



## Planning Certificate Under Section 149

Of the Environmental Planning & Assessment Act 1979

## Manly Council

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ABN 43 662 868 065

Reference:

Date: 11/07/2013

Certificate No: 21917

Receipt No:

### 149(2) Certificate

Manly Council  
1 Belgrave Street  
MANLY NSW 2095

Address: L.M. GRAHAM RESERVE, MANLY  
Legal Description: LOT: 1 DP: 168527  
LOT: 1 and PT3 DP: 168526  
LOT: A and B DP: 331109  
LOT: 36, 37, 43 to 54, 85 and 86 SEC: 9 DP 939916

The following certificate is issued under the provisions of Section 149(2) of the Environmental Planning and Assessment Act 1979 (as amended). The information applicable to the land is accurate as at the above date.

### 1. Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land:

Manly Local Environmental Plan 2013

SREP (Sydney Harbour Catchment) 2005 (Deemed SEPP)  
SEPP 1 – Development Standards  
SEPP 4 – Development without Consent and Miscellaneous Exempt and Complying Development  
SEPP 6 – Number of Storeys in a Building  
SEPP 19 – Bushland in Urban Areas  
SEPP 21 – Caravan Parks  
SEPP 22 – Shops and Commercial Premises  
SEPP 30 – Intensive Agriculture  
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)  
SEPP 33 – Hazardous and Offensive Development  
SEPP 50 – Canal Estate Development  
SEPP 55 – Remediation of Land  
SEPP 60 – Exempt and Complying Development  
SEPP 64 – Advertising and Signage  
SEPP 65 – Design Quality of Residential Flat Development  
SEPP 70 – Affordable Housing (Revised Schemes)  
SEPP 71 – Coastal Protection  
SEPP (Building Sustainability Index: BASIX) 2004  
SEPP (Seniors Living) 2004  
SEPP (Major Development) 2005  
SEPP (Mining, Petroleum Production and Extractive Industries) 2007  
SEPP (Temporary Structures) 2007  
SEPP (Infrastructure) 2007  
SEPP (Exempt and Complying Development Codes) 2008

SEPP (Repeal of Concurrence and Referral Provisions) 2008

SEPP (Affordable Rental Housing) 2009

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director General has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

Nil

- (3) The name of each development control plan that applies to the carrying out of development on the land:

Manly Development Control Plan 2013 Amendment 1

## 2. Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) According to **Manly Local Environmental Plan 2013**, this property lies within:

ZONE RE1 PUBLIC RECREATION

- (b) Land uses for land within Zone RE1 that may be carried out without development consent:

Nil.

- (c) Land uses for land within Zone RE1 that may be carried out only with development consent:

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Depots; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities.

- (d) land uses for land within Zone RE1 that is prohibited:

Any development not specified in item (b) and (c)

- (e) Minimum Land Dimensions

Manly Local Environmental Plan 2013 contains no development standard applying to the land which fix minimum land dimensions for the erection of a dwelling house on the land.

- (f) Critical Habitat

The land does not include or comprise Critical Habitat.

- (g) Conservation Areas

The land is not in a conservation area.

(h) Environmental Heritage Provisions according to Manly Local Environmental Plan 2013

The land is not a heritage Item, nor is there an heritage item situated on the land.

**2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 does not apply to the land.



### **3. Complying Development**

#### **General Housing Code**

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

#### **Rural Housing Code**

The Rural Housing Code does not apply to the land.

#### **Housing Alterations Code**

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

#### **General Development Code**

Complying Development under the General Development Code may be carried out.

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#### **Demolition Code**

Complying Development under the Demolition Code may be carried out.

#### **General Commercial and Industrial Code**

Complying development under the General Commercial and Industrial Code may be carried out.

#### **The Subdivisions Code**

Complying development under the Subdivisions Code may be carried out.

### **4. Coastal Protection**

The land is affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979, to the extent that Council has been so notified by the Department of Services, Technology and Administration

#### **4A**

- (1) There is no order made under Part 4D of the Coastal Protection Act 1979 in relation to temporary coastal protection works on the land (or on public land adjacent to that land).
- (2) The Council has not been notified under Section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land).

#### **4B**

No owner of the land (or any previous owner) has consented in writing to the land being subject to annual charges under Section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of Section 553B of that Act)

#### **5. Mine Subsidence**

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.

#### **6. Road Widening and Road Realignment**

- (1) The land is not affected by any corner splay under Division 2 of Part 3 of the Roads Act 1993 or any environmental planning instrument or any resolution of Council.
- (2) The land is not affected by any road widening or re-alignment proposal under Division 2 of Part 3 of the Roads Act 1993 or any environmental planning instrument or any resolution of Council.

#### **7. Council and other Public Authority Policies on Hazard Risk Restrictions**

- (1) The land is not affected by a policy regarding landslip. (See Manly Development Control Plan 2013 and Clause 6.8- Manly Local Environmental Plan 2013).
- (2) The land is not affected by a policy regarding Acid Sulphate Soils. (See Clause 6.1 - Manly Local Environmental Plan 2013).
- (3) Council has adopted a contaminated land policy which may restrict the development of land. This policy is expressed to apply when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. However, from an administrative point of view the policy is currently no longer applied or implemented (and is treated by Council staff as being redundant).  
A new draft policy with respect to the same subject-matter is currently being prepared by Council staff but is yet to be presented to or adopted by Council.

#### **7A. Flood Related Development Control Information**

- (1) Development on the land or part of the land for the purposes of dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to Council's "Interim Policy and Administration Guidelines for Development & Use of Land Affected by a 1 in 100 Year Flood - Manly Lagoon" as in force from time to time.
- (2) Development on the land or part of the land for any other purpose is subject to Council's "Interim Policy and Administration Guidelines for Development & Use of Land Affected by a 1 in 100 Year Flood - Manly Lagoon" as in force from time to time.

#### **8. Land Reserved for Acquisition**

No environmental planning instrument referred to in Clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

#### **9. Contribution Plans**

Manly Section 94 Contributions Plan 2004 applies to the land.



#### 10. Biobanking Agreements

The Council has not been notified if the land is land to which a biobanking agreement relates under Part 7A of the Threatened Species Conservation Act 1995.

#### 11. Bush Fire Prone Land

None of the land is bush fire prone land

#### 12. Property Vegetation Plans

Not Applicable

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

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

#### 14. Directions under Part 3A

There is no direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

#### 15. Site compatibility certificates and conditions for seniors housing

There is no valid site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land.

#### 16. Site compatibility certificates for infrastructure

There is no valid site compatibility certificate (infrastructure), of which the Council is aware, in respect of proposed development on the land

#### 17. Site compatibility certificate and conditions for affordable rental housing

There is no valid site compatibility certificate (affordable rental housing), of which the Council is aware, in respect of proposed development on the land.

**Note.** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is declared to be significantly contaminated land at the date when the certificate is issued,

No part of the land is declared to be significantly contaminated land as at the date of issue of this certificate.

- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,

The land to which this certificate relates is not subject to a management order as at the date of issue of this certificate.

- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,

The land to which this certificate relates is not the subject of an approved voluntary management proposal as at the date of issue of this certificate.

- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,

The land to which this certificate relates is not subject to an ongoing maintenance order as at the date of issue of this certificate.

- (e) that the land to which the certificate relates is the subject of a site audit statement—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No copy of any site audit statement for the land to which the certificate relates has been provided at any time to Manly Council.

Henry T Wong  
**GENERAL MANAGER**  
per:

