uses and the area's high levels of amenity.











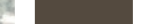

The preliminary assessment obtained from independent consultants established the site's potential and capacity to redevelop considering its many opportunities and the ability to easily manage some of its exiting constraints. It is GMU's opinion, therefore, that the site's opportunities outweigh the existing constraints and that the site is suitable for residential subdivision provided that redevelopment adheres to a master plan outlining the parameters and principles to be applied in the redevelopment of the site. The preliminary independent consultant reports included Traffic and Access analysis, Bushfire Hazard and Management, Geotechnical Assessment, Arboriculture Impact Assessment, which identified some constraints for the site, but these reports also identify areas within the site where development is possible provided that appropriate setbacks and buffer zones are given in response to the surrounding fire prone and geotechnical hazard zones as well as maximizing the retention of existing habitats, indigenous trees and vegetation along riparian corridors.

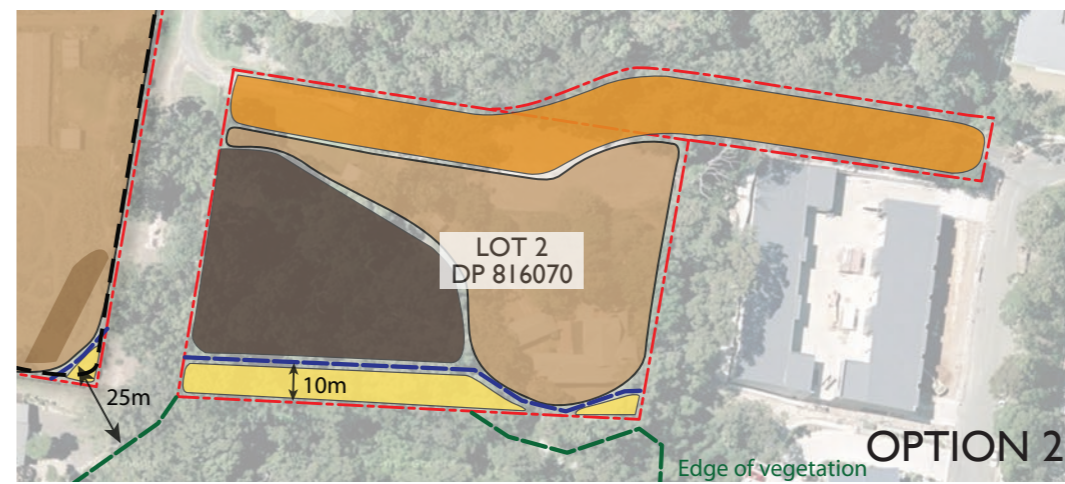
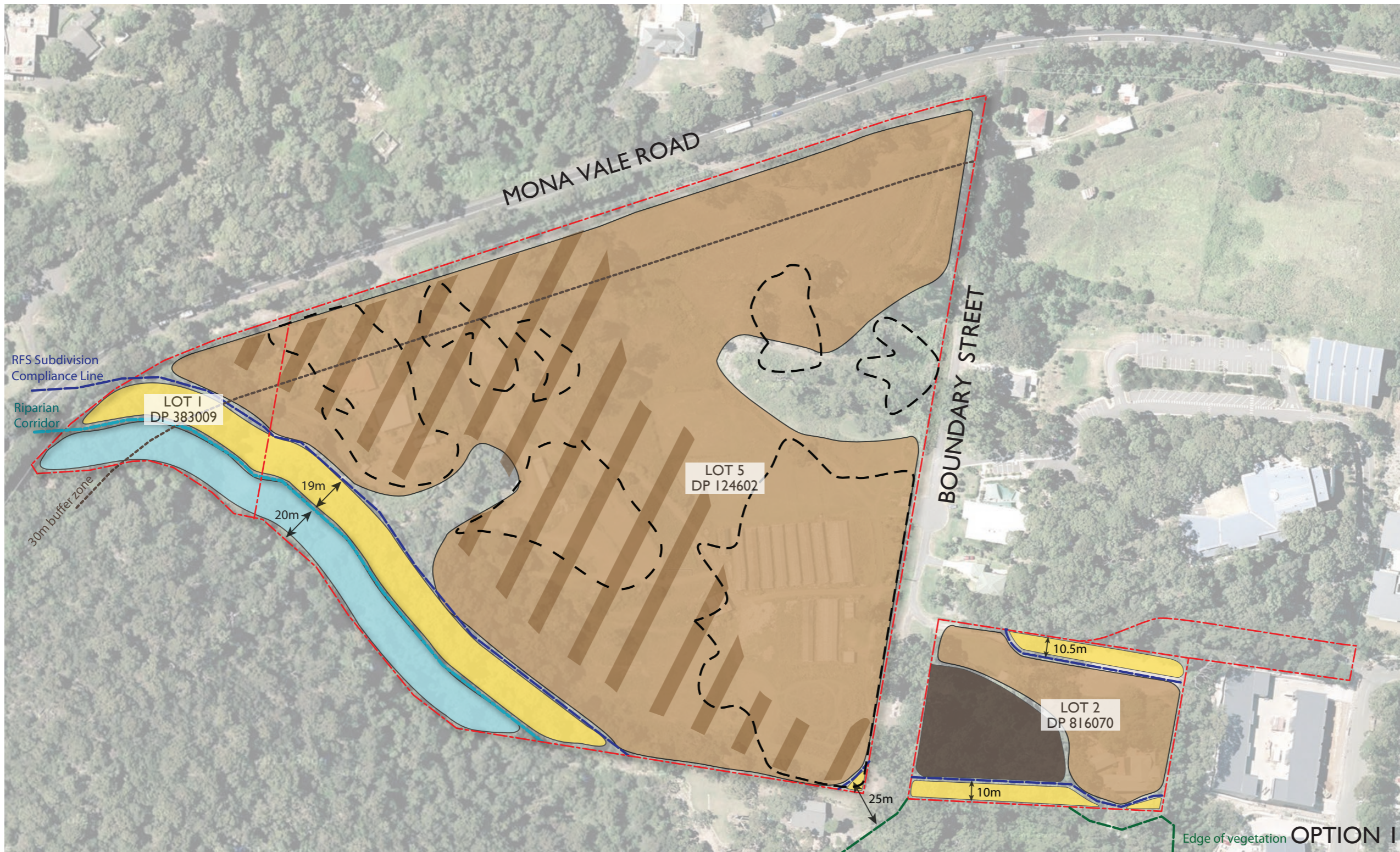
In terms of access, No.120-122 Mona Vale Road is currently accessible from Mona Vale Road along the northern boundary with the potential for additional access points from Boundary Street along the eastern boundary. While access from Mona Vale Road in its current form is dedicated to a number of existing single dwellings and it is not envisioned as the sole access point for future development, it is possible that this access point will service a reduced number or large lots at the northern most part of No.120-122 Mona Vale Road. Access to No.4 Boundary Street is currently from Boundary Street. Access for the rest of No.120-122 Mona Vale Road can also be provided off Boundary Street through the future connection to Jubilee Avenue or through the reinstatement of the blocked access at the northern end of Boundary Street onto Mona Vale Road. Two alternative access options are discussed in later chapters of this report.

It is important to note that Council's existing mapping as shown on page 6 of this report includes diagrams for bushfire, slope, biodiversity, and areas of high geotechnical hazard (zone H1), which show outdated information or information that does not relate to the existing condition of the site, especially the diagrams with regards to biodiversity. This diagram shows the whole of the site being affected by biodiversity when this information may not be accurate or may be out of date. Some of the constraints identified within these diagrams may no longer be applicable to the site, may not be adequately represented or are in need of updating, especially in light of the more recent in-depth studies available by the independent consultants.






It is GMU's preliminary assessment that the actual level of constraints, especially with regards to biodiversity have been initially overestimated and that they do not represent a genuine impediment to redevelop the site. The possibility to introduce a variety of housing choices while maintaining a low level of density throughout the site which complements the surrounding vegetated character and areas of increased visibility will be a positive outcome for the site and a great opportunity for the local community and it should be allowed to take place.






# LAND CAPABILITY

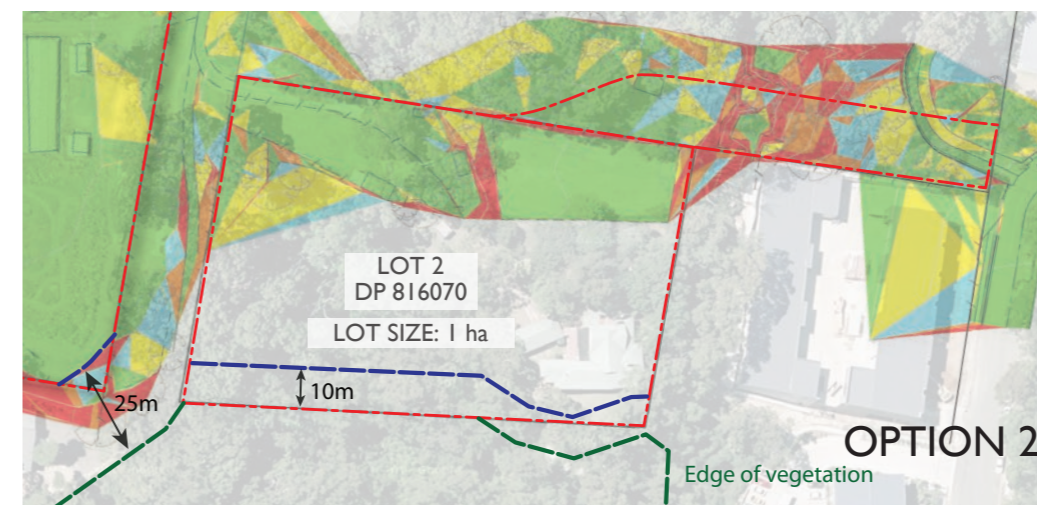
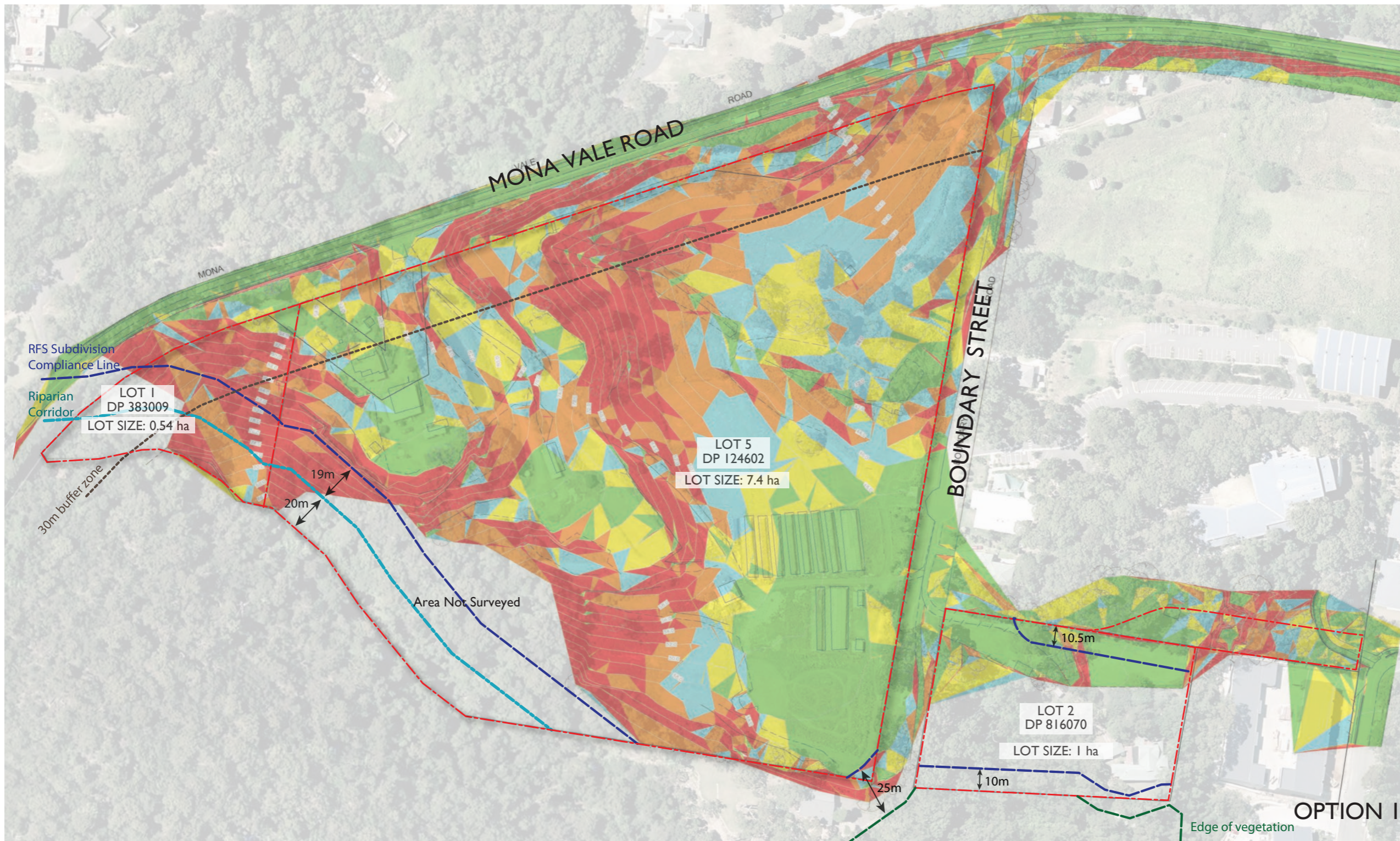
-  Subject site
-  Landscape buffer - 30m
-  Riparian corridor - 20m
-  RFS subdivision compliance line
-  Edge of vegetation
-  Area with slope less than 20%
-  Area of high geotechnical hazard
-  Potential developable area
-  Riparian corridor (20m)
-  Area within RFS subdivision compliance line
-  Bushland to be managed by APZ
-  Area within road reserve (Applicable only to Option 2)



# SLOPE ANALYSIS

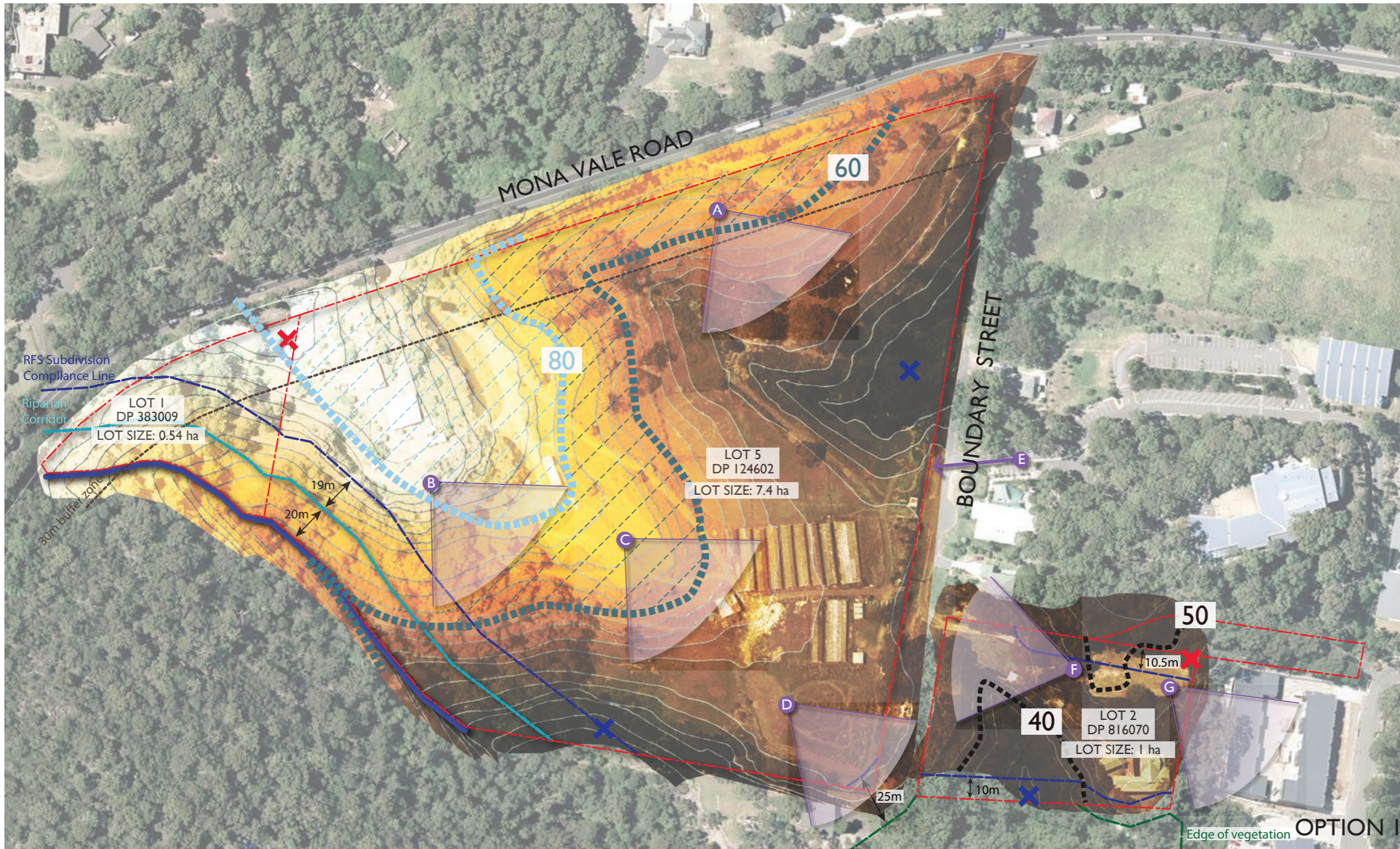
-  Subject site
-  Landscape buffer - 30m
-  Riparian corridor - 20m
-  RFS subdivision compliance line
-  Edge of vegetation

Colour	Minimum slope	Maximum slope
	0.00%	14.99%
	15.00%	19.99%
	20.00%	24.99%
	25.00%	32.49%
	32.50%	Or greater



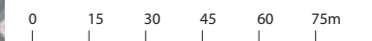
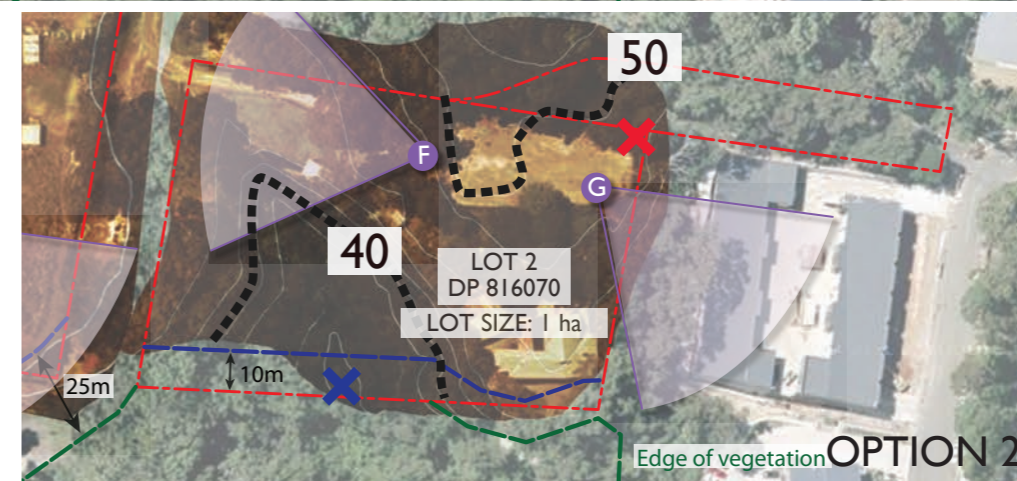


# VISIBILITY ANALYSIS



- Subject site
- Landscape buffer - 30m
- Riparian corridor - 20m
- RFS subdivision compliance line
- Edge of vegetation
- Highest point
- Lowest point
- Area visible from valley floor
- Area visible from RSL / east
- Long distance view from subject site\*
- Direct view towards subject site\*

\* Letters correspond with photographs on subsequent page





View A



View B



View C



View D



View at south of site looking south



View E



View at north of site looking south



View F



View at middle of site looking east and south east



View G



# CHAPTER 2 - ISSUES AND DESIGN STRATEGIES



# ISSUES SUMMARY

## ACCESS

Site access for Lots 2 and 5 is restricted to Boundary Street. Future access to No.120-122 Mona Vale Road directly from Mona Vale Road will be restricted due to high volume traffic, vehicular speeds and visibility issues.

## BUSHFIRE

The area along the western boundary of No.120-122 Mona Vale Road is classified under bushfire threat and is therefore subjected to a 19m RFS Subdivision Compliance Line from the riparian corridor's edge. No.4 Boundary Street will need to be managed in its entirety as an Asset Protection Zone.

## TOPOGRAPHY

The landform of No.120-122 Mona Vale Road slopes from the northwest to the southern and eastern parts of the site, where the steepest part occurs along the southern boundary. There are 3 relatively flat landforms across the site that step upwards from the southeast to the northwest of the site. The highest point of No.4 Boundary Street is located at the north-eastern corner with the topography sloping sharply toward the southwestern corner.

## WATERCOURSE

A 20m riparian zone along the western boundary generally follows the Narrabeen Creek along the boundary of No.120-122 Mona Vale Road. There is an existing natural drainage feature that runs generally across this land parcel toward the north-eastern boundary. The topography of No. 4 Boundary Street suggest that a similar drainage feature is also located on that site towards the south-western boundary.

## VEGETATION

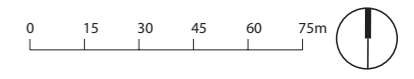
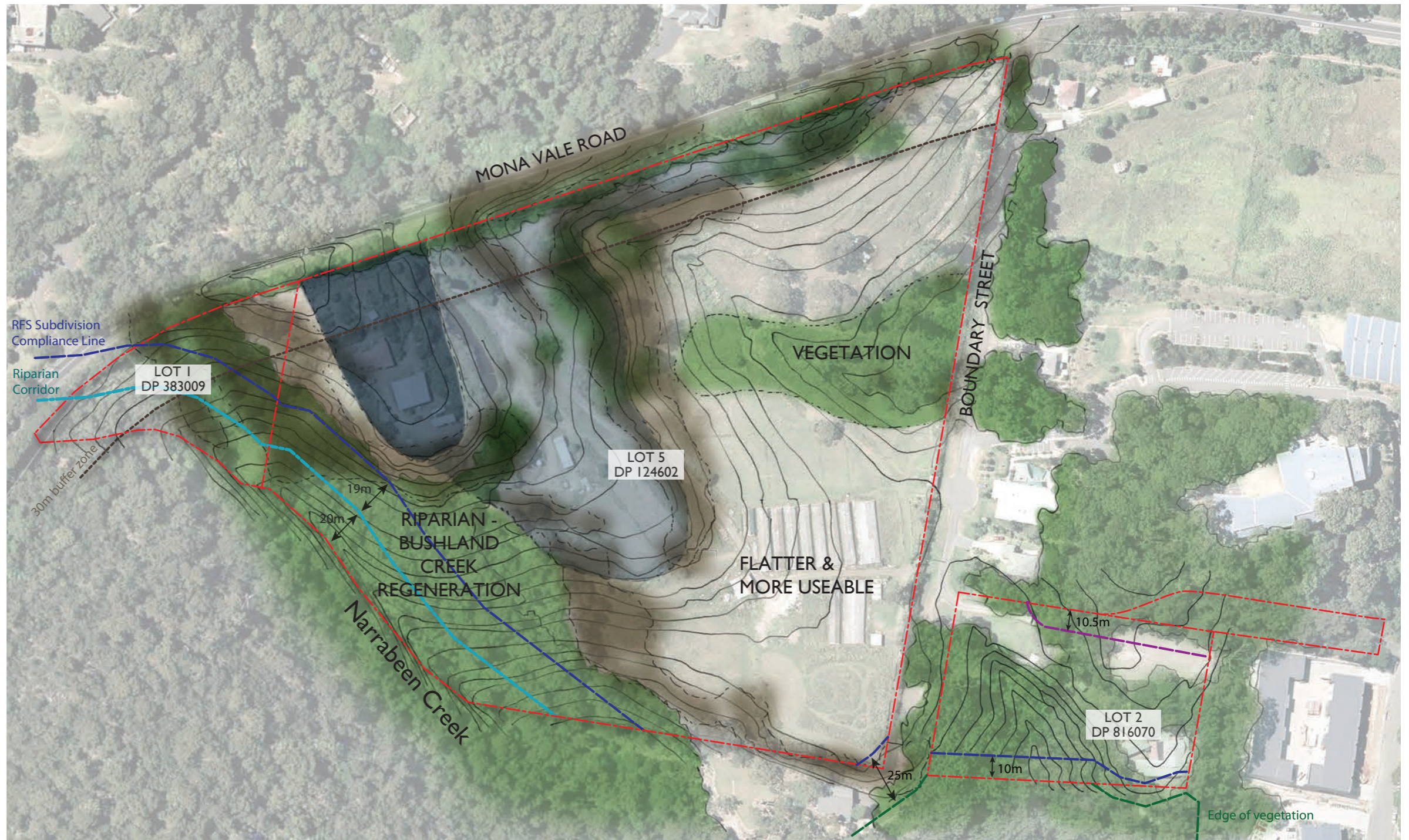
The western boundary of No.120-122 Mona Vale Road is heavily vegetated with existing bushland/ open forest. Majority of this land parcel is scattered with vegetation (including disturbed woodland and scrubland) except to the south eastern part. No.4 Boundary Street contains approx. 3,940sqm of open bushland and approximately 290sqm, which potentially can be modified and result in the potential removal of individual trees, modification of drainage lines for lots 1, 5 and 2 as well as the overall loss of rural land.

## VIEWS

The area of No. 120-122 Mona Vale Road above RL+60m to RL+80m has limited visibility. Land above RL+80m has high visibility and must be carefully treated to avoid visual impacts to the surrounding and long distance context. The portion of the site on No. 4 Boundary Street is generally between +RL 50 and 30 which have little visibility from the Valley floor.

## ACOUSTIC

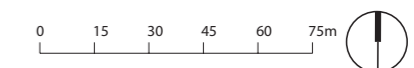
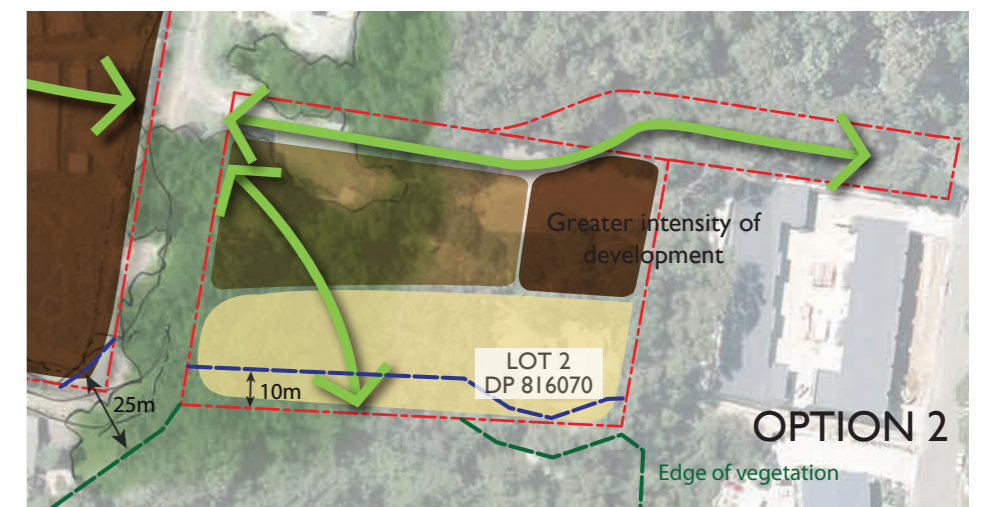
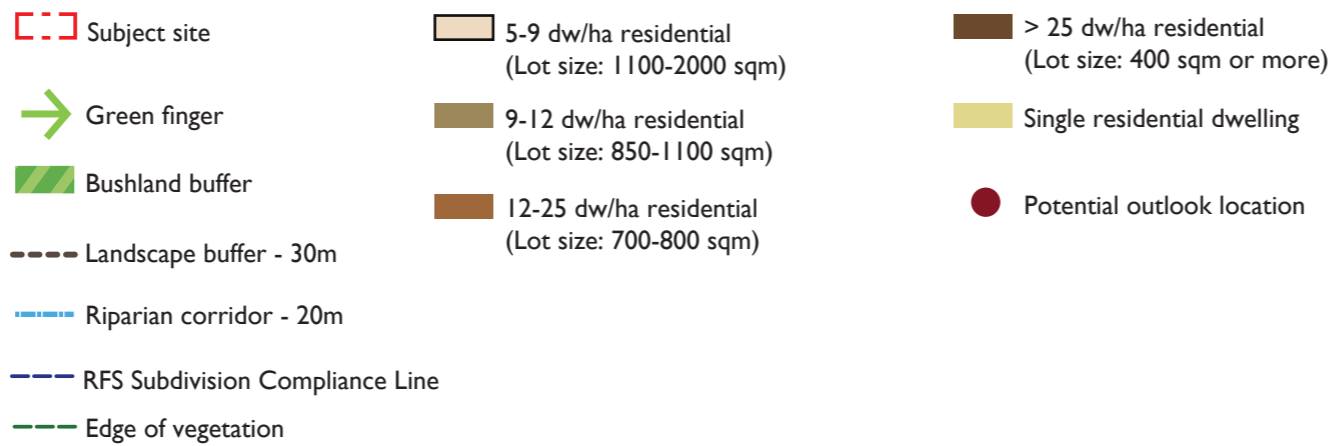
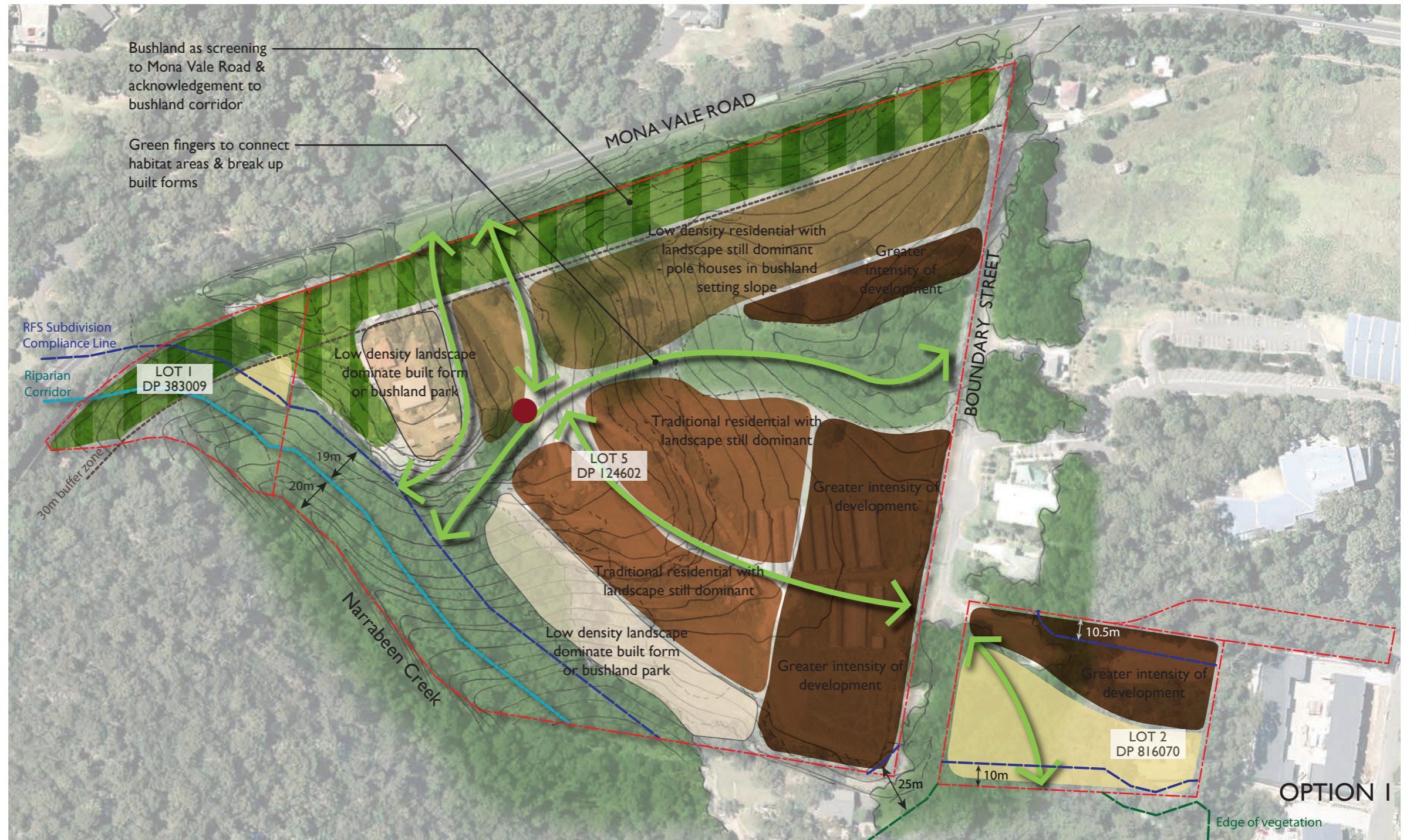
Potential traffic noise from the heavily used Mona Vale Road to the north of the site.



