



WINTEN  
PROPERTY  
GROUP



# Winten Property Group

## Commercial Development

### Phase 1: Environmental Site Assessment

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177-199 Pacific Highway, North Sydney





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## Winten Property Group

## Commercial Development

## Phase 1: Environmental Site Assessment

### 177-199 Pacific Highway, North Sydney

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A handwritten signature in black ink, appearing to read "Ken Luntz", positioned above a horizontal line.

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A handwritten signature in black ink, appearing to read "Kristel Hartlief", positioned above a horizontal line.

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**Report No** F0001-AA003230-AA-R-01.doc

**Date** 5 May 2010

This report has been prepared for Winten Property Group in accordance with the terms and conditions of appointment for Phase 1: Environmental Site Assessment dated 20 April 2010. Hyder Consulting Pty Ltd (ABN 76 104 485 289) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.



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# Executive summary

Hyder Consulting Pty Ltd (Hyder) has been commissioned by Winten Property Group (Winten) to undertake a Phase 1 Environmental Site Assessment (ESA) of a site located at 177-199 Pacific Highway in North Sydney, NSW. The site is currently used as low rise commercial offices and proposed for re-development into a 30 storey commercial building with a 4 storey basement car park.

The purpose of the investigation was to identify potentially contaminating activities which may have occurred on this site and that may pose constraints for the future commercial development of the site. The investigation was undertaken in accordance with the relevant Department of Environment Climate Change and Water guidelines and standard industry practice.

As part of the investigation, the following was undertaken:

- A desktop review of available aerial photographs, land title certificates, contaminated sites databases, groundwater, soil and geology databases and relevant available historical reports and documentation as required; and
- A visual, non intrusive site inspection.

The outcomes of the desktop review suggest that previous and current land use of the site and surrounding area are not likely to have resulted in significant contamination of the site. No storage of dangerous goods, liquid waste or hazardous materials were observed during the site inspection. An interview with the property manager (Bob Astill) revealed that there are no underground or above ground storage tanks on site. He also confirmed that there is no storage of dangerous goods or hazardous materials on site. Current site land use is commercial and land use adjacent to the site includes commercial offices, a school, residential buildings and restaurants and cafes.

The outcomes of the Phase 1 ESA, including the generally passive nature of the site activities, previous and current land use of the site and surrounding area, suggest that the risk of contamination at the site is low. As such, the site is considered suitable for continued commercial use. It is recommended that a Construction Environmental Management Plan be prepared to address potential environmental issues associated with the site construction works, including sampling/testing of surplus material for off-site disposal.

# 1 Introduction

Hyder Consulting Pty Ltd (Hyder) has been engaged by the Winten Property Group (Winten) to undertake a Phase 1 Environmental Site Assessment (ESA) of the in support of a commercial development proposal for the existing building block located at 177-199 Pacific Highway, North Sydney. The site is currently used as low rise commercial offices and has been proposed for development into a 30 storey commercial building with a 4 storey basement car park.

The purpose of this investigation is to identify any risks associated with the potential for contaminated areas of land that may pose constraints for the proposed redevelopment of the site. This report has been produced as a requirement of the NSW Department of Planning Director Generals Requirements under Section 75F of the *Environmental Planning and Assessment Act 1979*. This report specifically addresses SEPP 55 – Remediation of Land.

This assessment has been carried out in accordance with the relevant guidelines entitled “*Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites*” and standard industry practices outlined by the NSW Department of Environment Climate Change and Water (DECCW).

## 1.1 Site identification

Table 1 below summarises the identification details for the site.

Table 1: Site identification details

<b>Number and street name</b>	177-199 Pacific Highway
<b>Suburb/city/town</b>	North Sydney
<b>Postcode</b>	2060
<b>Lot and DP Number</b>	SP 17198 – Units 1-26 Norberry Terrace
<b>Local Government Area</b>	North Sydney

The site is located in the suburb of North Sydney on the corner of Berry Street and Pacific Highway. The existing site is shown in Figure 1, with an outline of the proposed new site.



