



WINTEN
PROPERTY
GROUP



Winten Property Group

Commercial Development

Phase 1: Environmental Site Assessment

88 Christie St, St Leonards



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Phase 1: Environmental Site Assessment

88 Christie St, St Leonards

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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 88 Christie Street in St Leonards, NSW. The site is currently occupied by five low rise commercial offices and has been proposed for development into a 16 storey commercial building, including a 7 level underground car park.

The purpose of the investigation was to identify potentially contaminating activities which may have occurred on site and that may pose constraints for the future commercial development of the site. The investigation was undertaken in general 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.

An interview with the property manager and owner revealed that there were no underground or above ground storage tanks, dangerous goods or hazardous materials on site. No storage of dangerous goods, liquid waste or hazardous materials were observed during the site inspection. Current land use on site is commercial and land use adjacent to the site includes commercial, residential, mixed use, special use (hospital and cemetery) and public recreation.

The available information indicates that there is potential contamination risk on the site due to the following:

- Groundwater contamination issues associated with adjacent land uses, specifically the Royal North Shore Hospital, the Gore Hill Cemetery and the dry cleaners upstream from the site
- The proposed new development will require penetration of the groundwater table and dewatering.
- Classification of excavated soil and waste will be required during construction.

A Phase 2 assessment is recommended to confirm levels of site contamination through collection and analysis of soil and groundwater samples. This assessment will also recommend remediation strategies, where relevant.

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) in support of a commercial development proposal for a site which includes the following blocks:

- 79 Lithgow St, St Leonards (Lot71/DP542079)
- 77 Lithgow St, St Leonards (Lot 72/DP542079)
- 75 Lithgow St, St Leonards (Lot10/DP3175)
- 86-90 Christie St (Lot50/DP3175, Lot4/DP560889)

The site is currently occupied by five low rise commercial offices and has been proposed for development into a 16 storey commercial building, including a 7 level underground car park.

The purpose of the investigation is to identify any risks associated with the potential for contaminated areas of land that may pose constraints for the proposed commercial 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

Number and street name	88 Christie St
Suburb/city/town	St Leonards
Postcode	2065
Lot and DP Number	Lot71/DP542079 - 79 Lithgow St, St Leonards Lot 72/DP542079 - 77 Lithgow St, St Leonards Lot10/DP3175 - 75 Lithgow St, St Leonards Lot50/DP3175, Lot4/DP560889 -86-90 Christie St
Local Government Area	Lane Cove

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
- Interviews with property manager, owner, DECCW and adjacent dry clears staff
- 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 16 storey commercial building with a 7 level underground car park. The proposed development site will have the address 88 Christie Street, St Leonards and will consolidate the following:

- Lot71/DP542079 - 79 Lithgow St, St Leonards
- Lot 72/DP542079 - 77 Lithgow St, St Leonards
- Lot10/DP3175 - 75 Lithgow St, St Leonards
- Lot50/DP3175, Lot4/DP560889 -86-90 Christie St

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 5 residential buildings.	There is a railway line adjacent to the property to the west of Lithgow Road. Residential areas are clearly visible on the other side of the rail tracks further to the west, south, east and north. There are a small number of light commercial buildings within the residential blocks. The Royal North Shore Hospital is located directly northwest of the site which is also adjacent to the Gore Hill memorial cemetery.
1951/ Run 10	There does not appear to be any significant change to the site	The land directly north of the site appears to have a commercial block which has been constructed since the previous image. The hospital also appears to have some new buildings built on it. There is some industrial type developments further north from the hospital. The land on the other side of the rail tracks has had new residential houses built on it.
1961/ Run 31	There does not appear to be any significant change to the site.	The hospital to the northwest has been further developed. The land directly to the north, north east and east looks to have been redeveloped into light commercial areas. The areas south east, south and to the west of the site remain largely unchanged as residential houses. North of the hospital looks to be distinctly industrial in nature.
1970/ Run 15	Two lots look to have been redeveloped into light commercial buildings. These are located on the south west and south east corners of the proposed site.	The land adjacent to the site appears to be light commercial on all sides east of the rail track. Across the rail tracks the lands is residential from the south up to

		the east. The hospital northwest of the site has been further developed with the construction of the Royal North Shore Private Hospital.
1982/ Run 20	The site has been redeveloped into its current form of five low rise light commercial buildings.	Areas immediately to the east of the site have been further developed into multi storey commercial buildings. Residential houses still dominate the areas west of the rail track.
1994/ Run 9	There does not appear to be any significant change to the site	Residential houses to the south of the site have been demolished leaving open space. Commercial areas have been further developed. The residential areas west of the site along pacific highway have been converted into light commercial lots.
2005/ Run 9	There does not appear to be any significant change to the site	More commercial buildings have been built south of the site and the high rise "Forum" is completed to the northwest of the site across the Pacific Highway. Southwest of the site is mostly residential.

2.1.2 Land title search

A search of the Land and Property Management Authority Land Title database outlined that the lots on the proposed site are all currently owned by Stuva Pty Ltd, a wholly owned entity of the Winten Property Group.

No further relevant information was available from the historical search of land titles.

2.1.3 Current and future site activities

The site is currently occupied by five low rise commercial office buildings. The buildings are between 2 and 3 storeys high and two of them are currently unoccupied (77 and 79 Lithgow St).

Winten are seeking approval for the development of a 16 storey commercial building with ancillary retail uses which will consolidate the five lots that currently exist into one.

2.1.4 Adjacent land use activities

Land use immediately adjacent to the site is mostly commercial with residential housing at a further distance. There are a number of restaurants and cafes close to the site. There are two commercial small scale dry cleaning facilities near the proposed site. One is located on the corner of Lithgow St and the Pacific Highway approximately 30 metres from the site and the other is about 200m north of the site on Herbert St. Interviews with staff indicate that both companies undertake dry cleaning activities on the premises. The Herbert St dry cleaner has been operating for 10 years, while the closer facility has been in operation for 5 years. More dense commercial and residential buildings are located across the Pacific Highway. The Royal North Shore Hospital is located northwest of the highway approximately 100 metres from the

proposed site and the Gore Hill Cemetery is located to the west of the hospital about 300 metres from the site. The Royal North Shore Hospital was established in 1885 and the cemetery has existed since 1868.

There may be risk of site contamination from adjacent land activities in the cemetery, hospital and dry cleaning facilities. The 7 level underground car park will penetrate the groundwater table and any contaminants from these sources can potentially pose a risk. During consultation with the Department of Environment Climate Change and Water (DECCW), it was acknowledged that adjacent land use activities may pose a contamination risk to the proposed development. This was primarily because excavation will penetrate the groundwater table and dewatering will be required during construction. DECCW also noted that Council will likely request groundwater and soil sampling of the proposed site prior to the construction phase due to adjacent land activities.

2.2 Previous investigations

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

A Phase 2 environmental site assessment for redevelopment of the adjacent Royal North Shore Hospital was available for review (Coffey 2007). This report concluded that the hospital site had the following contamination related issues:

- Asbestos in surface soils around buildings
- Total Petroleum Hydrocarbon (TPH) hotspot identified in soil sample analysis
- Possibility of unidentified underground storage tanks on premises given its age and size
- Previous investigations of groundwater sampling found that levels of arsenic, copper, nickel and zinc in excess of the adopted investigation criteria.
- Groundwater information for this report outlined a depth of 4m – 10m and a flow to the south east in the general direction of the proposed development site
- Groundwater disposal options were recommended for the hospital development if basement dewatering were to be required. Heavy metal concentrations in the sampling exceeded the ANZECC (2000) guidelines. The report recommended that dewatered groundwater would not likely be disposed directly to stormwater without treatment.

