

Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Max Hayson
Shop 3, 599 Pacific Highway
SAINT LEONARDS NSW 2066

Reference: Shop 1, 63-67 The Corso, Manly
Date: 25/10/2021
Certificate No. ePLC2021/8511

Address of Property: 1/63-67 The Corso MANLY NSW 2095
Description of Property: Lot 1 SP 67337

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

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Manly Local Environmental Plan 2013

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State Significant Precincts) 2005

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Primary Production and Rural Development) 2019

State Environmental Planning Policy (Koala Habitat Protection) 2019

Wholly Affected - State Environmental Planning Policy (Coastal Management) 2018

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

1.2 Draft Environmental Planning Instruments

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 subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)

Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019

Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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

1.2 b) Draft Local Environmental Plans

1.3 Development Control Plans

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

Manly Development Control Plan 2013

2. Zoning and land use under relevant Local Environmental Plans

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):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

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.

FORESHORE SCENIC PROTECTION AREA ZONE B2 Local Centre

(b) Land uses for land within Zone B2 that may be carried out without development consent:

Home based child care; Home occupations.

(c) Land uses for land within Zone B2 that may be carried out only with development

consent:

Amusement centres; Boarding houses; Boat sheds; Car parks; Child Care Centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems.

(d) Land uses for land within Zone B2 that are prohibited:

Water treatment facilities; Any development not specified in items (b) and (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:

Refer to Schedule 1 of Manly Local Environmental Plan 2013.

(e) Minimum land dimensions

The *Manly Local Environmental Plan 2013* contains no development standard that fixes 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

This land lies within the Town Centre Conservation Area under the *Manly Local Environmental Plan 2013*.

(h) Item of environmental heritage

A heritage item is situated on the land as identified in Schedule 5 of the *Manly Local Environmental Plan 2013*.

2.2 Draft Local Environmental Plan - if any

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

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

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land that lies within the Town Centre Conservation Area under *Manly Local Environmental Plan 2013*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

b) Rural Housing Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land that lies within the Town Centre Conservation Area under *Manly Local Environmental Plan 2013*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

c) Low Rise Housing Diversity Code

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land that lies within the Town Centre Conservation Area under *Manly Local Environmental Plan 2013*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

d) Greenfield Housing Code

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

e) Housing Alterations Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan*

2013 (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

f) General Development Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

g) Commercial and Industrial Alterations Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

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

Heritage Conservation Area

For the purposes of clause 1.19 (1) (a) and (5) (a), complying development may not be carried out on that part of the land that lies within the Town Centre Conservation Area under *Manly Local Environmental Plan 2013*. The restriction applies unless the complying development is for a detached outbuilding, detached development (other than a detached studio) or swimming pool.

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

i) Container Recycling Facilities Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

j) Subdivisions Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

k) Demolition Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

l) Fire Safety Code

Heritage Item

For the purposes of clause 1.17A (1) (d) (iii), complying development may not be carried out on that part of the land that comprises the heritage item listed in the *Manly Local Environmental Plan 2013* (MLEP2013). Where a heritage item listed in MLEP2013 does not comprise the whole of the relevant land, the restriction under (1) (d) applies only to that part of the land that is described in MLEP2013 Schedule 5 Environmental Heritage.

m) 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*.

4, 4A (Repealed)

4B. 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).

5. Mine Subsidence

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

6. 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.

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

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Acid Sulfate Soils - Class 4

This land is identified as Acid Sulfate Soils Class 4 on the Acid Sulfate Soils Map of the *Manly Local Environmental Plan 2013* (MLEP 2013). Restrictions apply to the carrying out of works on this land under Clause 6.1 of the MLEP 2013.

Geotechnical Risk (Landslip)

Development on all of the land is affected by Clause 4.1.8 - *Manly Development Control Plan 2013*.

Contaminated Lands

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.

- (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:

Nil

7A. Flood related development control Information

- (1) The land is within the flood planning area and subject to flood related development controls.
- (2) The land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

8. 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.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. 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*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage 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).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

The land is not bush fire prone land.

12. 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.

13. 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.

14. Directions under Part 3A

There is not a 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

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. 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.

21 Affected building notices and building product rectification orders

- 1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- 2) 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
- 3) 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 clause:

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

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

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

ePLC2021/8511

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 - Rear of 88 Bower St, Manly

Applies to: Lot 1, DP 1244511

Outline: Proposed amendment to MLEP 2013 to:

- rezone the site from RE1 Public Recreation to E4 Environmental Living
- introduce a 500m² minimum lot size for the site
- introduce a maximum building height of 8.5m
- introduce a maximum floor space ratio of 0.45:1.

Council resolution: 15 December 2020

Additional Information Applying To The Land

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

Nil

General Information

Termites

You are advised that Australian Standard 3660.1 - Protection of Buildings Against Subterranean Termites, recommends that buildings are inspected and maintained in order to achieve total termite control. In the regard, you should contact a licensed pest control contractor to ensure all necessary termite controls are achieved.

Flood

Information available to Council indicates properties within the catchments of Manly Ocean Beach, North Head, North Harbour, Manly Lagoon and Middle Harbour, may be flood affected. This includes parts of the suburbs of Balgowlah Heights, Clontarf, Manly, Manly Vale, Fairlight, Balgowlah and Seaforth. It is important to note this information may be used by Council for development assessment purposes. Please contact Northern Beaches Council for further information.

Climate Change

Recent evidence indicates that climate change as a result of global warming is occurring much more rapidly than previously expected. Climate change will vary in its effects across Australia. As well as affecting homes, climate change may affect infrastructure, commercial and industrial buildings and other physical assets. Climate change may affect coastal areas, in particular, through sea-level rise, increased temperatures, and changed storm events. The effects of climate change

may impact on the future use and development potential of the land that is the subject of this certificate.

A handwritten signature in black ink, appearing to read 'Ray Brownlee', with a long horizontal stroke extending to the right.

Ray Brownlee PSM
Chief Executive Officer
25/10/2021