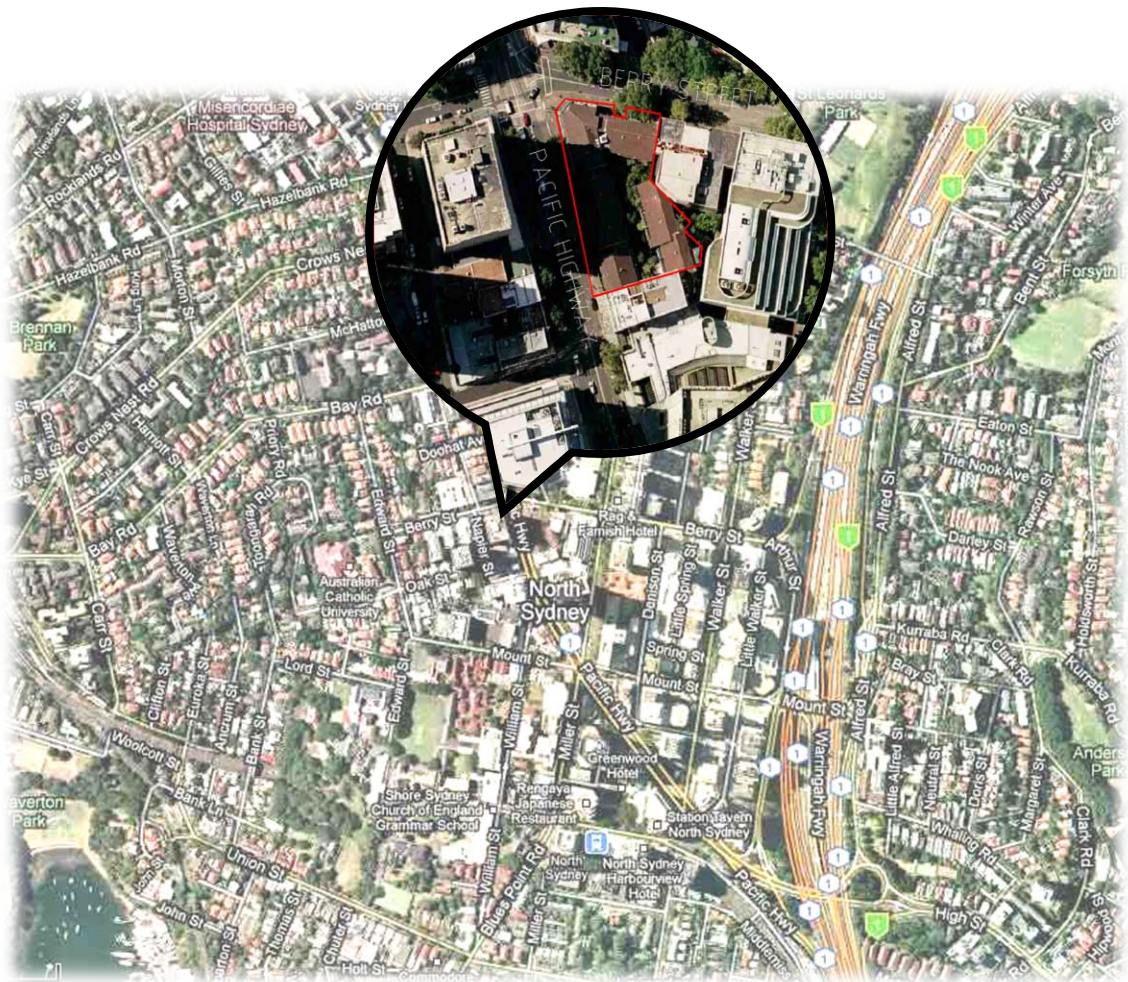


Figure 1: Existing Site Location ("AUSIMAGE © Sinclair Knight Merz Pty Ltd 2010")

## 1.2 Objectives

The objectives of this assessment include:

- Identify current and past activities which may result in potential contamination of the site and may pose constraints for future redevelopment of the site; and
- Provide recommendations for further investigations to confirm and characterise the nature of contamination, if present.

## 1.3 Scope of works

The scope of works undertaken for the Phase 1 ESA included the following:

- Detailed site inspection and review of surrounding land uses undertaken by a Senior Environmental Consultant on Wednesday 28 April 2010
- Desktop study of historical information including a review of available aerial photographs, land title certificates, central online databases and relevant documentation as required; and
- Preparation of a Phase 1 ESA report in accordance with the relevant guidelines and standard industry practices outlined by DECCW.

## 1.4 Proposed land uses

Winten are seeking approval for the development of a 30 storey commercial building with a 4 storey basement car park. The proposed development site is at 177-199 Pacific Highway in North Sydney.

## 1.5 Limitations

The findings in this report are based on the preliminary environmental desktop study described in the scope of works. Hyder has performed the services in a manner consistent with the level of care and expertise exercised by members of the environmental consulting profession. No warranties, expressed or implied are made. Hyder's assessment is limited strictly to identifying typical environmental conditions associated with the site. All environmental and contaminated land work is subject to general limitations related to the heterogeneity of the natural environment, variability of contaminant distribution and constraints imposed by the investigation methods utilised.

The results of this assessment are based on the site inspection undertaken by Hyder personnel from accessible areas, information provided by Winten and publically available background information. All conclusions and recommendations are the professional opinions of the Hyder personnel involved in the project, subject to the qualifications made above. While normal assessments of data reliability have been made, Hyder assumes no responsibility or liability for errors in any data obtained from external sources, or developments resulting from situations outside the scope of this project.

Specifically, with regard to this report, it should be noted that the scope of works carried out herein is not intended to include sufficient information to enable completion of a statutory audit of the site, and as such does not include the following:

- Any intrusive soil/groundwater sampling and analysis
- Sampling and analysis of any emissions to air, wastewater discharges or solid and liquid wastes.

Please ensure that these limitations are understood before utilising, or basing decisions on the information presented in this report.

## 2 Site history

### 2.1 Previous land uses

#### 2.1.1 Review of historical aerial photographs

A review of historical aerial photographs held by the Land and Property Management Authority, NSW was undertaken to determine previous land uses on and adjacent to the site. The results of this review are summarised in Table 2 below. Copies of the aerial photographs are presented in Appendix B.

Table 2: Summary of previous land uses as identified through historical aerial photographs.

Year/Reference	Site description	Adjacent land description
1930/ Run 1-12	The site appears to be occupied by 4 buildings. The buildings are likely to have been commercial or warehousing properties. Three building are on the Pacific Hwy and the remaining building is L-shaped and located on Berry Street.	The areas opposite the Pacific Hwy from the north though to the south of the site appear to be occupied by residential properties. Areas on the same side of the pacific Hwy from the south to the east appear to be commercial or light industrial buildings. There is a school located to the northeast of the site on the opposite side of Berry Street and more commercial buildings appear to be located across Berry Street to the north.
1951/ Run 11	The three buildings on the Pacific Hwy appear to be the same. However, there appears to be a new building built on the site on Berry Street. The new building looks slightly larger but still looks to be of a commercial nature.	There does not appear to be any significant change to the lands immediately adjacent to the site.
1961/ Run 32E	There does not appear to be any significant change to the site	The land to the southeast of the site has been developed to include a number of high rise commercial buildings. However, the site block remains relatively unchanged. The school still exists to the northeast and residential areas are present from the northwest to the southwest on the opposite side of the Pacific Hwy. Some of the residential blocks to the west of the site appear to have been converted to light commercial buildings.
1970/ Run 16E	There does not appear to be any significant change to the site	Although the site block remains relatively unchanged, the land on the eastern side of the side has been significantly developed into a number of

Year/Reference	Site description	Adjacent land description
		high rise commercial buildings. Adjacent land to the west on the opposite side of the Pacific Hwy is also now distinctly commercial rather than residential. The school still exists to the northeast although there appears to have been a swimming pool built on the premises. High rise commercial buildings have been built directly north of the site on the opposite side of Berry Street.
1982/ Run 21	The site has been redeveloped to its current strata form. The previous structures have been demolished and the 26 strata units have been developed.	Almost all adjacent land around the site has been developed into commercial high rises. Specifically, the site block looks as though it has been completely redeveloped to the south and now includes a high rise commercial building (Northpoint Tower) on the southern end. There are a few residential building that exist to the northwest of the site.
1994/ Run 9	There does not appear to be any significant change to the site	There has been further significant development of the commercial areas surrounding the site. This development has resulted in an increase of high rise commercial buildings in the area. The school to the northeast and the residential buildings to the northwest of the site still exist.
2005/ Run 9	There does not appear to be any significant change to the site	There has been further significant development of the commercial areas surrounding the site. This development has resulted in an increase in the density of high rise commercial buildings in the area. The school to the northeast and the residential buildings to the northwest of the site still exist. However, the swimming pool at the school appears to have been converted into an indoor facility.