2.3 Planning context

2.3.1 Zoning

St Leonards falls within the North Sydney, Willoughby and Lane Cove Local Government Areas (LGA). The site is located within the Lane Cove LGA, however the adjacent land to the north, across the Pacific Highway is located in the Willoughby LGA. The site is currently zoned as B3 Commercial Core in the Lane Cove Council Local Environmental Plan 2000. Figure 2 shows that the surrounding areas are zoned as commercial, residential, mixed use and public recreation.

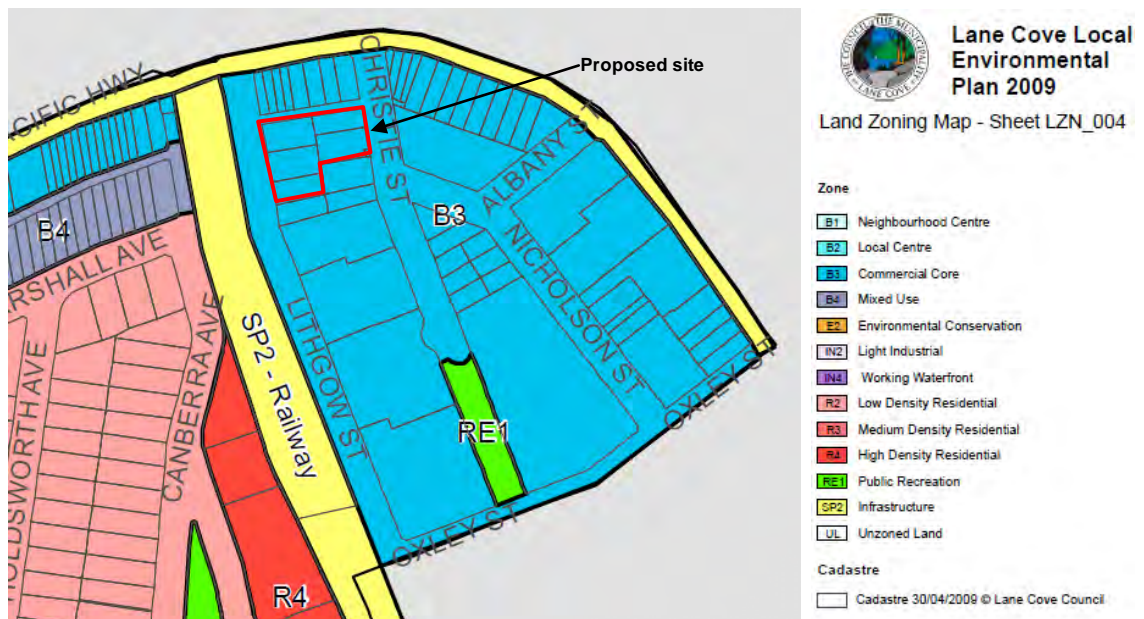


Figure 2: Lane Cove LEP 2009 Zoning (Lane Cove Council)

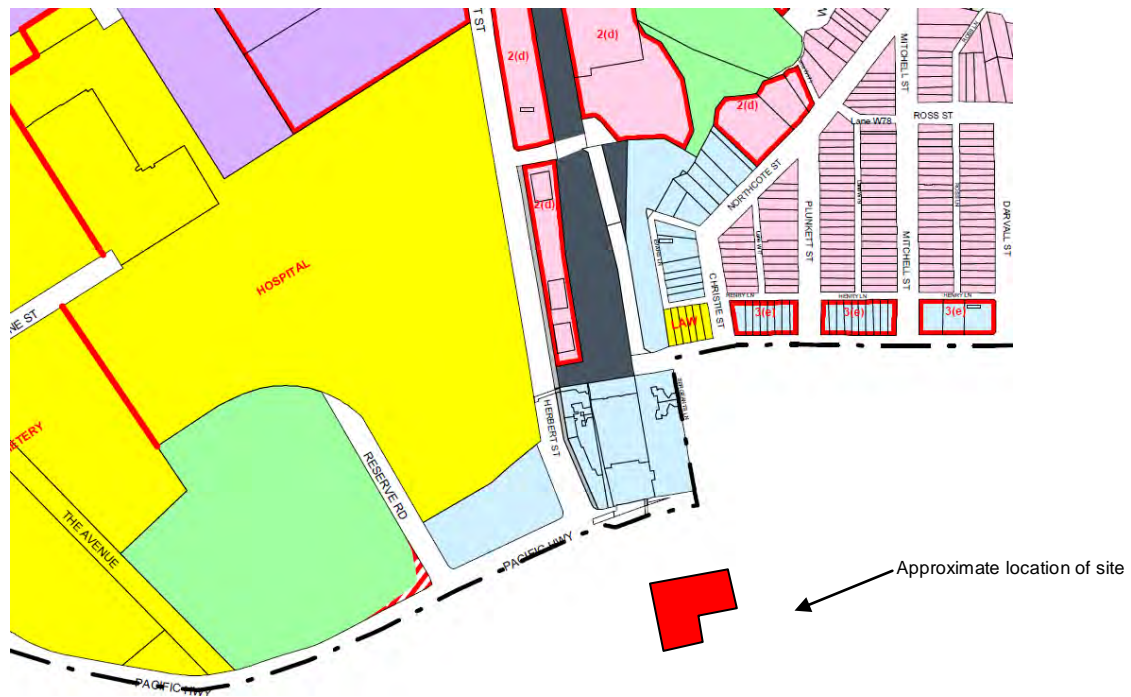
The table below outlines the objectives of each zone as outlined in the Lane Cove LEP 2009.

Table 3: Zoning objectives as outlined by the Lane Cove LEP 2009 (Lane Cove Council)

Zone	Objectives
B3 Commercial Core	<p>(a) provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</p> <p>(b) encourage appropriate employment opportunities in accessible locations.</p> <p>(c) to maximise public transport patronage and encourage walking and cycling.</p> <p>(d) to integrate business, retail and other development in accessible locations.</p> <p>(e) to maximise sunlight for surrounding properties and the public domain.</p> <p>(f) to encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.</p>
R2 Low Density Residential	<p>(a) to provide for the housing needs of the community within a low density residential environment.</p> <p>(b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>(c) to retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.</p> <p>(d) to encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River.</p> <p>(e) to ensure that landscaping is maintained and enhanced as a major element in the residential environment.</p>

Zone	Objectives
R4 High Density Residential	<p>(a) To provide for the housing needs of the community within a high density residential environment.</p> <p>(b) To provide a variety of housing types within a high density residential environment.</p> <p>(c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>(d) To provide for a high concentration of housing with good access to transport, services and facilities.</p> <p>(e) To ensure that the existing amenity of residences in the neighbourhood is respected.</p> <p>(f) To avoid the isolation of sites resulting from site amalgamation.</p> <p>(g) To ensure that landscaping is maintained and enhanced as a major element in the residential environment</p>
B4 Mixed Use	<p>(a) to provide a mixture of compatible land uses.</p> <p>(b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</p> <p>(c) to encourage urban design maximising attractive public domain and adequate circulation space for current and future users.</p> <p>(d) to maximise sunlight for surrounding properties and the public domain.</p>
RE1 Public Recreation	<p>(a) to enable land to be used for public open space or recreational purposes.</p> <p>(b) to provide a range of recreational settings and activities and compatible land uses.</p> <p>(c) to protect and enhance the natural environment for recreational purposes.</p> <p>(d) to make provision for rights of public access to more foreshore land and to link existing open space areas.</p>

Figure 3 displays the zoning under the Willoughby LEP 1995. The map outlines the zoning of adjacent land north of the site across the Pacific Highway.