# DESIGN STRATEGIES

Design Strategies for the site include:

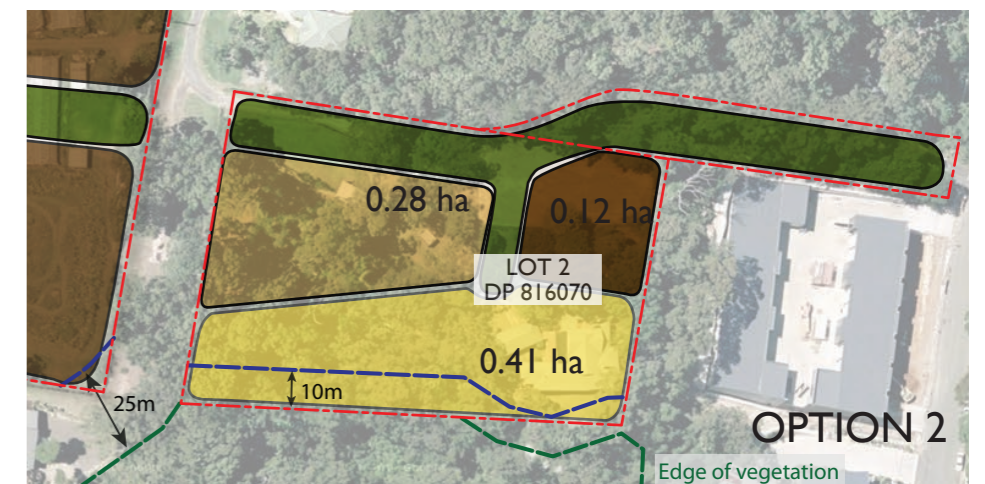
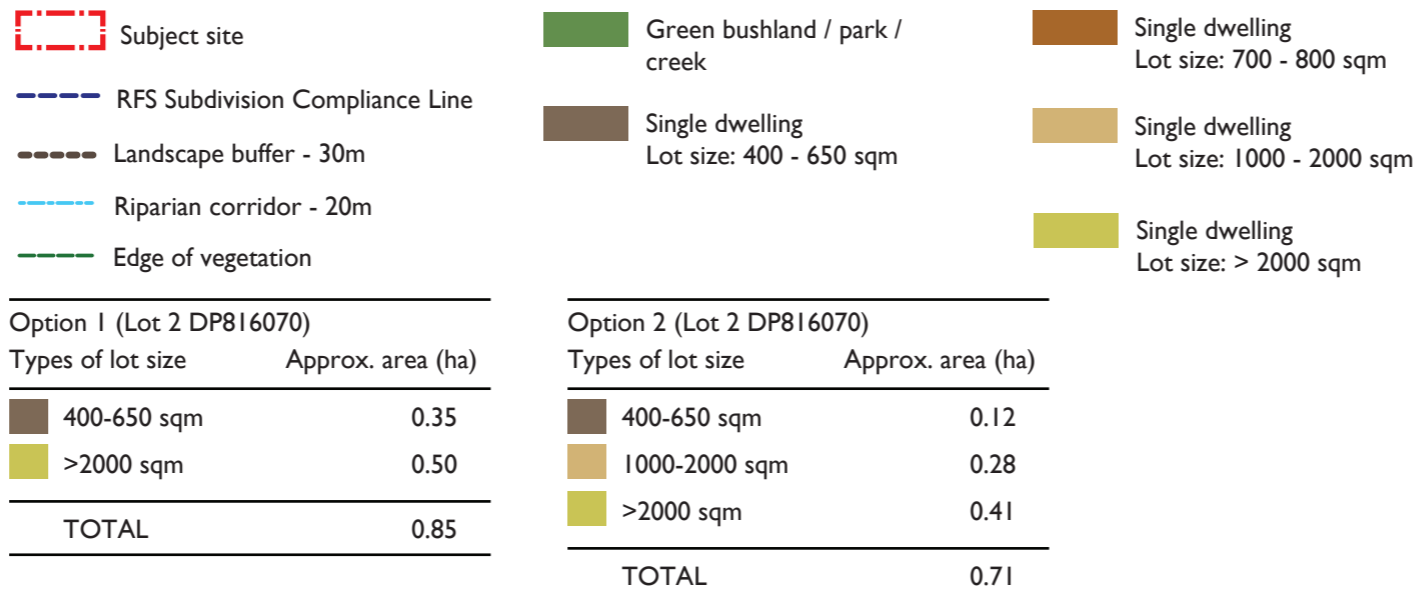
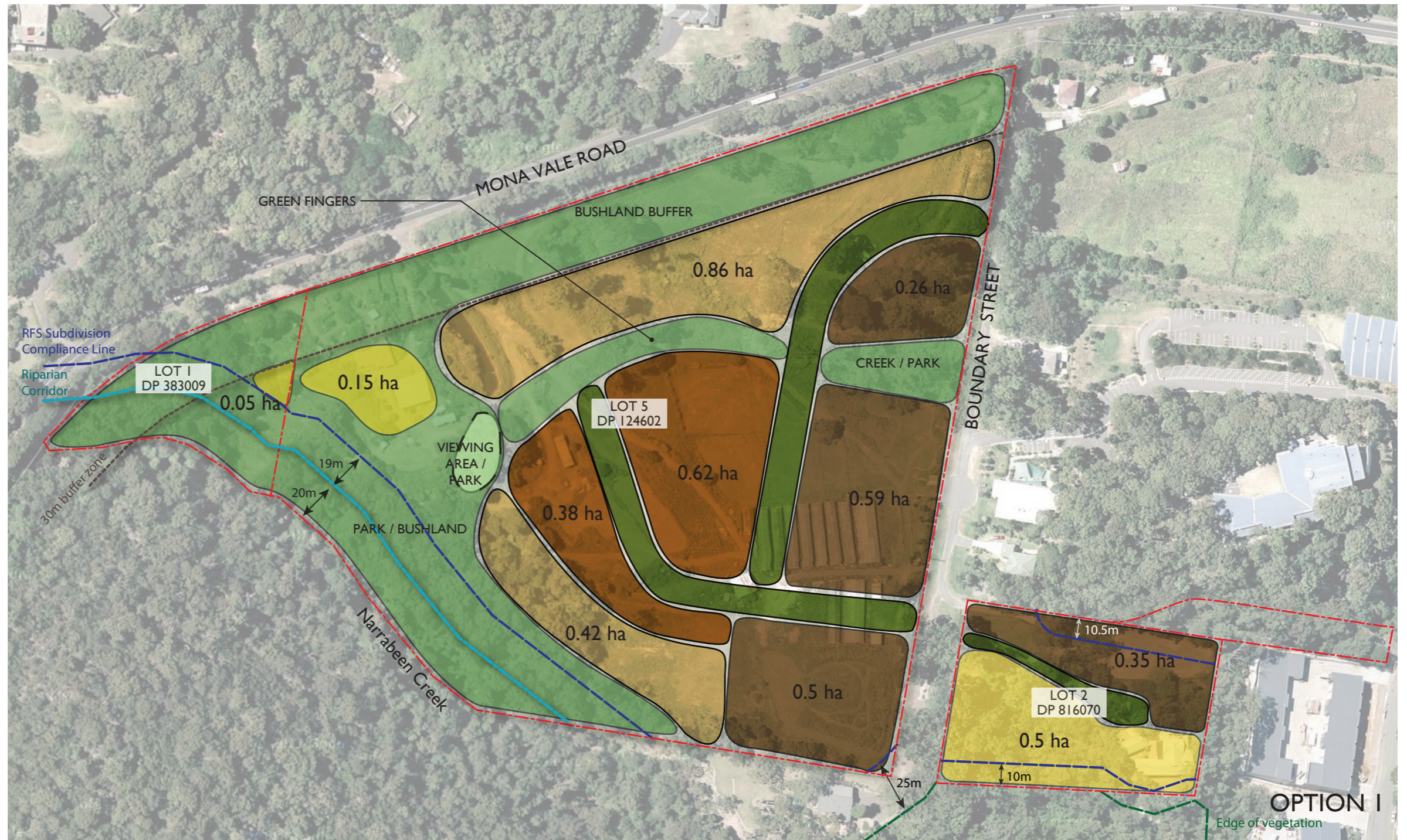
- Introduce a variety of development densities to create social diversity and provide affordability and housing choice
- Provide low density development towards the upper end of the site to minimize visual impacts and the maintain vegetated character
- Take advantage of low visibility to increase development density to the lower parts of the site
- Introduce public domain benefits such as viewing points, pocket parks, playgrounds and walking trails
- Provide multiple access points into the site from Boundary Street and maintain access for larger lots only from Mona Vale Road
- Maximise connectivity and visual permeability (green fingers) across the site to link the existing bushlands and habitat areas within and across all existing lots
- Provide bushland screening to Mona Vale Road and acknowledge bushland corridor
- Take advantage of the slope direction to capture distant ocean and district views for public and private domain
- Maximise preservation of bushland to the south western parts of lots 1, 5 and 2
- Retain and re-vegetate the natural drainage feature as a landscape feature at the northeaster portion of Lot 5 and at the southwestern corner of Lot 2
- Retain existing trees on site where possible within verges and rear gardens
- Explore the potential for water management measures that include bio-swales and water quality basins as features to add amenity and landscape character.



# DENSITY STRATEGY

The density strategy allows a combination of green fingers across the site that straddle across Boundary Street from Lot 5 to Lot 2 at No. 4 Boundary Street with the majority of the densities being concentrated toward the centre and eastern boundaries of the 120-122 Mona Vale Road and along the northern or eastern boundaries of No. 4 Boundary Street depending on the chosen access strategy. The majority of Lots 1 and 5 are surrounded by bush land buffers along Mona Vale Road and the riparian corridor along the Narrabeen Creek, which also requires the RFS Subdivision Compliance Zone to be located approximately 19m parallel to the riparian corridor. The suggested density strategy, proposes a network of interconnected green boulevards and a pedestrian east-west green link across the larger site. A secondary green finger along the central access road for Lot 5 is in direct alignment with the access road for Lot 2 across Boundary Street to the east and allows for the continuation of the green finger and to potentially connect to Jubilee Avenue. The system of green fingers helps to organize the distribution of densities across the site. Larger single dwelling lots (1000-2000sqm and over 2000sqm lots) are generally located toward the northern and southern boundaries of Lot 5 while lot sizes ranging approximately between 700-800sqm cover approximately 1ha at the centre of that lot. Smaller lots ranging between 400 and 650sqm will be located toward the eastern boundary of Lot 5 comprising approximately 1.35ha and along the northern or eastern boundaries of Lot 2 at No. 4 Boundary Street depending on the chosen access option. Depending on the chosen access option the area comprising 400-650sqm lots for Lot 2 vary between 0.35 ha in Option 1 and 0.12ha in Option 2.

The most visible portion of No.120-122 Mona Vale Road along the northwestern corner is envisioned to have very large lots (over 2000sqm) with single houses to maintain the current character and minimize any potential visual impacts from the lower areas of the valley floor. Larger lots are also proposed toward the southwestern corner of Lot 2 at No 4 Boundary Street in order to preserve the majority of the existing bush land and the existing structures on that part of the site. This approach balances a sensible yield with the proposed bush fire management, access and site specific landscape strategies including large vegetated areas along the northern and southern boundaries for the majority of the lots.





# CHAPTER 3 - DESIGN PRINCIPLES AND OPTIONS



GMU

# MASTER PLAN AND DESIGN PRINCIPLES

The site's opportunities and constraints and the density strategy discussed in the previous sections led to the formulation of objectives and design principles in order to guide the proposed master plan for the subject site. The proposed objectives and design principles are discussed in the following sections of this report.

## OBJECTIVES

The aims and objectives for the subject site have evolved from consideration of the existing context, the desired future character for residential uses within the Warriewood locality and the DCP's aim for future development to 'maintain a height limit below the tree canopy and minimise bulk and scale'. The objective of the size and location of proposed lots is to reduce any visual impacts from surrounding developments and from lower areas along the coast line as well as providing a choice of housing and affordability.

The location of proposed lots and streets aims to create public and private domain views by responding to the existing slope and geotechnical constraints. The master plan aims to improve connectivity and way-finding as well as enhancing the landscape character through the use of 'green links', tree-lined streetscapes and the retention of major vegetated features and clusters of trees as landscape markers throughout the site.

The master plan aims to provide a comprehensive water management strategy that incorporates bio-swales detention ponds and rain gardens throughout as part of the visual amenity for the sites. The master plan aims to mitigate bushfire and slope constraints through the careful location of lots, observance of RFS Compliance Lines and through the construction techniques themselves. In general, the master plan objectives seek to create a high amenity subdivision that enhances the local character and maximises the site's attributes with regards to views, the existing vegetated setting as well as the topography. In summary, the objectives of the master plan aim to:

- Provide a choice of housing and affordability
- Enhance the desired future residential character of Warriewood
- Minimise bulk and scale
- Reduce visual impacts to surrounding developments
- Create public and private domain views
- Improve connectivity and way-finding
- Provide a choice of pedestrian and vehicular access networks
- Enhance the landscape character throughout the site
- Provide amenity and recreational opportunities to future residents
- Provide a comprehensive water management strategy
- Preserve the existing bio-diversity habitats
- Mitigate bushfire and slope constraints

Based on the aims and objectives for the site, the key design principles for the master plan include the following:

- Create a range of housing typologies (1-2 storey houses) to respond and work well with the existing topography, vegetated setting and future desire character for the locality.
- Provide a range of densities including low to medium density lots along the lower, less visible areas of the site and larger lots (lesser density) along Mona Vale Road and the most visible upper sections of the site.
- Locate medium density lots toward the centre of the site to minimize visual impacts to surrounding developments and from the coast line.
- Provide a choice of access strategies that will connect Boundary Street to either Mona Vale Road or Jubilee Avenue.
- Locate and orient lots and streets to respond to the existing topography and to create public and private domain views toward the ocean front.
- Create 'green links' to the bush area across the site and enhance the site's landscape character through a careful selection of trees, under-storey planting and bio-swales.
- Add character and legibility along the primary access boulevard/street and courts with distinct tree species to add color and character during certain months of the year.
- Provide a comprehensive water management strategy for the site that works with the existing slope and contours and that adds to the overall landscape character of the site.
- Create a public domain outlook to district views as a termination point or as part of the pedestrian link and/or street networks.
- Provide recreational amenities along the bushland in the form of boardwalks, trails, playgrounds and other passive recreational activities.
- Suggest adequate building typologies that can adapt to the slope and bush land character.



# OPTIONS

Based on the design principles formulated for the site and discussed in the previous section, a preferred option was created with two distinct access strategies. These access strategies, which are discussed in detail in the following chapter, are not presented in any order of preference or importance.

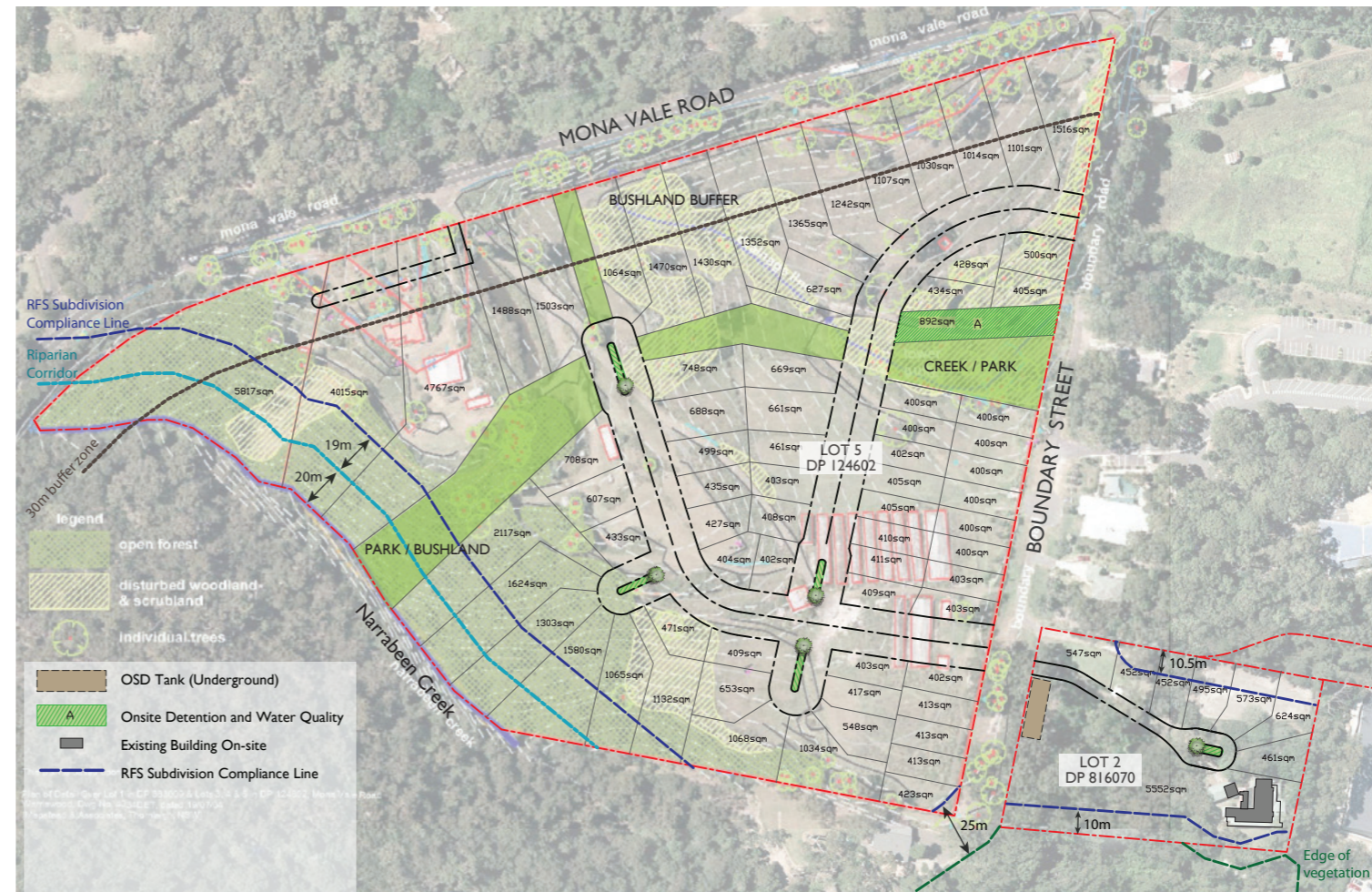
Depending on the chosen access strategy, the layout for Lot 2 at No. 4 Boundary Street varies between 8 (Option 1) or 6 proposed lots (Option 2). Both options attempt to create a balance between a viable development and a design guided by place-based design principles including that provide high levels of amenity and value add to the community.

The proposed Options 1 and 2, are based on two distinct access strategies. Both allow access to a small number of large lots (4) through a private road directly off Mona Vale Road, but provide a choice of two potential vehicular access strategies for the rest of the site. A second access strategy shared by both options is the internal vehicular access to the larger portion of the site west of Boundary Street (Lot 5). This is achieved through an efficient road system consisting of a north-south road access intersecting an east to northwest road that aligns towards its eastern end to the access point on lot 2 (DP 816070). Both of these roads will have a distinct landscape character to help way-finding and create a 'sense of place'. Access from the east to northwest road to the lots to the south is achieved through access courts in order to provide a street address to each lot and to enhance their sense of 'community' through shared entry points with central landscaped gardens.

Both Option 1 and 2 will provide pole house typologies to work with the existing slopes where the general location and lot sizes locates larger lots toward the upper north-western corner of the site. This is intended to work in combination with the landscape in order to maintain the existing vegetated character along the most visible parts of the site. While both options are similar in terms of internal amenity, landscape character and general distribution of densities on the larger portion of the site (Lot 5), their basic difference lays in the proposed overall vehicular access strategy. Option 1 and 2 are diverse in the way Boundary St. links to the surrounding street network. Because Option 2 proposes a new road link through Lot 2 also (No. 4 Boundary St), this affects the access arrangement, lot configuration and overall yield for that lot only.

Option 1 proposes a left turn from Mona Vale Road into Boundary Street and a left out only from that road. A left in and left out along Mona Vale Road from Boundary Street eliminates the need for a new road connecting to Jubilee Avenue through Lot 2, which is effectively Option 2. Option 2 proposes the construction of a new road through Lot 2 (DP 816070) and through part of Lot 10 DP 5055 (10 Jubilee Avenue). The lot distribution for Option 1 includes 3 large hill lots over 2000sqm, 21 lots (1000 -2000sqm) and 5 lots (700-800sqm) as well as 23 smaller lots ranging between 400 and 650sqm located on the existing Lot 5 east of Boundary St. This option proposes 1 large lot (>2000sqm) and 7 smaller lots (400-650sqm) on Lot 2. The total for Option 1 is 79 lots between Lot 5 and Lot 2.

Option 2 includes a similar arrangement for Lot 5 (DP 124602) with 3 large hill lots over 2000sqm, 21 lots (1000 -2000sqm) and 5 lots (700-800sqm) as well as 23 smaller lots ranging between 400 and 650sqm. Option 2 proposes 1 large lot (>2000sqm), 2 lots ranging between 1000-2000sqm and 3 smaller lots (400-650sqm) on Lot 2 (DP816070). The total for Option 2 is 77 lots between Lot 5 and Lot 2. Based on the desire future character of the area, both options present suitable lot mix and house typologies to meet the existing market demand and life style choices prevalent within this locality. Both options are discussed in further detail as part of the next chapter of this report.



## OPTION 1

Subject site	
RFS Subdivision Compliance Line	
<b>Lot 5 DP 124602</b>	
Large Hill Lots	3
1000 - 2000 sqm	21
700 - 800 sqm	5
400 - 650 sqm	42
<b>TOTAL</b>	<b>71</b>
<b>Lot 2 DP816070</b>	
> 2000 sqm	1
400 - 650 sqm	7
<b>TOTAL</b>	<b>8</b>
<b>GRAND TOTAL</b>	<b>79</b>



## OPTION 2

Subject site	
RFS Subdivision Compliance Line	
<b>Lot 5 DP 124602</b>	
Large Hill Lots	3
1000 - 2000 sqm	21
700 - 800 sqm	5
400 - 650 sqm	42
<b>TOTAL</b>	<b>71</b>
<b>Lot 2 DP816070</b>	
> 2000 sqm	1
1000 - 2000 sqm	2
400 - 650 sqm	3
<b>TOTAL</b>	<b>6</b>
<b>GRAND TOTAL</b>	<b>77</b>

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# CHAPTER 4 - MASTER PLAN



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# MASTER PLAN RESPONSE

Consideration and weighing of the site constraints, design strategies and principles has informed the preferred master plan. The existing topography, visual impacts, vegetation, hazard zones and natural site attributes have been taken into account in formulating the master plan for the subject site.

This section of the report provides an overview of the final master plan and its response to the topography, bush fire requirements and the quality of the landscape character including special places and open spaces. This section will also discuss the master plan's response with regards to the proposed movement and access network, water management as well as the suggested lot and housing typology.

## SUITABILITY TO LOCALITY

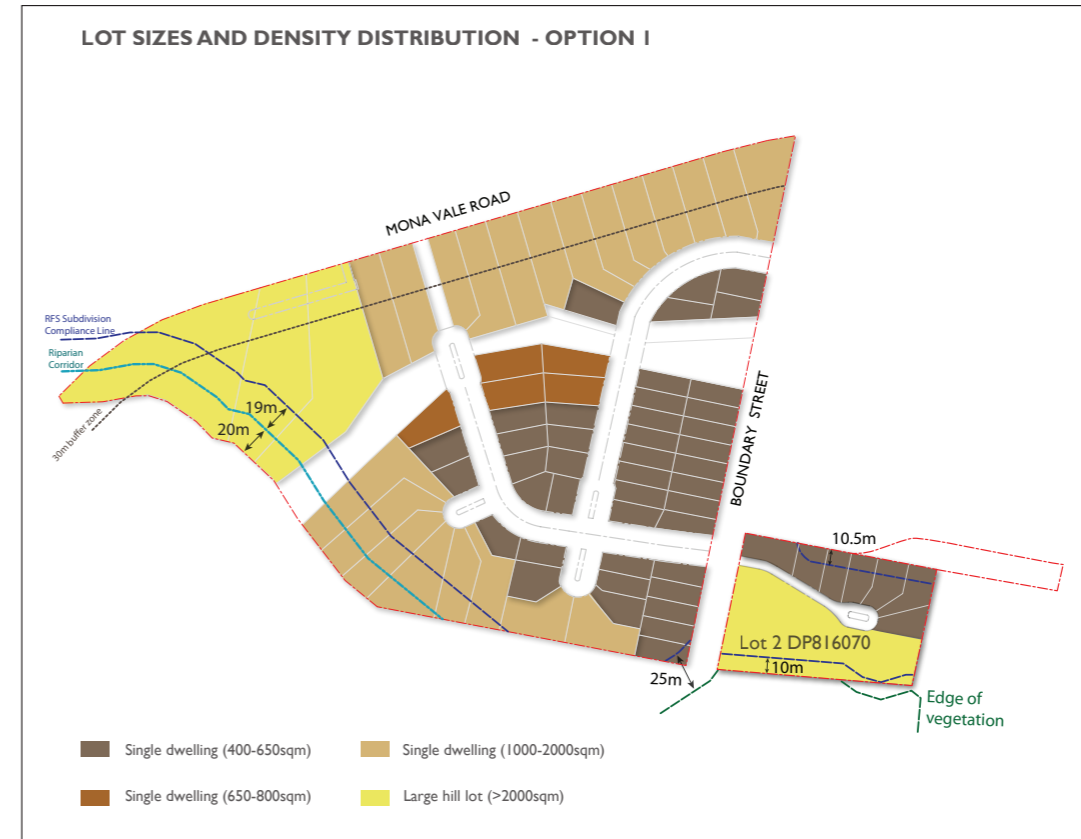
The location of the site and its proximity to employment areas in the Mona Vale Town Centre present a range of opportunities for the proposed development on this site and for the community in general. The proposal provides a range of housing choices in close proximity to the Town Centre that adheres to Council's desire future character with a predominant residential character of 1-2 storey single residential dwellings within a landscaped setting.

## LOT TYPOLOGY

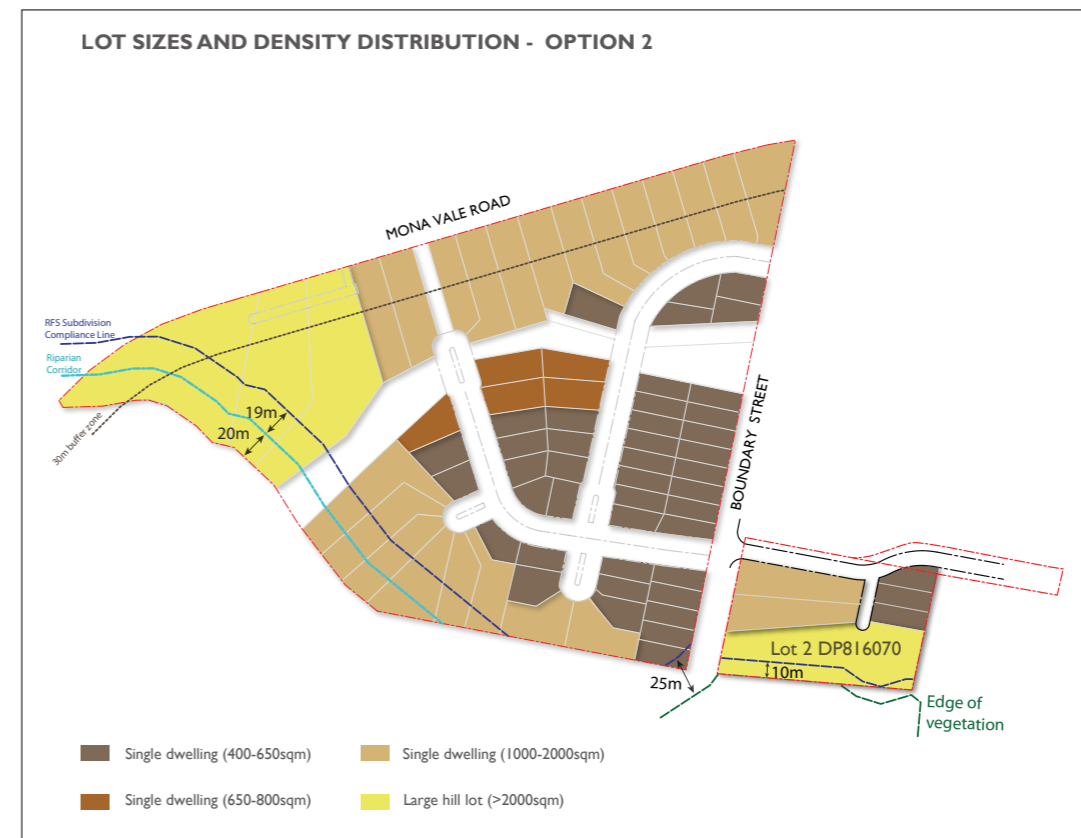
The proposed master plan provides diversity in housing through a range of lot sizes and configurations. This will facilitate a range of dwelling types which offer lifestyle and affordability choices to suit the community and allow residents to age in place. Both Option 1 and 2 include a total of 4 large lots over 2000sqm of which 3 are located in the upper section of Lot 5 with great distance views available to the coastline. The proposed plan also includes a large number of lots ranging between 1000-2000sqm; 21 in Option 1 and 23 for Option 2 depending on the chosen access strategy. Both Options include a total of 7 lots ranging between 700-800sqm. The larger concentration of lots corresponds to smaller size lots ranging between 400 and 650sqm for a total of 49 lots in Option 1 and 45 in Option 2. This corresponds approximately to 62 and 58 percent of the total yield accordingly. The distribution of densities on site is designed to minimize the visual impact to the surroundings, retain the existing vegetated character and to maximise affordability choices. This offers a suitable lot mix to meet the existing market demand and life style choices prevalent within the locality.