## 2.1.2 Land title search

A search of the Land and Property Management Authority Land Title database outlined that the site has been classified as Lots 1-26 in Strata Plan (SP) 17198. At the time of preparation of this report, Winten Property Group has ownership of 24 lots in the development with intention of purchasing the remaining two.

A search of land title history was undertaken for 1/ SP 17198. A search was not undertaken for all 26 strata premises as it is assumed that any development would have encompassed the whole site. The available land title history was only available to 1986. It was found that there have been five lease transfers since then.

No further information was available from the historical search conducted as part of this investigation.

### 2.1.3 Current and future site activities

The site is currently under strata arrangement as 26 low rise commercial offices. Each strata block is 3 storeys high with underground basement parking on one level. Winten are seeking approval for the development of a 30 storey commercial building with a 4 storey basement car park

No data available prior to the construction of the office block on the site in the 1970s. The photo review and discussions with the site property manager and owner suggest that an unfinished excavation site for the construction of a high rise commercial tower occupied the site prior to the strata complex in the 1970's. The current buildings on the site are clearly visible in the 1982 aerial photographs. However, the aerial photo from 1970 indicates that there were possibly four separate light commercial buildings located on the site prior to the excavation.

### 2.1.4 Adjacent land use activities

Surrounding land use is mostly commercial in the immediate surroundings with residential housing at a further distance. There are a number of restaurants and cafes adjacent to the site and a school is situated to the northeast.

## 2.2 Previous investigations

Hyder is not aware of any previous environmental site assessments which have been conducted on the site.

## 2.3 Planning context

### 2.3.1 Zoning

The site is currently zoned as commercial in the North Sydney Local Environmental Plan 2001. Figure 2 shows that the surrounding areas are zoned as commercial, mixed use and special uses. Residential zoning is also located in the vicinity of the site.



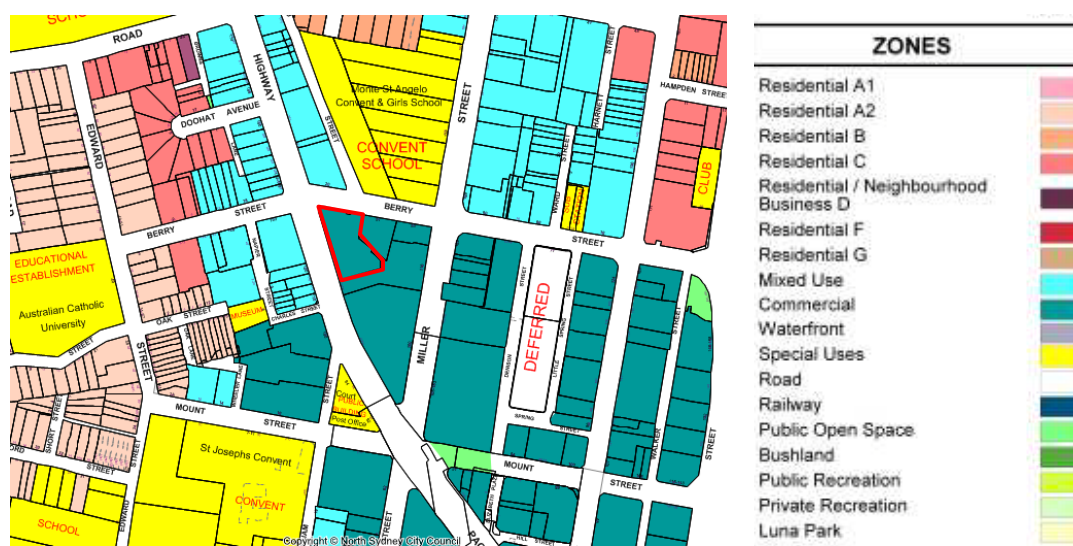


Figure 2: North Sydney LEP 2001 Zoning (North Sydney Council)

The table below outlines the objectives of each zone as outlined in the North Sydney LEP 2001.

Table 3: Zoning objectives as outlined by the North Sydney LEP 2001 (North Sydney Council)

Zone	Objectives
Commercial	<p>(a) to prevent the loss of commercial floor space to residential use, and</p> <p>(b) to encourage a diverse range of employment opportunities, and</p> <p>(c) to minimise adverse effects of development on residents and occupiers of existing and new development.</p>
Mixed use	<p>(a) encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of residential areas, and</p> <p>(b) create interesting and vibrant neighbourhood centres with safe, high quality urban environments with residential amenity, and</p> <p>(c) maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above, and</p> <p>(d) promote affordable housing.</p>
Special use	<p>(a) identify land on which special land uses are carried out, and</p> <p>(b) minimise the impact of the use of that land on adjoining land.</p>
Residential A2	<p>(a) maintain lower scale residential neighbourhoods of mainly detached and duplex housing, and</p> <p>(b) assist in the conservation of heritage and other sensitive areas, and</p> <p>(c) encourage the retention of existing contributory items or neutral items in conservation areas, and</p> <p>(c1) promote affordable housing, and</p> <p>(d) minimise the impact of non-residential uses and ensure these are in character with the zone</p>
Residential C	The particular objectives of this zone are to encourage the

Zone	Objectives
	provision of a range of residential accommodation, including dwelling-houses, duplexes, attached dwellings and apartments, in proximity to transport and other services.

## 2.3.2 Council records

The planning certificates under Section 149 of the *Environmental Planning and Assessment Act 1979* (see Appendix D), provide further information relating to the contamination status of the site. The planning certificate for this site outlined that:

- The site is zoned commercial under the North Sydney LEP 2001
- Council is not aware of the land (or part of the land) being declared significantly contaminated land, as defined under the *Contaminated Land Management Act 1997*
- Council is not aware of the land (or part of the land) being subject to a management order, as defined under the *Contaminated Land Management Act 1997*
- Council is not aware of the land (or part of the land) being the subject to an approved voluntary management proposal, as defined under the *Contaminated Land Management Act 1997*
- Council is not aware of the land (or part of the land) being subject to an ongoing maintenance order, as defined under the *Contaminated Land Management Act 1997*
- Council is not aware of the land (or part of the land) being the subject of a site audit statement, as defined under the *Contaminated Land Management Act 1997*

## 2.3.3 DECCW records

A search of the DECCW contaminated land public record was undertaken to determine whether the site was registered under the *Contaminated Land Management Act 1997*. The results of this search indicate that the site is not registered under the *Act*.