<p>2. RESIDENTIAL (WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 1995)</p> <p>a) RESIDENTIAL 'A'</p> <p>RESIDENTIAL 'AZ'</p> <p>b) RESIDENTIAL 'B'</p> <p>c) RESIDENTIAL 'C'</p> <p>d) RESIDENTIAL 'D'</p> <p>3. BUSINESS (WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 1995)</p> <p>a) GENERAL BUSINESS</p> <p>b) SPECIAL BUSINESS</p> <p>c) CHATSWOOD SECONDARY BUSINESS</p> <p>d) NEIGHBOURHOOD BUSINESS</p> <p>e) RESTRICTED OFFICE</p> <p>e2) BUSINESS</p>	<p>4. INDUSTRIAL (WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 1995)</p> <p>a) GENERAL INDUSTRIAL</p> <p>b) LIGHT INDUSTRIAL</p> <p>c) INDUSTRIAL PARK</p> <p>5. SPECIAL USES (WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 1995)</p> <p>a) SPECIAL USES 'A' (SCHOOL, HOSPITAL, ETC)</p> <p>b) SPECIAL USES 'B' (RAILWAYS)</p> <p>c) SPECIAL USES 'C' (PROPOSED COUNTY ROAD RESERVATION)</p> <p>d) SPECIAL USES 'D' (PROPOSED ROAD RESERVATION)</p> <p>6. OPEN SPACES (WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 1995)</p> <p>a) OPEN SPACE 'A' (EXISTING RECREATION)</p> <p>b) OPEN SPACE 'B' (PROPOSED RECREATION RESERVATION)</p> <p>c) OPEN SPACE 'C' (REGIONAL OPEN SPACE RESERVATION)</p> <p>d) OPEN SPACE 'D' (PRIVATE RECREATION)</p> <p>e) NATIONAL PARK</p>	<p>2. RESIDENTIAL (SYDNEY REGIONAL ENVIRONMENTAL PLAN 5)</p> <p>d) RESIDENTIAL</p> <p>3. BUSINESS (SYDNEY REGIONAL ENVIRONMENTAL PLAN 5)</p> <p>(c1) BUSINESS RETAIL</p> <p>(c2) BUSINESS COMMERCIAL</p> <p>(c3) BUSINESS GENERAL</p> <p>(c4) BUSINESS AUTOMOTIVE</p> <p>5. SPECIAL USES (SYDNEY REGIONAL ENVIRONMENTAL PLAN 5)</p> <p>(a) SPECIAL USES (CHURCH etc)</p> <p>(b) SPECIAL USES (RAILWAY)</p> <p>6. OPEN SPACE (SYDNEY REGIONAL ENVIRONMENTAL PLAN 5)</p> <p>(a) EXISTING RECREATION</p> <p>9. RESERVATION (SYDNEY REGIONAL ENVIRONMENTAL PLAN 5)</p> <p>(a) PROPOSED LOCAL ROADS AND WIDENING</p>
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Figure 3: Willoughby LEP 1995 Zoning (Willoughby Council)

The land to the North of the site is zoned as general business, business restricted office, residential A, residential D, special uses A and open space A. Table 4 outlines the objectives of each zone as outlined in the Lane Cove LEP 2009.

Table 4: Zoning objectives as outlined by the Willoughby LEP 1995 (Willoughby Council)

Zone	Objectives
General business	<p>(a) To allow development of dwellings, offices, shops and other business premises, and other uses, which are compatible with the surrounding residential zones,</p> <p>(b) To maintain existing, and to encourage the establishment of</p>

Zone	Objectives
	<p>new, recreational, leisure, civic and community facilities in appropriate locations, and</p> <p>(c) To provide for the erection of a building on land known as 207 Pacific Highway, St Leonards, being Lot 1 in DP 811372, with provision of a transitional building height ranging from 15.5 metres at the west of the site, adjacent to Reserve Road and the Gore Hill Oval to 38.5 metres at the east of the site, adjacent to Herbert Street and to ensure that vehicular access to that site is not provided from the Pacific Highway.</p>
Business restricted office	<p>(a) To accommodate residential development and small-scale office premises and, in selected locations, only those shops that cater for the needs of local office employees, and</p> <p>(b) To maintain existing, and to encourage the establishment of new, recreational, leisure, civic and community facilities in appropriate locations.</p>
Residential A	To accommodate dwelling-houses and other land uses which are compatible with the existing housing
Residential D	<p>(a) To consolidate high-rise and high density residential flat buildings in selected and accessible locations, and</p> <p>(b) To enable the provision of appropriate communal recreation facilities for use by residents.</p>
Special uses A	To identify land to be used for particular public or community purposes.
Open space A	To enable the use of public land for public recreational purposes and to retain existing open space, including bushland.

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 certificates for this site outlined that:

- The site is zoned commercial core B3 under the Lane Cove LEP 2009
- 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 of 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) indicates the site to be on the Wianamatta Group, which is underlain by Ashfield shale and Mittagong formation. The Mittagong Formation is characterised by interbedded and laminated fine to medium grained quartz sandstone and siltstone with laminate inclusions. The Ashfield Shale can be regarded as consisting of four siltstone and laminate members. Most of these units are made up very fine to fine graded sandstone laminae.

3.1.2 Soils

The Sydney 1:100,000 Soil Landscape Sheet shows that the site is located on the Blacktown soil landscape. This is often characterised by gently undulating rises on Wianamatta Group shales and Hawkesbury shale. The soils are shallow to moderately deep (<100cm) red and brown podzolic soils on crests, upper slopes and well drained areas. They are deep yellow podzolic soils and soloths on lower slopes and in areas of poor drainage. Limitations are that there is moderately reactive, highly plastic subsoil, low soil fertility and poor soil drainage. There is high capability for urban development with appropriate foundation design on this soil type.

3.2 Groundwater

Figure 4 shows the location of groundwater bores (indicated by the blue dots) within the vicinity of the site

