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**PLANNING CERTIFICATE UNDER
SECTION 149 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT, 1979**

Cert No: 25803
Date: 17/09/2008
Receipt No: 1299349
Reference:

Applicant: John O'Callaghan
GPO Box 3275
SYDNEY 2001

Property: 69 West Parade, WEST RYDE
Description: LOT: 4 DP: 19985

Ppty Ref: 34408

INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.

1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND

a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

Ryde Planning Scheme - 1 June 1979 as amended

b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act

Nil.

c) DEVELOPMENT CONTROL PLANS

City of Ryde Development Control Plan 2006.

d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

State Environmental Planning Policies

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

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

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

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

State Environmental Planning Policy No. 50 - Canal Estate Development

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

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

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

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)

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

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

(a) ZONING

Residential 'C5'

(b) ZONING TABLE

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE

The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

(d) CRITICAL HABITAT

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

(e) CONSERVATION AREA (however described)

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

OTHER PRESCRIBED INFORMATION

3. COASTAL PROTECTION

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

4. MINE SUBSIDENCE

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

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.

5. ROAD WIDENING AND ROAD REALIGNMENT

Whether or not the land is affected by any road widening

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

Whether or not the land is affected by a policy adopted by the council, or 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 planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip NO
- (ii) bush fire NO
- (iii) tidal inundation NO
- (iv) subsidence NO
- (v) acid sulphate soil NO
- (vi) any other risk (other than flooding) NO

Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.

6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

7. LAND RESERVED FOR ACQUISITION

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

8. CONTRIBUTIONS PLAN

The name of each contributions plan applying to the land:

City of Ryde Section 94 Development Contributions Plan 2007

9. BUSH FIRE PRONE LAND

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

11. PROPERTY VEGETATION PLANS

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

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

13. DIRECTIONS UNDER PART 3A

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

14. SENIORS HOUSING

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

Council has established a Significant Tree Register. Inclusion of a tree in the Register means that exemptions from the Tree Preservation Order will not apply to that tree.

Registers of Consents may be examined at Council's Customer Service Centre for particulars relating to development consents which may have been issued for the use or development of the land.

Enquiries regarding areas Reserved for County Road and County Open Space should be directed to the Roads and Traffic Authority and Department of Urban Affairs and Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at www.ryde.nsw.gov.au.

FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT

The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley
Group Manager – Environment and Planning



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