The master plan proposes 'pole house' typologies to work with the site's existing slopes. The 'pole house' typology will be used to respond to slopes greater than 18 degrees (32%) in order to minimize the need for cut and fill, which is a better response to the context. This moderates the effects of building heights, bulk and scale as well as promoting the retention of the existing topography.

## OPTION 1



## OPTION 2



# MASTER PLAN RESPONSE

## HOUSING AND BUILT FORM CHARACTER

Due to the site's topography and varying gradients, adequate housing typology in conjunction with different cut and fill strategies are necessary in accordance to *Tweed Development Control Plan Section A1 Discussion Paper 2 - Sloping Sites*, in order to manage the impact on the natural environment including drainage, soils' stability, structural integrity, privacy of adjoining neighbours and the visual impact on the streetscape of substantially changing landforms.

With reference to the *Tweed Development Control Plan Section A1 Discussion Paper 2 - Sloping Sites*, the proposed master plan options seek to find a balance that:

- ensures housing selection and design that responds to the topography of the area;
- discourages re-contouring of land post subdivision as the preferred method of construction;
- promotes the retention of the existing topography resulting in the houses retaining a consistent relationship with the natural topography;
- provides for appropriate cut and fill to allow a range of housing choice;
- moderates the effects of building height, bulk and mass on sloping land;
- reduces the instance of drainage problems and retaining wall subsidence;
- provides guidance for sites that may have a slope greater than 10 degrees (approximately 18%);
- considers the wider community impacts such as streetscape, privacy, overshadowing and access to breezes;
- facilitates home owner requirements, such as good housing design, usable outdoor spaces; and
- does not unduly impact on housing affordability (adapted from the Tweed Shire Council)

The diagram to the right describes housing typologies that are suitable for each category of site gradient to achieve the better built form outcomes.

## RESPONSE TO TOPOGRAPHY

The proposal responds well to the existing topography with the placement of roads and proposed lots. The proposal has located larger lots (1000 - 2000sqm) on steeper slopes to address the topography and smaller lots (400 - 650sqm) on flatter land to maximise the lot yield. The lots are oriented to respond to the topography and create views towards the ocean front. The proposed streets are generally designed to run along contours resulting in gradually sloping streets which enable views from and along the length of the street. The proposed street alignment will encourage stepped buildings along the streets, creating a staggered roof line yielding attractive results in terms of availability of views.

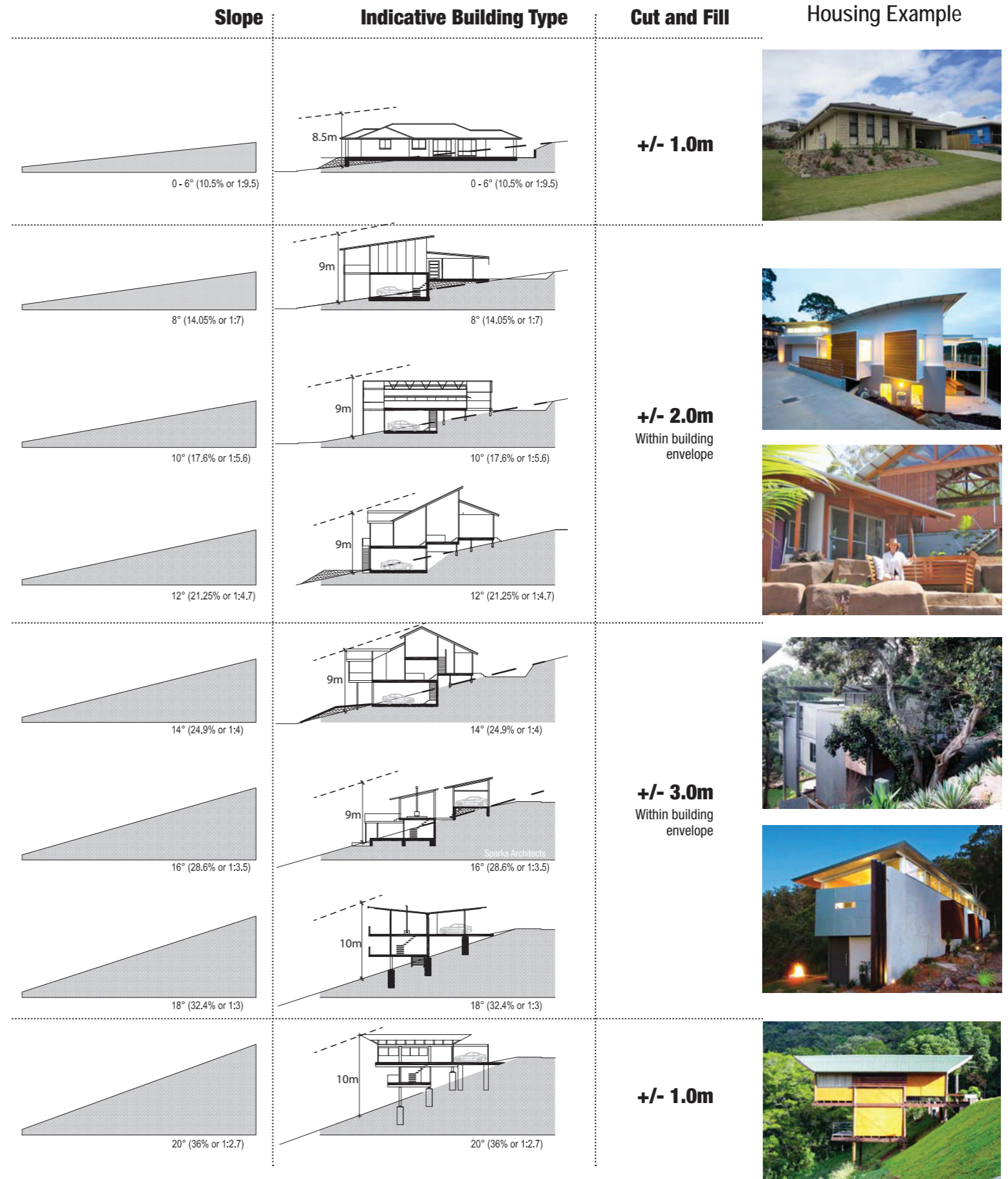


Diagram - Relationship between degree of slope and appropriate structure types (Courtesy Tweed Shire Council)

# MASTER PLAN RESPONSE

## URBAN STRUCTURE, ACCESS AND MOVEMENT NETWORK

The proposed master plan works with the existing access constraints along Mona Vale Road and provides a choice of access strategies in order to link the proposed development to the existing surrounding road network. Please note that the options are not presented in any order of preference or importance and are both presented and discussed below for Council's consideration.

Option 1 proposes a left in and left out only from Mona Vale Road into Boundary Street. This will require the reinstatement of the former available access on that intersection. If RMS agrees to the access from Mona Vale Road, vehicular access via the R.O.W. on Jubilee Lane will be disallowed.

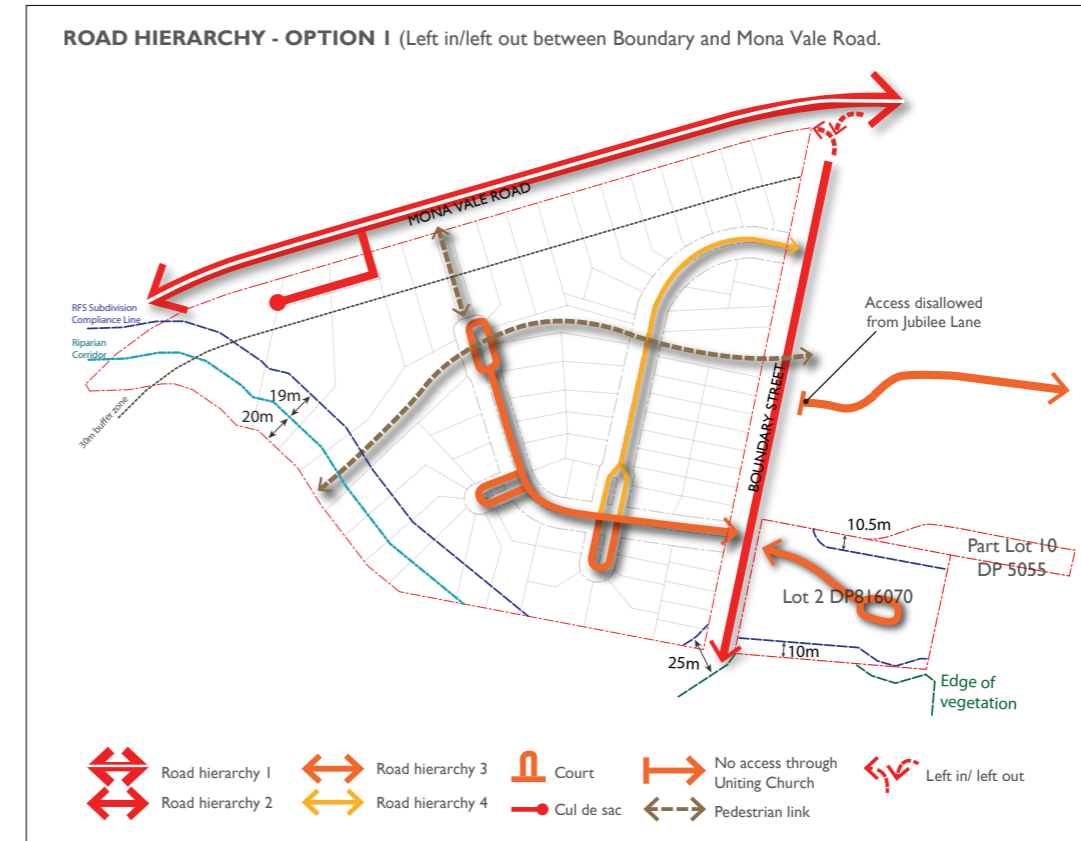
Option 2 proposes to connect to the existing street grid through a proposed new road through No.4 Boundary Street (Lot 2 DP816070) and part of Lot 10 (DP 5055) known as 10 Jubilee Avenue. The new road will link to Jubilee Avenue and the Mona Vale Town Centre. The new road also provides access to No.4 Boundary Street as part of Option 2; otherwise access to this parcel is achieved by a dedicated access road and landscaped court in Option 1. In the event that Council agrees to the alternative route connecting Boundary Street with Jubilee Avenue, access via the R.O.W. on Jubilee Lane will be disallowed.

Only a small number of large lots (4) on No.120-122 Mona Vale Road will be accessed through a private road directly off Mona Vale Road. A traffic study undertaken by TAR Technologies concludes that the additional traffic generated by the rezoning of the site will have a negligible impact on the surrounding development and road network and can easily be accommodated within the Warriewood Valley road network.

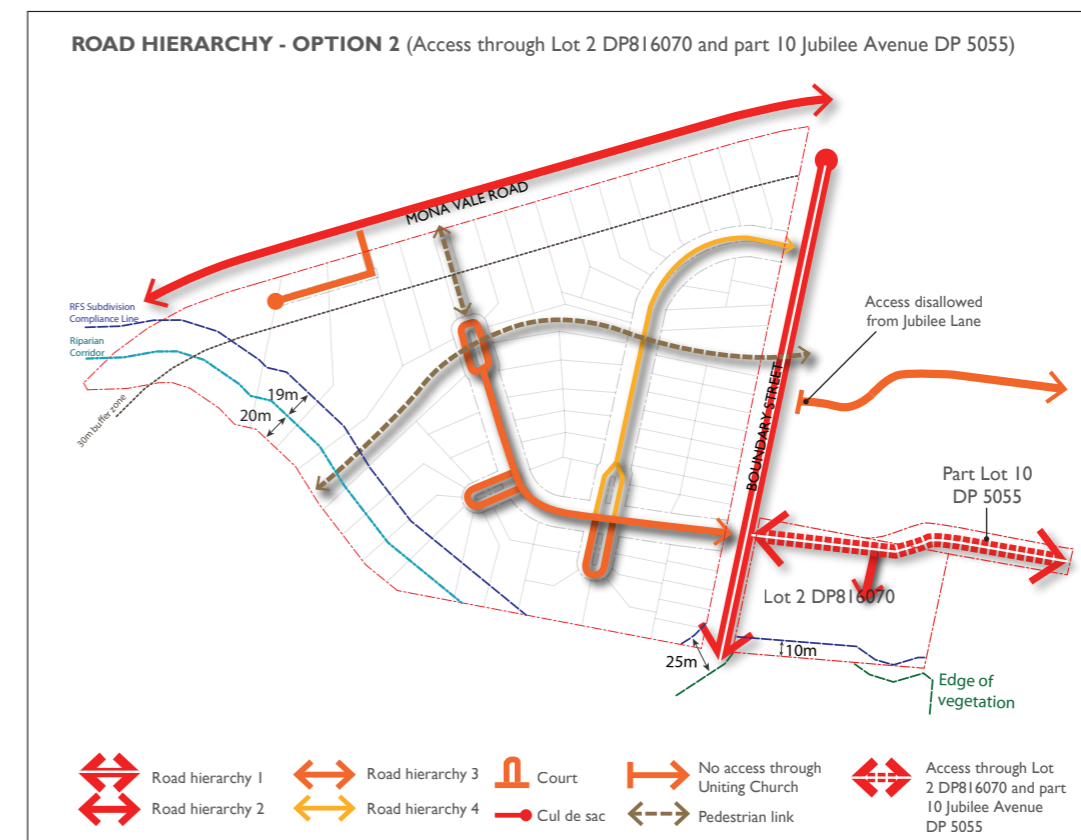
Internal vehicular access for the majority of Lot 5 west of Boundary Street is achieved through an efficient road system consisting of a north-south road access intersecting an east to northwest road. Both of these internal roads will have a distinct landscape character to help way-finding and create a 'sense of place'. Water management features in the form of bio-swales are incorporated to the overall street design, which will form part of the landscape character of each of the proposed internal streets. Access to the lots towards the southern boundary of Lot 5 is achieved through landscaped courts, which provide a street address to each lot.

Pedestrian connectivity is achieved in the form of a 'green finger' running east-west and through a landscaped trail/link, which gives access to pedestrians to the bus stop in Mona Vale Road and to other walking trails beyond the site. Both of these features form part of the site's amenity as meandering walk/trails across the site. In summary, the proposal presents a flexible access and movement network with two choices for the overall access strategy to the local street network for Council's consideration and with a robust internal vehicular and pedestrian network that includes active recreational amenities and high quality landscape.

## OPTION 1



## OPTION 2



# MASTER PLAN RESPONSE

## ON SITE DETENTION AND WATER QUALITY

The proposal has incorporated a series of on-site detention (OSD) and water quality ponds to ensure that the rezoning of the land does not cause downstream flooding both in the local drainage system downstream and along the creek. The proposed incorporates Water Sensitive Urban Design (WSUD) elements such as bio-retention swale system along one side of the verge and in the central median of the landscaped courts. The bio-retention system will maximise the visual and recreational amenity of the development in general. It is important to note that the proposed volume to be set aside for OSD and Water Quality is more than what is required under the Pittwater 21 DCP and that more detailed model and calculations will be undertaken as part of subsequent DA stages.

## RESPECT FOR THE ENVIRONMENT AND LANDSCAPE CHARACTER

The proposed master plan protects and enhances the existing flora and fauna on the site by incorporating a vegetated buffer zone along Mona Vale Road and the creation of habitat links throughout the site to connect significant pockets of trees and natural features existing within the site. The master plan also incorporates the riparian corridor and the RFS Subdivision Compliance Line along the Narrabeen Creek as part of the backdrop to the master plan along the southern boundary. The overall intent is for the landscape character to dominate the proposed built form environment. The general location and size of the lots in combination with the landscape are intended to screen the hill houses and maintain the existing vegetated character along the most visible parts of the site. The proposed landscape character including the streetscape character, open space corridor and private domain & open space as well as bio-retention, pavements, street furniture and plant material are discussed further as part of the Landscape Master Plan Section later in this report.

## RESPONSE TO BUSH FIRE AND GEOTECHNICAL HAZARDS

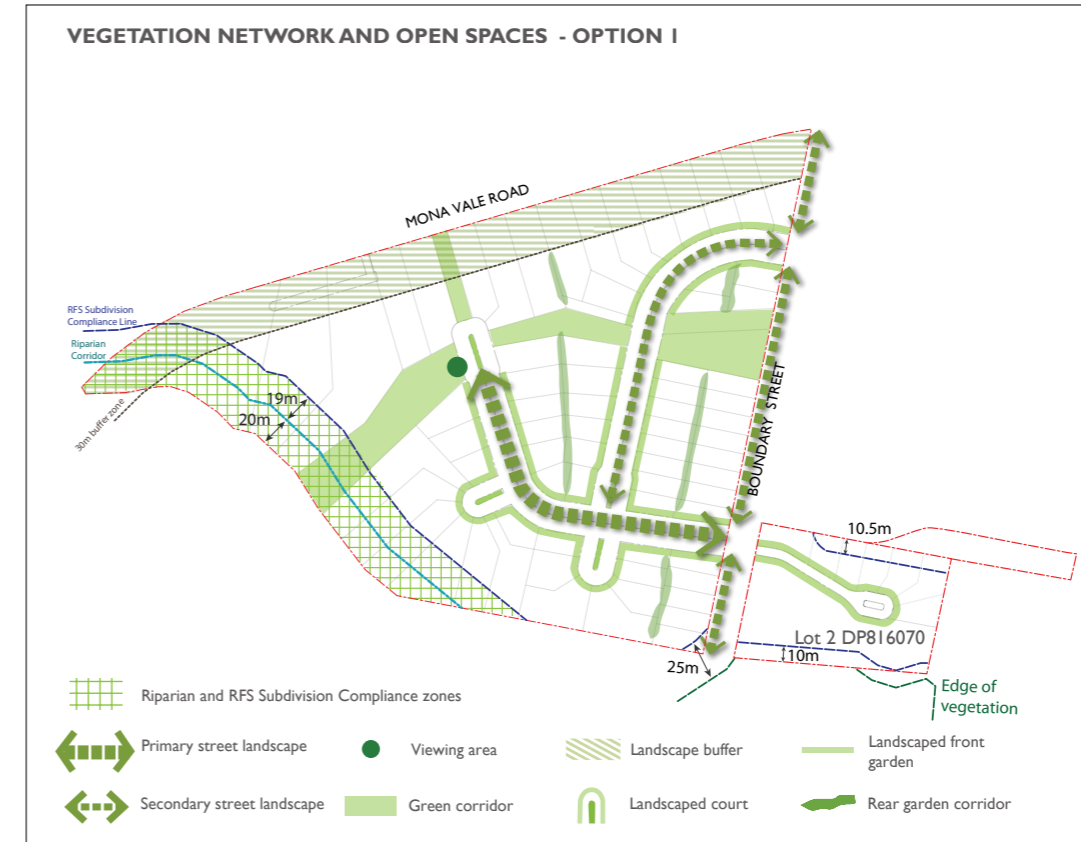
The proposed master plan Options provide a 19m RFS Subdivision Compliance Line parallel to the riparian zone for the Narrabeen Creek along the south-western edge of Lot 5 in accordance with the provisions of Planning for Bush Fire Protection 2006 (PBP2006; Rural Fire Service). The Bush Fire Assessment undertaken by Advanced Bushfire Performance Solutions concludes that the proposal meets the performance criteria in PBP2006 by providing adequate setbacks to the surrounding bushland. The proposed roads and services infrastructure supports compliance with the provisions with the Rural Fire Services (RFS) guidelines.

According to the report by Advanced Bushfire Performance Solutions, the assessment for Lot 2 has determined a setback to the north of 10m and a setback to the south of 10m. This is based on management of the entire lot to APZ standards.

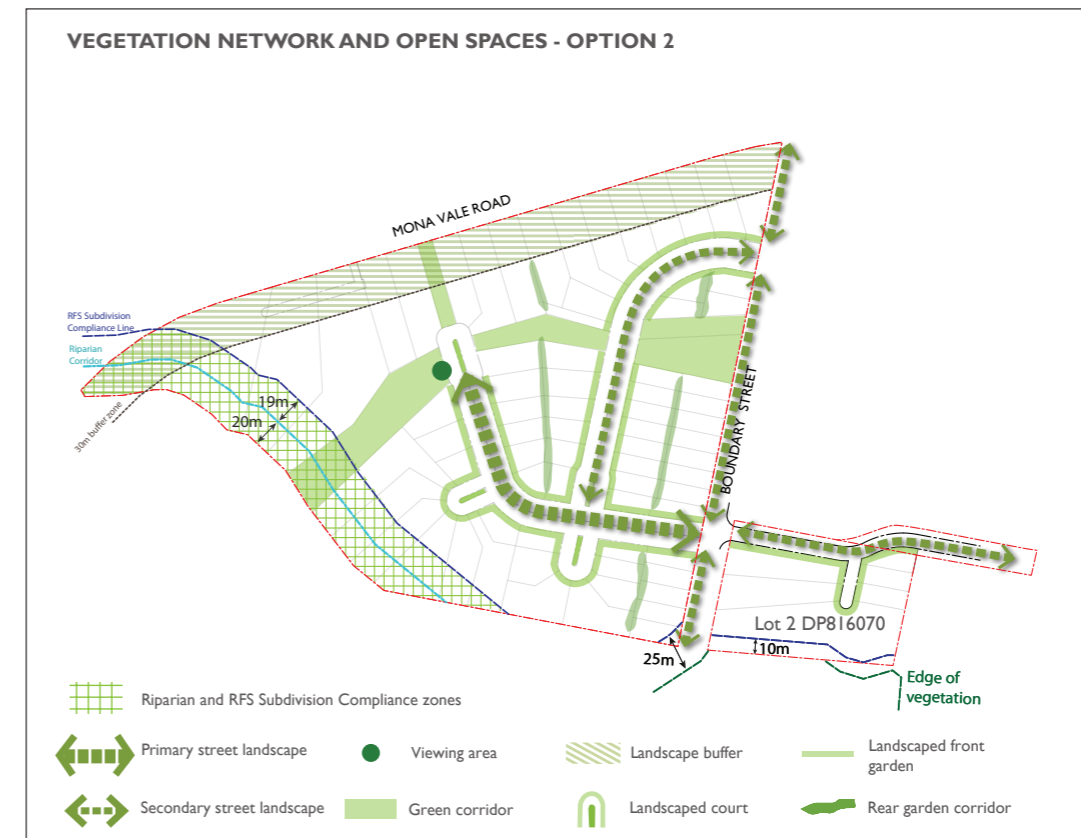
The preliminary geotechnical assessment undertaken by Aargus Pty Ltd concludes that although the western half of No.120-122 Mona Vale Road falls into the Pittwater Council Geotechnical Risk Map (H1) as high risk, the proposed lots with the high risk area are still capable of being built upon as long as all future development follows the Geotechnical Risk management Policy for Pittwater - 2009 and Australian Geomechanics Society (AGS) 2007 guidelines. The assessment recommends the following:

- A geotechnical assessment for all lots and roads within the high risk area before construction
- All completed works to be certified by a suitably qualified engineer
- All developed lots in high risk area to undertake a pre and post risk assessment as per design requirements (AGS 2007)

## OPTION 1



## OPTION 2



# LANDSCAPE MASTER PLAN

As part of the overall Master Plan for the subject site Group GSA has prepared an indicative Landscape Master Plan for the site. The following is a description of their landscape vision for the site.

Through the residential layout, residents will live in a vibrant community, with an integrated landscape of open space, leafy streetscapes and gardens – set against a vegetated backdrop – where homes will be subservient to the landscape. The overall intent is for the landscape character to dominate the proposed built form environment.

The landscape will be a major defining characteristic of the residential development, with a continuous canopy of trees along the local streets combined with vegetated swales to create a layered effect.

This proposal serves to provide a high quality, environmentally responsible residential development, whilst enabling the improvement of the local catchment through implementation of best practice in Water Sensitive Urban Design (WSUD), with verges widened within the street to include the water sensitive urban design requirements.

The landscape treatments will not be unique or separate from the surrounding area; nor will it be a facsimile of the existing native vegetation community. The proposed landscape character is a balance between the adjacent woodland character combined with the demands of a new low-key, visually unobtrusive residential development.

The proposed master plan seeks to further protect and enhance the existing flora and fauna on the site by incorporating a vegetated buffer zone along Mona Vale Road and the creation of habitat links throughout the site. The master plan also incorporates the riparian corridor and the RFS Subdivision Compliance Line running parallel to the riparian corridor of Narrabeen Creek. This will form part of the backdrop to the master plan along the south-eastern boundary of Lot 5.

The landscaping scheme will aim to protect, enhance and expand the core vegetation community, through the planting of endemic species within the open space corridor and as part of the treatment of bio-swales and detention basins. Plant selection will take into consideration the specific climatic and soil conditions of the site, as well as solar access and protection from prevailing winds and be predominantly based on endemic plant lists. The use of endemic plants will assist in reducing water and maintenance requirements as well as enhancing biodiversity and integration with the local surroundings, views and vistas.

In addition, the new community will support ongoing management of the site, which includes removal of pest plants and reintroduction of indigenous plants.



## LEGEND

- A. Open space connection, incorporating stormwater management, walking trails and seating
- B. Bio-swales an integral part of the streetscape
- C. Buffer to Mona Vale Road
- D. Existing bushland edge
- E. Avenue of colourful trees combined with threshold at main entry
- F. Pedestrian link to Mona Vale Road
- G. Paved mews incorporating central median / bio-swales
- H. Nodal point at intersection, incorporating central median / bio-swales
- I. Canopy trees along internal boundary
- J. Extension of front gardens into streetscape

Courtesy: Group GSA





# LANDSCAPE MASTER PLAN

## STREETSCAPES

The proposed residential development for Lot 5 is served by a simple framework of two intersecting roads, which both provide access to Boundary Street. Lot 2 at No. 4 Boundary Street can be accessed in two different ways depending on the overall access strategy (Option 1 or 2) chosen by Council.

In both Options, the generous verges will ensure a green theme, providing opportunity for soft engineering and extensive streetscape planting whilst providing footpaths for pedestrian access. The green streets are supplemented by the landscape and pedestrian links to Mona Vale Road and through the open space corridor. Verges will be wide enough (approx. 20m) to include the water sensitive urban design requirements. These will appear as fully landscaped areas and will provide additional visual amenity for the residents.

Regular footpaths are to be provided on both sides of the streets to create an accessible, permeable and safe community. The streetscape treatment incorporates the following concepts:

- Avenue of taller canopy trees, combined with low colourful planting is proposed to the primary entry and adjacent intersection at the southern portion of the site reflecting the importance of the entry.
- An alternative treatment to the entry road, such as granite setts and signage will reinforce the entry into the residential development.
- Alternative trees are proposed to local access roads and for the mews or landscaped courts to establish an appropriate streetscape scale throughout the development, with a preference for use of trees with clear stem trunks combined with turf and low shrubs for greater visibility and thereby a safer environment.

The road reserve is generally 20 metres incorporating the following:

- Carriageway: 8m two way
- Verges: 4.0m to one side, incorporating 1.5m footpath to one side
- Verges: 8.0m to one side, incorporating 1.5m footpath and swale (as required)
- Street trees: Planted in verge

At the intersection and mews the road reserve increases to 22 metres incorporating the following:

- Carriageway: Two five metre one - way carriageway separated a by central 4.0m wide planted median / bio-swale
- Verges: 4.0m to both sides side, incorporating 1.5m footpath to both sides
- Street trees: Planted in verge and median

## OPEN SPACE CORRIDOR

Within the development there is an open space corridor strategically located running east-west across the site. The open space corridor will provide a green connection between the internal roads as well as a connection between Boundary Street and the adjacent bushland along the western boundary, and to the pedestrian link to Mona Vale Road. Whilst the open space corridor accommodates the required water management requirements, it also incorporates walking trail and seating areas for the local residents.

## BIO-RETENTION

The master plan nominates a series of bio-swales along the local roads, as part of the stormwater and water management strategies. The proposed bio-swales will be formed and planted to read as an integral part of the overall landscape with gentle slopes and a combination of grasses and native tree planting providing both visual amenity as well as adequate treatment of the run-off. Where bio-swales are proposed in front of lots, driveways will be strategically combined to minimise crossings and disruption to the bio-swales. A range of stormwater quality improvement devices will also be incorporated into the development as part of individual lots and across Lot 5 and Lot 2.