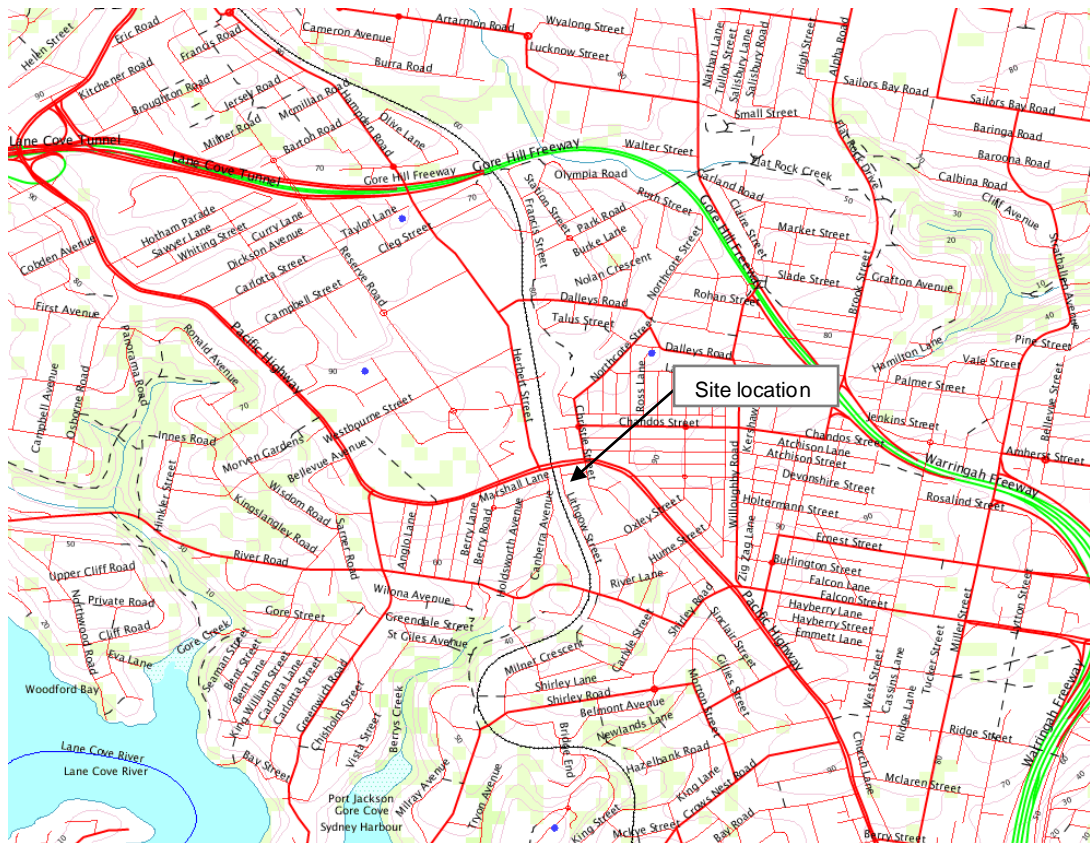


Figure 4: Location of groundwater bores in relation to the site. (Map created using the NSW Natural Resource Atlas – www.nratlas.nsw.gov.au accessed 10-05-2010. Map has been compiled from various sources and may contain errors or omissions. No representation is made as to its accuracy or suitability).

There are 4 groundwater bores located within a 2km radius of the site. All bores are used for domestic purposes apart from the one north of the site nearest to the Gore Hill Freeway, which is used for monitoring. The permanent groundwater table is estimated to be at a depth of 2 to 6m. For more detailed information on groundwater on the site, refer to Hyder's geotech report accompanying the development application.

3.3 Surface water drainage

Stormwater drainage from the site is conveyed by the road drainage system in Christie Lane and Lithgow Street to the sag point in Lithgow Street, prior to discharge underneath the railway corridor. Downstream of the rail corridor to the south, stormwater drainage is conveyed overland by Berry's Creek prior to discharge into Sydney Harbour at Gore Cove.

More detailed information on surface water drainage is available in Hyder's Stormwater reports accompanying the development application.

4 Site assessment

4.1 Site description

The proposed development is located in St Leonards and falls within the LGA of Lane Cove City Council. The existing properties to be developed are described as Lot50/DP3175, Lot4/DP560889, Lot71/DP542079, Lot72/DP542079, Lot10/DP3175, at Christie Street, St Leonards.

The existing site is currently occupied by 5 commercial buildings with basement car parking and has frontages onto Christie St, Christie Lane and Lithgow Street. The site falls generally to the south west onto Lithgow Street.

The total site area for the proposed development is approximately 2,590m².

4.2 Site observations

The following observations were made for 88 Christie St during a site visit conducted on the 28th of April 2010:

- There was no indication 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
- There is a decommissioned cooling tower is located on the roof of 77 Lithgow St
- There was no indication of grease traps located on site.

4.3 Site condition

The buildings located on site are generally in good condition. Three of the buildings (Lots 71/DP542079, 72/DP542079 and 10/DP3175) appear to be unoccupied. An interview with the building manager confirmed that there were no tanks, dangerous goods or hazardous materials currently on site.

There were no visible signs of contamination of soils 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 88 Christie Street. 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). Recent activities on the site were commercial offices and it is unlikely that those site activities would lead to significant land contamination. Adjacent land use activities include dry cleaning, a hospital and a cemetery. A phase 2 environmental site assessment from the proposed redevelopment of the Royal North Shore Hospital outlined potential contamination issues.

The available information indicates that there is potential contamination risk on the site due to the following:

- Groundwater contamination issues associated with adjacent land uses, specifically the Royal North Shore Hospital, the Gore Hill Cemetery and the dry cleaners upstream from the site
- The proposed new development will require penetration of the groundwater table and dewatering.
- Classification of excavated soil and waste will be required during construction.

The table below outlines the potential contaminants on site with their potential sources.

Table 5: 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
Activities upstream of the site	Total Petroleum Hydrocarbons, Heavy Metals, Glycol ethers, Hydrocarbons, Liquid silicon, Modified hydrocarbon blends, Perchloroethylene, Carbon tetrachloride and Trichloroethane.

A Phase 2 assessment is recommended to confirm levels of site contamination through collection and analysis of soil and groundwater samples. This assessment will also recommend remediation strategies, where relevant.

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

Coffey Environments (2007) *Stage 2 Environmental Site Assessment, Royal North Shore Hospital Redevelopment, Proposed Hospital Site*.

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Appendix A

Site photographs



77 Lithgow Street entrance



Vegetation nearby 77 Lithgow Street in good condition



Ground floor car park of 77 Lithgow St



Railway to the west of the site



Drycleaners to the north of the site



86-90 Christie St



The Forum commercial and residential building to the north of the site

Appendix B

Aerial photography



1930



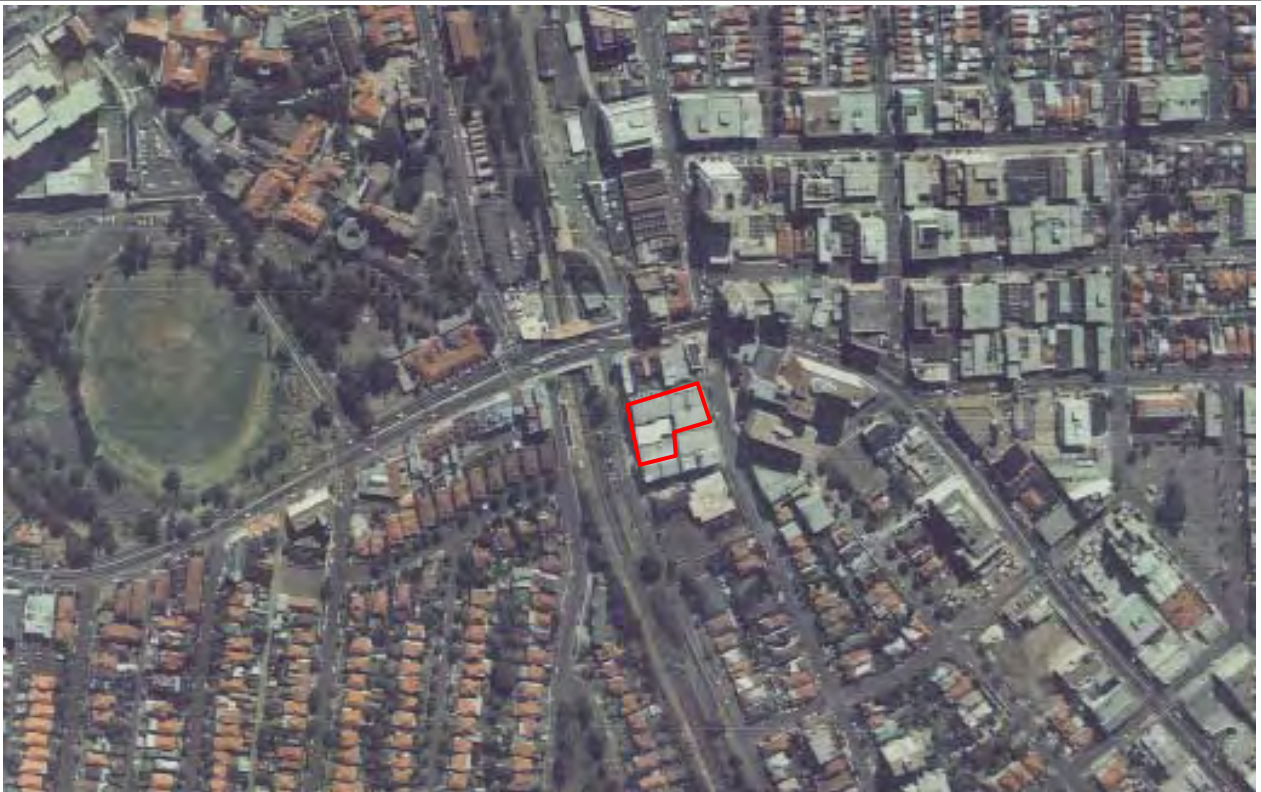
1951



1960



1970



1982



1994



2005

Appendix C

Land title search results



Land and Property
Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 10/18/3175

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2010	12:26 PM	4	9/4/2009

LAND

LOT 10 OF SECTION 18 IN DEPOSITED PLAN 3175
LOCAL GOVERNMENT AREA LANE COVE
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP3175

FIRST SCHEDULE

STUVA PTY LTD (T AE605743)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 T386047 EASEMENT FOR SUPPORT AFFECTING THE PART(S) SHOWN SO
BURDENED IN THE TITLE DIAGRAM
- 3 AE605744 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

5513521 75 Lithgow st AA003230

PRINTED ON 5/5/2010

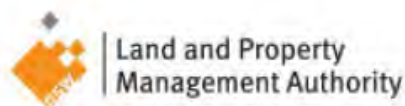
* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

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
Management Authority



LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

5/5/2010 1:08PM

FOLIO: 10/18/3175

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 1531 FOL 158

Recorded	Number	Type of Instrument	C.T. Issue
16/9/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
3/5/1991		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
1/11/2006	AC709692	APPLN FOR REPLACEMENT CT	EDITION 1
27/11/2006	AC741181	DISCHARGE OF MORTGAGE	EDITION 2
17/12/2008	AE398707	MORTGAGE	EDITION 3
9/4/2009	AE605742	DISCHARGE OF MORTGAGE	
9/4/2009	AE605743	TRANSFER	
9/4/2009	AE605744	MORTGAGE	EDITION 4

*** END OF SEARCH ***

5514005 75 Lithgow st AA003230

PRINTED ON 5/5/2010

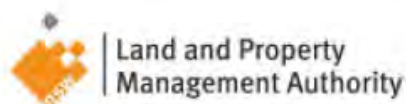
Land and Property Information

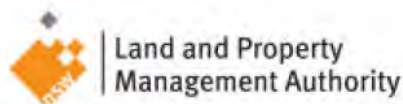
ABN: 33 537 762 019

GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666





LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 72/542079

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2010	12:22 PM	6	23/11/2007

LAND

LOT 72 IN DEPOSITED PLAN 542079
 AT ST LEONARDS
 LOCAL GOVERNMENT AREA LANE COVE
 PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP542079

FIRST SCHEDULE

STUVA PTY LTD (T AD587946)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AD484152 RESTRICTION(S) ON THE USE OF LAND
- 3 AD587947 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

5513490 77 Lithgow st 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.

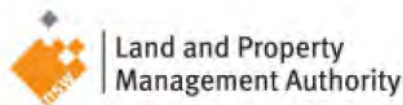
Land and Property Information

ABN: 33 537 762 019

GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666





Land and Property
Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

5/5/2010 1:10PM

FOLIO: 72/542079

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 11332 FOL 163

Recorded	Number	Type of Instrument	C.T. Issue
28/3/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
14/7/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
29/6/1994	U392839	MORTGAGE	EDITION 1
25/10/1999	6291535	DISCHARGE OF MORTGAGE	EDITION 2
4/4/2000	6690186	REQUEST	
4/4/2000	6690187	TRANSFER	
4/4/2000	6690188	MORTGAGE	EDITION 3
18/4/2002	8525452	DISCHARGE OF MORTGAGE	
18/4/2002	8525453	MORTGAGE	EDITION 4
12/10/2007	AD484152	REQUEST	EDITION 5
23/11/2007	AD587945	DISCHARGE OF MORTGAGE	
23/11/2007	AD587946	TRANSFER	
23/11/2007	AD587947	MORTGAGE	EDITION 6

*** END OF SEARCH ***

5514023 77 Lithgow st AA003230

PRINTED ON 5/5/2010

Land and Property Information

ABN: 33 537 762 019

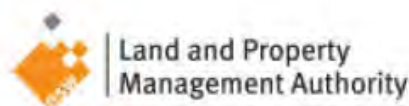
GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666



Land and Property
Management Authority



LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 71/542079

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2010	12:01 PM	7	23/11/2007

LAND

LOT 71 IN DEPOSITED PLAN 542079
 AT ST LEONARDS
 LOCAL GOVERNMENT AREA LANE COVE
 PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP542079

FIRST SCHEDULE

STUVA PTY LTD (T AD587946)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AD484152 RESTRICTION(S) ON THE USE OF LAND
- 3 AD587947 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

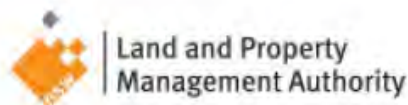
5513274 79 Lithgow st AA003230

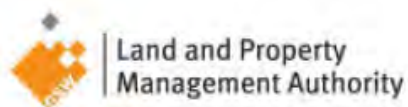
PRINTED ON 5/5/2010

* 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

SEARCH DATE

5/5/2010 11:54AM

FOLIO: 71/542079

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 11332 FOL 162

Recorded	Number	Type of Instrument	C.T. Issue
28/3/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
14/7/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
2/8/1990	2144875	DISCHARGE OF MORTGAGE	
2/8/1990	2144876	TRANSFER	EDITION 1
16/5/1995	0233284	TRANSFER	
16/5/1995	0233285	LEASE	
16/5/1995	0233286	MORTGAGE	EDITION 2
14/11/1996	2612042	DISCHARGE OF MORTGAGE	
14/11/1996	2612043	MORTGAGE	EDITION 3
4/4/2000	6690185	DISCHARGE OF MORTGAGE	
4/4/2000	6690188	MORTGAGE	EDITION 4
18/4/2002	8525422	DISCHARGE OF MORTGAGE	
18/4/2002	8525423	MORTGAGE	EDITION 5
12/10/2007	AD484152	REQUEST	EDITION 6
23/11/2007	AD587945	DISCHARGE OF MORTGAGE	
23/11/2007	AD587946	TRANSFER	
23/11/2007	AD587947	MORTGAGE	EDITION 7

*** END OF SEARCH ***

5513185 79 Lithgow St AA003230

PRINTED ON 5/5/2010

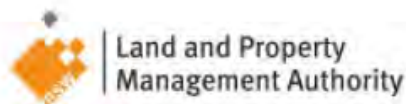
Land and Property Information

ABN: 33 537 762 019

GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666





Land and Property
Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 12242-99

SEARCH DATE	TIME	EDITION NO	DATE
5/5/2010	12:30 PM	12	9/4/2009

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT ST LEONARDS
LOCAL GOVERNMENT AREA LANE COVE
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

STUVA PTY LIMITED (T AE605760)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP560889 RIGHT OF WAY AFFECTING THAT PART OF LOT 4 SHOWN SO
BURDENED IN DP560889
- 3 DP560889 EASEMENT FOR ELECTRICITY PURPOSES AFFECTING THAT PART
OF LOT 4 SHOWN SO BURDENED IN DP560889
- 4 AE605762 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOT 50 SEC. 18 IN DP3175
LOT 4 IN DP560889

TITLE DIAGRAM

DP3175
DP560889.

