

Northern Beaches Council Planning Certificate – Part 2&5

Applicant: InfoTrack
GPO Box 4029
SYDNEY NSW 2001

Reference: WTJ24-053
Date: 05/03/2024
Certificate No. ePLC2024/01671

Address of Property: 4-6 Niangala Close BELROSE NSW 2085
Description of Property: Lot 1 DP 1104786

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

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

(a) Local Environmental Plan

Warringah Local Environmental Plan 2011

(b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Primary Production) 2021
Chapters 1,2

State Environmental Planning Policy (Resources and Energy) 2021
Chapters 1, 2

State Environmental Planning Policy (Resilience and Hazards) 2021
Chapters 1, 3, 4

State Environmental Planning Policy (Industry and Employment) 2021
Chapters 1, 3

State Environmental Planning Policy (Transport and Infrastructure) 2021
Chapters 1, 2, 3

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapters 1, 2, 3, 4, 6, 7

State Environmental Planning Policy (Planning Systems) 2021
Chapters 1, 2

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
Chapters 1, 2

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
SEPP 65 – Design Quality of Residential Apartment Development
SEPP (Building Sustainability Index: BASIX)

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapters 9, 10

(c) Development Control Plans

Warringah Development Control Plan 2011

(2) Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

(a) Draft Local Environmental Plans

(b) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)

Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

(c) Draft Development Control Plans

2. Zoning and land use under relevant planning instruments

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described—

(1) Zoning and land use under relevant Local Environmental Plans

(a), (b)

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 (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.
- To manage development in areas having steep sloping topography or that are subject to any potential landslip.
- To manage water quality in significant water catchment areas.
- To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental protection works; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To create a pedestrian environment that is safe, active and interesting.
- To create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Residential accommodation; Rural industries; Sewerage systems; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

(c) Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 8 Aperta Place, Beacon Hill

- (1) This clause applies to land at 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335, shown as "Area 1" on the Additional Permitted Uses Map.
- (2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties).

2 Use of certain land at 5 Hews Parade, Belrose

- (1) This clause applies to land at 5 Hews Parade, Belrose, being Lot 6, DP 834036, shown as "Area 2" on the Additional Permitted Uses Map.
- (2) Development for the purposes of pubs is permitted with consent.

3 Use of certain land at corner of Mona Vale Road and Forest Way, Belrose

(1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as “Area 3” on the Additional Permitted Uses Map.

(2) Development for the purposes of bulky goods premises, business premises (with a gross floor area not exceeding 2,500m²), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m²) is permitted with consent.

(3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

4 Use of certain land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest

(1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest, shown as “Area 4A”, “Area 4B” or “Area 4C” on the Additional Permitted Uses Map.

(2) Development for the purposes of 1 dwelling house on each lot is permitted with consent (provided that each dwelling is constructed having regard to the constraints, potential instability and visual sensitivity of the land and any impact on the water quality of Middle Harbour).

5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale

(1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as “Area 5” on the Additional Permitted Uses Map.

(2) Development for the following purposes is permitted with consent:

(a) office premises,

(b) retail premises,

(c) shop top housing.

(3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone E4 General Industrial.

6 Use of certain land at Cottage Point

(1) This clause applies to land at Cottage Point, being Lot 1, DP 930591, Lot 1, DP 922754, Lot 3, DP 929708 and Lot 4, DP 929708, shown as “Area 6” on the Additional Permitted Uses Map.

(2) Development for the purposes of kiosks, marinas, neighbourhood shops and registered clubs is permitted with consent.

7 Use of certain land at 2 Anderson Place, Cottage Point

(1) This clause applies to land at 2 Anderson Place, Cottage Point, being Lot 23, DP 819003, shown as “Area 7” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

8 Use of certain land at 30 Campbell Avenue, Cromer

(1) This clause applies to land at 30 Campbell Avenue, Cromer, being Lot 1, DP 227969, shown as “Area 8” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

9 Use of certain land at Pittwater Road, Dee Why

(1) This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as “Area 9” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreational facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.

10 Use of certain land at Melwood Avenue, Forestville

(1) This clause applies to land at Melwood Avenue, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454, shown as “Area 10” on the Additional Permitted Uses Map.

(2) Development for the purposes of registered clubs is permitted with consent.

12 Use of certain land at 39 Frenchs Forest Road East, Frenchs Forest

(1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as “Area 12” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

13 Use of certain land at Lumsdaine Drive, Freshwater

(1) This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as “Area 13” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent.

14 Use of certain land at 29 Moore Road, Freshwater

(1) This clause applies to land at 29 Moore Road, Freshwater, being Lots 1-5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

15 Use of certain land at 80 Undercliff Road, Freshwater

(1) This clause applies to land at 80 Undercliff Road, Freshwater, being Lot B, DP 329073, shown as “Area 15” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

16 Use of certain land at 1260 Pittwater Road, Narrabeen

(1) This clause applies to land at 1260 Pittwater Road, Narrabeen, being Lots 1 and 2, DP 1094308, shown as “Area 16” on the Additional Permitted Uses Map.