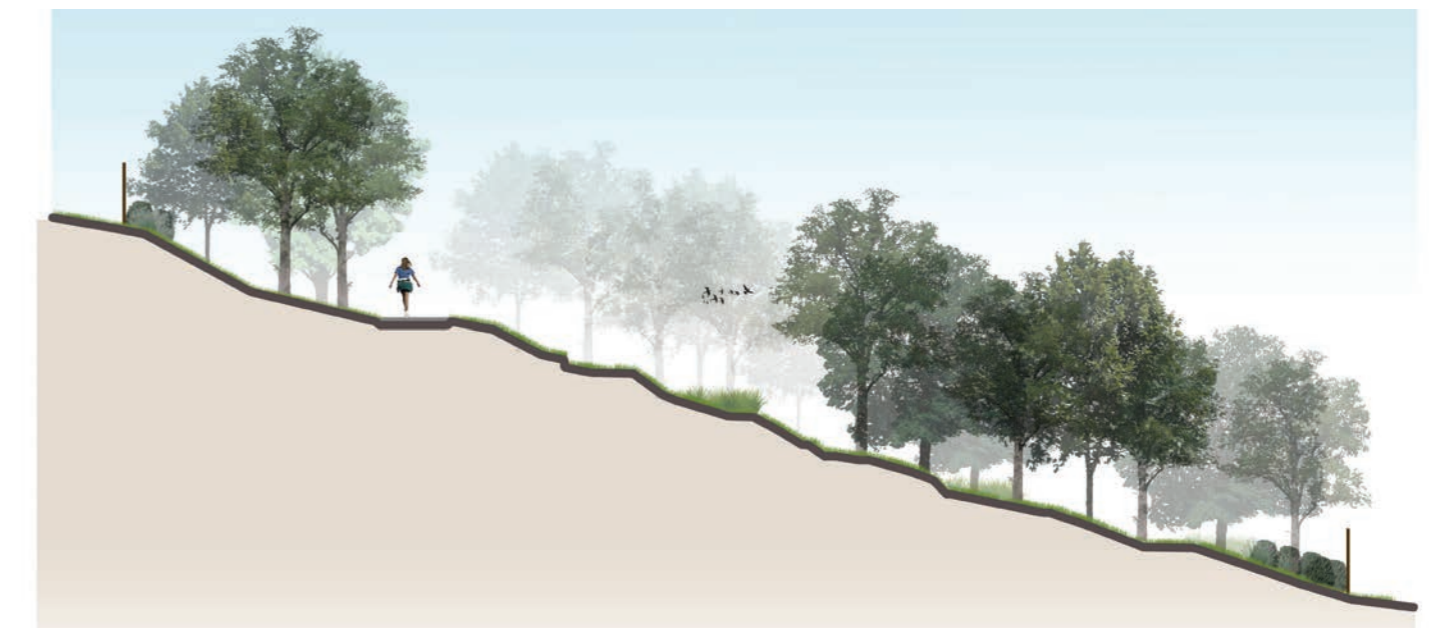
Section A-A

Courtesy: Group GSA



Section B-B

Courtesy: Group GSA



Section C-C

Courtesy: Group GSA



# LANDSCAPE MASTER PLAN

## PAVEMENTS

Ground surface treatments and pavements can be a defining landscape element, providing character and unity. A simple palette of paving materials is proposed throughout the site, with a limited selection of materials being used for each different pavement type.

In general, roads will be constructed with asphalt surfaces, except at entry roads, thresholds and courts (mews) where concrete paving (coloured and/ or unit pavers) will be introduced for visual contrast and traffic calming. Footpaths and driveways will be generally in-situ with brush or coloured finish.

## STREET FURNITURE

The quality of site furniture will convey a strong image about the character of the development. A suite or family of elements is proposed across the development. The design or selection of individual elements will complement not only themselves, but also the visual context they are located in.

The appearance of street furniture elements, their style, structural soundness and the degree they can withstand vandalism (man-made or by natural elements) will be deciding factors in the final selection. The final furniture selection will also comply with Council standards.

## PRIVATE DOMAIN OPEN SPACE

The vision for the private domain is that it relates to its context whilst at the same time developing the individual and garden landscape oriented character at the residential level. This aim for the private domain open space is to enhance the visual interest, sense of place and identity of the proposal as well as heightening residential pride in the quality of the private domain environment.

Key objectives for the private domain landscape include:

- Maximisation of existing tree retention: The retention of existing trees which have long term viability through residential development areas will provide an immediate level of character and landscape amenity to these areas, given the time periods for tree planting to mature and provide maximum visual, shade and scale benefits.
- Reinforcement of native canopy: In addition to the maximisation of existing tree retention and the reinforcement of these specimens / stands where they occur, it is desirable that scattered native canopy is extended through the private domain in appropriate locations (e.g. to property boundaries and front boundaries, integrating consideration of overshadowing / stability issues).
- The private realm within the development should reflect and enhance the character of the site and surrounds. Achieving a continued landscape amenity within the private realm requires an appreciation of the composition of the development and architectural elements.
- Front yards or 'town gardens' of the private lots will provide the opportunity for residents to express their own style and contribute to the streetscape without changing the dominant woodland character of the area. Planting will be encouraged to provide seasonal flowering habitats, pleasant scents of flowers, textures and colours of foliage and bark. Use of native species should be encouraged to achieve the desired 'woodland' character of the development. Exotic species will be encouraged to be restricted to the immediate periphery of the building platform.
- Front gardens should extend to the street boundary and be defined by a fence, shrubs, mass planting or hedges that clearly define the private and public domains, additionally providing for both, privacy and to give the streetscape a green leafy character.

## PLANT MATERIAL

Plants, particularly trees, are to be selected and located with consideration to their functional, aesthetic and horticultural requirements. A schedule of planting species has been prepared with the aim of providing a consistent framework of vegetation and planting character across the site.

Obviously there will be variations as a result of the design layout and site conditions in later stages of the development process; however, a shaded woodland planting character is desired throughout the site with minor species variations made in light of design considerations.

The planting schedules provide below are an indicate list of native trees, shrubs and groundcover/ grasses that can be chosen as part of the later stages of design. These species are compliant with Council's list of approved species.



A

Residential dwelling



B

Residential dwelling at hillside



C

Small scale communal outlook to district views



D

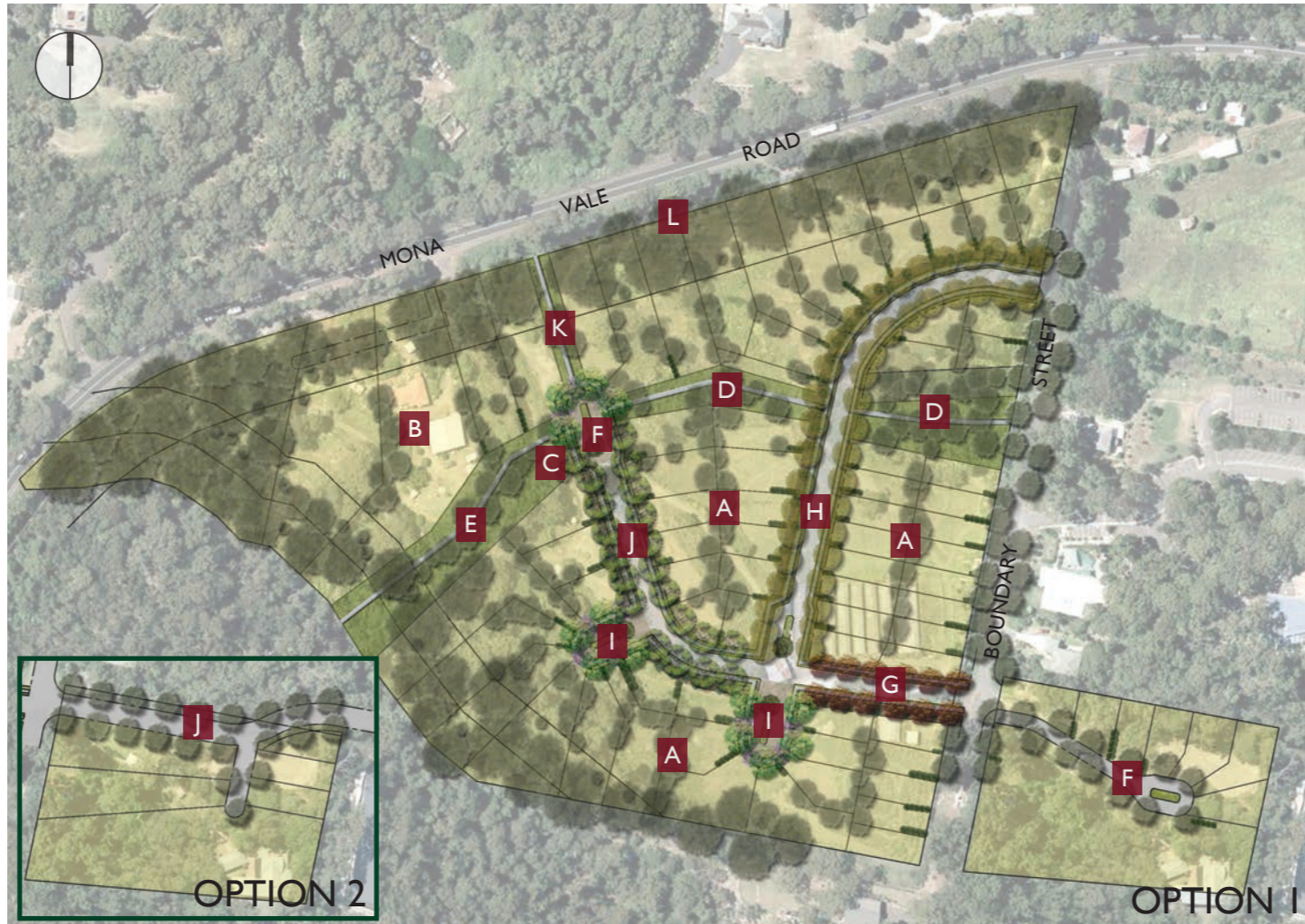
Sculptures within pedestrian trails across site

Courtesy: Group GSA



L

Landscape buffer to Mona Vale Rd



OPTION 2

OPTION 1

Courtesy: Group GSA



E

Preservation of bushland with boardwalks



K

Pedestrian link to Mona Vale Rd



F

Vegetated streetscape between green open spaces



J

Landscape along local streets negotiates with topography



I

Court with median strip serving residential lots



H

Bio-swales as an integral part of streetscape

Courtesy: Group GSA



G

Central avenue marks entry into site

# LANDSCAPE MASTER PLAN

The planting schedules provide below are an indicate list of native trees, shrubs and groundcover/ grasses that can be chosen as part of the later stages of design. These species are compliant with Council's list of approved species.

Trees	
Common name	Botanic name
Blueberry Ash	<i>Eleocharis reticulata</i>
Sydney Green Wattle	<i>Acacia parramattensis</i>
Sickle Wattle	<i>Acacia falcata</i>
Hickory Wattle	<i>Acacia implexa</i>
Black She-oak	<i>Allocasuarina littoralis</i>
Forest Oak	<i>Allocasuarina torulosa</i>
Sydney Red Gum	<i>Angophora costata</i>
Roughbarked Apple	<i>Angophora floribunda</i>
NSW Christmas Bush	<i>Ceratopetalum gummiferum</i>
Bangalay Gum	<i>Eucalyptus botryoides</i>
Spotted Gum	<i>Eucalyptus maculata</i>
Blueberry Ash	<i>Elaeocarpus reticulatus</i>
Grey Gum	<i>Eucalyptus punctata</i>
Bastard Mahogany	<i>Eucalyptus umbra</i>
Port Jackson Fig	<i>Ficus rubiginosa</i>
Turpentine	<i>Syncarpia glomulifera</i>

Shrubs, Groundcovers and Grasses	
Common name	Botanic name
Blackthorn	<i>Bursaria spinosa</i>
Hop Bush	<i>Dodonaea triquetra</i>
Pink Spider Flower	<i>Grevillea sericea</i>
White Spider Flower	<i>Grevillea linearifolia</i>
False Sarsparilla/ Sweet Tea	<i>Hardenbergia violacea</i>
Twining Guinea Flower	<i>Hibbertia dentata</i>
Weeping Meadow Grass	<i>Microleana stipoides</i>
Blechnum	<i>Blechnum spp.</i>
Woolly Xanthosia	<i>Xanthosia pilosa</i>
Lilly Pilly/ Broad-leaf Lillypilly	<i>Acmena smithii</i>
Coastal She-Oak	<i>Allocasuarina distyla</i>
Drooping She-oak	<i>Allocasuarina verticillata</i>
Coastal Banksia	<i>Banksia integrifolia</i>
Sydney Golden Wattle	<i>Acacia longifolia var. sophorae</i>
Myrtle Wattle	<i>Acacia myrtifolia</i>
Sweet-Scented Wattle	<i>Acacia suaveolens</i>
Breynia	<i>Breynia oblongifolia</i>
Sweet Scented Wattle	<i>Acacia suaveolens</i>
Grey Myrtle	<i>Backhousia myrtifolia</i>
Hairpin Banksia	<i>Banksia spinulosa</i>
Blackthorn	<i>Bursaria spinosa</i>
Narrow leaved bottlebrush	<i>Callistemon linearifolium</i>
Willow Bottlebrush	<i>Callistemon salignus</i>
NSW Christmas Bush	<i>Ceratopetalum gummiferum</i>
Hop Bush	<i>Dodonaea triquetra</i>
Pink Spider Flower	<i>Grevillea sericea</i>
Hop Goodenia	<i>Goodenia ovata</i>
Trailing Guinea Flower	<i>Hibbertia empetrifolia</i>
Showy Guinea Flower	<i>Hibbertia linearis</i>
Paperbark Tea-tree	<i>Leptospermum trinervium</i>
Lemon Scented Tea-tree	<i>Leptospermum polygalifolium</i>
Burrawang Palm	<i>Macrozamia communis</i>
Maytenus	<i>Maytenus silvestris</i>
Paperbark	<i>Melaleuca hypericifolia</i>
Mock Olive	<i>Notelaea longifolia</i>
Bleeding Heart	<i>Omalanthus populifolius</i>
Native Holly	<i>Oxylobium ilicifolium</i>
Everlasting Paper Daisy	<i>Ozothamnus diosmifolium</i>
Large-leaved Bush-pea	<i>Pultenaea daphnoides</i>
Spiny-headed Mat rush	<i>Lomandra longifolia</i>
Weeping Meadow Grass	<i>Microleana stipoides</i>
Basket Grass	<i>Oplismenus species</i>
Wonga-Wong Vine	<i>Pandorea pandorana</i>
Native Poa Grass	<i>Poa affinis</i>



Eucalyptus Macullata<sup>1</sup>



Eleocharis Reticulatus<sup>1</sup>



Acacia Implexa<sup>1</sup>



Allocasuarina Littoralis<sup>1</sup>



Allocasuarina Torulosa<sup>1</sup>



Allocasuarina Verticillata<sup>2</sup>



Pandorea Pandorana<sup>2</sup>



Hardenbergia Violacea<sup>2</sup>

The planting schedules indicate exotic trees, shrubs and groundcover/ grasses:

Trees	
Common name	Botanic name
Pistachio	<i>Pistachia chinensis</i>
Chinese Tallow tree	<i>Sapium sebiferum</i>
Flowering Ash	<i>Fraxinus griffithii</i>
Weeping Elm	<i>Ulmus parvifolia</i>
Claret Ash	<i>Fraxinus oxycarpa 'Raywood'</i>
Bradford Pear	<i>Pryus calleryana "Bradford "</i>
Plane tree	<i>Plantanus x acerfolia</i>
Silver Birch	<i>Betula pendula</i>
Japanese Zelkova	<i>Zelkova serrata</i>

Shrubs, Groundcovers and Grasses	
Common name	Botanic name
Abelia	<i>Abelia x grandiflora</i>
Yellow Star Jasmine	<i>Trachelopsernum asiaticum</i>
Dwarf Heath Myrtle	<i>Baeckea virgata 'Dwarf'</i>
Barberry	<i>Berberis thunbergia 'Atropurpurea'</i>
English Lavender	<i>Lavandula angustifolia</i>
Leucadendron	<i>Leucadendron 'Safari Sunset'</i>
Pittosporum tenuifolium 'Green Pillar'	<i>Green Pillar Pittosporum</i>
Rosemary	<i>Rosmarinus officinalis</i>
Purple Mexican Bush Sage	<i>Salvia leucantha</i>
Silverbush	<i>Convolvulus cneorum</i>
Escallonia	<i>Escallonia macrantha</i>
Gardenia	<i>Gardenia augusta 'Florida'</i>
Hebe	<i>Hebe 'Wiri Cloud'</i>
Bronze Baby Flax	<i>Phormium tenax 'Bronze Baby'</i>
Photinia	<i>Photinia glabra 'Rubens'</i>
Laurestinus	<i>Viburnum tinus</i>
Indian Hawthorn	<i>Rhaphiolepis indica</i>



Fraxinus Griffithii<sup>1</sup>



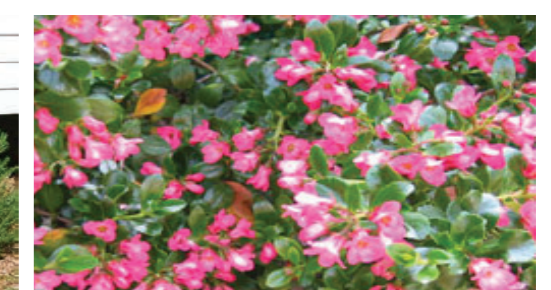
Betula Pendula<sup>1</sup>



Zelkova Serrata<sup>1</sup>



Rosmarinus Officinalis<sup>2</sup>



Escallonia Macrantha<sup>2</sup>

<sup>1</sup> Image courtesy: Fleming's Urban Tree Guide

<sup>2</sup> Image courtesy: Google Images



# CHAPTER 5 - CONCLUSION AND RECOMMENDATION

## FINAL RECOMMENDATIONS

The location of the site and its proximity to employment areas, Mona Vale Town Centre and major bushland corridors presents a range of opportunities for the rezoning and redevelopment of the subject site. The site can extend and connect the bushland corridors as part of the landscape buffer to future land release areas providing a range of houses in close proximity to the centre and employment zones. This land can provide high quality housing within a delightful bushland setting, connected to the broader area by new and existing road connections (to be agreed with Council).

There are many positive outcomes and benefits to the community should this land be rezoned for residential uses. They include:

- Provision of additional housing to meet targets within the proximity of major centres;
- Creation of a safe and attractive community with value add in the form of communal spaces, natural features and communal outlook;
- Provision of green and vegetated links across the site;
- Conservation of water courses on site and enhancement of swale ponds, bush paths through riparian corridors as communal areas for residents' use;
- Introduction of various housing typologies to improve local housing choices and affordability;
- Preservation of the landscape character of the ridge in distance views;
- A robust vehicular and pedestrian access network;
- Integration of the existing vegetated character with sustainability designed built environment; and
- Promotion of high quality life style choices;

For these reasons, we encourage Council and the Department of Planning and Infrastructure to consider the proposed Master Plan as part of a planning application for the rezoning of the site.

# APPENDIX C

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**PROJECT TEAM CVs**



# N I C K O L A O S   K A R I O T O G L O U

**DATE OF BIRTH** ..... 3rd February 1967

**EDUCATIONAL QUALIFICATIONS**                      BAppSc (Environmental Science & Extractive Metallurgy majors), University of Technology  
Strategic International Marketing Cert (Scholar)  
Stanford University USA  
Commercialisation Skills Certificate, AGSM  
Project Manager Certificate, AGSM

**AFFILIATIONS**                                      CPM, Fellow, Australian Marketing Institute  
Member Environmental Institute of Australia  
Member, Royal Australian Chemical Institute (on and off)  
Member, International Association Water Quality (on and off)  
Member, Australian Water Wastewater Association (on and off)

**FIELDS OF SPECIAL COMPETENCE**                      Environmental Science & Technology, Project Management,  
Policy/Strategy Development, Patents, Marketing,  
Industry/Market Analysis, EMS, Chemistry,  
Environmental Auditing, Technology Transfer,  
Commercialisation

**EXPERIENCE**..... Total number of projects conducted and reviewed is estimated at over 2,500

## **EXPERIENCE:**

**1994 – Present:**                      President/Managing Director, Aargus Pty Ltd, Aargus Chemicals, Aargus Refill Centre  
**2000 - Present:**                      Director, ACCA  
**2000 – 2005**                              Director, Hellenic Australian Chamber of Commerce  
**2000 – 2001:**                              Director, RPA  
**1995 – Present:**                      Accredited Network Broker, AusIndustry - Australian Federal Government  
**1993 – Present:**                      Chairman/Executive Director, Australian Marketing Institute  
**1996 – 1998:**                              Principal Environmental Scientist and Director, Environmental Management Australia Pty Ltd (contractor)  
**1995 – 1996:**                              Director, SARDI - Department of Primary Industries SA  
**1994 – 1995:**                              Lecturer for Marketing, Sales, & Management, TAFE NSW  
**1993 – 1999:**                              Board Member for Illawarra Environmental & Sustainable Development Committee  
**1992 – 1994:**                              Environmental Scientist & National Manager Corporate Strategy & Marketing, Coffey Partners International P/L  
**1988 – 1992:**                              NSW Business Manager, CSIRO Division of Chemicals & Polymers  
**1986 – 1988:**                              Laboratory Scientist then Manager, Lever & Kitchens



## MAJOR PROJECTS

- European Union EYDAP Project. Developing a regulatory framework to be used by all European countries for their respective water and wastewater industries. A pilot scale project is being put into Athens (EYDAP) and passed through parliament to commence. Project Budget \$5 million Euro
- DMA, China permaculture Project. Formulating and project managing a team to tackle worldwide dry land degradation using permaculture and natural farming techniques. Project Budget \$800 million.
- Rhodes Peninsular Assessment & Remediation of Dioxin & Scheduled Waste – This project is focused on one of the most contaminated areas in Australia (union Carbide site in Rhodes). The contaminants existing on the site range from dioxins, scheduled pesticide waste, HCB (hexachlorobenzene), PAHs, TPHs and some minor occurrences of heavy metals. The works included preparation of a Statement of Environmental Effects, EMP, RAP, OH&S Plan and Validation Plan for the remedial works to be undertaken at the site. A complex Remedial Action Plan was developed for the site which incorporated specifications for multi-layer containment cells with groundwater controls, leachate barriers, liner protocols, plus work method statements for works to be undertaken in all aspects of project work. The remedial works were based upon further delineation of contaminants within soil strata during excavation and stockpiling works thereafter having appropriate controls (EMP) for dust, noise, waters, groundwater, vapours, etc. The project data was placed in courts after DIPNR inhibition of consent and all documents held up to 3 independent EPA auditor reviews including a court appointed expert. The success has led to the commencement of works and further stages are proposed for second stage works. Project Budget \$40 million.
- Boeing Aeroplane Corporation, Memorandum of Understanding. Commercial carriage and coordination of 8 individual projects. Implementation of foreign exchange contracts. Project Budget: \$25 million.
- BHP, Memorandum of Understanding. Negotiations to extend research contracts. Discussions leading to BHP using CSIRO as research laboratory. Project synergy identification. Project Budget: \$12 million.
- Macquarie Bank/AMRAD anti viral funding. Instigating a syndicated R&D fund for funding of leading edge research into new anti viral and related chemicals for use as low toxicity clinical drugs. Identification of most suitable collaborative team. Costing of technology and transfer of technology. Project Budget: \$21 m.
- DuPont/C SIRO joint venture (Dunlena). Commercial carriage of activity testing for new bio active synthesised chemicals used as environmental safe herbicides, insecticides and fungicides. Project Budget: \$1.5 m/year.
- DuPont Australia/USA business plan. Market analysis in Australia and South East Asia of specialised resins and their applications. Work involved patents, agreements and royalties for commercial transfer. Project Budget: \$5m.
- Pacific Power, external R&D funding. Negotiation for a high temperature plasma arc waste destruction system. Project Budget: \$1.1 million.

## ENVIRONMENTAL PROJECTS

- Exide Technologies Groundwater Assessment – A detailed assessment of groundwater migration of a former landfill area that has previously been subject to leachate breakout. Investigations include reviewing migration flow pathways, attenuation patterns, modeling of movement, and comparisons to current guidelines. Contaminants include organic and heavy metals.
- CSIRO, research priorities into environmental technology. Development of a framework and methodology for CSIRO's environmental and waste management research strategies. Identify and prioritise key elements of research and budget accordingly. Appropriation funds were distributed as per recommendations. Project budget: \$16 million.
- Qantas Cater Air Detailed Groundwater Assessment – Development of a monitoring programme for Qantas Airlines for a site conducting commercial activities adjacent to a river system. The assessment includes reviewing background groundwater quality, comparing this to on-site groundwater quality and thereafter seeking to correlate the potential impact into the river system (inclusive of nutrient loading).
- Blacktown Council Asbestos Study – Aargus is the preferred supplier to council for conducting Asbestos assessments of abandoned stockpiles and dumped rubbish within the entire municipality. Assessments then are taken through Environment Australia to gain grant funding for reimbursement.
- Multiplex Ultimo – The environmental assessment of a large development site within Sydney City. Works involved assessing soils for ASS/PASS and undertaking ongoing monitoring during transportation.
- Sydney Water Trade Waste Sampling for over 150 companies – Aargus has set up and is undertaking at least one third of all Sydney's Trade Waste sampling. A dedicated team travels to all industrial/commercial sites (including McDonalds, Coca-Cola, etc) to undertake sampling on behalf of Sydney Water.
- Lygon Group Environmental Services for Construction over landfill – Works for the site involve developing an Environmental Management Plan for the construction of industrial complexes over a former landfill. The scope of works involved developing leachate extraction wells, developing vapour monitoring locations and vent pipes (to restrict landfill gas build-up) and to provide collection points for gas and water.
- Dial a Dump Landfill soil classifications – Various soil classifications and leachate management for a EPA inert and solid waste licensed landfill.
- Nundah Landfill – A former American WWII bunker that had been a former council landfill crossing the site needed to be remediated to a stage to make the site acceptable for the proposed low density residential development. Works involved preparing a Remedial Action Plan then conducting an excavation and disposal strategy, thereafter validating residual soils prior to reinstatement to original levels.

- Telstra Depot Hurlstone Park – Preparation of a detailed Remediation Action Plan for a former Telstra Depot (formerly owner by State Rail) where large PAH and TPH impacted soils were present. The works then progressed to implementation of the remedial programme which entailed a bioremediation of 90% of the site. This task was complex as the site land restricted creation of complete lifts for landfarming. Sectioned work was undertaken during a validation programme and the entire programme took 12 months to complete. A petroleum hydrocarbon groundwater plume was also part of the remedial programme which is currently being attenuated after a pump out of PSH was undertaken. Work was undertaken along with the EPA to ensure public health was not compromised from the migrating plume within the shallow aquifer.
- Australand Arncliffe – Development of a major medium density residential area which required to have PAH impacted soils remediated from site. Works involved following the RAP and preparation of a final Validation Report to verify the remedial success.
- Multiplex Arncliffe - Development of a major medium density residential area which required to have PAH impacted soils remediated from site. Works involved following the RAP and preparation of a final Validation Report to verify the remedial success. Works also involved Vibration monitoring and preparation of a Dilapidation Study to ensure that the rock cutting and breaking did not impact the surrounding area.
- Piper Property group, Ultimo – Preparation of a Hazardous material (HAMAT) assessment for an old heritage property in Sydney. Analysis involved identifying asbestos materials from lagging, roofing, guttering, floor tiles, electricity backing boards, mercury switches, mercury/cadmium lamps plus identifying synthetic mineral fibres.
- Emu Park Statement of Environmental Effects – Conduct of a full scale Environmental Effects Statement for a 1,000ha property near Rockhampton. Works involved conduct of a Flora/Fauna assessment (day & night – spotlighting, identification, scats, etc), heritage, traffic study, noise study, targeted assessment for a cattle yard and tipping area, water & groundwater study plus collation of all other data to be incorporated for the proposed development.
- Tin Can Bay Statement of Environmental Effects – Works are underway in preparing a full scale Environmental Effects Statement for a 1,500ha property north of Brisbane. Works will involve conduct of a Flora/Fauna assessment (day & night – spotlighting, identification, scats, etc), heritage, traffic study, noise study, targeted assessment, water & groundwater study plus collation of all other data to be incorporated for the proposed development.
- Kur in gai Council Groundwater and Leachate Assessment of impact into estuary and creek system – Preparation and implementation of a water quality assessment to identify the potential impact of 2 landfills adjoining a river system within a national Park. The uncontrolled landfills do not have adequate leachate controls so a detailed assessment of water quality is currently being undertaken (2 year project) up and downstream to provide baseline works for future proposed remedial options. Works also include an ecological study for the river.

- Mortlake Remediation of site adjoining gasworks site – An industrial site in the Mortlake Area has been remediated due to the impact from ash and coke from a former gasworks site that adjoined the site. Works involved remediating industrial and solid waste classified soils and then validating to low density residential guidelines.
- Ampol Service Station Remediation & Validation Carlton – This site is a Section 35 site (EPA controlled) where Aargus are conducting works on behalf of the EPA to delineate and remediate contamination under a Voluntary Agreement with the site owner. The works involve assessing the Service Station, adjoining commercial property and residential property and preparing a remedial Action Plan. Findings found that a petroleum hydrocarbon impacted groundwater plume had migrated to the adjoining property and to the rear of the residential block. The assessment involved detail soil and groundwater sampling (9 groundwater wells and >50 soil borehole locations).
- J&M Waste Sludge Assessment – Works involved the sampling and characterization of tank sludge that was illegally being sprayed onto sites. The assessment provided evidence for EPA prosecution against the client when classification showed high contaminant levels being present within food grade waste.
- St George Bank Camden – Due diligence assessment for St George Bank. Aargus is the preferred consultant for the bank and conducts many due diligence assessments. Works follow ESA guidelines but allow for legal security requirements as set up between Aargus and the Banks.
- Eaglehawk Tailings Impacted site – The assessment for this site was undertaken due to the potential impact from mining operations for a proposed development. Aargus found widespread tailing impact and the ultimate remediation of the area confirmed that the site was thereafter suitable for residential settlement.
- ABB Bay Street Botany – Large scale remediation programme for a complex industrial site. Works on the site entailed bioremediation, excavation and disposal of contaminants and groundwater remediation via vapour extraction, carbon filtering and a pump and treat strategy. The site is now being developed for residential occupation.
- Hoover Meadowbank – Large scale assessment of a former industrial site. Detailed characterization of near surface and subsurface soils was undertaken with various USTs present and decommissioned on the site.
- Westinghouse Concord - Large scale remediation of a former industrial site. Detailed characterization of near surface and subsurface soils was undertaken to delineate impacted soils. Contaminants included slag, PAHs and TPHs. The site was remediated over a 2 month period finally completing works after 11,000 tonnes of material was treated and removed from site.
- Qantas Air Services Emergency Response – Aargus conducts annual sampling of groundwater at Sydney Airport for the Emergency Response crew. The works involve assessing the potential impact of firefighting equipment (spraying of foaming agents) on the surface of the site where rainwater via percolation migrates materials into underlying shallow aquifers.

- BP Smithfield, Greysteynes, Mays Hill – Various site assessments for Service Stations around Australia. The assessment include tank & line tests, gross pollution review, soil sampling, groundwater sampling, historical review and final data interpretation.
- Tweed Heads Assessment – Assessment of a former car yard which showed evidence of poor housekeeping practices impacting the environment. Works were enforced on the seller to clean up contaminants left as a legacy of their lack of concern. Remediation included stabilisation of contaminants prior to transportation down to Newcastle to a licensed EPA landfill.
- A Current Affair (Melbourne & Sydney) Fish and CCA Treated Timber – Aargus is the preferred consultant used by a Current Affair and channel 9. Some works undertaken to date include reviewing pesticide residues within canned tomatoes, reviewing the leaching of CCA treated timber into the environment, and mercury levels within fish. Results of analytical work undertaken by Aargus has led to the banning of Treated Timber products in childrens playgrounds within Australia by the end of this year after results showed that significant leaching and impact occurs from these products. Analysis also showed that significant bioaccumulation of mercury occurs in Swordfish and Flake (shark) in fish caught and sold within QLD, NSW & VIC). Results have provided information that the Department of Health are now targeting for shops and fish markets. The standard fish and chip shop now holds concern for flake (used as the fish in fish and chips). Results from this work has led Aargus to join forces with Sydney University in a joint R&D project to seek methods of real time sampling of mercury (plus other heavy metals) in fish and waters. This research project is still current.
- Strathfield Council Depot (Argentine Ant) Scheduled Waste Remediation & Validation – This council sub-leased its premise to an Argentine Ant extermination company. The prevailing contaminants left behind were pesticides at a scheduled waste level. Detailed remedial works were required including appropriate destruction to Western Australia of substances. Full licensing of transportation and disposal was required for cross-border transfer. A detailed validation programme was thereafter conducted to verify that no remaining contaminants existed on the site.
- Telstra Stadium – Ongoing classification of soils into the site as part of turf laying. The assessment classified over 100,000 tonnes of soils brought onto the site.
- Environmental Management System (EMS), Korea - conduct an environmental audit and provide EMS strategies and implementation of the EMS strategies for the largest paper manufacturer in Korea (4<sup>th</sup> in the world), Hansol.
- Environmental Management System training in Korea for a host of organisations. The course ran for three days and involved preparation of training manuals and a workshop format with allocation of certificates at the completion.
- Cockatoo Island Environmental Audit, NSW - assessment of soil and ground water contamination of the Department of Defence's Cockatoo Island in Sydney Harbour. Involved selection of sampling locations, checking for buried surfaces, data management of results from laboratories, establishing a QA/QC program and direction of field sampling crews.

- Sydney Ports Corporation - EMS development and implementation for over 150 tenants on Sydney Ports Corporation properties throughout Sydney.
- Textile industry EMS development for South Korea.
- Sydney Olympics 2000 - Auditing and development of environmental management plans and health and safety plans for the Homebush Bay Sydney Olympics Site.
- Taegu City Wastewater Treatment Plant - Audit and development of improvement plans for a major city wastewater treatment facility in South Korea.
- Techtron - Auditing of an electronics company in Athens, Greece.
- Biotech Egypt - Development and design of potable water treatment facility for a Red Sea project in Egypt.
- Brompton Gas Works, Adelaide - ground water contamination studies. Field screening of volatile organic hydrocarbons using portable gas chromatography and preparation of control samples for QA/QC program.
- Kirk's Tanker Services - contamination study of a petrol station site at Canberra involving a soil vapour survey for hydrocarbon contamination using a portable GC.
- Rockdale Feedlot Management, Yanco NSW - laboratory data management of monthly monitoring of surface and ground water samples. Involved with compliance with EPA requirements related to environmental control for expansion of the feedlot and abattoir.
- West Menai Liquid Toxic Waste Dump, Low Radiation Dump and Municipal Landfill - soil vapour survey and soil and ground water contamination study.
- Contaminated Site Assessment, Yagoona NSW - assessment of contamination by heavy metals and OC's at former council chemical stores. Design of remedial management plan comprising excavation and landfill disposal of contaminated soils and validation testing for Bankstown City Council.
- Environmental Site Assessment, Kooragang Island NSW - assessment of contamination at SRA locomotive refuelling facility on Kooragang Island. Involved soil gas survey, ground water monitoring and soil sampling and analysis for Clyde Engineering.
- Asbestos Assessment, Cumberland Hospital NSW - assessment of asbestos contamination in near surface soils at one of Sydney's oldest Hospitals for Dept of Health, NSW.
- Contaminated Site Assessment, Fairfield NSW - environmental effects assessment of contamination for heavy metals, aromatics and halogenated hydrocarbons at a drum reconditioning facility for E and T drum surgeons.

- Battery Breaking Facility, Preston NSW - assessment of areal and vertical extent of contamination in soils and ground water at the site of a former battery breaking yard. Design of remedial measures (solidification/stabilisation and pH correction) for Don Fox Planning.
- Remediation of Former Chemical Plant St Mary's NSW - on site supervision of cleanup activities and validation procedures for former pool chemical plant. Soil heavily contaminated by caustic soda and acids for Greenway and banks.
- Environmental Audit and EPA waste water compliance audit for Brambles, Wollongong - assessment of potential environmental pollution with recommendations towards cleanup. Preparation of a waste water treatment program including truck wash design, stormwater runoff reticulation and design of a treatment plant. This project included total water management on site and negotiations and discussions with EPA and the Water Board.
- Environmental Site Assessment of a former Mobil petrol station site in Albury VIC which included assessment of contamination at Mobil site involving a soil gas survey, soil sampling and analysis.
- Waste water & COD rectification for BHP Wollongong. Included consulting, sampling, analysis and installation of a treatment process
- Caltex Oil Refinery - Ground water monitoring around the area of a proposed lube oil blending plant involved collection of samples using a hand held positive displacement pump and subsequent analysis of results.
- Environmental Site Assessment of Nolands Smash Repairers, NSW - assessment included ground water sampling, soil vapour survey and soil sampling and analysis.
- Expert Testimony for Sly & Weigal regarding cross border contamination - work involved conducting an environmental assessment of soil and ground water on one property to prove contamination had migrated from an adjoining property.
- Environmental Audit for Westpac for an industrial facility with various underground storage tanks. Work involved drilling and sampling underground soil for contamination.
- Environmental contamination assessment for one of Australia's largest banks. The company, under receivership, needed a bill of clean health for the site in order to sell at a better price.
- Environmental audit for Westpac of a chemical plant consisting of vast above and underground storage areas. Work included auditing, testing, analysing and reporting of samples from soil vapour surveys and soil and ground water testing.
- Remediation of tank sludge from Shell Oil Refinery. The process included sampling, testing and fixation of the product in order that land farming be conducted.

- Chemical testing research and development for Australia's largest chemical manufacturer, ICI. Work involved producing environmental friendly chemicals from existing, known hazardous chemicals.
- Product development and research into value added chemicals for Eastman Kodak using novel continuous microwave reactionary processes. Work involved distinguishing physical and chemical benefits of using accelerated heating as a reactionary process.
- International training for EMS and Environmental auditing including conferences and seminars for companies, industry associations and government bodies.
- Developing a SHE manual for AWS. Work involved developing an environmental, safety and health manual for the world's largest water filtration plant in Prospect.
- Environmental audit and review for Denehurst - Woodlawn mine. Work involved a complete audit on operational and environmental conformance to meet regulatory compliance, for one of Australia's largest base metals mine.
- Various EMS seminars worldwide and for varying industries such as Hotels, Mining, Medical and Textile.
- Kuk Je Dyeing & Weaving company - Development and Implementation of an integrated QMS, EMS, Environmental performance, Life Cycle Analysis system.
- -Alan Moffet - Environmental Audit (Phase II) for the racing car driver's property
- -St. George Bank - Various environmental audits (Phase I & II)
- -Advance Bank - Various environmental audits (Phase I & II)
- -Commonwealth Bank - Asbestos study
- -FBT Operations (VIC) Pty Limited - Environmental audits (Phase I, II & III) on properties both in Victoria and Sydney
- -The University of Sydney Union - Environmental audit of the three Union buildings Wentworth, Manning and Holme
- RM Constructions - Environmental Site Assessment, Remediation and Validation of a heavily contaminated commercial property in a residential area. This project was a high profile project where a 1 0m wide x 3m deep coal tar pit was discovered buried on site in a sensitive residential area. This project involved heavy liaison with council, EPA, Department of Health, Media, Minister for the Environment and residents.
- Sydney CBD - Large Multi-Storey development for the Developer Sattelite group, project managers Caverstock and builders Abigroup. This 8 storey development involved numerous environmental assessments, excavation and disposal down to 3 metres of contaminated material, and final validation of soils.



- Pheonix Developments. Project included site assessment and validation of a industrial warehouse to residential medium-high density dwellings.
- Large multi-storey residential development at 1-35 Pine Street, Chippendale for Citiscape under the project managers Waracon. Work involved a site assessment, removing 5,000 tonnes of contamination and final validation of work.
- Aarkbay Pty Ltd – Various projects in Sydney involving environmental assessment, remediation and validation for redevelopments.
- Environmental Audit and recommendation for a sale in Maddox Street, Alexandria for a large textile manufacturer.
- 1 Margaret Street, Redfern. Work involved an ESA and site validation for SL constructions.
- Corner of Cornwallis Street & Boundary Street, Redfern. Work involved preparing a environmental site assessment and validation report.
- A large commercial development of 25,000 sqm in 35 Bourke Road Alexandria for RM Constructions (Downton & Dyer).
- The new Swadlings hardwarehouse development on Botany Road Alexandria. Work was for Advance Bank and involved removal of various underground tanks and asbestos roofing as part of the development and mortgage arrangements.

## PROJECT MANAGEMENT

- Commercialisation of a Readily Biodegradable Chemical Oxygen Demand (RBCOD) sensor with field trials. Application of various patents to protect the intellectual property.
- Preliminary commercial assessment for a multi-divisional, multi-million dollar Sound Acoustic Wave - Enzyme Linked Immuno Sorbent Assay (SAW-ELISA) bio sensor and targeting of appropriate collaborators.
- BTR/CSIRO & ICI/CSIRO joint research agreements for establishment of collaborative research efforts.
- Discussion report on the industrial chemical process of surfactants. The report was used to develop increased understanding of the wetting of solids by fluids and the role of surfactants in industrially important wetting processes.
- Hazardous Chemical Report on Cumene and its impact on the environment and in manufacturing and handling processes.
- ADI/CSIRO joint research agreements for the establishment of collaborative research efforts.
- Boeing external funding project for research into polymer matrices for advanced composites in high speed civil transport aircraft.
- Government Industry Research Development (GIRD) grant for bio active surfaces.
- Kodak Australia external funding for processes to manufacture fine chemicals in Australia. This project involved a detailed market analysis.
- Samuel Taylor research funds for development of surface cleaners for specific surface types.
- Austep licensee of SIROFLOC process to treat water and waste water.
- BHP research project on foam flotation of effluents containing oil and grease.
- BHP research project on anaerobic fermentation of industrial effluents.
- Sydney Water Board adoption of SIROFLOC to sewage treatment. This project has been scaled up from bench to 4ML/day at the Malabar sewage treatment works.
- Patent application PJ0872/88, PJ5057/89 for the method and apparatus for continuous chemical reactions using microwave technology as a medium.
- Patent application PK0974/90 for the continuous RBCOD measurement in an instrument designed for effluent monitoring.
- Commercialisation of a CSIRO developed continuous microwave reactor and the development of new and improved versions. The company IMA was chosen and has commenced manufacture.

- Chemical processing project. To develop chemical processes for Australian manufacture based on process optimisation and staged scale-up of chemical innovations.
- Anti viral project. Form alliances with virology testing to investigate modes of action and processes of synthesis and follow-up their development in firms.
- Human health products project. To generate novel pharmaceutical chemicals in support of an Australian based pharmaceutical industry supplying world markets.
- Specialty Polymers Project. Investigate new methods of polymer synthesis and apply them in the production of polymers for special applications.
- Polymeric Bio materials Project. To develop polymeric materials for medical, veterinary and dental applications by means of polymer synthesis, polymer blending and surface or bulk modification of polymers.
- Coagulation Processes Project. To develop coagulation processes based on the use of magnetite or other coagulants for applications in the treatment of potable water and domestic and industrial waste waters
- Aargus, development & worldwide product launch for Greenpower - a world beneficial fuel enhancement device. Work involved R&D, commercialisation, marketing, sales & office setup in Asia, Europe, America, Canada, & Australia.

## **BUSINESS DEVELOPMENT & MARKETING**

- Australian and global industry study on the Pharmaceutical industry seeking a funding partner for CSIRO's anti viral research. A task force was developed to bring together CSIRO's combined research on pharmaceutical's and offer a combined package to industry.
- National industry study on the Environmental and Waste Management industry. This project involved developing a framework and methodology for research priorities within CSIRO - to be used also for other industries, identify and prioritise research within CSIRO, identifying niche opportunities for CSIRO and examine synergy within CSIRO's own research.
- Marketing, Sales and Business Development Services for Nolands Auto Repair Centres (3 Centres). Work involved being the marketing department for the group with advertising, sponsorship, design, planning, and sales as an outcome. Turnaround of 20% fleet 80% casual to 80% fleet 20% casual.
- The marketing of a Concrete Additive for Plugge Constructions. This involved setting up a marketing strategy, creating appropriate brochures and documentation, testing and sales. Target markets included architects, Structural Engineers, Consultants and concrete companies.
- Marketing of a paint product for Duralex Paints. Work involved setting up a marketing mix and preparing artwork, then direct marketing activities to the consumable market.
- Commercialisation, Marketing, Sales and Distribution worldwide of an environmental friendly fuel enhancement device for Greenpower Pty Ltd. Work involved setting up license agreements and distribution networks, direct sales, government lobbying and fitting and servicing of the product.
- Industry characterisation of the aerospace industry in Australia and the vendor alliances formed.
- Industry characterisation on the Fine and Specialty Chemical industry in order to target niche areas of research and potential commercial collaborators.
- Industry characterisation on the Aluminium industry for the purpose of identifying key manufacturing prospects for large aluminium casting projects.
- Industry characterisation on the Scientific Instrument, Medical Devices and Diagnostic industry for the commercialisation of the SAW-ELISA bio sensor and to seek potential collaborators for other key project sensor areas.
- Porter analysis on the petroleum industry looking at interactions in the industry and international competitiveness.
- Market analysis in the South East Asian region for an outlet for engineered resins and chain transfer agents. This project involved DuPont and Chemplex and overseas meetings involved the detailed description and negotiation of the product to prospective manufacturers and buyers.

- A business plan on the derivatives and outlet possibilities for coal tar naphtha, a by-product from Koppers Australia.
- Company profiles on Boeing, Pacific Power, Hoechst, Kodak, J&J and DuPont. These were basically briefs on the company which were circulated to all senior CSIRO personnel to increase collaboration areas.
- ICI Australia corporate profile for the purpose of placing a Memorandum of Understanding (MOU) for joint research.
- Australian Defence Industries (ADI) corporate profile for the purpose of placing a Memorandum of Understanding (MOU) for joint research.
- BTR Australia corporate profile for the purpose of placing a Memorandum of Understanding (MOU) for joint research.
- Establishment of a training program for commercialisation of CSIRO technology. This was implemented throughout CSIRO research scientists & senior staff.
- Developing a CSIRO manual on seeking a commercial partner. Commercial managers and business managers were focused as recipients.
- Developing a CSIRO manual on Winning and managing Key Accounts and Developing an internal manual on marketing strategies for R&D. This manual developed into a training program whereby senior staff throughout CSIRO were encouraged to attend.
- Sponsorship hunting and planning for Auscar/Nascar motorcar racing.
- Strategy formulation, function and event organisation, sponsorship acquirement and office management for the Australian Marketing Institute.
- Development of a Business Plan for the National Centre for Appropriate Technology (Futureworld). Tasks involved strategy formulation, SWOT analysis, market research, market analysis, forecasting, budgeting, building and training for corporate culture and implementation.
- Lecturing on a part time level for North Sydney College of TAFE. Subjects included Sales Skills, Sales Management, Marketing Management and Business.
- Orange Council promotional work for the region promoting the town as a tourist attraction for NSW and QLD residents.
- Newcastle Regional Art Gallery sponsorship plan. The plan involved developing a sponsorship framework for attaining extra funding by the Gallery over a five year forecast. Work involved seeking a presentation package desirable for sponsors to be involved with, seeking appropriate potential sponsor groups and segmenting user groups of the gallery for individual targeting.
- Newcastle Regional Art Gallery sponsorship implementation. Stage II of the development of a sponsorship plan was to develop a presentation package and approach potential sponsors on behalf of the Gallery.
- SARDI Quality Management Plan. The work involved developing a tailored

## KARIOTOGLOU

Quality Management Program involving aspects of World Competitive Service, TQM, Quality Assurance, Quality Control for a South Australian Government Department.

- Networking for the AusIndustry program. As an accredited network broker for the Federal Government, responsibilities include seeking potential networks or alliances, formulating feasibility studies, business plans and execution of the implementation stage.
- Global Brand and Image Launch for Point Break Australia Pty Ltd. Work involved sponsorship, direct marketing, public relations, distribution, advertising, and market penetration.
- Project Management and Marketing of a project focused on the recycling, reuse and formulation of by-products from CCA (Copper Chrome, Arsenic) treated timbers. This project entailed applying for grants, marketing, formulating strategic direction and developing new and novel products for a worldwide market including the fighting against staphlacocca, Golden Staph, Chicken Flu, and Mad Cows disease.
- Marketing, sponsorship development and commercialisation of a unique chopping board developed for one handed or disabled persons. Work involved market research, formulation of a business plan and preparing strategic direction and commercialisation options.
- The marketing and sponsorship gaining for the Greek Community of Australia for the 100<sup>th</sup> celebrations. The production involved the finding of sponsorship and advertisement for the organisation as well as marketing assistance and promotion.
- The joint development and marketing of a fish emulsion from fish waste. The product was developed as a value-added by-product for Heinz Greenseas in Eden. Chemical manufacturing is supporting his project. The fish emulsion is currently being marketed as a fertiliser.
- The preparation and conducting of Sales and Marketing courses for businesses and associations needing support and direction for these subjects. These courses were advanced levels and included items such as neuro linguistic programming, body language, as well as traditional sales and marketing techniques.
- Start up and set up of the Australian Centre for Corporate Advancement (ACCA). Work involved pricing strategies, business planning, feasibility studies and the launch of specific events and conferences.

# M i c h a e l S i l k

**DATE OF BIRTH** 9<sup>th</sup> January 1979

**EDUCATION** Bachelor of Environmental Science, University of New England, Armidale, NSW, Australia.

**ADDITIONAL COURSES** Certificate Three in Financial Services Operations  
QSCU Proud to be of Service Training  
QSCU CUNA Member Care Loan Insure Training  
St George Government Legislation Training  
St George Financial Services Trainee Program  
St George Customer Service Officer Module 1-3  
Microsoft Office Level 1  
Registered Fitness Leader  
Austswim Course Essentials  
Security License  
St John's Senior First Aid  
Army Reserve

**FIELDS OF SPECIAL COMPETENCY** Indigenous Land Management, Impact Assessments, Ecology, Zoology, Catchment Management

**EXPERIENCE** Michael has a strong scientific background in environmental science majoring in indigenous land management.

**EXPERIENCE**

2008-Present..... Environmental Scientist  
*Aargus Pty Ltd*

2008.....Settlements Officer  
*Macquarie Bank*

2007 Loan Officer  
*Qantas Staff Credit Union*

2004.....Loans Support Officer *ING Bank*

2002.....Customer Service Consultant  
*St George Bank*

## SELECTED PROJECTS

### ***Virgin Excavated Natural Material (VENM)***

This soil classification includes liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines. Areas where I have completed some of these include; Campbelltown, Coogee, Artamon, Dee Why, Norwest, Bankstown, Warrawee, Hurstville, Flinders

***Soil Classification – Clovelly.*** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.

***Soil Classification – Porters Creek.*** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.

***Soil Classification - Tahmoor.*** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.

***Soil Classification – Warriewood.*** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.



**Soil Classification – Bonnyrigg.** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.

**Soil Classification – Hinchinbrook.** The classifications included liaising with site personnel/ contractors, visual site inspections, sampling where applicable (including QA/QC), interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA (1999) – *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes*; NSW DECC (2006, 2<sup>nd</sup> Edition) *Guidelines for the NSW Site Auditor Scheme* where suitability of fill was required for a particular land use.

**Field Sampling and report preparation - Banksmeadow NSW.** Work included sampling, including QA/QC, interpretation of results and assessment against relevant guidelines and reporting. The classification of material was assessed with reference to NSW EPA Health based Investigation Levels

**Groundwater Sampling – Mascot NSW.** Fieldwork included groundwater well development, purging and sampling.

**Historical Review – Title Search information** – Included researching and collecting historical and cancelled land titles through computer and manual searches from the Department of Lands.

**Acid Sulphate Soil Assessment – Bardwell Valley NSW** – Development areas within potential Acid Sulphate Soil regions were assessed to determine the presence, absence or extent of potential or actual Acid Sulphate Soils. Duties included site surveys, soil sampling, chemical testing of soils, preparation of borehole logs, liaising with clients and regulatory authorities and report generation

**Acid Sulphate Soil Assessment – Earlwood NSW** – Development areas within potential Acid Sulphate Soil regions were assessed to determine the presence, absence or extent of potential or actual Acid Sulphate Soils. Duties included site surveys, soil sampling, chemical testing of soils, preparation of borehole logs, liaising with clients and regulatory authorities and report generation

**Acid Sulphate Soil Assessment – Banksmeadow NSW** – Development areas within potential Acid Sulphate Soil regions were assessed to determine the presence, absence or extent of potential or actual Acid Sulphate Soils. Duties included site surveys, soil sampling, chemical testing of soils, preparation of borehole logs, liaising with clients and regulatory authorities and report generation

***Hazardous Materials Assessment – Bondi*** - Duties included hazardous materials assessments in commercial properties. Duties included surveying buildings for hazardous material such as asbestos (pipes, lagging, roofs, sheeting, electricity backing boards, lift brakes etc), lead and other substances known to be harmful to human health and the environment. Duties included liaising with contractors and regulatory authorities, identification of hazardous materials, sampling of potential hazardous materials and report writing.

***Hazardous Materials Assessment – Kogarah*** - Duties included hazardous materials assessments in residential properties. Duties included surveying buildings for hazardous material such as asbestos (pipes, lagging, roofs, sheeting, electricity backing boards, lift brakes etc), lead and other substances known to be harmful to human health and the environment. Duties included liaising with contractors and regulatory authorities, identification of hazardous materials, sampling of potential hazardous materials and report writing.

***Statement of Environmental Effects – St Marys NSW*** – The purpose of this report was to show the potential impact of the change in operations on the site and on the surrounding environment. Duties included; liaising with contractors and regulatory authorities, identification of production process and proposed development, identification of environmental issues, identification of legal issues, report writing, and a preliminary hazard analysis.

***Preliminary Environmental Site Assessment (Phase 1) – Kogarah NSW***. Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Preliminary Environmental Site Assessment (Phase 1) – Llandilo NSW***. Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Preliminary Environmental Site Assessment (Phase 1) – Mascot NSW***. Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Targeted Environmental Site Assessment – Dianella WA***. Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of

results, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Targeted Environmental Site Assessment – Fremantle WA.*** Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of results, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Targeted Environmental Site Assessment – Kensington VIC***

Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of results, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Targeted Environmental Site Assessment – St Marys NSW***

Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of results, reporting within strict timeframes and recommendations for remedial works. Duties also included writing proposals for a number of projects.

***Environmental Site Assessment (Phase 2) – Banksmeadow NSW***

Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of results, reporting within strict timeframes and recommendations for remedial works. Remediation options and duties also included writing proposals for a number of projects.

***Environmental Site Assessment (Phase 2) – Mascot NSW***

Duties included historical searches, analysing aerial photographs liaising with authorities, identification of potential contaminants and areas of concern, sampling design, soil and groundwater sampling, preparation of borehole logs, decontamination and QA/QC procedures, analysis of results, reporting within strict timeframes and recommendations for remedial works. Remediation options and duties also included writing proposals for a number of projects.

# APPENDIX D

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**SITE PHOTOGRAPHS**



## SITE PHOTOGRAPHS

<b>Client:</b>	Opera Properties Pty Ltd
<b>Project:</b>	Preliminary Site Investigation
<b>Site Location:</b>	120 Mona Vale Road, Warriewood NSW
<b>Job No.:</b>	ES5620
<b>Photos Taken By:</b>	MS



**Photograph N° 1**



View of: Farm Shed  
Looking north  
Inspected on 18.09.2013

**Photograph N° 2**



View of: Farm Shed & Warriewood escarpment  
Looking west  
Inspected on 18.09.2013

**Photograph N° 3**



View of: Farm Shed  
Looking south  
Inspected on 18.09.2013

**Photograph N° 4**



View of: Sandstone rock outcrop  
Inspected on 18.09.2013

**Photograph N° 5**



View of: Truck and parts  
Inspected on 18.09.2013

**Photograph N° 6**



View of: Glass house  
Inspected on 18.09.2013

## SITE PHOTOGRAPHS

<b>Client:</b>	Opera Properties Pty Ltd
<b>Project:</b>	Preliminary Site Investigation
<b>Site Location:</b>	120 Mona Vale Road, Warriewood NSW
<b>Job No.:</b>	ES5620
<b>Photos Taken By:</b>	MS



**Photograph N° 1**



View of:Paddock and glass houses  
Looking south  
Inspected on 18.09.2013

**Photograph N° 2**



View of:Paddock and metal poles  
Looking north  
Inspected on 18.09.2013

**Photograph N° 3**



View of: Dam - empty portion  
Looking south  
Inspected on 18.09.2013

**Photograph N° 4**

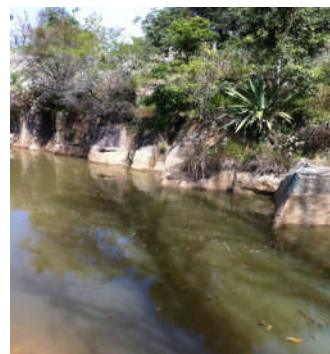


View of: Pig Pen  
Looking west  
Inspected on 18.09.2013

**Photograph N° 5**



View of:Glass houses and driveway  
Looking east  
Inspected on 18.09.2013



View of: Dam  
Inspected on 18.09.2013

# APPENDIX E

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**GROUNDWATER BORE SEARCH**



# Groundwater Works Summary

For information on the meaning of fields please see [Glossary](#)  
Document Generated on Thursday, September 19, 2013

[Print Report](#)

[Works Details](#) [Site Details](#) [Form A Licensed Construction](#) [Water Bearing Zones](#) [Drillers Log](#)

## Work Requested -- GW104417

### Works Details [\(top\)](#)

GROUNDWATER NUMBER GW104417  
 LIC-NUM 10WA108502  
 AUTHORISED-PURPOSES DOMESTIC STOCK  
 INTENDED-PURPOSES DOMESTIC STOCK  
 WORK-TYPE Bore  
 WORK-STATUS Supply Obtained  
 CONSTRUCTION-METHOD Rotary  
 OWNER-TYPE Private  
 COMMENCE-DATE  
 COMPLETION-DATE 1982-08-23  
 FINAL-DEPTH (metres) 180.00  
 DRILLED-DEPTH (metres) 180.00  
 CONTRACTOR-NAME  
 DRILLER-NAME  
 PROPERTY N/A  
 GWMA -  
 GW-ZONE -  
 STANDING-WATER-LEVEL 33.00  
 SALINITY 134.00  
 YIELD 0.20

### Site Details [\(top\)](#)

REGION 10 - SYDNEY SOUTH COAST  
 RIVER-BASIN  
 AREA-DISTRICT  
 CMA-MAP  
 GRID-ZONE  
 SCALE  
 ELEVATION  
 ELEVATION-SOURCE  
 NORTHING 6272609.00  
 EASTING 340101.00  
 LATITUDE 33 40' 28"  
 LONGITUDE 151 16' 31"  
 GS-MAP



AMG-ZONE 56  
 COORD-SOURCE Map Interpretation  
 REMARK

**Form-A (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP LT 8 DP 30325

**Licensed (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP 8 30325

**Construction (top)**

Negative depths indicate Above Ground Level;H-Hole;P-Pipe;OD-Outside Diameter;  
 ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity

HOLE- NO	PIPE- NO	COMPONENT- CODE	COMPONENT- TYPE	DEPTH- FROM (metres)	DEPTH- TO (metres)	OD (mm)	ID (mm)	INTERVAL	DETAIL
1		Hole	Hole	0.00	5.50	210			Down Hole Hammer
1		Hole	Hole	5.50	180.00	159			Down Hole Hammer
1	1	Casing	Steel	-0.50	5.50	168.3	158.7		C: -.1-5.5m; Driven into Hole
1	1	Casing	PVC Class 9	-0.50	47.50	140			Screwed and Glued; Suspended in Clamps

**Water Bearing Zones (top)**

FROM- DEPTH (metres)	TO- DEPTH (metres)	THICKNESS (metres)	ROCK- CAT- DESC	S-W- L	D- D- L	YIELD	TEST- HOLE- DEPTH (metres)	DURATION	SALINITY
45.00	48.00	3.00				0.10	48.00	0.25	134.00
67.00	70.00	3.00				0.20	72.00	0.25	134.00
71.50	72.50	1.00				0.30	78.00	0.25	134.00
133.00	135.00	2.00		33.00		0.20	138.00	0.25	134.00

**Drillers Log (top)**

FROM	TO	THICKNESS	DESC	GEO-MATERIAL	COMMENT
0.00	1.00	1.00	TOPSOIL		
1.00	10.00	9.00	SANDSTONE LIGHT BROWN		

10.00	14.00	4.00	SHALE
14.00	32.00	18.00	SANDSTONE LIGHT BROWN
32.00	32.50	0.50	CLAY WHITE
32.50	35.00	2.50	SANDSTONE WHITE
35.00	35.50	0.50	CLAY
35.50	39.00	3.50	SANDSTONE WHITE
39.00	44.70	5.70	SANDSTONE GREY
44.70	45.00	0.30	CLAY WHITE
45.00	48.00	3.00	SANDSTONE QUARTZ
48.00	67.00	19.00	SANDSTONE GREY
67.00	70.00	3.00	SANDSTONE QUARTZ
70.00	71.50	1.50	SANDSTONE GREY
71.50	72.50	1.00	IRONSTONE QUARTZ
72.50	74.00	1.50	SANDSTONE QUARTZ
74.00	75.50	1.50	SANDSTONE QUARTZ FRACTURED
75.50	95.00	19.50	SANDSTONE GREY
95.00	95.30	0.30	CLAY WHITE
95.30	111.00	15.70	SANDSTONE GREY
111.00	112.00	1.00	SANDSTONE DARK GREY
112.00	133.00	21.00	SANDSTONE GREY
133.00	135.00	2.00	SANDSTONE D/G FRACTURED
135.00	180.00	45.00	SANDSTONE GREY

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# Groundwater Works Summary

For information on the meaning of fields please see [Glossary](#)  
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[Print Report](#)

[Works Details](#) [Site Details](#) [Form A Licensed Construction](#) [Water Bearing Zones](#) [Drillers Log](#)

## Work Requested -- GW055934

### Works Details [\(top\)](#)

GROUNDWATER NUMBER GW055934  
 LIC-NUM 10WA108189  
 AUTHORISED-PURPOSES DOMESTIC  
 INTENDED-PURPOSES DOMESTIC  
 WORK-TYPE Bore open thru rock  
 WORK-STATUS (Unknown)  
 CONSTRUCTION-METHOD Cable Tool  
 OWNER-TYPE Private  
 COMMENCE-DATE  
 COMPLETION-DATE 1981-12-01  
 FINAL-DEPTH (metres) 60.00  
 DRILLED-DEPTH (metres) 60.00  
 CONTRACTOR-NAME  
 DRILLER-NAME  
 PROPERTY N/A  
 GWMA -  
 GW-ZONE -  
 STANDING-WATER-LEVEL  
 SALINITY  
 YIELD