*** END OF SEARCH ***

5513572 86-90 christie AA003230

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WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

Land and Property Information

ABN: 33 537 762 019

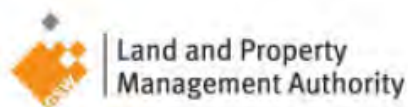
GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666



Land and Property
Management Authority



LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

5/5/2010 1:11PM

FOLIO: AUTO CONSOL 12242-99

Recorded	Number	Type of Instrument	C.T. Issue
7/11/1991		CONSOL HISTORY RECORD CREATED FOR AUTO CONSOL 12242-99	
PARCELS IN CONSOL ARE: 50/18/3175, 4/560889.			
18/11/1991	E67519	DISCHARGE OF MORTGAGE	EDITION 1
16/7/1992	E613938	LEASE	EDITION 2
13/8/1992	E679328	LEASE	EDITION 3
1/2/1993	I83511	LEASE	EDITION 4
1/4/1993	I229976	TRANSFER OF LEASE	
10/10/1995	O596851	LEASE	EDITION 5
1/2/1996	O881244	LEASE	EDITION 6
11/11/1997	3570042	MORTGAGE	EDITION 7
8/9/2000	7076768	LEASE	EDITION 8
14/1/2003	9287274	DISCHARGE OF MORTGAGE	EDITION 9
22/2/2005	AB305217	LEASE	EDITION 10
20/2/2009	AE514278	NOTICE OF DEATH	EDITION 11
9/4/2009	AE605760	TRANSFER	
9/4/2009	AE605761	REQUEST	
9/4/2009	AE605762	MORTGAGE	EDITION 12

*** END OF SEARCH ***

5514033 77 Lithgow st AA003230

PRINTED ON 5/5/2010

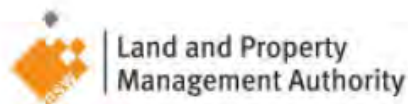
Land and Property Information

ABN: 33 537 762 019

GPO Box 15

Sydney NSW 2001

DX 17 SYDNEY Telephone: (02) 9228 6666



Appendix D

Section 149 planning certificates



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

PLANNING CERTIFICATE

Under Section 149 Environmental Planning and Assessment Act, 1979

Applicant:

Ken Luntz
Level 5, 141 Walker St
North Sydney 2060

Date of Issue: 05/05/2010

Reference No: 38737

Applicant Reference: AA003230

Certificate No: 445

Owner(s): Stuva Pty Limited
Property address: 75 Lithgow Street ST LEONARDS NSW 2065
Description: LOT: 10 DP: 3175 LOC:
Property Reference: 6277

INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT

The planning information contained in this certificate applies specifically to the land

Table of contents

Description	Section No.
PART 2	
Names of relevant planning instruments and DCP	1
Zoning, Heritage, Conservation	2
Complying Development	3
Coastal Protection	4
Mine Subsidence	5
Road Widening and road realignment	6
Council and other public hazard risk restriction	7
Flood related development controls	7A
Land reserved for acquisition	8
Contributions plans	9
Matter arising under the contaminated land management act	10
Bushfire prone land	11
Property Vegetation Plans	12
Orders under Trees (disputes between neighbours) act	13
Directions under part 3A	14
Site compatibility certificates and conditions for seniors housing	15
Site compatibility certificates for infrastructure	16
Site compatibility certificates and conditions for affordable affordable rental housing	17
PART 5	
Additional information for Section 149 (5)	Part 5

PART 2:**Sec: 1 Names of relevant planning instruments and DCP**

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

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #445, Page 1 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

Lane Cove Local Environment Plan 2009 - gazetted on 19 February 2010

State Environmental Planning Policy No.4: Development Without Consent and Miscellaneous Complying Development (Amendment No. 15 - gazetted 4 December 1981 - 3 March 2006

State Environmental Planning Policy No.6: Number of storeys in a building - gazetted 10 December 1982

State Environmental Planning Policy No.22: Shops and Commercial Premises - gazetted 9 January 1987

State Environmental Planning Policy No.19: Bushland in Urban Areas - gazetted 24 October 1986

State Environmental Planning Policy No.32: Urban Consolidation (Redevelopment of Urban Land) - gazetted 15 November 1991

State Environmental Planning Policy No.55: Remediation of Land - gazetted 28 August 1998

State Environmental Planning Policy No.64: Advertising and Signage - gazetted 16 March 2001

State Environmental Planning Policy (BASIX) 2004 - gazetted 25 June 2004

State Environmental Planning Policy (Major Projects) 2005 - gazetted 1 August 2005

State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 Amendment No.2 - gazetted 31 March 2004 effective 12 October 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) - gazetted 28 September 2007

State Environmental Planning Policy (Infrastructure) 2007 - Gazetted 21 December 2007; commenced 1 January 2008

State Environmental Planning Policy (Exempt & Complying Development Codes) - gazetted 12 December 2008

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)
- (3) The name of each development control plan that applies to the carrying out of development on the land.
Lane Cove Development Control Plan, effective 22 February 2010
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Sec: 2 Zoning and land use under relevant LEPs

The land is zoned: Commercial Core B3

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #445, Page 2 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

(1) Objectives of Zone.

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

(2) the purposes for which the plan provides that development may be carried out without development consent.

Nil

(3) the purposes for which the plan provides that development may be carried out within the zone only with development consent.

Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Signage; Vehicle sales or hire premises

(4) the purposes for which the plan provides that development is prohibited within the zone.

Any development not specified in item 2 or 3



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

- (5) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:
Not Applicable

- (6) whether the land includes or comprises critical habitat:
NO

- (7) whether the land is in a conservation area (however described)::
NO

- (8) whether an item of environmental heritage (however described) is situated on the land::
NO

Sec: 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land:

The land is not land on which Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out.

Sec: 4 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:
NO

Sec: 5 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* :
NO

Sec: 6 Road widening and road realignment

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

- (a) Division 2 of Part 3 of the *Roads Act 1993*:
Not affected by road widening
- (b) any environmental planning instrument:
NO
- (c) any resolution of the council:
NO

Sec: 7 Council and other public authority policies on hazard risk restrictions

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #445, Page 4 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) 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 because of the likelihood of:-

Land slip:

NO

Bushfire:

See Section 11.

Tidal inundation:

NO

Subsidence:

NO

Acid Sulfate soils:

NO

Sec: 7A 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.
The Lane Cove Development Control Plan - effective 22 February 2010 - applies

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Overland Flow

A study is currently being undertaken to determine exact locations subject to overland flow in the Municipality of Lane Cove. Until such time as Council has completed this work, property owners should conduct their own investigations to be satisfied that this property is not affected by overland flow.

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.

Sec: 8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

NO

Sec: 9 Contributions plans

Lane Cove Section 94 Contributions Plan.

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #:445, Page 5 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2086

Tel: 9911 3555

Fax: 9911 3600

Sec: 10 Repealed

Sec: 11 Bush fire prone land

The land is not identified on the Lane Cove Bushfire Prone Land Map dated 21st October 2004.

Sec: 12 Property vegetation plans

Not applicable.

Sec: 13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

NONE

Sec: 14 Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

NONE

The NSW Department of Planning has received an application relating to a Concept Plan for proposed commercial development - for information please contact the Department of Planning - Metropolitan Projects.

Sec: 15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

NO

Sec: 16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

NO

Sec: 17 Site compatibility certificates and conditions for affordable rental housing

Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land:

NO

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land*

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #445, Page 6 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Management Act 1997 as additional matters to be specified in a planning certificate:

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

NO

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

NO

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

NO

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

NO

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

NO

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this Section 149 certificate. To confirm that the land hasn't been used for a purpose which would be likely to have contaminated the land, parties should make their own enquiries as to whether the land may be contaminated.