## 3 Existing environment

### 3.1 Geology and soils

#### 3.1.1 Geology

The 1:100,000 geological map of Sydney (Map 9130, 100,000 Department of Mineral Resources – 1983) shows that the site is located on the Mittagong Formation, which is underlain by Hawkesbury sandstone. The Mittagong Formation is characterised by interbedded and laminated fine to medium grained quartz sandstone and siltstone with laminate inclusions.

#### 3.1.2 Soils

The Sydney 1:100,000 Soil Landscape Sheet shows that the site is located on the Gynea soil landscape. This is often characterised by low rolling hills on Hawkesbury Sandstone. The soils are considered to be shallow to moderately deep earthy sands. The earthy sands generally have low available water capacity, may be highly impermeable and highly acidic. The acidity of the soil should be considered during construction activities on site.

## 3.2 Groundwater

Figure 3 shows the location of groundwater bores (indicated by the blue dots) within the vicinity of the site.

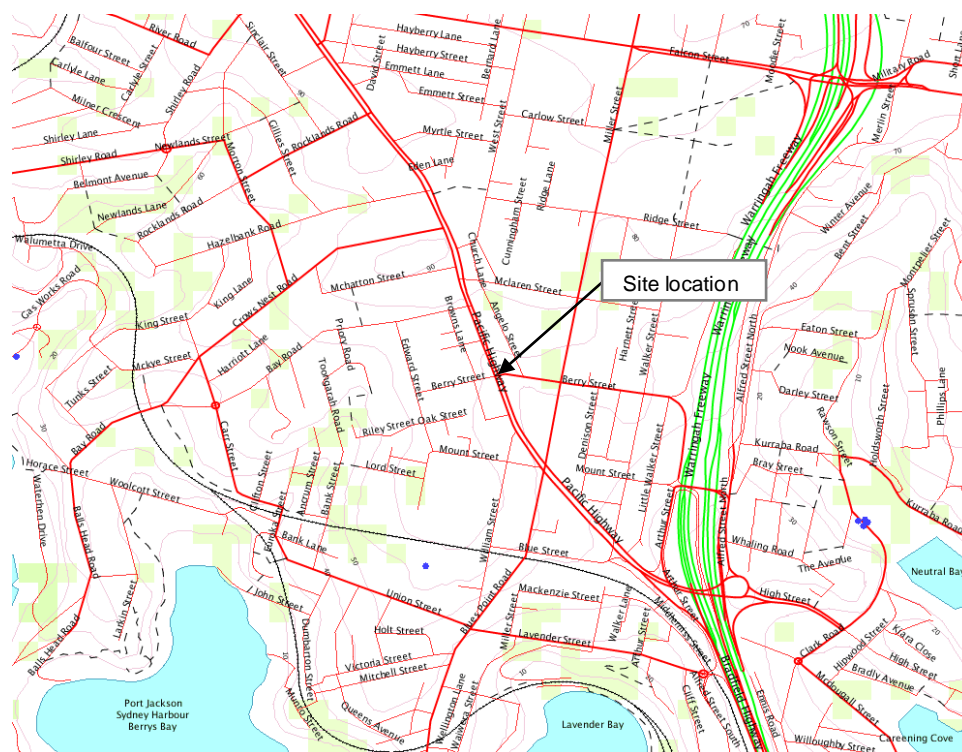


Figure 3: Location of groundwater bores in relation to the site (Map created using the NSW Natural Resource Atlas – <http://www.nratlas.nsw.gov.au> accessed 10-05-2010. Map has been compiled from various sources and may contain errors or omissions. No representation is made as to its accuracy or suitability).

There are 6 groundwater bores located within a 2km radius of the site. For more detailed information on groundwater, refer to the Hyder's geotech assessment report for this site. The



bores to the east of the site are monitoring bores and those to the west are used for domestic purposes.

### 3.3 Surface water drainage

Surface water from this site and adjacent properties will flow into stormwater drains and will be directed to the Council stormwater system which is likely to discharge into Port Jackson. Little runoff is expected from properties adjacent to this site. More detailed information on surface water drainage is available in Hyder's Stormwater DA report for the site.

## 4 Site assessment

### 4.1 Site description

The site is situated on the east side of the Pacific Highway with Berry Street to the north. A complex of 26 low rise strata commercial buildings is currently located on the site. Business activities within the complex are all commercial and comprise of financial services, commercial printing, legal services, accounting services, insurance and marketing. There is a one and a half storey basement car park located under the complex.

The strata complex sits on foundations which were previously built for a high storey commercial block on the site (*pers comm.* Stuart Vaughan of Winten). An underground ditch of approximately 6 m in depth is located underneath the basement car park and was dug as part of the foundations. The high storey commercial block was never built, however the ditch and foundations remain under the current car park.

The site is surrounded by commercial properties, with a school to the northeast and a few restaurants and cafes to the east.

### 4.2 Site observations

The following observations were made for 177-199 Pacific Highway during a site visit conducted on the 28<sup>th</sup> of April 2010:

- There was no evidence of underground or above ground tanks on the site
- There were no odours or noise from the site during the site visit
- There was no indication of dangerous goods or hazardous materials on site
- Waste areas were well maintained
- One cooling tower is located on the site on the roof of the complex
- There was no evidence of grease traps located on site.

### 4.3 Site condition

The site was excavated in the 1970's for the purposes of building a high rise commercial block. However, this development was never completed and the current strata complex was built instead. The buildings located on site are generally in good condition.

During the site inspection, there was evidence of construction waste such as wood and concrete dumped in the ditch under the basement car park. However there was no indication of dumping of any liquid wastes or dangerous goods. It is unknown whether the construction waste in the ditch included any hazardous materials such as lead based paint or asbestos from previous structures on site.

There were no visible signs of contamination of soils in the ditch under the site, on the site or in the surrounding areas. Vegetation on and around the site appears relatively healthy.

## 5 Conclusions and recommendations

A Phase 1 Environmental Site Assessment has been undertaken to determine the potential risk for land contamination from past and current activities at 177-199 Pacific Highway. Analysis of the site history through aerial photographs has suggested that previous land uses were likely to be commercial or light warehousing. Such activities are less likely to lead to significant land contamination. A search of available Council and State Government databases showed no record of contamination on the site. No dangerous goods, liquid waste or hazardous materials were observed during an inspection of the site (which included interviews with the current site owner and building manager). Latest activities on site were commercial and it is unlikely that those site activities would lead to significant land contamination. The results of this assessment indicate the risk of significant soil or groundwater contamination on the site is minimal based on available data.