### Site Details [\(top\)](#)

REGION 10 - SYDNEY SOUTH COAST  
 RIVER-BASIN 213 - SYDNEY COAST - GEORGES RIVER  
 AREA-DISTRICT  
 CMA-MAP 9130-1S  
 GRID-ZONE 56/1  
 SCALE 1:25,000  
 ELEVATION  
 ELEVATION-SOURCE (Unknown)  
 NORTHING 6272692.00  
 EASTING 340320.00  
 LATITUDE 33 40' 25"  
 LONGITUDE 151 16' 39"  
 GS-MAP 0055B3

AMG-ZONE 56  
 COORD-SOURCE  
 REMARK

**Form-A (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP L16 (87)

**Licensed (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP L16 (P+ Port 87)

**Construction (top)**

Negative depths indicate Above Ground Level;H-Hole;P-Pipe;OD-Outside Diameter;  
 ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity

HOLE- NO	PIPE- NO	COMPONENT- CODE	COMPONENT- TYPE	DEPTH- FROM (metres)	DEPTH- TO (metres)	OD (mm)	ID (mm)	INTERVAL	DETAIL
1	1	Casing	Threaded Steel	0.00	3.00	200			Suspended in Clamps

**Water Bearing Zones (top)**

FROM- DEPTH (metres)	TO- DEPTH (metres)	THICKNESS (metres)	ROCK-CAT- DESC	S- W-L	D- D- L	YIELD	TEST- HOLE- DEPTH (metres)	DURATION	SALINITY
15.00	60.00	45.00	Consolidated	6.00		0.18			Good

**Drillers Log (top)**

FROM	TO	THICKNESS	DESC	GEO-MATERIAL	COMMENT
0.00	34.00	34.00	Sandstone	Water Supply	
0.00	34.00	34.00	Clay Seams	Water Supply	
34.00	60.00	26.00	Sandstone	White Water Supply	

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# Groundwater Works Summary

For information on the meaning of fields please see [Glossary](#)  
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[Print Report](#)

[Works Details](#) [Site Details](#) [Form A Licensed Construction](#) [Water Bearing Zones](#) [Drillers Log](#)

## Work Requested -- GW108676

### Works Details [\(top\)](#)

GROUNDWATER NUMBER GW108676  
 LIC-NUM 10WA109179  
 AUTHORISED-PURPOSES DOMESTIC  
 INTENDED-PURPOSES DOMESTIC  
 WORK-TYPE Spear  
 WORK-STATUS Abandoned Bore  
 CONSTRUCTION-METHOD Down Hole Hammer  
 OWNER-TYPE Private  
 COMMENCE-DATE  
 COMPLETION-DATE 2007-03-01  
 FINAL-DEPTH (metres) 120.00  
 DRILLED-DEPTH (metres) 120.00  
 CONTRACTOR-NAME  
 DRILLER-NAME  
 PROPERTY CONGAGLEN  
 GWMA -  
 GW-ZONE -  
 STANDING-WATER-LEVEL  
 SALINITY  
 YIELD

### Site Details [\(top\)](#)

REGION 10 - SYDNEY SOUTH COAST  
 RIVER-BASIN  
 AREA-DISTRICT  
 CMA-MAP  
 GRID-ZONE  
 SCALE  
 ELEVATION  
 ELEVATION-SOURCE  
 NORTHING 6272803.00  
 EASTING 340538.00  
 LATITUDE 33 40' 22"  
 LONGITUDE 151 16' 48"  
 GS-MAP

AMG-ZONE 56  
 COORD-SOURCE GIS - Geographic Information System  
 REMARK

**Form-A (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP 2//579095

**Licensed (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP 2 579095

**Construction (top)**

Negative depths indicate Above Ground Level;H-Hole;P-Pipe;OD-Outside Diameter;  
 ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity

HOLE- NO	PIPE- NO	COMPONENT- CODE	COMPONENT- TYPE	DEPTH- FROM (metres)	DEPTH- TO (metres)	OD (mm)	ID (mm)	INTERVAL	DETAIL
1		Hole	Hole	0.00	120.00	200			Down Hole Hammer

**Water Bearing Zones (top)**

no details

**Drillers Log (top)**

FROM	TO	THICKNESS	DESC	GEO-MATERIAL COMMENT
0.00	24.00	24.00	sandstone, pink orange	
24.00	72.00	48.00	sandstone, fine grey	
72.00	84.00	12.00	shale	
84.00	114.00	30.00	sandstone, fine grey	
114.00	120.00	6.00	shale	

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# Groundwater Works Summary

For information on the meaning of fields please see [Glossary](#)  
Document Generated on Thursday, September 19, 2013

[Print Report](#)

[Works Details](#) [Site Details](#) [Form A](#) [Licensed](#) [Construction](#) [Water Bearing Zones](#) [Drillers Log](#)

## Work Requested -- GW105648

### Works Details [\(top\)](#)

GROUNDWATER NUMBER GW105648  
 LIC-NUM 10WA108653  
 AUTHORISED-PURPOSES DOMESTIC STOCK  
 INTENDED-PURPOSES DOMESTIC STOCK  
 WORK-TYPE Bore  
 WORK-STATUS Supply Obtained  
 CONSTRUCTION-METHOD Down Hole Hammer  
 OWNER-TYPE Private  
 COMMENCE-DATE  
 COMPLETION-DATE 2004-02-03  
 FINAL-DEPTH (metres) 120.50  
 DRILLED-DEPTH (metres) 120.50  
 CONTRACTOR-NAME  
 DRILLER-NAME  
 PROPERTY CREA  
 GWMA -  
 GW-ZONE -  
 STANDING-WATER-LEVEL 31.00  
 SALINITY 391.00  
 YIELD 0.70

### Site Details [\(top\)](#)

REGION 10 - SYDNEY SOUTH COAST  
 RIVER-BASIN 212 - HAWKESBURY RIVER  
 AREA-DISTRICT  
 CMA-MAP 9130-1S  
 GRID-ZONE 56/1  
 SCALE 1:25,000  
 ELEVATION  
 ELEVATION-SOURCE (Unknown)  
 NORTHING 6272531.00  
 EASTING 340714.00  
 LATITUDE 33 40' 31"  
 LONGITUDE 151 16' 54"  
 GS-MAP



AMG-ZONE 56  
 COORD-SOURCE GIS - Geographic Information System  
 REMARK

**Form-A (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP A//372094

**Licensed (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP A 372094

**Construction (top)**

Negative depths indicate Above Ground Level;H-Hole;P-Pipe;OD-Outside Diameter;  
 ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity

HOLE- NO	PIPE- NO	COMPONENT- CODE	COMPONENT- TYPE	DEPTH- FROM (metres)	DEPTH- TO (metres)	OD (mm)	ID (mm)	INTERVAL	DETAIL
1		Hole	Hole	0.00	5.60	205			Down Hole Hammer
1		Hole	Hole	5.60	120.50	158			Down Hole Hammer
1	1	Casing	Steel	-0.40	5.60	168.3	158.7		Cemented; Driven into Hole; Open End
1	1	Casing	PVC Class 9	-0.40	53.60	140			Screwed and Glued; Driven into Hole; Open End
1	1	Opening	Slots - Diagonal	23.50	29.50	140			PVC Class 9; SL: .1mm; A: 4mm; Screwed and Glued
1	1	Opening	Slots - Diagonal	41.50	47.50	140			PVC Class 9; SL: .01mm; A: 4mm
1		Annulus	Concrete	0.00	5.60	205	168		

**Water Bearing Zones (top)**

FROM- DEPTH (metres)	TO- DEPTH (metres)	THICKNESS (metres)	ROCK- CAT- DESC	S-W- L	D- D- L	YIELD	TEST- HOLE- DEPTH (metres)	DURATION	SALINITY
----------------------------	--------------------------	-----------------------	-----------------------	-----------	---------------	-------	-------------------------------------	----------	----------

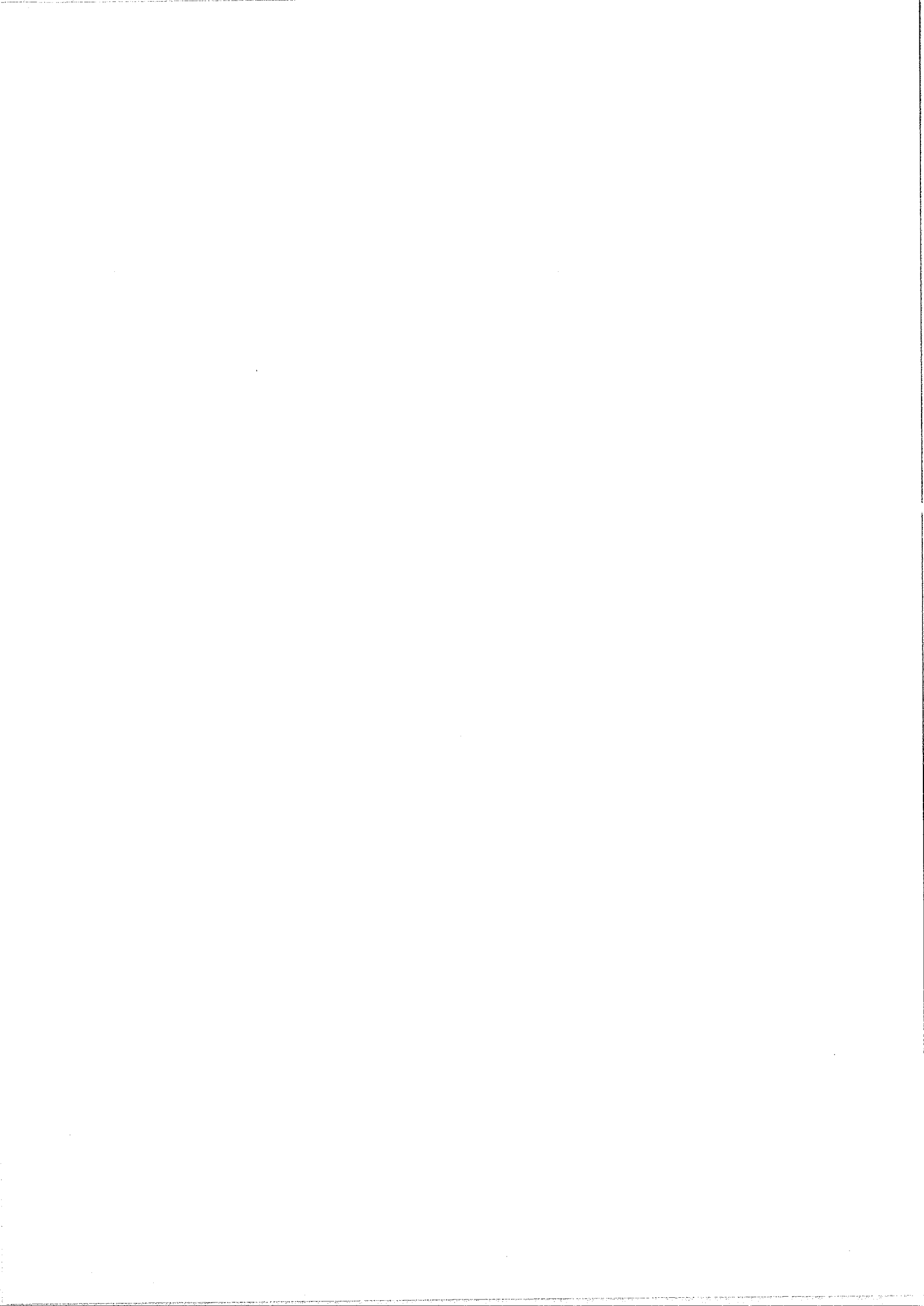
25.80	26.10	0.30		0.01	207.00
44.50	45.20	0.70		0.03	347.00
113.50	113.60	0.10	31.00	0.03	451.00

**Drillers Log (top)**

FROM	TO	THICKNESS	DESC	GEO-MATERIAL	COMMENT
0.00	15.50	15.50	sandstone, brown grey		
15.50	25.80	10.30	sandstone, grey & i/s bands		
25.80	26.10	0.30	quartz, sandstone, grey		
26.10	34.00	7.90	sandstone, grey		
34.00	34.50	0.50	clay, dark grey		
34.50	36.50	2.00	shale		
36.50	45.20	8.70	sandstone, lt brown and quartz		
45.20	47.50	2.30	quartz		
47.50	48.30	0.80	clay, dark grey		
48.30	69.00	20.70	sandstone, grey		
69.00	93.50	24.50	sandstone, grey and siltstone		
93.50	101.20	7.70	siltstone		
101.20	113.50	12.30	sandstone, grey		
113.50	113.60	0.10	siltstone		
113.60	120.50	6.90	sandstone, grey & siltstone		

---

**Warning To Clients:** This raw data has been supplied to the Department of Infrastructure, Planning and Natural Resources (DIPNR) by drillers, licensees and other sources. The DIPNR does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.



# Groundwater Works Summary

For information on the meaning of fields please see [Glossary](#)  
 Document Generated on Thursday, September 19, 2013

[Print Report](#)

[Works Details](#) [Site Details](#) [Form A Licensed Construction](#) [Water Bearing Zones](#) [Drillers Log](#)

## Work Requested -- GW108132

### Works Details [\(top\)](#)

GROUNDWATER NUMBER GW108132  
 LIC-NUM 10WA109479  
 AUTHORISED-PURPOSES RECREATION (GROUNDWATER)  
 INTENDED-PURPOSES RECREATION (GROUNDWATER)  
 WORK-TYPE Bore  
 WORK-STATUS  
 CONSTRUCTION-METHOD Rotary  
 OWNER-TYPE  
 COMMENCE-DATE  
 COMPLETION-DATE 2004-11-26  
 FINAL-DEPTH (metres) 210.00  
 DRILLED-DEPTH (metres) 210.00  
 CONTRACTOR-NAME  
 DRILLER-NAME  
 PROPERTY PITTWATER RSL  
 GWMA -  
 GW-ZONE -  
 STANDING-WATER-LEVEL 17.50  
 SALINITY 348.00  
 YIELD 0.20

### Site Details [\(top\)](#)

REGION 10 - SYDNEY SOUTH COAST  
 RIVER-BASIN  
 AREA-DISTRICT  
 CMA-MAP  
 GRID-ZONE  
 SCALE  
 ELEVATION  
 ELEVATION-SOURCE  
 NORTHING 6272288.00  
 EASTING 341703.00  
 LATITUDE 33 40' 39"  
 LONGITUDE 151 17' 33"  
 GS-MAP

AMG-ZONE 56  
 COORD-SOURCE  
 REMARK

**Form-A (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP 120 135512

**Licensed (top)**

COUNTY CUMBERLAND  
 PARISH NARRABEEN  
 PORTION-LOT-DP 120 135512

**Construction (top)**

Negative depths indicate Above Ground Level;H-Hole;P-Pipe;OD-Outside Diameter;  
 ID-Inside Diameter;C-Cemented;SL-Slot Length;A-Aperture;GS-Grain Size;Q-Quantity

HOLE- NO	PIPE- NO	COMPONENT- CODE	COMPONENT- TYPE	DEPTH- FROM (metres)	DEPTH- TO (metres)	OD (mm)	ID (mm)	INTERVAL	DETAIL
1		Hole	Hole	0.00	11.50	208			Down Hole Hammer
1		Hole	Hole	11.50	150.00	158			Down Hole Hammer
1		Hole	Hole	150.00	210.00	154			Down Hole Hammer
1	1	Casing	Steel	-0.30	11.70	154			C: -,1-11.7m; Welded; Driven into Hole
1	1	Casing	PVC Class 9	-0.30	35.70	140			Screwed and Glued; Suspended in Clamps

**Water Bearing Zones (top)**

FROM- DEPTH (metres)	TO- DEPTH (metres)	THICKNESS (metres)	ROCK- CAT- DESC	S-W- L	D- D- L	YIELD	TEST- HOLE- DEPTH (metres)	DURATION	SALINITY
54.50	57.50	3.00				0.30	60.00	0.25	330.00
132.50	136.00	3.50				0.20	150.00	0.25	340.00
173.00	175.00	2.00		17.50		0.20	180.00	0.25	348.00

**Drillers Log (top)**

FROM TO	THICKNESS	DESC	GEO-MATERIAL	COMMENT
---------	-----------	------	--------------	---------

0.00	7.00	7.00	CLAY
7.00	11.00	4.00	IRONSTONE/SANDSTONE/CLAY BANDS
11.00	12.00	1.00	SANDSTONE,CLAY BANDS
12.00	15.00	3.00	CLAYSTONE
15.00	29.00	14.00	SHALE D/ GREY
29.00	33.50	4.50	SANDSTONE BROWN
33.50	54.50	21.00	SANDSTONE D/GREY
54.50	57.50	3.00	SHALE D/ GREY
57.50	58.00	0.50	SHALE RED
58.00	70.00	12.00	SHALE D/ GREY
70.00	77.00	7.00	SHALE RED
77.00	82.00	5.00	SHALE GREY
82.00	88.00	6.00	SHALE L/GREEN
88.00	93.00	5.00	SHALE D/GREEN
93.00	100.00	7.00	SHALE RED
100.00	115.00	15.00	SHALE D/ GREY,RED BANDS
115.00	121.00	6.00	SANDSTONE,F/GRAIN,GREY
121.00	132.50	11.50	SHALE D/ GREY
132.50	136.00	3.50	SANDSTONE,F/GRAIN,GREY
136.00	141.00	5.00	SHALE D/ GREY
141.00	152.00	11.00	SANDSTONE,F/GRAIN,GREY
152.00	173.00	21.00	SHALE D/ GREY
173.00	175.00	2.00	SANDSTONE GREY
175.00	190.00	15.00	SHALE D/ GREY
190.00	193.50	3.50	SANDSTONE GREY
193.50	210.00	16.50	SHALE RED

---

**Warning To Clients:** This raw data has been supplied to the Department of Infrastructure, Planning and Natural Resources (DIPNR) by drillers, licensees and other sources. The DIPNR does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.



# APPENDIX F

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**LAND TITLE INFORMATION**







# TITLE SEARCH

Computer Folio Certificate issued under Section 96D of the Real Property Act 1900

No. 78

Search certified to:

20/9/2013 10:55 AM

COMPUTER FOLIO REFERENCE	
AUTO CONSOL 6628-234	
EDITION No. & DATE OF CURRENT CERTIFICATE OF TITLE	
4	19/1/2011

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS

LOCAL GOVERNMENT AREA PITTWATER

PARISH OF NARRABEEN COUNTY OF CUMBERLAND

TITLE DIAGRAM DP124602

FIRST SCHEDULE

OPERA PROPERTIES PTY LIMITED

(T AD358543)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS WITHIN LOTS 3 & 4 - SEE CROWN GRANT
- 3 AG8181 MORTGAGE TO ING BANK (AUSTRALIA) LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 3-5 IN DP124602.

\*\*\* END OF SEARCH \*\*\*

The Registrar General certifies that at the date and time specified above the person(s) described in the First Schedule was the registered proprietor of an estate in fee simple (or other such estate or interest set out in the Schedule) in the land described, subject to any exceptions, encumbrances, interests, and entries which appear in the Second Schedule.

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 80

Search certified to: 20/9/2013 11:15AM

Computer Folio Reference: 3/124602

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 6628 FOL 234

Recorded	Number	Type of Instrument	C.T. Issue
12/9/1994	DP124602	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
16/9/1994		AMENDMENT: PARISH-COUNTY	
16/9/1994		CONVERTED TO AUTO CONSOL 6628-234	CONSOL CREATED CT NOT ISSUED

\*\*\* END OF SEARCH \*\*\*





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 80

Search certified to: 20/9/2013 11:15AM

Computer Folio Reference: 4/124602

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 6628 FOL 234

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
12/9/1994	DP124602	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
16/9/1994		CONVERTED TO AUTO CONSOL 6628-234	CONSOL CREATED CT NOT ISSUED

\*\*\* END OF SEARCH \*\*\*





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 80

Search certified to: 20/9/2013 11:15AM

Computer Folio Reference: 5/124602

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 6628 FOL 234

Recorded	Number	Type of Instrument	C.T. Issue
12/9/1994	DP124602	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
16/9/1994		CONVERTED TO AUTO CONSOL 6628-234	CONSOL CREATED CT NOT ISSUED

\*\*\* END OF SEARCH \*\*\*





# TITLE SEARCH

Computer Folio Certificate issued under Section 96D of the Real Property Act 1900

No. 65

Search certified to:

20/9/2013 10:58 AM

COMPUTER FOLIO REFERENCE	
10/5055	
EDITION No. & DATE OF CURRENT CERTIFICATE OF TITLE	
4	25/10/2005

LAND

-----

LOT 10 IN DEPOSITED PLAN 5055

LOCAL GOVERNMENT AREA PITTWATER

PARISH OF NARRABEEN COUNTY OF CUMBERLAND

TITLE DIAGRAM DP5055

FIRST SCHEDULE

-----

THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (NSW) (T 2710988)

SECOND SCHEDULE (3 NOTIFICATIONS)

-----

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS BY THE CROWN GRANT OF 2 ACRES 1 ROOD 20 PERCHES
- 3 DP1045166 RIGHT OF CARRIAGEWAY 8 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1045166 AB605380 VARIATION OF EASEMENT DP1045166

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

The Registrar General certifies that at the date and time specified above the person(s) described in the First Schedule was the registered proprietor of an estate in fee simple (or other such estate or interest set out in the Schedule) in the land described, subject to any exceptions, encumbrances, interests, and entries which appear in the Second Schedule.

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G of the Real Property Act 1900

No. 68

Search certified to: 20/9/2013 11:13AM

Computer Folio Reference: 10/5055

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 2034 FOL 218

Recorded	Number	Type of Instrument	C.T. Issue
2/3/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
11/8/1993		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
13/8/1993	I542194	TRANSFER	
13/8/1993	I559477	TRANSFER	EDITION 1
30/9/1994		AMENDMENT: LOCAL GOVT AREA	
23/12/1996	2710988	TRANSFER	EDITION 2
26/9/2002	DP1045166	DEPOSITED PLAN	EDITION 3
25/10/2005	AB605380	REQUEST	EDITION 4

\*\*\* END OF SEARCH \*\*\*





# TITLE SEARCH

Computer Folio Certificate Issued under Section 96D of the Real Property Act 1900

No. 30

Search certified to:

20/9/2013 10:59 AM

COMPUTER FOLIO REFERENCE	
1/383009	
EDITION No. & DATE OF CURRENT CERTIFICATE OF TITLE	
3	19/1/2011

LAND

LOT 1 IN DEPOSITED PLAN 383009

LOCAL GOVERNMENT AREA PITTWATER

PARISH OF NARRABEEN COUNTY OF CUMBERLAND

TITLE DIAGRAM DP383009

FIRST SCHEDULE

OPERA PROPERTIES PTY LIMITED

(T AD358543)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AG8181 MORTGAGE TO ING BANK (AUSTRALIA) LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

The Registrar General certifies that at the date and time specified above the person(s) described in the First Schedule was the registered proprietor of an estate in fee simple (or other such estate or interest set out in the Schedule) in the land described, subject to any exceptions, encumbrances, interests, and entries which appear in the Second Schedule.

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# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 67

Search certified to: 20/9/2013 11:14AM

Computer Folio Reference: 1/383009

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 6704 FOL 199

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
5/11/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
1/2/1993		CONVERTED TO AUTO CONSOL 6704-199	CONSOL CREATED CT NOT ISSUED
3/9/2003	9935977	EXCISED FROM AUTO CONSOL 6704-199	
3/9/2003	9849122	REQUEST	EDITION 1
22/8/2007	AD358543	TRANSFER	
22/8/2007	AD358544	MORTGAGE	EDITION 2
19/1/2011	AG8180	DISCHARGE OF MORTGAGE	
19/1/2011	AG8181	MORTGAGE	EDITION 3

\*\*\* END OF SEARCH \*\*\*







# TITLE SEARCH

Computer Folio Certificate issued under Section 96D of the Real Property Act 1900

No. 64

Search certified to:

20/9/2013 10:58 AM

COMPUTER FOLIO REFERENCE	
2/816070	
EDITION No. & DATE OF CURRENT CERTIFICATE OF TITLE	
6	7/8/2009

LAND

-----

LOT 2 IN DEPOSITED PLAN 816070  
 AT WARRIEWOOD  
 LOCAL GOVERNMENT AREA PITTWATER  
 PARISH OF NARRABEEN COUNTY OF CUMBERLAND  
 TITLE DIAGRAM DP816070

FIRST SCHEDULE

-----

PLANET WARRIEWOOD PTY LIMITED (T AE888223)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 
- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
  - 2 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:  
 DP816070 -EASEMENT TO DRAIN WATER 2 WIDE  
 DP816070 -EASEMENT FOR SERVICES 1.4 WIDE AND VARIABLE
  - 3 E491975 EASEMENT FOR SERVICES APPURTENANT TO THE LAND ABOVE  
 DESCRIBED AFFECTING THE PART SHOWN 1.6 WIDE AND  
 VARIABLE WIDTH IN PLAN WITH E491975
  - 4 AE888224 MORTGAGE TO ING BANK (AUSTRALIA) LIMITED

NOTATIONS

-----  
UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

The Registrar General certifies that at the date and time specified above the person(s) described in the First Schedule was the registered proprietor of an estate in fee simple (or other such estate or interest set out in the Schedule) in the land described, subject to any exceptions, encumbrances, interests, and entries which appear in the Second Schedule.

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 79

Search certified to: 20/9/2013 11:12AM

Computer Folio Reference: 2/816070

Page 1

First Title(s): OLD SYSTEM

Prior Title(s): A/361070

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
2/4/1992	DP816070	DEPOSITED PLAN	FOLIO CREATED EDITION 1
10/4/1992	E384028	CAVEAT	
29/4/1992	E418602	DEPARTMENTAL DEALING	
15/6/1992	E491974	DISCHARGE OF MORTGAGE	
15/6/1992	E491975	TRANSFER	
15/6/1992	E491976	MORTGAGE	EDITION 2
20/11/1992	E916461	DISCHARGE OF MORTGAGE	
20/11/1992	E916462	CHANGE OF NAME	
20/11/1992	E916463	MORTGAGE	EDITION 3
22/9/1994		AMENDMENT: LOCAL GOVT AREA	
22/8/1995	O474027	DISCHARGE OF MORTGAGE	
22/8/1995	O474028	TRANSFER	
22/8/1995	O474029	MORTGAGE	EDITION 4
4/9/1996	2433965	DISCHARGE OF MORTGAGE	
4/9/1996	2433966	MORTGAGE	EDITION 5
7/8/2009	AE888222	DISCHARGE OF MORTGAGE	
7/8/2009	AE888223	TRANSFER	
7/8/2009	AE888224	MORTGAGE	EDITION 6

END OF PAGE 1 - CONTINUED OVER

doccop4

PRINTED ON 20/9/2013

79

The Registrar General certifies that at the date and time specified above the information set out in this search constitutes the historical record of all dealings recorded in or action taken in respect of the mentioned title which is required to be kept by the Registrar General under section 32(7) of the Real Property Act 1900.



Registrar General



# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 79

Search certified to: 20/9/2013 11:12AM

Computer Folio Reference: 2/816070

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
		*** END OF SEARCH ***	





# HISTORICAL TITLE SEARCH

Certificate issued under Section 96G  
of the Real Property Act 1900

No. 69

Search certified to: 20/9/2013 11:36AM

Computer Folio Reference: A/361070

Page 1

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 13893 FOL 234

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
29/7/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
19/9/1989		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
2/4/1992	DP816070	DEPOSITED PLAN	FOLIO CANCELLED
28/8/1997		AMENDMENT: LOCAL GOVT AREA	
17/8/1999	6100893	DEPARTMENTAL DEALING	

\*\*\* END OF SEARCH \*\*\*

doccop4

PRINTED ON 20/9/2013

69

The Registrar General certifies that at the date and time specified above the information set out in this search constitutes the historical record of all dealings recorded in or action taken in respect of the mentioned title which is required to be kept by the Registrar General under section 32(7) of the Real Property Act 1900.



NEW SOUTH WALES



# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



13893

Vol. 13893 Fol. 234

Appln No 14106

Prior Title Vol. 5957 Fol. 214



EDITION ISSUED

12 7 1979

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

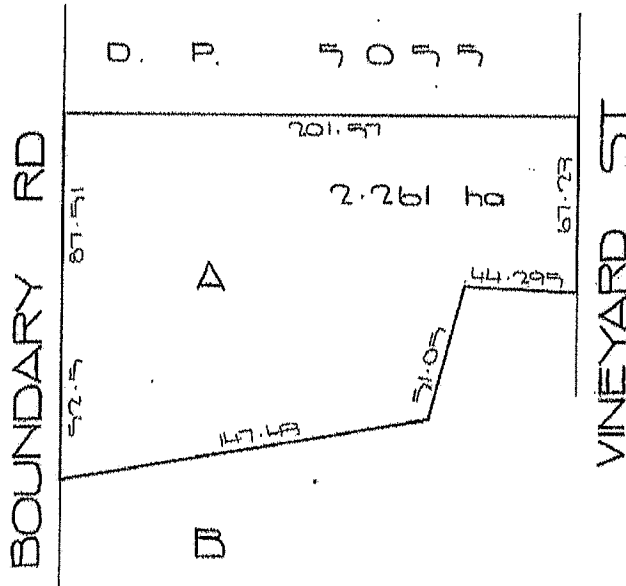
*[Signature]*

Registrar General.



## PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

(Page 1) Vol. 13893 Fol. 234

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE

R172763 *[initials]*

REDUCTION RATIO 1 : 2000

### ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot A in Deposited Plan 361070 in the Shire of Warringah Parish of Narrabeen County of Cumberland being part of Portions 3 and 5 separately granted to Thomas Collins on 4-7-1859.

### FIRST SCHEDULE

CORNELIS CAMILLE SNOEYS, Engineer, ANNIE VALENTINA SNOEYS, Housewife and FRANK HENRY EDWARD SNOEYS, Beach Inspector all of Elanora Heights, as Tenants in Common in equal shares.

### SECOND SCHEDULE

*CARY*

1. Reservations and conditions, if any, contained in the Crown Grants above referred to.

R172164

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NUMBER		REGISTERED	Signature of Registrar General
	NATURE	NUMBER		

SECOND SCHEDULE (continued)

PARTICULARS	REGISTERED	Signature of Registrar General	CANCELLATION
<p>Mortgages</p> <p>R172164 to Australia and New Zealand Banking Group Limited</p> <p><b>CANCELLED</b></p> <p>SEE AUTO FOLIO</p>	17-8-1979		

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

# APPENDIX G

---

**NSW EPA RECORDS**





Healthy Environment, Healthy Community, Healthy Business

You are here: [Home](#) > [Contaminated land](#) > [Record of notices](#)

## Search results

Your search for:LGA: Pittwater Council

Matched 3 notices  
relating to 8 sites.