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

PART 5:

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

The land may be affected by the future construction and operation of a new rail line. If information is required, Railcorp NSW should be contacted.

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, details of which are available at Council's Customer Service Centre.

The Register 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 Arterial Road Reservations and Regional Open Space should be directed to the Roads and Traffic Authority and Department of 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.

For further information, please contact the Strategic Planning Department on 9911 35552



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

PLANNING CERTIFICATE

Under Section 149 Environmental Planning and Assessment Act, 1979

Applicant:

Ken Lundy
Level 5, 141 Walker St
North Sydney 2060

Date of Issue: 05/05/2010

Reference No: 38737

Applicant Reference: AA003230

Certificate No: 444

Owner(s): Stuva Pty Limited
Property address: 77 Lithgow Street ST LEONARDS NSW 2065
Description: LOT: 72 DP: 542079 LOC:
Property Reference: 6278

INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT

The planning information contained in this certificate applies specifically to the land

Table of contents

Description	Section No.
PART 2	
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Coastal Protection	4
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PART 2:**Sec: 1 Names of relevant planning instruments and DCP**

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

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

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Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Lane Cove Local Environment Plan 2009 - gazetted on 19 February 2010

State Environmental Planning Policy No.4: Development Without Consent and Miscellaneous Complying Development (Amendment No. 15 - gazetted 4 December 1981 - 3 March 2006

State Environmental Planning Policy No.6: Number of storeys in a building - gazetted 10 December 1982

State Environmental Planning Policy No.22: Shops and Commercial Premises - gazetted 9 January 1987

State Environmental Planning Policy No.19: Bushland in Urban Areas - gazetted 24 October 1986

State Environmental Planning Policy No.32: Urban Consolidation (Redevelopment of Urban Land) - gazetted 15 November 1991

State Environmental Planning Policy No.55: Remediation of Land - gazetted 28 August 1998

State Environmental Planning Policy No.64: Advertising and Signage - gazetted 16 March 2001

State Environmental Planning Policy (BASIX) 2004 - gazetted 25 June 2004

State Environmental Planning Policy (Major Projects) 2005 - gazetted 1 August 2005

State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 Amendment No.2 - gazetted 31 March 2004 effective 12 October 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) - gazetted 28 September 2007

State Environmental Planning Policy (Infrastructure) 2007 - Gazetted 21 December 2007; commenced 1 January 2008

State Environmental Planning Policy (Exempt & Complying Development Codes) - gazetted 12 December 2008

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)
- (3) The name of each development control plan that applies to the carrying out of development on the land.
Lane Cove Development Control Plan, effective 22 February 2010
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Sec: 2 Zoning and land use under relevant LEPs

The land is zoned: Commercial Core B3



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

(1) Objectives of Zone.

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

(2) the purposes for which the plan provides that development may be carried out without development consent.

Nil

(3) the purposes for which the plan provides that development may be carried out within the zone only with development consent.

Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Signage; Vehicle sales or hire premises

(4) the purposes for which the plan provides that development is prohibited within the zone.

Any development not specified in item 2 or 3



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

- (5) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

Not Applicable

- (6) whether the land includes or comprises critical habitat:

NO

- (7) whether the land is in a conservation area (however described):

NO

- (8) whether an item of environmental heritage (however described) is situated on the land:

NO

Sec: 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land:

The land is not land on which Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out.

Sec: 4 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:

NO

Sec: 5 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*:

NO

Sec: 6 Road widening and road realignment

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

- (a) Division 2 of Part 3 of the *Roads Act 1993*:

Not affected by road widening

- (b) any environmental planning instrument:

NO

- (c) any resolution of the council:

NO

Sec: 7 Council and other public authority policies on hazard risk restrictions

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #444, Page 4 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) 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 because of the likelihood of:-

Land slip:

NO

Bushfire:

See Section 11.

Tidal inundation:

NO

Subsidence:

NO

Acid Sulfate soils:

NO

Sec: 7A 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.
The Lane Cove Development Control Plan - effective 22 February 2010 - applies

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Overland Flow

A study is currently being undertaken to determine exact locations subject to overland flow in the Municipality of Lane Cove. Until such time as Council has completed this work, property owners should conduct their own investigations to be satisfied that this property is not affected by overland flow.

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.

Sec: 8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

NO

Sec: 9 Contributions plans

Lane Cove Section 94 Contributions Plan.

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #444, Page 5 of 8



Sec: 10 Repealed

Sec: 11 Bush fire prone land

The land is not identified on the Lane Cove Bushfire Prone Land Map dated 21st October 2004.

Sec: 12 Property vegetation plans

Not applicable.

Sec: 13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

NONE

Sec: 14 Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

NONE

The NSW Department of Planning has received an application relating to a Concept Plan for proposed commercial development - for information please contact the Department of Planning - Metropolitan Projects.

Sec: 15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

NO

Sec: 16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

NO

Sec: 17 Site compatibility certificates and conditions for affordable rental housing

Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land:

NO

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land*

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #444, Page 6 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Management Act 1997 as additional matters to be specified in a planning certificate:

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

NO

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

NO

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

NO

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

NO

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

NO

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this Section 149 certificate. To confirm that the land hasn't been used for a purpose which would be likely to have contaminated the land, parties should make their own enquiries as to whether the land may be contaminated.



PART 5:

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

The land may be affected by the future construction and operation of a new rail line. If information is required, Railcorp NSW should be contacted.

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, details of which are available at Council's Customer Service Centre.

The Register 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 Arterial Road Reservations and Regional Open Space should be directed to the Roads and Traffic Authority and Department of 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.

For further information, please contact the Strategic Planning Department on 9911 3552



PLANNING CERTIFICATE

Under Section 149 Environmental Planning and Assessment Act, 1979

Applicant:

Ken Lundy
Level 5, 141 Walker St
North Sydney 2060

Date of Issue: 05/05/2010

Reference No: 38737

Applicant Reference: AA003230

Certificate No: 443

Owner(s):

Stuva Pty Limited

Property address: 79 Lithgow Street ST LEONARDS NSW 2065

Description: LOT: 71 DP: 542079 LOC:

Property Reference: 6279

INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT

The planning information contained in this certificate applies specifically to the land

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Site compatibility certificates and conditions for affordable affordable rental housing	17
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Additional Information for Section 149 (5)	Part 5

PART 2:

Sec: 1 Names of relevant planning instruments and DCP

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

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

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Lane Cove Council

48 Longueville Road, Lane Cove NSW 2086

Tel: 9911 3555

Fax: 9911 3600

Lane Cove Local Environment Plan 2009 - gazetted on 19 February 2010

State Environmental Planning Policy No.4: Development Without Consent and Miscellaneous Complying Development (Amendment No. 15 - gazetted 4 December 1981 - 3 March 2006

State Environmental Planning Policy No.6: Number of storeys in a building - gazetted 10 December 1982

State Environmental Planning Policy No.22: Shops and Commercial Premises - gazetted 9 January 1987

State Environmental Planning Policy No.19: Bushland in Urban Areas - gazetted 24 October 1986

State Environmental Planning Policy No.32: Urban Consolidation (Redevelopment of Urban Land) - gazetted 15 November 1991

State Environmental Planning Policy No.55: Remediation of Land - gazetted 28 August 1998

State Environmental Planning Policy No.64: Advertising and Signage - gazetted 16 March 2001

State Environmental Planning Policy (BASIX) 2004 - gazetted 25 June 2004

State Environmental Planning Policy (Major Projects) 2005 - gazetted 1 August 2005

State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 Amendment No.2 - gazetted 31 March 2004 effective 12 October 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) - gazetted 28 September 2007

State Environmental Planning Policy (Infrastructure) 2007 - Gazetted 21 December 2007; commenced 1 January 2008

State Environmental Planning Policy (Exempt & Complying Development Codes) - gazetted 12 December 2008

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)
- (3) The name of each development control plan that applies to the carrying out of development on the land.
Lane Cove Development Control Plan, effective 22 February 2010
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Sec: 2 Zoning and land use under relevant LEPs

The land is zoned: Commercial Core B3



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

(1) Objectives of Zone.