The outcomes of the Phase 1 ESA, including the generally passive nature of the site activities, previous and current land use of the site and surrounding area, suggest that the risk of contamination at the site is low. As such, the site is considered suitable for continued commercial use. However, the proposed site re-development may require the removal of excess soil and some testing may be required to confirm soil quality prior to off-site disposal. Although the risk is considered low, potential contaminants may still exist on site through construction practices in the past. These are outlined in the table below and should be considered during the development process.

Table 4: Potential contaminants of concern

Potential Source	Potential contaminants of concern
Potential imported fill material	Polycyclic Aromatic Hydro carbons (PAH), heavy metals, Total Petroleum Hydrocarbons (TPH), BTEX compounds (MAH), organochlorine pesticides, phenols, polychlorinated biphenyls (PCB), total cyanide and sulphate, volatile halogenated organics and chlorinated hydrocarbons.
Building material	Asbestos, lead based paint

It is recommended that a Construction Environmental Management Plan be prepared to address potential environmental issues associated with the site construction works, including sampling/testing of surplus material for off-site disposal.

## 6 References

Chapman, G.A. and Murphy C.L (1989), *Soil Landscapes of the Sydney 1:100,000 Sheet*. Soil Conservation Service of NSW, Sydney

Department of Environment, Climate Change and Water, Contaminated Land Record Search - <http://www.environment.nsw.gov.au/prclmapp/searchregister.aspx>

Department of Environment Climate Change (2000) *Guidelines for Consultants Reporting on Contaminated Sites*, DECC

Department of Environment, Climate Change and Water, Natural Resources Atlas - <http://www.nratlas.nsw.gov.au/>

Herbet, C (eds) (1980) *Geology of the Sydney 1:100,000 Sheet 9130*, Geological Survey of New South Wales, Department of Mineral Resources, Sydney

## Appendix A

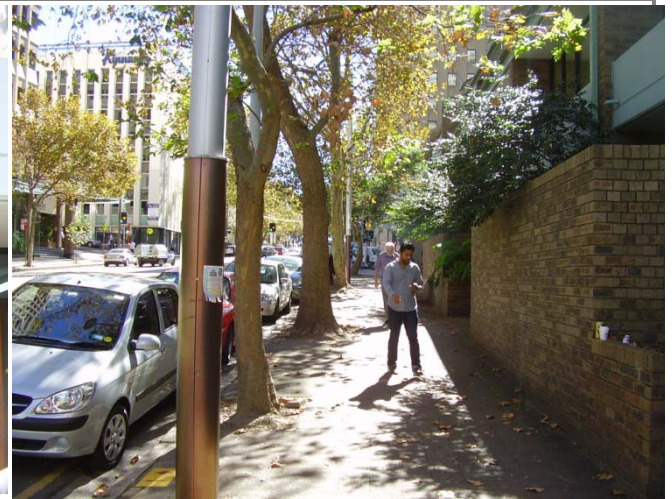
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### Site photographs





Entrance to 177-199 Pacific Highway



Pacific Highway looking northbound



Pacific Highway looking southbound



Vegetation within the current site



Adjacent restaurant and cafes on Berry Street



Adjacent commercial block





Vegetation within current site



Construction debris in ditch under the car park



Underground car park on site



Construction debris in ditch under the car park





Appendix B

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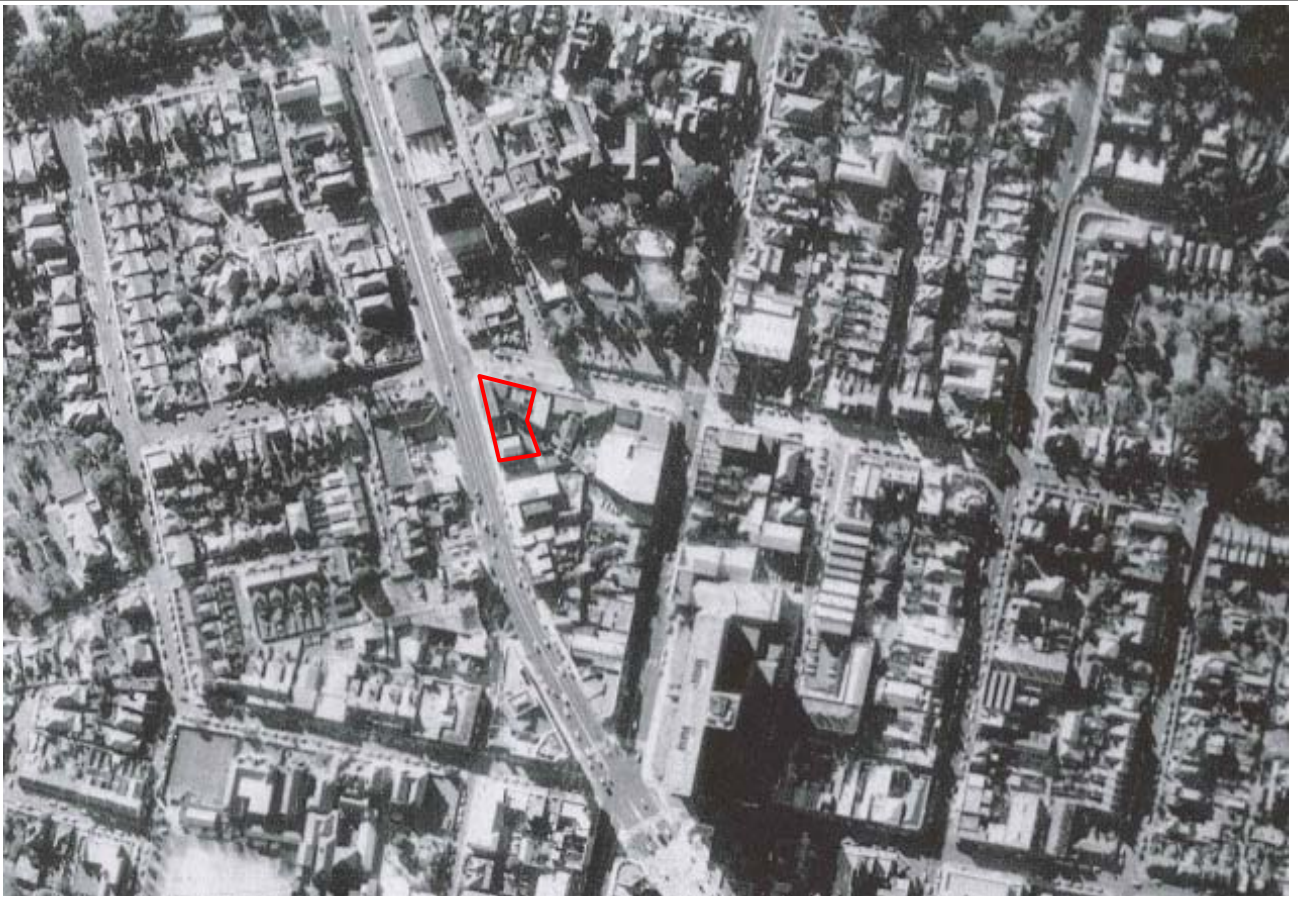
Aerial photography