[Search Again](#)

[Refine Search](#)

Suburb	Address	Site Name	Notices related to this site
Mona Vale	79 Barrenjoey Road	Caltex Service Station, Mona Vale	3 former
Mona Vale	4, 10-14 Polo Avenue	<a href="#">Investigation Area Adj to Caltex Service Station</a>	1 former
Mona Vale	3-9 Perak Street	<a href="#">Investigation Area Adj to Caltex Service Station</a>	1 former
Mona Vale	51 Bassett Street	<a href="#">Investigation Area Adj to Caltex Service Station</a>	1 former
Mona Vale	58 Darley Street	<a href="#">Investigation Area Adj to Caltex Service Station</a>	1 former
Mona Vale	6 Polo Avenue	<a href="#">Remediation Area Adj to Caltex Service Station</a>	3 former
Mona Vale	75 Barrenjoey Road	<a href="#">Remediation Area Adj to Caltex Service Station</a>	3 former
Mona Vale	45 Bassett Street	<a href="#">Remediation Area Adj to Caltex Service Station</a>	3 former

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19 September 2013

NSW Environment Protection /



# APPENDIX H

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## SECTION 149 CERTIFICATES



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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0581  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 80511

**Your Reference:**

**Address of Property:** 4 BOUNDARY STREET  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 2 DP 816070

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(b) (NON-URBAN "B")**

##### **1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

##### **2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

##### **3. Prohibited**

Bulk stores; car repair stations; clubs; commercial premises (other than animal boarding or training establishments or riding schools); dwelling-houses; group buildings; heliports; industries (other than rural industries or home industries); junk yards; mines; motor showrooms; recreation areas; recreation establishments; residential flat buildings; service stations; shops; warehouses.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

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Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

#### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

#### **6. Model Provisions**

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"), except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and

- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,

are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:
  - (i) land below high water mark;
  - (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
  - (iii) any reclaimed or accreted landother than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.
- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

#### 12. **Subdivision in non-urban zones**

(1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.

(2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.

(3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

<b>TABLE</b>	
<b>Column I</b>	<b>Column II</b>
<i>Zone</i>	<i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

**17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)**

(1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.

(2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-

- (a) was created by a subdivision which was not prohibited under clause 12;
- (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;
- (c) was otherwise lawfully created before the commencement of this clause;
- (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
- (e) is not land to which clause 13 or 14 applies.

(3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.

(4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.



(5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.

(6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.

(7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

(1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).

(2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:

- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
- (b) erect an attached dwelling on an allotment,

but only if there are not more than 2 dwellings on the allotment after the development has been carried out.

(3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:

- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and
- (b) a minimum of 2 car spaces per dwelling will be provided.

#### **21F. Dual occupancy subdivision**

(1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.

(2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.

(3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:

- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
- (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
- (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
- (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

#### **DIVISION 8 - Conservation**

#### **33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping,

lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

## **DIVISION 9 - Other land uses and miscellaneous**

### **39. Suspension of covenants, etc.**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.
- (2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
  - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
    - the sign is not erected on a heritage item and;
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:
    - a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
    - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
    - an awning fascia sign; or

- a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

#### **Zone RU2 Rural Landscape**

##### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

##### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

##### **4 Prohibited**

Any other development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000

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Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### **Pittwater 21 Development Control Plan**

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

#### **Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)**

**SEPP NO. 1 - Development Standards (gazetted 17.10.80)**

**SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)**

**SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)**

**SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)**

**SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)**

**SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)**

**SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)**

**SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)**

**SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)**

**SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)**

**SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)**

**SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)**

**SEPP NO. 62 - Sustainable Aquaculture**

**SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)**

**SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)  
Amendment 2 (gazetted 4/07/2008)**

**SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)**

**SEPP - (Major Development) 2005 (gazetted 25.05.2005)**

**SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)**

**SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)**

**SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)**

**Draft SEPP NO. 66 - Integration of Land Use and Transport**

**Draft SEPP (Application of Development Standards) 2004**

**SEPP - (Affordable Rental Housing) 2009**

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**SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&A Regulations 2000  
Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&A Regulations 2000  
Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

**RURAL HOUSING CODE**

Complying development under the Rural 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.

**GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.



*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

## **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

## **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

## **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

## **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

## **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is not affected by any road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is not affected by any road widening or road realignment under Draft Pittwater Local Environmental Plan 2013.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

## **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

#### **Geotechnical Risk (Landslide Hazard)**

The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

#### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

#### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or

- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

### **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

EP&A Regulations 2000  
Schedule 4 Clause 7A

The land in question is not subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

Also, the land in question is not subject to flood related development controls for any other purpose.

### **LAND RESERVED FOR ACQUISITION**

EP&A Regulations 2000  
Schedule 4 Clause 8

This land is not affected by any provisions within Pittwater Local Environmental Plan 1993 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

#### **S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

#### **S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

### **BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

### **BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

### **BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

All the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

### **PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

### **ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

## **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

## **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

## **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

### **TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

### **COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

### **ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

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**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

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MARK FERGUSON  
General Manager



**ANNEXURE "A"**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
    - (a) a prescribed activity proposed to be carried out within the area of a council, or
    - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
  - (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
    - (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
    - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
      - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
      - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
      - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (d) any development:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
    - (d1) any development consisting of the demolition of a building or work:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d2) any development consisting of subdivision:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d3) any non-structural alterations to a building:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (e) any prohibited development, or
    - (f) (Repealed)
    - (g) any activity within the meaning of Part 5 of the Act:
      - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
      - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
  - (3) Development to which this clause applies may not be carried out except with development consent.
  - (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
  - (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
  - (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
  - (7) This clause has effect:
    - (a) despite the existing provisions of an existing EPI, and
    - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
  - (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
  - (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
  - (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
  - (10) (Repealed)
  - (11) This clause ceases to have effect on 1 July 2001.

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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0571  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 91925

**Your Reference:**

**Address of Property:** 120 MONA VALE ROAD  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 3 DP 124602

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(a) (NON-URBAN "A")**

**1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

**2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

**3. Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises (other than animal training or boarding establishments, caravan parks, veterinary clinics or riding schools); dwelling-houses; heliports; industries (other than rural industries, home industries, extractive industries or industries directly associated or connected with, or dependent upon, extractive industries); junk yards; motor showrooms; recreation establishments; residential flat buildings; shops; warehouses.

#### **ZONE No. 9(d) (ARTERIAL ROAD RESERVATION)**

**1. Without development consent**

Drainage; new arterial roads and widening of existing arterial roads.

**2. Only with development consent**

Utility installations (other than gas holders or generating works).

**3. Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or only with development consent.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development*

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*consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

## **6. Model Provisions**

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"),except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and
- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,  
  
are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:

- (i) land below high water mark;
- (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
- (iii) any reclaimed or accreted land  
other than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.
- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

## 12. Subdivision in non-urban zones

- (1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.
- (2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.
- (3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

**TABLE**

<b>Column I</b> <i>Zone</i>	<b>Column II</b> <i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

## 17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)

- (1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.
- (2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-
  - (a) was created by a subdivision which was not prohibited under clause 12;
  - (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;

- (c) was otherwise lawfully created before the commencement of this clause;
  - (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
  - (e) is not land to which clause 13 or 14 applies.
- (3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.
- (4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.
- (5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.
- (6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.
- (7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

- (1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).
- (2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:
- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
  - (b) erect an attached dwelling on an allotment,
- but only if there are not more than 2 dwellings on the allotment after the development has been carried out.
- (3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:
- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and

- (b) a minimum of 2 car spaces per dwelling will be provided.

**21F. Dual occupancy subdivision**

- (1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.
- (3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:
- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
  - (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
  - (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
  - (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

**26. Development on land within Zone No. 1(a)**

A person shall not, on any land within Zone No. 1(a), carry out development for a purpose specified in Schedule 8 if any means of vehicular or pedestrian access exists between that land and -

- (a) a main road; or
- (b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road.

**SCHEDULE 8**

(Cl.26)

Airline terminal.  
Animal boarding or training establishment.  
Bus depot.



Bus station.  
Caravan park.  
Club.  
Educational establishment.  
Hospital.  
Hotel.  
Housing for aged or disabled persons.  
Industry.  
Institution.  
Liquid fuel depot.  
Mine.  
Motel.  
Place of assembly.  
Place of public worship.  
Public building.  
Recreation area.  
Refreshment room.  
Retail plant nursery.  
Riding school.  
Road transport terminal.  
Rural industry.  
Sawmill.  
Service station.  
Stock and saleyard.  
Transport terminal.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) Deleted
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -
  - (a) the effect of the proposed development on the costs of acquisition;
  - (b) the imminence of acquisition; and
  - (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

- (a) Zone No. 9(a) or 9(c);
- (b) Zone No. 9(d); or
- (c) Zone No. 9(b),

may, by notice in writing, require -

- (d) the council;
- (e) the Roads and Traffic Authority; or
- (f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

**DIVISION 8 - Conservation**

**33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**DIVISION 9 - Other land uses and miscellaneous****39. Suspension of covenants, etc.**

(1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.

(2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.

(3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
  - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
    - the sign is not erected on a heritage item and;
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:

- a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
  - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
  - an awning fascia sign; or
  - a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

## **Zone RU2 Rural Landscape**

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental

facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Building identification signs; Business identification signs; Environmental protection works; Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### **Pittwater 21 Development Control Plan**

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

**Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)****SEPP NO. 1 - Development Standards (gazetted 17.10.80)****SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)****SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)****SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)****SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)****SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)****SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)****SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)****SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)****SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)****SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)****SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)****SEPP NO. 62 - Sustainable Aquaculture****SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)****SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)  
Amendment 2 (gazetted 4/07/2008)****SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)****SEPP - (Major Development) 2005 (gazetted 25.05.2005)****SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)****SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)****SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)****Draft SEPP NO. 66 - Integration of Land Use and Transport****Draft SEPP (Application of Development Standards) 2004****SEPP - (Affordable Rental Housing) 2009****SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&A Regulations 2000  
Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&A Regulations 2000  
Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

The land is affected by specific land exemptions:



- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **RURAL HOUSING CODE**

Complying development under the Rural Housing Code may not be carried out on the land - unless complying development is carried out on the part of the lot to which clause 1.19 of SEPP(Exempt & Complying Development Codes) 2008 does not apply.

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **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.

### **GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.

*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

### **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

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## **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

## **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

## **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

## **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is affected by road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is affected by road widening or road realignment under Draft Pittwater Local Environmental Plan 2013 for the purposes of Classified Road.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

## **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

### **Geotechnical Risk (Landslide Hazard)**

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The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or
- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

**FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**EP&A Regulations 2000  
Schedule 4 Clause 7A

The land in question is not subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

Also, the land in question is not subject to flood related development controls for any other purpose.

**LAND RESERVED FOR ACQUISITION**EP&A Regulations 2000  
Schedule 4 Clause 8

All or part of this land is affected by Pittwater Local Environmental Plan 1993 which provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)****28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

(1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.

(2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.

(3) Deleted

(4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -

- (a) the effect of the proposed development on the costs of acquisition;
- (b) the imminence of acquisition; and
- (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

(a) Zone No. 9(a) or 9(c);

(b) Zone No. 9(d); or

(c) Zone No. 9(b),

may, by notice in writing, require -

(d) the council;

(e) the Roads and Traffic Authority; or

(f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

## **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

### **S.94 Plan No. 2 - Open Space Bushland and Recreation**

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

### **S.94 Plan No. 3 - Public Library Services**

This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

### **S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

### **S.94 Plan No. 18 - Community Service Facilities**

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

### **S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

### **BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

### **BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

### **BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

All the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

### **PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

### **ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

### **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

#### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

#### **TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

#### **COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

**ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

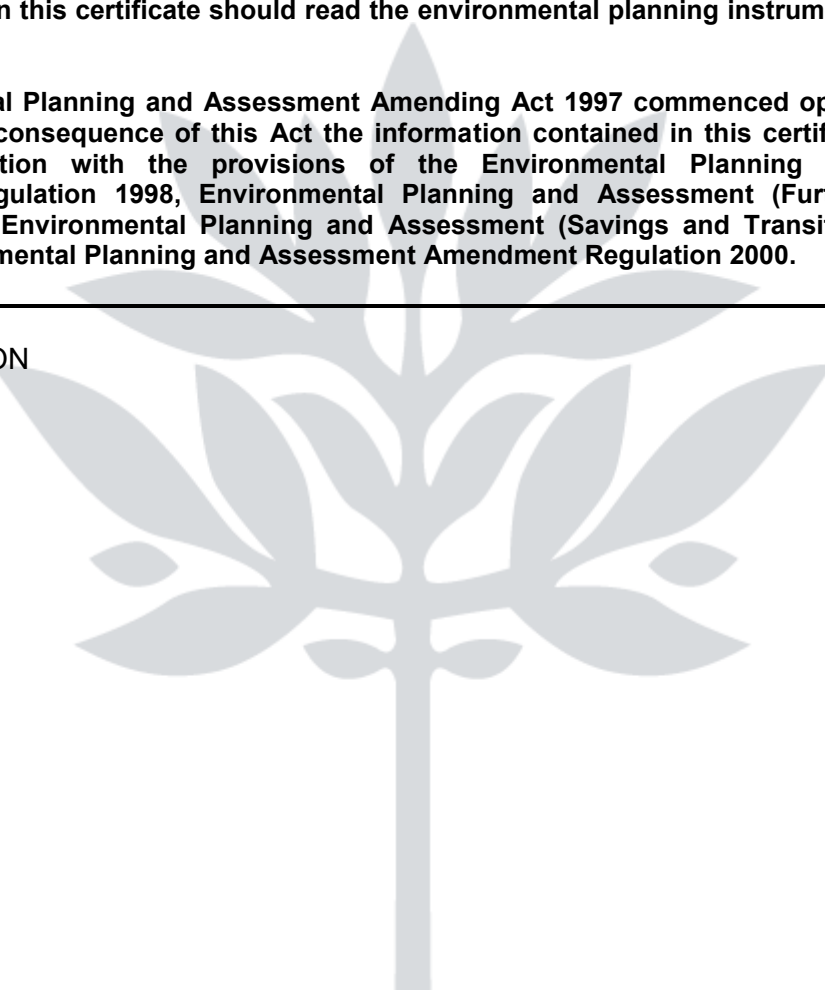
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**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

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MARK FERGUSON  
General Manager





**ANNEXURE "A"**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
    - (a) a prescribed activity proposed to be carried out within the area of a council, or
    - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
  - (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
    - (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
    - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
      - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
      - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
      - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (d) any development:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
    - (d1) any development consisting of the demolition of a building or work:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d2) any development consisting of subdivision:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d3) any non-structural alterations to a building:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (e) any prohibited development, or
    - (f) (Repealed)
    - (g) any activity within the meaning of Part 5 of the Act:
      - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
      - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
  - (3) Development to which this clause applies may not be carried out except with development consent.
  - (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
  - (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
  - (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
  - (7) This clause has effect:
    - (a) despite the existing provisions of an existing EPI, and
    - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
  - (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
  - (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
  - (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
  - (10) (Repealed)
  - (11) This clause ceases to have effect on 1 July 2001.

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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0572  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 91925

**Your Reference:**

**Address of Property:** 120 MONA VALE ROAD  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 4 DP 124602

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(a) (NON-URBAN "A")**

**1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

**2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

**3. Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises (other than animal training or boarding establishments, caravan parks, veterinary clinics or riding schools); dwelling-houses; heliports; industries (other than rural industries, home industries, extractive industries or industries directly associated or connected with, or dependent upon, extractive industries); junk yards; motor showrooms; recreation establishments; residential flat buildings; shops; warehouses.

#### **ZONE No. 9(d) (ARTERIAL ROAD RESERVATION)**

**1. Without development consent**

Drainage; new arterial roads and widening of existing arterial roads.

**2. Only with development consent**

Utility installations (other than gas holders or generating works).

**3. Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or only with development consent.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development*

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*consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

## **6. Model Provisions**

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"),except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and
- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,  
  
are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:

- (i) land below high water mark;
- (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
- (iii) any reclaimed or accreted land

other than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.

- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

## 12. Subdivision in non-urban zones

(1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.

(2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.

(3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

**TABLE**

<b>Column I</b> <i>Zone</i>	<b>Column II</b> <i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

## 17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)

(1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.

(2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-

- (a) was created by a subdivision which was not prohibited under clause 12;
- (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;



- (c) was otherwise lawfully created before the commencement of this clause;
  - (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
  - (e) is not land to which clause 13 or 14 applies.
- (3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.
- (4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.
- (5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.
- (6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.
- (7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

- (1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).
- (2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:
- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
  - (b) erect an attached dwelling on an allotment,
- but only if there are not more than 2 dwellings on the allotment after the development has been carried out.
- (3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:
- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and

- (b) a minimum of 2 car spaces per dwelling will be provided.

**21F. Dual occupancy subdivision**

- (1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.
- (3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:
- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
  - (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
  - (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
  - (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

**26. Development on land within Zone No. 1(a)**

A person shall not, on any land within Zone No. 1(a), carry out development for a purpose specified in Schedule 8 if any means of vehicular or pedestrian access exists between that land and -

- (a) a main road; or
- (b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road.

**SCHEDULE 8**

(Cl.26)

Airline terminal.  
Animal boarding or training establishment.  
Bus depot.

Bus station.  
Caravan park.  
Club.  
Educational establishment.  
Hospital.  
Hotel.  
Housing for aged or disabled persons.  
Industry.  
Institution.  
Liquid fuel depot.  
Mine.  
Motel.  
Place of assembly.  
Place of public worship.  
Public building.  
Recreation area.  
Refreshment room.  
Retail plant nursery.  
Riding school.  
Road transport terminal.  
Rural industry.  
Sawmill.  
Service station.  
Stock and saleyard.  
Transport terminal.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) Deleted
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -
  - (a) the effect of the proposed development on the costs of acquisition;
  - (b) the imminence of acquisition; and
  - (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

- (a) Zone No. 9(a) or 9(c);
- (b) Zone No. 9(d); or
- (c) Zone No. 9(b),

may, by notice in writing, require -

- (d) the council;
- (e) the Roads and Traffic Authority; or
- (f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

**DIVISION 8 - Conservation**

**33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**DIVISION 9 - Other land uses and miscellaneous****39. Suspension of covenants, etc.**

(1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.

(2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.

(3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
  - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
    - the sign is not erected on a heritage item and;
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:

- a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
  - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
  - an awning fascia sign; or
  - a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

## **Zone RU2 Rural Landscape**

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental



facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

#### 4 Prohibited

Any other development not specified in item 2 or 3

### Zone SP2 Infrastructure

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Building identification signs; Business identification signs; Environmental protection works; Roads

#### 4 Prohibited

Any development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### Pittwater 21 Development Control Plan

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

**Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)****SEPP NO. 1 - Development Standards (gazetted 17.10.80)****SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)****SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)****SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)****SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)****SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)****SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)****SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)****SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)****SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)****SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)****SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)****SEPP NO. 62 - Sustainable Aquaculture****SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)****SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)  
Amendment 2 (gazetted 4/07/2008)****SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)****SEPP - (Major Development) 2005 (gazetted 25.05.2005)****SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)****SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)****SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)****Draft SEPP NO. 66 - Integration of Land Use and Transport****Draft SEPP (Application of Development Standards) 2004****SEPP - (Affordable Rental Housing) 2009****SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&A Regulations 2000  
Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&A Regulations 2000  
Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **RURAL HOUSING CODE**

Complying development under the Rural Housing Code may not be carried out on the land - unless complying development is carried out on the part of the lot to which clause 1.19 of SEPP(Exempt & Complying Development Codes) 2008 does not apply.

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **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.

### **GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.

*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

### **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

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### **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

### **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

### **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

### **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is affected by road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is affected by road widening or road realignment under Draft Pittwater Local Environmental Plan 2013 for the purposes of Classified Road.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

### **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

#### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

#### **Geotechnical Risk (Landslide Hazard)**

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The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or
- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

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## **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

EP&A Regulations 2000  
Schedule 4 Clause 7A

The land in question is not subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

Also, the land in question is not subject to flood related development controls for any other purpose.

## **LAND RESERVED FOR ACQUISITION**

EP&A Regulations 2000  
Schedule 4 Clause 8

All or part of this land is affected by Pittwater Local Environmental Plan 1993 which provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The following clause is an extract from Pittwater Local Environmental Plan 1993.

### **DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

#### **28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

(1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.

(2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.

(3) Deleted

(4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -

- (a) the effect of the proposed development on the costs of acquisition;
- (b) the imminence of acquisition; and
- (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

(a) Zone No. 9(a) or 9(c);

(b) Zone No. 9(d); or

(c) Zone No. 9(b),

may, by notice in writing, require -

(d) the council;

(e) the Roads and Traffic Authority; or

(f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

## **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

### **S.94 Plan No. 2 - Open Space Bushland and Recreation**

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

### **S.94 Plan No. 3 - Public Library Services**

This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

### **S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

### **S.94 Plan No. 18 - Community Service Facilities**

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

### **S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

### **BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

### **BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

### **BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

All the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

### **PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

### **ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**



EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

### **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

#### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

#### **TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

#### **COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

**ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

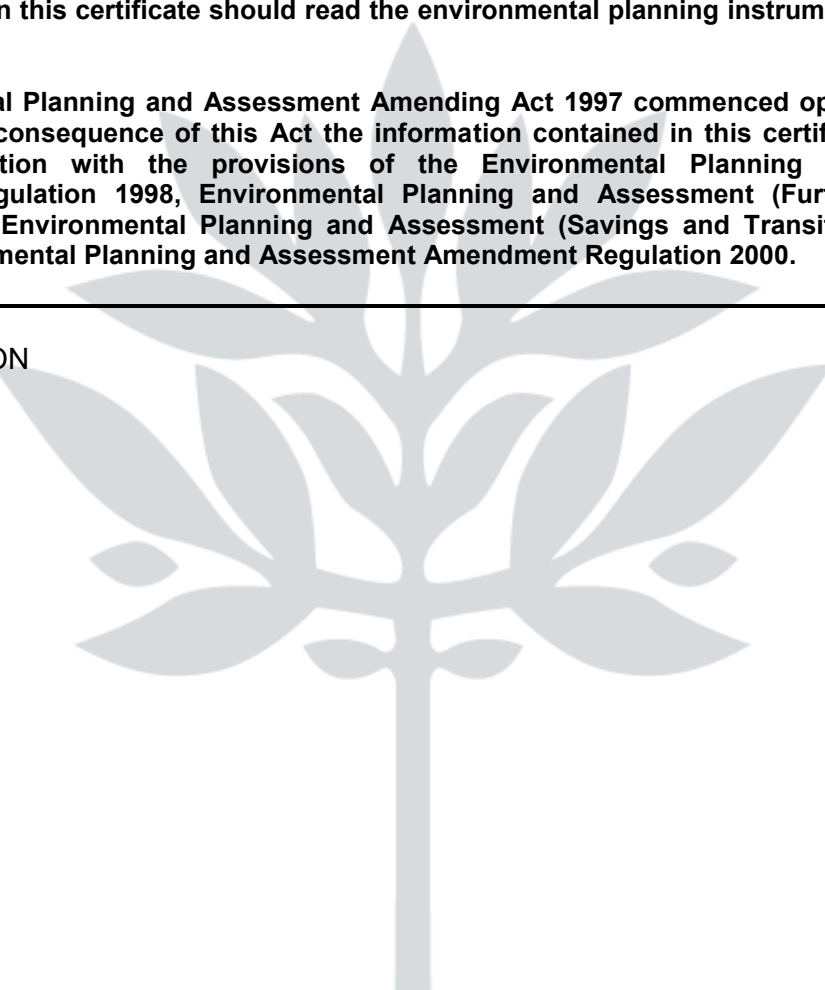
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**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

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MARK FERGUSON  
General Manager



**ANNEXURE "A"**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
    - (a) a prescribed activity proposed to be carried out within the area of a council, or
    - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
  - (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
    - (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
    - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
      - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
      - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
      - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (d) any development:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
    - (d1) any development consisting of the demolition of a building or work:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d2) any development consisting of subdivision:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d3) any non-structural alterations to a building:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (e) any prohibited development, or
    - (f) (Repealed)
    - (g) any activity within the meaning of Part 5 of the Act:
      - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
      - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
  - (3) Development to which this clause applies may not be carried out except with development consent.
  - (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
  - (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
  - (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
  - (7) This clause has effect:
    - (a) despite the existing provisions of an existing EPI, and
    - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
  - (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
  - (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
  - (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
  - (10) (Repealed)
  - (11) This clause ceases to have effect on 1 July 2001.

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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0573  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 91925

**Your Reference:**

**Address of Property:** 120 MONA VALE ROAD  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 5 DP 124602

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(a) (NON-URBAN "A")**

**1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

**2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

**3. Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises (other than animal training or boarding establishments, caravan parks, veterinary clinics or riding schools); dwelling-houses; heliports; industries (other than rural industries, home industries, extractive industries or industries directly associated or connected with, or dependent upon, extractive industries); junk yards; motor showrooms; recreation establishments; residential flat buildings; shops; warehouses.

#### **ZONE No. 9(d) (ARTERIAL ROAD RESERVATION)**

**1. Without development consent**

Drainage; new arterial roads and widening of existing arterial roads.

**2. Only with development consent**

Utility installations (other than gas holders or generating works).

**3. Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or only with development consent.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development*

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*consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

## **6. Model Provisions**



(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"),except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and
- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,  
  
are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:

- (i) land below high water mark;
- (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
- (iii) any reclaimed or accreted land

other than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.

- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

**12. Subdivision in non-urban zones**

- (1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.
- (2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.
- (3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

**TABLE**

<b>Column I</b> <i>Zone</i>	<b>Column II</b> <i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

**17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)**

- (1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.
- (2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-
  - (a) was created by a subdivision which was not prohibited under clause 12;
  - (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;

- (c) was otherwise lawfully created before the commencement of this clause;
  - (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
  - (e) is not land to which clause 13 or 14 applies.
- (3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.
- (4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.
- (5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.
- (6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.
- (7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

- (1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).
- (2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:
- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
  - (b) erect an attached dwelling on an allotment,
- but only if there are not more than 2 dwellings on the allotment after the development has been carried out.
- (3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:
- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and

- (b) a minimum of 2 car spaces per dwelling will be provided.

**21F. Dual occupancy subdivision**

- (1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.
- (3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:
- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
  - (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
  - (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
  - (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

**26. Development on land within Zone No. 1(a)**

A person shall not, on any land within Zone No. 1(a), carry out development for a purpose specified in Schedule 8 if any means of vehicular or pedestrian access exists between that land and -

- (a) a main road; or
- (b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road.

**SCHEDULE 8**

(Cl.26)

Airline terminal.  
Animal boarding or training establishment.  
Bus depot.

Bus station.  
Caravan park.  
Club.  
Educational establishment.  
Hospital.  
Hotel.  
Housing for aged or disabled persons.  
Industry.  
Institution.  
Liquid fuel depot.  
Mine.  
Motel.  
Place of assembly.  
Place of public worship.  
Public building.  
Recreation area.  
Refreshment room.  
Retail plant nursery.  
Riding school.  
Road transport terminal.  
Rural industry.  
Sawmill.  
Service station.  
Stock and saleyard.  
Transport terminal.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) Deleted
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -
  - (a) the effect of the proposed development on the costs of acquisition;
  - (b) the imminence of acquisition; and
  - (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

(a) Zone No. 9(a) or 9(c);

(b) Zone No. 9(d); or

(c) Zone No. 9(b),

may, by notice in writing, require -

(d) the council;

(e) the Roads and Traffic Authority; or

(f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

**DIVISION 8 - Conservation**

**33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**DIVISION 9 - Other land uses and miscellaneous****39. Suspension of covenants, etc.**

(1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.

(2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.

(3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
  - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
    - the sign is not erected on a heritage item and;
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:



- a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
  - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
  - an awning fascia sign; or
  - a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

## **Zone RU2 Rural Landscape**

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental

facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Building identification signs; Business identification signs; Environmental protection works; Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### **Pittwater 21 Development Control Plan**

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

**Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)****SEPP NO. 1 - Development Standards (gazetted 17.10.80)****SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)****SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)****SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)****SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)****SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)****SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)****SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)****SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)****SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)****SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)****SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)****SEPP NO. 62 - Sustainable Aquaculture****SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)****SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002) Amendment 2 (gazetted 4/07/2008)****SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)****SEPP - (Major Development) 2005 (gazetted 25.05.2005)****SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)****SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)****SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)****Draft SEPP NO. 66 - Integration of Land Use and Transport****Draft SEPP (Application of Development Standards) 2004****SEPP - (Affordable Rental Housing) 2009****SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&A Regulations 2000  
Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&A Regulations 2000  
Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **RURAL HOUSING CODE**

Complying development under the Rural Housing Code may not be carried out on the land - unless complying development is carried out on the part of the lot to which clause 1.19 of SEPP(Exempt & Complying Development Codes) 2008 does not apply.

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **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.

### **GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.

*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

### **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

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## **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

## **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

## **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

## **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is affected by road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is affected by road widening or road realignment under Draft Pittwater Local Environmental Plan 2013 for the purposes of Classified Road.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

## **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

### **Geotechnical Risk (Landslide Hazard)**

The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or
- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

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## **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

EP&A Regulations 2000  
Schedule 4 Clause 7A

On the information available to Council, the land in question is affected by the Flood Planning Level and the Probable Maximum Flood and is therefore classified as Category 3 - Overland Flow Path - Major.

The land in question is subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

The land in question is also subject to flood related development controls for any other purpose.

Development controls are set out in Council's Pittwater 21 Development Control Plan.

**Note:**

*Flood levels have been determined through the Pittwater Overland Flow Mapping and Flood Study (2012). This is the latest available information incorporating detailed hydraulic modeling and ground truthing. On the information available to Council, the land in question maybe subject to high velocities and/or depth during a flood event. The Flood Levels are available from Council and should be compared with the surveyed floor level and ground level to assess flood risk.*

## **LAND RESERVED FOR ACQUISITION**

EP&A Regulations 2000  
Schedule 4 Clause 8

All or part of this land is affected by Pittwater Local Environmental Plan 1993 which provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The following clause is an extract from Pittwater Local Environmental Plan 1993.

### **DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

(1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.

(2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.