(2) Development for the purposes of hotel or motel accommodation is permitted with consent.

17 Use of certain land at 2 Aumuna Road, Terrey Hills

(1) This clause applies to land at 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456, shown as “Area 17” on the Additional Permitted Uses Map.

(2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, pubs, recreation areas, recreation facilities

(indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills

(1) This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as “Area 18” on the Additional Permitted Uses Map.

(2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

19 Use of certain land in Zone RE1

(1) This clause applies to the following land:

(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as “Area 19A” on the Additional Permitted Uses Map,

(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,

(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,

(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.

(2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

20 Use of certain land at Bundaleer Street, Belrose

(1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2, DP 1144741, shown as “Area 20” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (outdoor) is permitted with consent.

21 Use of certain land at 184 Wyndora Avenue, Freshwater

(1) This clause applies to land at 184 Wyndora Avenue, Freshwater, being Lots 1, 2, 33, 34 and 35, DP 7912, shown as “Area 21” on the Additional Permitted Uses Map.

(2) Subdivision of the land and development for the purposes of attached dwellings is permitted with consent.

(3) Development consent may only be granted under this clause to a single development application that provides for:

(a) the subdivision of the land to create not more than 14 lots, and

(b) the erection of not more than 14 attached dwellings.

(4) Consent must not be granted under this clause to development for the purposes of an attached dwelling unless the consent authority is satisfied that the proposed development includes a single basement car park providing parking spaces for each of the dwellings erected on the land to which this clause applies.

22 Use of certain land at 632 and 634 Warringah Road, Forestville

- (1) This clause applies to land at 632 and 634 Warringah Road, Forestville, being Lots 9 and 8, DP 25052, shown as “Area 22” on the Additional Permitted Uses Map.
- (2) Development for the purposes of:
 - (a) a service station, and
 - (b) a neighbourhood shop (with a retail floor area not exceeding 240m²), is permitted with consent if the land is used for both purposes, concurrently.

23 Use of certain land at 729-731 Pittwater Road, Dee Why

- (1) This clause applies to land at 729-731 Pittwater Road, Dee Why, being Lot CP, SP 13436, shown as “Area 23” on the Additional Permitted Uses Map.
- (2) Development for the purposes of medical centres and office premises is permitted with consent.

24 Use of certain land at Frenchs Forest Road West, Frenchs Forest

- (1) This clause applies to certain land at Frenchs Forest Road West, Frenchs Forest, shown as “Area 24” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent-
 - (a) business premises,
 - (b) health consulting rooms that are located at ground floor level,
 - (c) health services facilities that are community health services facilities,
 - (d) medical centres,
 - (e) office premises,
 - (f) shop top housing.

25 Use of certain land at Karingal Crescent, Frenchs Forest

- (1) This clause applies to certain land at Karingal Crescent, Frenchs Forest, shown as “Area 25” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent-
 - (a) attached dwellings,
 - (b) dual occupancies (attached),
 - (c) semi-detached dwellings.

26 Use of certain land at 1298 and 1300 Pittwater Road, Narrabeen

- (1) This clause applies to certain land at 1298 and 1300 Pittwater Road, Narrabeen, being lot 100 DP 773884 and lot 1 DP 615179, shown as “Area 26” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent-
 - (a) medical centre,

- (b) commercial premises, and
 - (c) shop top housing.
- (3) Commercial premises and medical centre must not have a gross floor area exceeding 1,150m².

27 Use of certain land at Dee Why

- (1) This clause applies to the following land at Dee Why, shown as “Area 27” on the Additional Permitted Uses Map-
- (a) Part Lot 11, DP 577062, 23 Fisher Road,
 - (b) Lot CP, SP 81758, 25 Fisher Road,
 - (c) Lot CP, SP 1902, 2 Kingsway,
 - (d) Lot CP, SP 88379, 4-16 Kingsway,
 - (e) Lot CP, SP 4066, 18 Kingsway,
 - (f) Lot CP, SP 75040, 20-34 Kingsway.
- (2) Development for the purposes of residential flat buildings is permitted with development consent

(d) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(e) Outstanding biodiversity value

The land is not in an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#)

(f) Conservation areas

The land is not in a heritage conservation area.

(g) Item of environmental heritage

The land does not contain an item of environmental heritage.

(2) Zoning and land use under draft Local Environmental Plans

For any proposed changes to zoning and land use, see Part 1.2 (a)
Please contact Council’s Strategic and Place Planning unit with enquiries on 1300 434 434.

3. Contribution plans

(1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Northern Beaches Section 7.12 Contributions Plan 2022 - in force 1 June 2022.

(2) If the land is in a region within the meaning of the Act, Division 7.1, Subdivision 4 - the name of the region, and the name of the Ministerial planning order in which the region is identified.