1930



1950



1961

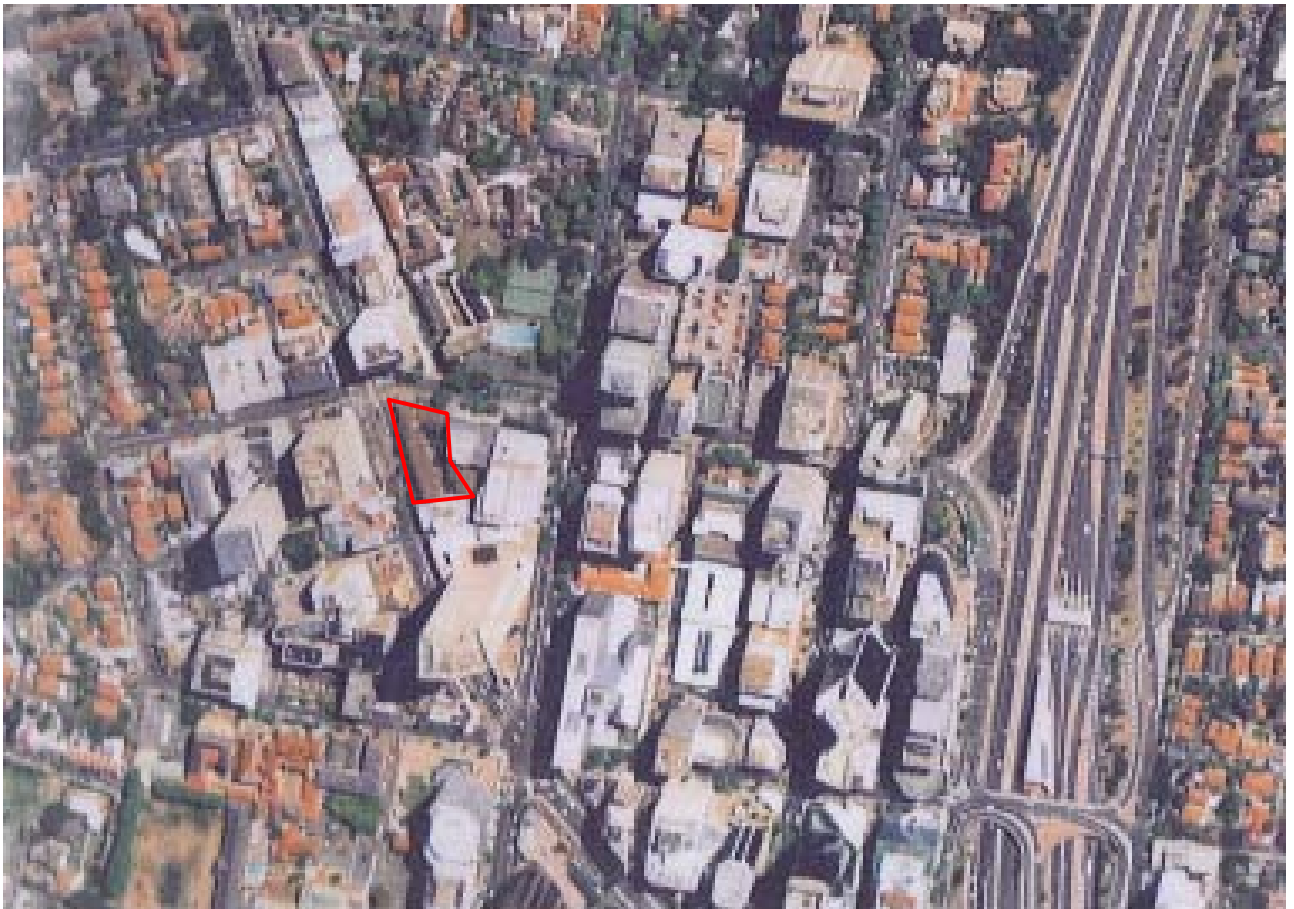


1970





1982



1994



2005



Appendix C

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Land title search results



LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/SP17198

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2010	12:34 PM	10	6/4/2010

LAND

LOT 1 IN STRATA PLAN 17198  
AT NORTH SYDNEY  
LOCAL GOVERNMENT AREA NORTH SYDNEY

FIRST SCHEDULE

WINTEN (NO.13) PTY LIMITED (TZ AF387585)

SECOND SCHEDULE (3 NOTIFICATIONS)

- INTERESTS RECORDED ON REGISTER FOLIO CP/SP17198
- AC495510 LEASE TO HODDER ROOK & ASSOCIATES PTY LIMITED  
EXPIRES: 31/5/2011. OPTION OF RENEWAL: FIVE YEARS.  
AE201414 VARIATION OF LEASE AC495510 EXPIRY DATE NOW  
31/5/2009.WITH AN OPTION FOR A FURTHER TERM OF 12  
MONTHS
- AF387610 MORTGAGE TO INVESTEC BANK (AUSTRALIA) LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

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

5513617 177 PacHwy AA003230

PRINTED ON 5/5/2010

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

## Land and Property Information

ABN: 33 537 762 019  
GPO Box 15  
Sydney NSW 2001  
DX 17 SYDNEY Telephone: (02) 9228 6666





LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

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SEARCH DATE

5/5/2010 1:13PM

FOLIO: 1/SP17198

Prior Title(s): VOL 14524 FOL 96

Recorded	Number	Type of Instrument	C.T. Issue
29/4/1986		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
30/6/1986		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
29/4/1987	W857347	DETERMINATION OF LEASE	
29/4/1987	W857348	LEASE	EDITION 1
3/11/1987	X182808	MORTGAGE	EDITION 2
10/5/1989	Y351523	DISCHARGE OF MORTGAGE	EDITION 3
10/7/1989	Y469865	TRANSFER OF LEASE	EDITION 4
4/6/1991	Z671609	LEASE	EDITION 5
11/6/1997	3134150	TRANSFER	
11/6/1997	3134151	MORTGAGE	EDITION 6
10/8/2006	AC495509	DISCHARGE OF MORTGAGE	
10/8/2006	AC495510	LEASE	
10/8/2006	AC495511	TRANSFER	
10/8/2006	AC495512	MORTGAGE	EDITION 7
9/9/2008	AE201412	DISCHARGE OF MORTGAGE	
9/9/2008	AE201413	TRANSFER	
9/9/2008	AE201414	VARIATION OF LEASE	EDITION 8
21/11/2008	AE341620	MORTGAGE	EDITION 9
6/4/2010	AF387584	DISCHARGE OF MORTGAGE	
6/4/2010	AF387585	TRANSFER WITHOUT MONETARY CONSIDERATION	
6/4/2010	AF387610	MORTGAGE	EDITION 10

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

5514046 177 PacHwy AA003230

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## Land and Property Information

ABN: 33 537 762 019

GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666



## Appendix D

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### Section 149 planning certificates



address 200 Miller Street North Sydney NSW 2060  
 all correspondence General Manager North Sydney Council  
 PO Box 12 North Sydney NSW 2059  
 DX10587

telephone (02) 9936 8100  
 facsimile (02) 9936 8177  
 email council@northsydney.nsw.gov.au  
 Internet www.northsydney.nsw.gov.au  
 ABN 32 353 260 317

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

Cert. No.: 45283/02  
 Page No.: 1 of 6

Parcel No: 6999

Date: 06/05/2010  
 Receipt No.: 1040525  
 Your REF:

Applicant:  
 Ken Lundy  
 Locked Bag 6503  
 NORTH SYDNEY NSW 2059

Owner (as recorded by council):  
 Winten (No 13) Pty Ltd  
 PO Box 55  
 CAMMERAY NSW 2062

Property Description:  
 1/177-199 Pacific Highway NORTH SYDNEY 2060  
 SP 17198 Lot 1

The Title information shown on this Certificate has been obtained from the Land and Property Information NSW, therefore Council cannot guarantee accuracy.

The information required to be disclosed in this planning certificate is that prescribed by Schedule 4 of the Environmental Planning and Assessment Regulation 2000. If no response is provided in this planning certificate for an item listed in Schedule 4, that matter has been considered and determined as not applying to the land to which this certificate relates.

**AS AT THE DATE OF THE CERTIFICATE THE FOLLOWING MATTERS APPLY TO THE ABOVE  
 MENTIONED LAND.**

**PLANNING INSTRUMENT:** NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001  
 GAZETTED 1<sup>ST</sup> JUNE, 2001, AS AMENDED.

**EFFECT:**

COMMERCIAL ZONE - USES UNDER NORTH SYDNEY L.E.P. 2001

**PERMISSIBLE DEVELOPMENT**

Subject to the provisions of LEP 2001 the following development may be carried out within the zone, but only with development consent:

**Development for the purpose of:**

advertisements; business identification signs; child care centres; clubs; commercial premises; community facilities; community notice signs; drainage; educational establishments; hospitals; hotels; medical centres; open space; places of assembly; places of public worship; real estate signs; recreational facilities; refreshment rooms; remediation; restricted premises; shops; showrooms; take-away food shops; taverns; telecommunications facilities; temporary signs; temporary structures for the sale of produce and merchandise; utility installations, other than gasholders or generating works."

**PROHIBITED DEVELOPMENT**

Any purpose other than a purpose listed above is prohibited within the zone.



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all correspondence General Manager North Sydney Council  
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DX10587

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#### EXEMPT DEVELOPMENT

Development for the purposes set out in clause 12 and schedule 6 of LEP 2001 is exempt development, which may be carried out within the zone without the need for development consent.

#### COMPLYING DEVELOPMENT

Development for the purposes set out in clause 13 and schedule 7 of LEP 2001 is complying development, which may be carried out within the zone without the need for development consent, provided that a complying development certificate is obtained.

#### **Planning Proposal to amend North Sydney Local Environmental Plan 2001**

This Planning Proposal applies to 144-150 Walker Street, North Sydney. The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2001* to increase the maximum height limit over the rear portion of the site from 10m to 25m and reduce the minimum non-residential floor space ratio from 0.5-2:1 to 0-2:1. The planning proposal will be on public exhibition for a period of 30 days from 16 December 2009 to 15 January 2010.

#### **Planning Proposal to amend North Sydney Local Environmental Plan 2001**

This Planning Proposal applies to 225 Miller Street, North Sydney. The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2001*, to reduce the minimum non-residential floor space ratio on the subject site from 3:1 to 0.5:1. The planning proposal will be on public exhibition for a period of 30 days from 16 December 2009 to 15 January 2010.

#### **Planning Proposal to amend North Sydney Local Environmental Plan 2001**

This Planning Proposal applies to 35-51 Mitchell Street, McMahon's Point. The Planning Proposal seeks to amend *North Sydney Local Environmental Plan 2001*, to allow "commercial premises" as defined by NSLEP 2001 to be permissible with consent on the subject site. The planning proposal will be on public exhibition from Wednesday 3 February 2009 to Friday 19 February 2009.

#### **Planning Proposal to amend North Sydney Local Environmental Plan 2001**

This Planning Proposal applies to 20-28 Brook Street, Crows Nest. The planning proposal seeks to amend NSLEP 2001 to rezone the subject sites from Residential B to Residential C with a maximum building height of 12m. The planning proposal will be on public exhibition from Thursday 25 March 2010 to Friday 9 April 2010.

Development Consent MAY BE REQUIRED for the DEMOLITION of all or part of any building on the subject land under *North Sydney Local Environmental Plan 2001*. Refer to *SEPP (Exempt and Complying Development Codes) 2008* and Schedule 6 - Exempt Development under *North Sydney Local Environmental Plan 2001*.

#### **North Sydney Development Control Plan 2002 and Area Character Statements - Effective 21/02/2002.**

The DCP applies to all land in the North Sydney local government area where LEP 2001 applies, and contains policy relevant to development of land where LEP 1989 applies. Amended 20/3/03. Amended 29/5/03. Amended 24/03/05. Amended 07/07/05. Amended 06/10/05. Amended 04/05/06. Amended 01/06/06. Amended 19/9/06. Amended 16/08/07. Amended 29/05/08. Amended 30/10/08.