(3) Deleted

(4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -



- (a) the effect of the proposed development on the costs of acquisition;
- (b) the imminence of acquisition; and
- (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.
- (5) Deleted

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

- (a) Zone No. 9(a) or 9(c);
- (b) Zone No. 9(d); or
- (c) Zone No. 9(b),

may, by notice in writing, require -

- (d) the council;
- (e) the Roads and Traffic Authority; or
- (f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

## **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

### **S.94 Plan No. 2 - Open Space Bushland and Recreation**

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

### **S.94 Plan No. 3 - Public Library Services**

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This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

**S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

**S.94 Plan No. 18 - Community Service Facilities**

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

**S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

**BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

**BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

**BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

Part of the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

**PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

**ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

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*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

### **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

#### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local

government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

**TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

**COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

**ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

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**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

---

MARK FERGUSON  
General Manager

**ANNEXURE "A"**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
- (a) a prescribed activity proposed to be carried out within the area of a council, or
  - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
- (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
- (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
  - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
    - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
    - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
    - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
  - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
  - (d) any development:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
  - (d1) any development consisting of the demolition of a building or work:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (d2) any development consisting of subdivision:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (d3) any non-structural alterations to a building:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (e) any prohibited development, or
  - (f) (Repealed)
  - (g) any activity within the meaning of Part 5 of the Act:
    - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
    - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
- (3) Development to which this clause applies may not be carried out except with development consent.
- (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
- (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
- (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
- (7) This clause has effect:
- (a) despite the existing provisions of an existing EPI, and
  - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
- (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
- (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
- (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
- (10) (Repealed)
- (11) This clause ceases to have effect on 1 July 2001.

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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0574  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 91926

**Your Reference:**

**Address of Property:** 122 MONA VALE ROAD  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 1 DP 383009

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(a) (NON-URBAN "A")**

**1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

**2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

**3. Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises (other than animal training or boarding establishments, caravan parks, veterinary clinics or riding schools); dwelling-houses; heliports; industries (other than rural industries, home industries, extractive industries or industries directly associated or connected with, or dependent upon, extractive industries); junk yards; motor showrooms; recreation establishments; residential flat buildings; shops; warehouses.

#### **ZONE No. 9(d) (ARTERIAL ROAD RESERVATION)**

**1. Without development consent**

Drainage; new arterial roads and widening of existing arterial roads.

**2. Only with development consent**

Utility installations (other than gas holders or generating works).

**3. Prohibited**

Any purpose other than a purpose for which development may be carried out without development consent or only with development consent.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development*

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*consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

## **6. Model Provisions**

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"),except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and
- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,  
  
are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:

- (i) land below high water mark;
- (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
- (iii) any reclaimed or accreted land  
other than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.
- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

## 12. Subdivision in non-urban zones

- (1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.
- (2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.
- (3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

**TABLE**

<b>Column I</b> <i>Zone</i>	<b>Column II</b> <i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

## 17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)

- (1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.
- (2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-
  - (a) was created by a subdivision which was not prohibited under clause 12;
  - (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;

- (c) was otherwise lawfully created before the commencement of this clause;
  - (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
  - (e) is not land to which clause 13 or 14 applies.
- (3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.
- (4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.
- (5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.
- (6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.
- (7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

- (1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).
- (2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:
- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
  - (b) erect an attached dwelling on an allotment,
- but only if there are not more than 2 dwellings on the allotment after the development has been carried out.
- (3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:
- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and

- (b) a minimum of 2 car spaces per dwelling will be provided.

**21F. Dual occupancy subdivision**

- (1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.
- (3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:
- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
  - (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
  - (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
  - (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

**26. Development on land within Zone No. 1(a)**

A person shall not, on any land within Zone No. 1(a), carry out development for a purpose specified in Schedule 8 if any means of vehicular or pedestrian access exists between that land and -

- (a) a main road; or
- (b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road.

**SCHEDULE 8**

(Cl.26)

Airline terminal.  
Animal boarding or training establishment.  
Bus depot.

Bus station.  
Caravan park.  
Club.  
Educational establishment.  
Hospital.  
Hotel.  
Housing for aged or disabled persons.  
Industry.  
Institution.  
Liquid fuel depot.  
Mine.  
Motel.  
Place of assembly.  
Place of public worship.  
Public building.  
Recreation area.  
Refreshment room.  
Retail plant nursery.  
Riding school.  
Road transport terminal.  
Rural industry.  
Sawmill.  
Service station.  
Stock and saleyard.  
Transport terminal.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) Deleted
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -
  - (a) the effect of the proposed development on the costs of acquisition;
  - (b) the imminence of acquisition; and
  - (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.

(5) Deleted

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

- (a) Zone No. 9(a) or 9(c);
- (b) Zone No. 9(d); or
- (c) Zone No. 9(b),

may, by notice in writing, require -

- (d) the council;
- (e) the Roads and Traffic Authority; or
- (f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

**DIVISION 8 - Conservation**

**33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.



(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**DIVISION 9 - Other land uses and miscellaneous****39. Suspension of covenants, etc.**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.
- (2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

- (1) The aim of this clause is to ensure that outdoor advertising:
- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
  - (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
  - (c) does not lead to visual clutter through the proliferation of signs.
- (2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:
- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
  - (b) a business identification sign on land:
    - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
      - the sign is not erected on a heritage item and;
      - the sign does not exceed 0.75 square metres in area; or
    - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:

- a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
  - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
  - an awning fascia sign; or
  - a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

## **Zone RU2 Rural Landscape**

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental

facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

#### 4 Prohibited

Any other development not specified in item 2 or 3

### Zone SP2 Infrastructure

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Building identification signs; Business identification signs; Environmental protection works; Roads

#### 4 Prohibited

Any development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### Pittwater 21 Development Control Plan

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

**Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)****SEPP NO. 1 - Development Standards (gazetted 17.10.80)****SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)****SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)****SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)****SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)****SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)****SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)****SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)****SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)****SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)****SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)****SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)****SEPP NO. 62 - Sustainable Aquaculture****SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)****SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)****Amendment 2 (gazetted 4/07/2008)****SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)****SEPP - (Major Development) 2005 (gazetted 25.05.2005)****SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)****SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)****SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)****Draft SEPP NO. 66 - Integration of Land Use and Transport****Draft SEPP (Application of Development Standards) 2004****SEPP - (Affordable Rental Housing) 2009****SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&amp;A Regulations 2000

Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&amp;A Regulations 2000

Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **RURAL HOUSING CODE**

Complying development under the Rural Housing Code may not be carried out on the land - unless complying development is carried out on the part of the lot to which clause 1.19 of SEPP(Exempt & Complying Development Codes) 2008 does not apply.

The land is affected by specific land exemptions:

- land that is reserved for a public purpose being 9(d) Arterial Road Reservation, under Pittwater Local Environmental Plan 1993.

### **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.

### **GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.

*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

### **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

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## **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

## **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

## **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

## **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is affected by road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is affected by road widening or road realignment under Draft Pittwater Local Environmental Plan 2013 for the purposes of Classified Road.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

## **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

### **Geotechnical Risk (Landslide Hazard)**



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The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or
- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

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## **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

EP&A Regulations 2000  
Schedule 4 Clause 7A

On the information available to Council, the land in question is affected by the Flood Planning Level and the Probable Maximum Flood and is therefore classified as Category 3 - Overland Flow Path - Major.

The land in question is subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

The land in question is also subject to flood related development controls for any other purpose.

Development controls are set out in Council's Pittwater 21 Development Control Plan.

**Note:**

*Flood levels have been determined through the Pittwater Overland Flow Mapping and Flood Study (2012). This is the latest available information incorporating detailed hydraulic modeling and ground truthing. On the information available to Council, the land in question maybe subject to high velocities and/or depth during a flood event. The Flood Levels are available from Council and should be compared with the surveyed floor level and ground level to assess flood risk.*

## **LAND RESERVED FOR ACQUISITION**

EP&A Regulations 2000  
Schedule 4 Clause 8

All or part of this land is affected by Pittwater Local Environmental Plan 1993 which provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**DIVISION 7 - Land within Zone No. 9(a), 9(b), 9(c) or 9(d)**

**28. Buildings, etc., not to be erected without consent - Zone No. 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No. 9(a), 9(b), 9(c) or 9(d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No. 9(a), 9(b), 9(c) or 9(d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) Deleted
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration -

- (a) the effect of the proposed development on the costs of acquisition;
- (b) the imminence of acquisition; and
- (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.
- (5) Deleted

The following clause is an extract from Pittwater Local Environmental Plan 1993.

**29. Acquisition of land zoned for reservation**

(1) The owner of any land within -

- (a) Zone No. 9(a) or 9(c);
- (b) Zone No. 9(d); or
- (c) Zone No. 9(b),

may, by notice in writing, require -

- (d) the council;
- (e) the Roads and Traffic Authority; or
- (f) the corporation

respectively, to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the appropriate public authority shall acquire the land.

(3) This clause shall only apply to land within Zone No. 9(d) if it is vacant land, being land upon which, immediately before 7 June 1963, there were no buildings or upon which the only buildings were fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl sheds, pig sties, barns or the like.

## **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

### **S.94 Plan No. 2 - Open Space Bushland and Recreation**

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

### **S.94 Plan No. 3 - Public Library Services**

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This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

**S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

**S.94 Plan No. 18 - Community Service Facilities**

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

**S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

**BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

**BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

**BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

All the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

**PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

**ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

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*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

### **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

#### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local

government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

**TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

**COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

**ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

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**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

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MARK FERGUSON  
General Manager

**ANNEXURE "A"**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
    - (a) a prescribed activity proposed to be carried out within the area of a council, or
    - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
  - (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
    - (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
    - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
      - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
      - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
      - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
    - (d) any development:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
    - (d1) any development consisting of the demolition of a building or work:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d2) any development consisting of subdivision:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (d3) any non-structural alterations to a building:
      - (i) carried out by the Crown, or
      - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
    - (e) any prohibited development, or
    - (f) (Repealed)
    - (g) any activity within the meaning of Part 5 of the Act:
      - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
      - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
  - (3) Development to which this clause applies may not be carried out except with development consent.
  - (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
  - (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
  - (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
  - (7) This clause has effect:
    - (a) despite the existing provisions of an existing EPI, and
    - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
  - (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
  - (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
  - (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
  - (10) (Repealed)
  - (11) This clause ceases to have effect on 1 July 2001.

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**PITTWATER COUNCIL**  
**Section 149 Pt 2 & 5 Planning Certificate**  
**Environmental Planning & Assessment Act, 1979**

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**Applicant:** CYNTHIA DAVID  
PO BOX 398  
DRUMMOYNE NSW 1470

**Cert. No:** e149/13/0580  
**Cert. Date:** 18/09/2013  
**Fee:** \$133.00  
**Property No:** 17548

**Your Reference:**

**Address of Property:** 10 JUBILEE AVENUE  
WARRIEWOOD NSW 2102

**Description of Property:** Lot 10 DP 5055

**Strata Unit Details (if applicable):**

**County:** Cumberland **Parish:** Narrabeen

**PLEASE NOTE:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.*

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Pittwater Council ABN 61 340 837 871

All correspondence to be addressed to General Manager:  
Village Park,  
1 Park Street,  
MONA VALE NSW  
P O Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
Facsimile (02) 9970 1200  
Internet: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

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**The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.**

## **ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

### **ZONING MAP**

#### **ZONE No. 1(b) (NON-URBAN "B")**

##### **1. Without development consent**

Agriculture (other than pig-keeping or poultry farming); forestry.

##### **2. Only with development consent**

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

##### **3. Prohibited**

Bulk stores; car repair stations; clubs; commercial premises (other than animal boarding or training establishments or riding schools); dwelling-houses; group buildings; heliports; industries (other than rural industries or home industries); junk yards; mines; motor showrooms; recreation areas; recreation establishments; residential flat buildings; service stations; shops; warehouses.

*Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".*

### **DUAL OCCUPANCY MAP**

### **MULTI-UNIT HOUSING MAP**

### **FLAT MAP**

### **SECONDARY DWELLINGS MAP**

### **HERITAGE CONSERVATION MAP – SCHEDULE 9**

*Note: Information is only listed where applicable under the headings "DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9".*

### **ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10**

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Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

*Note: Where no additional purposes have been listed under the heading "ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT", then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.*

### **FURTHER PLANNING CONTROLS**

EP&A Regulations 2000  
Schedule 4 Clause 2 (e) (f) (g) (h)

#### **Development standard fixing minimum land dimensions required for the erection of a dwelling house**

If the land the subject of this certificate is vacant and has a site area of less than 4,000 square metres, then the erection of a dwelling house on this land may be prohibited because of a development standard relating to the minimum area on which a dwelling may be erected. The development standard is contained in clause 17 of Pittwater Local Environmental Plan 1993. Clause 17 contains a number of exceptions to this prohibition, which you should also consider. You should also refer to the application of SEPP No. 1 to development standards.

*Note: Where no information has been provided under the heading "FURTHER PLANNING CONTROLS", then such information is inapplicable to the land the subject of this certificate.*

*Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS".*

### **CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993**

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

#### **6. Model Provisions**

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"), except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and

- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,

are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

#### 10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:
  - (i) land below high water mark;
  - (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
  - (iii) any reclaimed or accreted landother than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.
- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

#### 12. **Subdivision in non-urban zones**

(1) The aim of this clause is to improve amenity and enhance the environment in relation to land to which this clause applies.

(2) A person shall not subdivide land within a Zone specified in Column I of the Table to this clause unless the area of each allotment to be created by the subdivision within the Zone will not be less than the area specified opposite that Zone in Column II of that Table.

(3) Subclause (2) does not apply to an allotment of land within Zone No. 1(a1) that the council is satisfied will be used for the purpose of an education establishment.

<b>TABLE</b>	
<b>Column I</b>	<b>Column II</b>
<i>Zone</i>	<i>Minimum Area</i>
1(a)	2 hectares
1(a1)	20 hectares
1(b)	1 hectare
1(c)	4,000 square metres

**17. Dwelling-houses in Zone No. 1(a), 1(a1), 1(b) or 1(c)**

(1) Except as provided by this clause, the erection of a dwelling-house on land within Zone No. 1(a), 1(a1), 1(b) or 1(c) is prohibited.

(2) A person may, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No. 1(a), 1(b) or 1(c) where the allotment-

- (a) was created by a subdivision which was not prohibited under clause 12;
- (b) is 4000 square metres or more in area and was lawfully created prior to 13 August 1982;
- (c) was otherwise lawfully created before the commencement of this clause;
- (d) is not within that part of Zone No. 1(a) shown hatched blue on the Zoning Map, except as provided for in clause 17A; or
- (e) is not land to which clause 13 or 14 applies.

(3) A person may, but only with the consent of the council, erect a dwelling-house on a parcel of land within Zone No. 1(a1) which has an area of at least 20 hectares.

(4) A person may, but only with the consent of the council, erect a dwelling-house on an existing parcel of land within Zone No. 1(a1) having an area of less than 20 hectares but not less than 2 hectares.

(5) Except as provided by subclause (6), for the purposes of subclause (4), "existing parcel of land" includes all adjacent or adjoining land held in the same ownership on 8 March 1974.

(6) Subclause (5) does not apply with respect to any parcel of land within that land known as Portion 80, Parish of Narrabeen, and in existence on 8 March 1974.

(7) A person may, but only with the consent of the council, erect a dwelling-house on an allotment created as a result of a subdivision referred to in clause 13 or 14.

### **DIVISION 3A - Dual occupancy development**

#### **21E. Attached dwellings in non-urban zones**

(1) This clause applies to land within Zone No. 1(a), 1(a1), 1(b) or 1(c) (other than land to which Clause 17A applies).

(2) Despite any other provision of this plan, if development for the purpose of a dwelling may be carried out in an allotment of land to which this clause applies, a person may, with the consent of the Council:

- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
- (b) erect an attached dwelling on an allotment,

but only if there are not more than 2 dwellings on the allotment after the development has been carried out.

(3) The Council must not grant its consent to dual occupancy development on land to which this clause applies unless it is satisfied that:

- (a) the height of any building proposed to be erected will not exceed 8.5 metres; and
- (b) a minimum of 2 car spaces per dwelling will be provided.

#### **21F. Dual occupancy subdivision**

(1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.

(2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.

(3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:

- (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
- (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
- (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
- (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

#### **DIVISION 8 - Conservation**

#### **33. Preservation of trees or vegetation.**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping,



lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

## **DIVISION 9 - Other land uses and miscellaneous**

### **39. Suspension of covenants, etc.**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.
- (2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

**46. Provision of adequate water and sewerage services**

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

**48. Outdoor advertising**

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
  - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
    - the sign is not erected on a heritage item and;
    - the sign does not exceed 0.75 square metres in area; or
  - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:
    - a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
    - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
    - an awning fascia sign; or

- a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or
- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

#### **DIVISION 10 - Exempt and complying development**

##### **55. Exempt and complying development**

(1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.

(2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it is not an existing use, as defined in section 106 of the Act.

(3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

*Note: There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.*

## **RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1

### **LOCAL ENVIRONMENTAL PLAN**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

### **PROPOSED LOCAL ENVIRONMENTAL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE**

EP&A Regulations 2000  
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP**

EP&A Regulations 2000  
Schedule 4 Clause 2 (a) (b) (c) (d)

#### **Zone RU2 Rural Landscape**

##### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

##### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Bed & breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Research stations; Respite day care centres; Roads; Roadside stalls; Rural supplies; Secondary dwellings; Veterinary hospitals

##### **4 Prohibited**

Any other development not specified in item 2 or 3

### **PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP**

EP&A Regulations 2000

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Schedule 4 Clause 2 (g) (h)

*Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.*

### **DEVELOPMENT CONTROL PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 1 (3)

#### **Pittwater 21 Development Control Plan**

The purpose of this plan is to provide best practice standards for development.

#### **DCP No. 22 - Exempt and Complying Development**

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

### **STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES**

EP&A Regulations 2000  
Schedule 4 Clause 1 (1)

#### **Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)**

**SEPP NO. 1 - Development Standards (gazetted 17.10.80)**

**SEPP NO. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (gazetted 4.12.81)**

**SEPP NO. 6 - Number of Storeys in a Building (gazetted 10.12.82)**

**SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)**

**SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)**

**SEPP NO. 22 - Shops and Commercial Premises (gazetted 9.1.87)**

**SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)**

**SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)**

**SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)**

**SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)**

**SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)**

**SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)**

**SEPP NO. 62 - Sustainable Aquaculture**

**SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)**

**SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)  
Amendment 2 (gazetted 4/07/2008)**

**SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)**

**SEPP - (Major Development) 2005 (gazetted 25.05.2005)**

**SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)**

**SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)**

**SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)**

**Draft SEPP NO. 66 - Integration of Land Use and Transport**

**Draft SEPP (Application of Development Standards) 2004**

**SEPP - (Affordable Rental Housing) 2009**

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**SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**

*Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.*

**ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

EP&A Regulations 2000  
Schedule 4 Clause 2A

*Note: Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

**COMPLYING DEVELOPMENT**

EP&A Regulations 2000  
Schedule 4 Clause 3

**GENERAL HOUSING CODE**

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

**RURAL HOUSING CODE**

Complying development under the Rural 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.

**GENERAL COMMERCIAL AND INDUSTRIAL CODE**

Complying development under the Commercial & Industrial 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.

*Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993. In particular, clause 1.18 of the SEPP sets out a number of general requirements that the development must satisfy in order for it to constitute complying development. This includes, at clause 1.18(b), that the development "must be permissible, with consent, in the land use zone in which it is carried out".*

## **COASTAL PROTECTION**

EP&A Regulations 2000  
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

## **CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

EP&A Regulations 2000  
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

## **ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

EP&A Regulations 2000  
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

## **MINE SUBSIDENCE**

EP&A Regulations 2000  
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

## **ROAD WIDENING AND ROAD REALIGNMENT**

EP&A Regulations 2000  
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is not affected by any road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is not affected by any road widening or road realignment under Draft Pittwater Local Environmental Plan 2013.

*Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.*

## **COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK**

### **RESTRICTIONS**

EP&A Regulations 2000  
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

#### **Geotechnical Risk (Landslide Hazard)**

The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

#### **Bushfire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bushfire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

#### **Acid Sulfate Soil Manual**

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

*Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.*

*Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:*

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or



- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

## **FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

EP&A Regulations 2000  
Schedule 4 Clause 7A

The land in question is located within the Warriewood Valley Urban Land Release Area. All development on this land is subject to the requirements of the Warriewood Valley Water Management Specification (12 February 2001 or as revised).

The land in question is subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

The land in question is also subject to flood related development controls for any other purpose.

*Note:*

*At the time of registration of the Plan of Subdivision for building lots released for any portion of a Sector, this notation will be removed and replaced by a Section 149(2) Notation for either Category 1 or Category 2, or the notation removed as set out in Council's Flood Risk Management Policy for Pittwater to accord with the Sector Water Management Report.*

On the information available to Council, the land in question is affected by the Flood Planning Level and the Probable Maximum Flood and is therefore classified as Category 3 - Overland Flow Path - Major.

The land in question is subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

The land in question is also subject to flood related development controls for any other purpose.

Development controls are set out in Council's Pittwater 21 Development Control Plan.

**Note:**

*Flood levels have been determined through the Pittwater Overland Flow Mapping and Flood Study (2012). This is the latest available information incorporating detailed hydraulic modeling and ground truthing. On the information available to Council, the land in question maybe subject to high velocities and/or depth during a flood event. The Flood Levels are available from Council and should be compared with the surveyed floor level and ground level to assess flood risk.*

## **LAND RESERVED FOR ACQUISITION**

EP&A Regulations 2000  
Schedule 4 Clause 8

This land is not affected by any provisions within Pittwater Local Environmental Plan 1993 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

## **CONTRIBUTIONS PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 9

### **S.94 Plan No. 2 - Open Space Bushland and Recreation**

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

### **S.94 Plan No. 3 - Public Library Services**

This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

### **S.94 Plan No. 10 - Material Public Benefits and Dedication of Land**

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

### **S.94 Plan No. WV - Warriewood Valley**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of public amenities and public services that will, or are likely to be, required as a consequence of development in the Warriewood Valley Urban Release Area.

### **S.94 Plan No. 18 - Community Service Facilities**

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

### **S.94 Plan No. 19 - Village Streetscapes**

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

## **BIODIVERSITY CERTIFIED LAND**

EP&A Regulations 2000  
Schedule 4 Clause 9A

*Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.*

## **BIOBANKING AGREEMENTS**

EP&A Regulations 2000  
Schedule 4 Clause 10

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*Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.*

### **BUSH FIRE PRONE LAND**

EP&A Regulations 2000  
Schedule 4 Clause 11

Part of the land the subject of this certificate is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

### **PROPERTY VEGETATION PLANS**

EP&A Regulations 2000  
Schedule 4 Clause 12

*Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.*

### **ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

EP&A Regulations 2000  
Schedule 4 Clause 13

*Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.*

### **DIRECTIONS UNDER PART 3A**

EP&A Regulations 2000  
Schedule 4 Clause 14

*Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 15

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

EP&A Regulations 2000  
Schedule 4 Clause 16

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

EP&A Regulations 2000  
Schedule 4 Clause 17

*Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.*

### **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Contaminated Land Management Act 1997  
Section 59 (2)

*Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.*

### **OTHER RELEVANT MATTERS PROVIDED UNDER SECTION 149 (5)**

The following advice is provided in good faith under Section 149 (5) of the Environmental Planning and Assessment Act, 1979 and the Council shall not incur any liability in respect of any such advice.

#### **COMPANY TITLE SUBDIVISION**

Clause 10 of the Pittwater Local Environmental Plan 1993 provides that land may not be subdivided except with the consent of the Council. **This includes subdivision by way of company title schemes.** Persons considering purchasing property in the Pittwater local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

#### **TREE PRESERVATION AND MANAGEMENT ORDER**

The land is affected by a Tree Preservation and Management Order.

#### **COUNCIL RESOLUTION TO AMEND ENVIRONMENTAL PLANNING INSTRUMENT**

The following instrument or resolution of Council, if any, proposes to vary the provisions of an Environmental Planning Instrument (other than as referred to in the Certificate under Section 149 (2)).

#### **ADDITIONAL INFORMATION**

Additional information, if any, relating to the land the subject of this certificate:

#### **Warriewood Valley Water Management Specification**

Pittwater Council has adopted a Water Management Specification for the protection, restoration and maintenance of the chemical, physical and biological integrity of waterways within the Warriewood Valley Urban Land Release Area.

#### **Warriewood Valley Urban Land Release - Planning Framework**

This planning framework applies to all land within the Warriewood Valley Urban Land Release area.

The objectives are:

- To provide for development of Warriewood Valley as a whole which is environmentally and economically sustainable in the short, medium and long term, with minimal financial impact on Council.
  - To ensure that future residents and occupiers of the Valley are provided with an appropriate level of community facilities and services and an amenable and safe neighbourhood.
  - To ensure that development in the Valley is compatible with and does not detract from the amenity of surrounding land uses, particularly residential properties.
- 

**Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.**

**The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1<sup>st</sup> 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, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.**

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MARK FERGUSON  
General Manager



**ANNEXURE “A”**

*Extract clause 29 Environmental Planning and Assessment  
(Savings and Transitional) Regulation 1998*

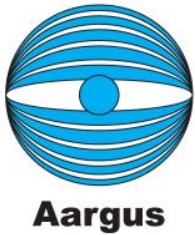
- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
- (a) a prescribed activity proposed to be carried out within the area of a council, or
  - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
- (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
- (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
  - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
    - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
    - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
    - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
  - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
  - (d) any development:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
  - (d1) any development consisting of the demolition of a building or work:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (d2) any development consisting of subdivision:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (d3) any non-structural alterations to a building:
    - (i) carried out by the Crown, or
    - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
  - (e) any prohibited development, or
  - (f) (Repealed)
  - (g) any activity within the meaning of Part 5 of the Act:
    - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
    - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
- (3) Development to which this clause applies may not be carried out except with development consent.
- (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
- (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
- (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
- (7) This clause has effect:
- (a) despite the existing provisions of an existing EPI, and
  - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
- (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
- (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
- (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
- (10) (Repealed)
- (11) This clause ceases to have effect on 1 July 2001.

# APPENDIX I

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**IMPORTANT INFORMATION ABOUT  
YOUR ENVIRONMENTAL  
REPORT**





## **IMPORTANT INFORMATION ABOUT YOUR ENVIRONMENTAL SITE ASSESSMENT**

These notes have been prepared by Aargus (Australia) Pty Ltd and its associated companies using guidelines prepared by ASFE (The Association) of Engineering Firms Practising in the Geo-sciences. They are offered to help you in the interpretation of your Environmental Site Assessment (ESA) reports.

### **REASONS FOR CONDUCTING AN ESA**

ESA's are typically, though not exclusively, carried out in the following circumstances:

- as pre-acquisition assessments, on behalf of either purchaser or vender, when a property is to be sold;
- as pre-development assessments, when a property or area of land is to be redeveloped or have its use changed for example, from a factory to a residential subdivision;
- as pre-development assessments of greenfield sites, to establish "baseline" conditions and assess environmental, geological and hydrological constraints to the development of, for example, a landfill; and
- as audits of the environmental effects of an ongoing operation.

Each of these circumstances requires a specific approach to the assessment of soil and groundwater contamination. In all cases however, the objective is to identify and if possible quantify the risks that unrecognised contamination poses to the proposed activity. Such risks may be both financial, for example, cleanup costs or limitations on site use, and physical, for example, health risks to site users or the public.

### **THE LIMITATIONS OF AN ESA**

Although the information provided by an ESA could reduce exposure to such risks, no ESA, however, diligently carried out can eliminate them. Even a rigorous professional assessment may fail to detect all contamination on a site. Contaminants may be present in areas that were not surveyed or sampled,

or may migrate to areas which showed no signs of contamination when sampled.

### **AN ESA REPORT IS BASED ON A UNIQUE SET OF PROJECT SPECIFIC FACTORS**

Your environmental report should not be used:

- when the nature of the proposed development is changed, for example, if a residential development is proposed instead of a commercial one;
- when the size or configuration of the proposed development is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership
- or for application to an adjacent site.

To help avoid costly problems, refer to your consultant to determine how any factors, which have changed subsequent to the date of the report, may affect its recommendations.

### **ESA "FINDINGS" ARE PROFESSIONAL ESTIMATES**

Site assessment identifies actual subsurface conditions only at those points where samples are taken, when they are taken. Data derived through sampling and subsequent laboratory testing are interpreted by geologists, engineers or scientists who then render an opinion about overall subsurface conditions, the nature and extent of contamination, its likely impact on the proposed development and appropriate remediation measures. Actual conditions may differ from those inferred to exist, because no professional, no matter how qualified, and no subsurface exploration program, no matter how comprehensive, can reveal what is hidden by earth, rock and time. The actual interface between materials may be far more gradual or abrupt than a report indicates. Actual conditions in areas not sampled may differ from predictions. Nothing can be done to help minimise its impact. For this reason owners should retain the services of their consultants



through the development stage, to identify variances, conduct additional tests which may be needed, and to recommend solutions to problems encountered on site.

### **SUBSURFACE CONDITIONS CAN CHANGE**

Natural processes and the activity of man change subsurface conditions. As an ESA report is based on conditions, which existed at the time of subsurface exploration, decisions should not be based on an ESA report whose adequacy may have been affected by time. Speak with the consultant to learn if additional tests are advisable.

### **ESA SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS**

Every study and ESA report is prepared in response to a specific brief to meet the specific needs of specific individuals. A report prepared for a consulting civil engineer may not be adequate for a construction contractor, or even some other consulting civil engineer. Other persons should not use a report for any purpose, or by the client for a different purpose. No individual other than the client should apply a report even apparently for its intended purpose without first conferring with the consultant. No person should apply a report for any purpose other than that originally contemplated without first conferring with the consultant.

### **AN ESA REPORT IS SUBJECT TO MISINTERPRETATION**

Costly problems can occur when design professionals develop their plans based on misinterpretations of an ESA. To help avoid these problems, the environmental consultant should be retained to work with appropriate design professionals to explain relevant findings and to review the adequacy of their plans and specifications relative to contamination issues.

### **LOGS SHOULD NOT BE SEPARATED FROM THE ENGINEERING REPORT**

Final borehole or test pit logs are developed by environmental scientists, engineers or geologists based upon their interpretation of field logs (assembled by site personnel) and laboratory evaluation of field samples. Only final logs customarily included in our reports. These logs should not under any circumstances be redrawn for inclusion in site remediation or other design drawings, because drafters may commit errors or omissions in the transfer process. Although photographic reproduction eliminates this problem, it does nothing to minimise the possibility of contractors misinterpreting the logs during bid preparation. When this occurs, delays, disputes and unanticipated costs are the all-too-frequent result.

To reduce the likelihood of boring log misinterpretation, the complete report must be available to persons or organisations involved in the project, such as contractors, for their use. Those who do not provide such access may proceed under the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing all the available information to persons and organisations such as contractors helps prevent costly construction problems and the adversarial attitudes that may aggravate them to disproportionate scale.

### **READ RESPONSIBILITY CLAUSES CLOSELY**

Because an ESA is based extensively on judgement and opinion, it is necessarily less exact than other disciplines. This situation has resulted in wholly unwarranted claims being lodged against consultants. To help prevent this problem, model clauses have been developed for use in transmittals. These are not exculpatory clauses designed to foist liabilities onto some other party. Rather, they are definitive clauses that identify where your consultant's responsibilities begin and end. Their use helps all parties involved recognise their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your ESA report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.