Housing and Productivity Contribution

The subject land is within the Greater Sydney area to which the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 applies.

(3) If the land is in a special contributions area to which a continued 7.23 determination applies, the name of the area.

Nil

4. Complying Development

If the land is land on which complying development may or may not be carried out under each of the complying development codes under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

Part 3 Housing Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 3A Rural Housing Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 3B Low Rise Housing Diversity Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 3C Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

Part 3D Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Part 4 Housing Alterations Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 4A General Development Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 5 Industrial and Business Alterations Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 5A Industrial and Business Buildings Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 5B Container Recycling Facilities Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 6 Subdivisions Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 7 Demolition Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

Part 8 Fire Safety Code

High Biodiversity Significance

For the purposes of clause 1.17A (1) (e), complying development may not be carried out as the land is within an environmentally sensitive area being land identified in the WLEP2011 as being of high biodiversity significance.

(4) Complying Development Codes varied under Clause 1.12 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

No complying codes are varied under this clause in relation to the land.

5. Exempt Development

If the land is land on which exempt development may or may not be carried out under each of the exempt development codes under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.

Part 2 Exempt Development Codes

Exempt Development under the Exempt Development Codes may be carried out on all of the land.

(4) Exempt Development Codes varied under Clause 1.12 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

No exempt development codes are varied under this clause in relation to the land.

6. Affected building notices and building product rectification orders

(a) There is not an affected building notice of which the council is aware that is in force in respect of the land.

(b) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and

(c) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this section—

affected building notice has the same meaning the *Building Products (Safety) Act 2017, Part 4*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

8. Road widening and road realignment

(a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.

(b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.

(c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

9. Flood related development controls

(1) The land is not within the flood planning area and subject to flood related development controls.

(2) The land or part of the land is not between the flood planning area and the probable maximum flood and subject to flood related development controls.

In this section—

flood planning area has the same meaning as in the Flood Risk Management Manual.

Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

10. Council and other public authority policies on hazard risk restriction

(a) Council has adopted policies that restrict the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding (for flooding – see 9). The identified hazard or risk, if any, are listed below:

Nil

(b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

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. The requirements of the NSW Rural Fire Service document Planning for Bush Fire Protection apply to this land. For further information please contact the Northern Beaches District NSW Rural Fire Service.

11. Bush fire prone land

Some of the land is bush fire prone land.

12. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

13. Mine Subsidence

The land is not declared to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

14. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 10 of the *Environmental Planning and Assessment Regulation 2021* and Schedule 7 of the *Environmental Planning & Assessment Act 1997 No 203*.

15. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

16. Biodiversity Stewardship Sites

The Council has not been notified by the Biodiversity Conservation Trust that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

17. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

18. Orders under Trees (Disputes Between Neighbours) Act 2006

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.

19. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note—

Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20. Western Sydney Aerotropolis

Under State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Chapter 4 the land is –

- (a) not in an ANEF or ANEC contour of 20 or greater, as referred to in that Chapter, section 4.17, or
- (b) not shown on the [Lighting Intensity and Wind Shear Map](#), or

- (c) not shown on the [Obstacle Limitation Surface Map](#), or
- (d) not in the “public safety area” on the [Public Safety Area Map](#), or
- (e) not in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife buffer zone” on the [Wildlife Buffer Zone Map](#).

21. Development consent conditions for seniors housing

No condition of development consent granted after 11 October 2007 in relation to the land applies to the property that are of the kind set out in that Policy, section 88(2) of [State Environmental Planning Policy \(Housing\) 2021](#).

22. Site compatibility certificate and conditions for affordable rental housing

(1) There is not a current site compatibility certificate of which the council is aware, in respect of proposed development on the land.

(2) No condition of development consent in relation to the land applies to the property that are of the kind set out in section 21(1) or 40(1) of [State Environmental Planning Policy \(Housing\) 2021](#).

(3) No condition of development consent in relation to the land applies to the property that are of the kind set out in clause 17(1) or 38(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#).

Additional matters under the Contaminated Land Management Act 1997

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

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

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

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* 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 Northern Beaches 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.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council's Local Strategic Planning Statement gives effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community. The Local Strategic Planning Statement came into effect on 26 March 2020.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011

- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - add permitted use of "registered club" on the site of the proposed new Warringah Golf Club

Applies to land: Lot 2742 DP 752038

Outline: Amends WLEP 2011 to:

- Permit an additional permitted use of "registered club" on the site of the proposed new Warringah Golf Club

Council resolution: 24 October 2023

Additional Information Applying To The Land

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

Geotechnical Planning Controls

Council is currently undertaking a study to review geotechnical planning controls across the Local Government Area. Information from a draft study indicates geotechnical considerations may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps. Council's Development Engineering & Certification team can be contacted for further information.

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion

- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire

Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.

Coastal Hazards

Information available to Council indicates properties within the suburb of Cottage Point may be affected by coastal hazards. Please contact Northern Beaches Council for further information.



Scott Phillips
Chief Executive Officer
05/03/2024