**North Sydney Section 94 Contributions Plan.** Comprehensive contributions plan applying to all development in the North Sydney local government area. Effective 12 February 2004. Amended 3 July 2006.



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#### HERITAGE CONTROLS:

The subject land is NOT LOCATED within a CONSERVATION AREA, under Part 4 - Heritage Provisions of *North Sydney Local Environmental Plan 2001*.

The subject land is NOT IDENTIFIED as containing a HERITAGE ITEM under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The subject land is NOT IDENTIFIED as containing a HERITAGE ITEM, under Part 4 - Heritage Provisions of *North Sydney Local Environmental Plan 2001*.

The subject land is NOT IDENTIFIED as a CONTRIBUTORY ITEM, under Part 4 - Heritage Provisions of *North Sydney Local Environmental Plan 2001*.

The subject land is NOT IDENTIFIED as an UNCHARACTERISTIC ELEMENT, under Part 4 - Heritage Provisions of *North Sydney Local Environmental Plan 2001*.

#### OTHER CONTROLS:

The subject land is NOT AFFECTED by Section 38 or 39 of the *Coastal Protection Act 1979*.

The subject land is NOT PROCLAIMED as a Mine Subsidence District within the meaning of Section 15 of the *Mine Subsidence Compensation Act 1961*.

The subject land is NOT AFFECTED by any road widening or road realignment under the *Roads Act 1993*.

The subject land is NOT AFFECTED by any road widening or road realignment under any environmental planning instrument.

The subject land is NOT AFFECTED by any ROAD WIDENING or road reservation under any Council resolution.

The subject property is NOT identified as BUSHFIRE PRONE LAND on Council's Bushfire Prone Land Map as certified by the NSW Rural Fire Service Commissioner dated 8 April 2009 pursuant to the requirements under the of the *Rural Fires Act 1997* and *Environmental Planning and Assessment Act 1979*.

The subject land is NOT SUBJECT to any reservation for acquisition by a public authority for any purpose under any environmental planning instrument applying to the land as set out in this certificate.

The subject property is wholly or partly identified as a SPECIAL AREA under *North Sydney Local Environmental Plan 2001*. See *North Sydney Local Environmental Plan 2001* for more details.

The land is NOT 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 the Council, that restricts the development of the land by reason of the



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likelihood of landslip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

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**THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLY:**

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**State Environmental Planning Policies (SEPPs)**

SEPP No. 1 - Development standards  
SEPP No. 4 - Development without consent and miscellaneous complying development  
SEPP No. 6 - Number of storeys in a building  
SEPP No. 19 - Bushland in urban areas  
SEPP No. 22 - Shops and commercial premises  
SEPP No. 32 - Urban consolidation (re development of urban land)  
SEPP No. 33 - Hazardous and offensive development  
SEPP No. 50 - Canal estate development  
SEPP No. 55 - Remediation of land  
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries  
SEPP No. 60 - Exempt and Complying Development  
SEPP No. 64 - Advertising and signage  
SEPP No. 65 - Design Quality of Residential Flat Development  
SEPP (Affordable Rental Housing) 2009  
SEPP (Building Sustainability Index: BASIX) 2004  
SEPP (Exempt and Complying Development Codes) 2008  
SEPP (Housing for Seniors or People with a Disability) 2004 - *formerly SEPP (Seniors Living) 2004*  
SEPP (Infrastructure) 2007  
SEPP (Major Development) 2005 - *formerly SEPP Major Projects & SEPP State Significant Development*  
SEPP (Repeal of Concurrence and Referral Provisions) 2008  
SEPP (Temporary Structures) 2007

**Regional Environmental Plans (REPs) (Deemed SEPPs)**

Sydney REP (Sydney Harbour Catchment) 2005

*Note: summaries of the SEPPs and deemed SEPPs are provided on the Department of Planning's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)*

**Draft State Environmental Planning Policies (SEPPs)**

Draft SEPP No. 66 - Integration of Land Use and Transport  
Draft SEPP (Application of Development Standards) 2004

*Note: summaries of the SEPPs and deemed SEPPs are provided on the Department of Planning's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)*

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**FOR THE PURPOSE OF SECTION 149(2) AND CLAUSE 3 TO SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000, THE FOLLOWING INFORMATION IS PROVIDED:**

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#### **General Housing Code**

Complying development types specified within the General Housing Code under Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN NOT BE UNDERTAKEN ON THE SUBJECT LAND, as the subject land is wholly or partly identified as:

- being excluded land (a Special Area) identified by an environmental planning instrument

#### **Housing Internal Alterations Code**

Complying development types specified within the Housing Internal Alterations Code under Part 4 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

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

Complying development types specified within the Commercial and Industrial Code under Part 5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* CAN BE UNDERTAKEN ON THE SUBJECT LAND.

Note. This part of the Certificate only addresses matters raised in Clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is your responsibility to ensure that you comply with any other relevant requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is invalid.

#### **FOR THE PURPOSE OF SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997, THE FOLLOWING INFORMATION IS PROVIDED:**

Council is NOT AWARE of the land (or part of the land) being declared SIGNIFICANTLY CONTAMINATED land, as defined under Section 11 of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being subject to a MANAGEMENT ORDER, as defined under Section 14(1) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being the subject of an approved VOLUNTARY MANAGEMENT PROPOSAL, as defined under Section 17(1) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being subject to an ONGOING MAINTENANCE ORDER, as defined under Section 28(2) of the *Contaminated Land Management Act, 1997*.

Council is NOT AWARE of the land (or part of the land) being the subject of a SITE AUDIT STATEMENT, as defined under Part 4 of the *Contaminated Land Management Act, 1997*.

#### **FOR THE PURPOSE OF SECTION 149(5) THE FOLLOWING INFORMATION IS PROVIDED:**

This property IS NOT listed in the Register of the National Trust of NSW.

The subject land is NOT AFFECTED by the Heritage Act 1977.





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A Tree Preservation Order applies throughout the North Sydney Council area. Contact Council for details.

For further information, please contact Council's  
DIVISION OF PLANNING & DEVELOPMENT SERVICES

PENNY HOLLOWAY  
GENERAL MANAGER

per:

A handwritten signature in black ink, appearing to be "Penny Holloway", written over a horizontal line.