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

(2) the purposes for which the plan provides that development may be carried out without development consent.

Nil

(3) the purposes for which the plan provides that development may be carried out within the zone only with development consent.

Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Signage; Vehicle sales or hire premises

(4) the purposes for which the plan provides that development is prohibited within the zone.

Any development not specified in item 2 or 3



- (5) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

Not Applicable

- (6) whether the land includes or comprises critical habitat:

NO

- (7) whether the land is in a conservation area (however described)::

NO

- (8) whether an item of environmental heritage (however described) is situated on the land::

NO

Sec: 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land:

The land is not land on which Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out.

Sec: 4 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:

NO

Sec: 5 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*:

NO

Sec: 6 Road widening and road realignment

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

- (a) Division 2 of Part 3 of the *Roads Act 1993*:

Not affected by road widening

- (b) any environmental planning instrument:

NO

- (c) any resolution of the council:

NO

Sec: 7 Council and other public authority policies on hazard risk restrictions



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) 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 because of the likelihood of:-

Land slip:

NO

Bushfire:

See Section 11.

Tidal inundation:

NO

Subsidence:

NO

Acid Sulfate soils:

NO

Sec: 7A 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.
The Lane Cove Development Control Plan - effective 22 February 2010 - applies

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Overland Flow

A study is currently being undertaken to determine exact locations subject to overland flow in the Municipality of Lane Cove. Until such time as Council has completed this work, property owners should conduct their own investigations to be satisfied that this property is not affected by overland flow.

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.

Sec: 8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

NO

Sec: 9 Contributions plans

Lane Cove Section 94 Contributions Plan.

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #443, Page 5 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

Sec: 10 Repealed

Sec: 11 Bush fire prone land

The land is not identified on the Lane Cove Bushfire Prone Land Map dated 21st October 2004.

Sec: 12 Property vegetation plans

Not applicable.

Sec: 13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

NONE

Sec: 14 Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

NONE

The NSW Department of Planning has received an application relating to a Concept Plan for proposed commercial development - for information please contact the Department of Planning - Metropolitan Projects.

Sec: 15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

NO

Sec: 16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

NO

Sec: 17 Site compatibility certificates and conditions for affordable rental housing

Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land:

NO

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land*

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #443, Page 6 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Management Act 1997 as additional matters to be specified in a planning certificate:

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

NO

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

NO

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

NO

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

NO

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

NO

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this Section 149 certificate. To confirm that the land hasn't been used for a purpose which would be likely to have contaminated the land, parties should make their own enquiries as to whether the land may be contaminated.



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

PART 5:

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

The land may be affected by the future construction and operation of a new rail line. If information is required, Railcorp NSW should be contacted.

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, details of which are available at Council's Customer Service Centre.

The Register 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 Arterial Road Reservations and Regional Open Space should be directed to the Roads and Traffic Authority and Department of 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.

For further information, please contact the Strategic Planning Department on 9911 35552



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2086

Tel: 9911 3555

Fax: 9911 3600

PLANNING CERTIFICATE

Under Section 149 Environmental Planning and Assessment Act, 1979

Applicant:

Ken Lundy
Level 5, 141 Walker St
North Sydney 2060

Date of Issue: 05/05/2010

Reference No: 38737

Applicant Reference: AA003230

Certificate No: 446

Owner(s): Stuva Pty Limited
Property address: 86 -90 Christie Street ST LEONARDS NSW 2065
Description: LOT: 50 DP: 3175 LOC:
Property Reference: 2588

INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT

The planning information contained in this certificate applies specifically to the land

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PART 5	
Additional Information for Section 149 (5)	Part 5

PART 2:

Sec: 1 Names of relevant planning instruments and DCP

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

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #:446, Page 1 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Lane Cove Local Environment Plan 2009 - gazetted on 19 February 2010

State Environmental Planning Policy No.4: Development Without Consent and Miscellaneous Complying Development (Amendment No. 15 - gazetted 4 December 1981 - 3 March 2006

State Environmental Planning Policy No.6: Number of storeys in a building - gazetted 10 December 1982

State Environmental Planning Policy No.22: Shops and Commercial Premises - gazetted 9 January 1987

State Environmental Planning Policy No.19: Bushland in Urban Areas - gazetted 24 October 1986

State Environmental Planning Policy No.32: Urban Consolidation (Redevelopment of Urban Land) - gazetted 15 November 1991

State Environmental Planning Policy No.55: Remediation of Land - gazetted 28 August 1998

State Environmental Planning Policy No.64: Advertising and Signage - gazetted 16 March 2001

State Environmental Planning Policy (BASIX) 2004 - gazetted 25 June 2004

State Environmental Planning Policy (Major Projects) 2005 - gazetted 1 August 2005

State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 Amendment No.2 - gazetted 31 March 2004 effective 12 October 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) - gazetted 28 September 2007

State Environmental Planning Policy (Infrastructure) 2007 - Gazetted 21 December 2007; commenced 1 January 2008

State Environmental Planning Policy (Exempt & Complying Development Codes) - gazetted 12 December 2008

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)
- (3) The name of each development control plan that applies to the carrying out of development on the land.
Lane Cove Development Control Plan, effective 22 February 2010
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

Sec: 2 Zoning and land use under relevant LEPs

The land is zoned: Commercial Core B3

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

Cert. #446, Page 2 of 8



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

(1) Objectives of Zone.

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

(2) the purposes for which the plan provides that development may be carried out without development consent.

Nil

(3) the purposes for which the plan provides that development may be carried out within the zone only with development consent.

Business premises; Car parks; Child care centres; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Signage; Vehicle sales or hire premises

(4) the purposes for which the plan provides that development is prohibited within the zone.

Any development not specified in item 2 or 3



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2068

Tel: 9911 3555

Fax: 9911 3600

- (5) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

Not Applicable

- (6) whether the land includes or comprises critical habitat:

NO

- (7) whether the land is in a conservation area (however described)::

NO

- (8) whether an item of environmental heritage (however described) is situated on the land::

NO

Sec: 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land:

The land is not land on which Complying Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out.

Sec: 4 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:

NO

Sec: 5 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*:

NO

Sec: 6 Road widening and road realignment

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

- (a) Division 2 of Part 3 of the *Roads Act 1993*:

Not affected by road widening

- (b) any environmental planning instrument:

NO

- (c) any resolution of the council:

NO

Sec: 7 Council and other public authority policies on hazard risk restrictions

To authenticate this certificate visit <http://www.lanecove.nsw.gov.au/CertCheck>

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- Whether or not the land is affected by a policy:
- (a) adopted by the council, or
 - (b) 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 because of the likelihood of:-

Land slip:

NO

Bushfire:

See Section 11.

Tidal inundation:

NO

Subsidence:

NO

Acid Sulfate soils:

NO

Sec: 7A 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.
The Lane Cove Development Control Plan - effective 22 February 2010 - applies

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Overland Flow

A study is currently being undertaken to determine exact locations subject to overland flow in the Municipality of Lane Cove. Until such time as Council has completed this work, property owners should conduct their own investigations to be satisfied that this property is not affected by overland flow.

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 2005.

Sec: 8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

NO

Sec: 9 Contributions plans

Lane Cove Section 94 Contributions Plan.



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Sec: 10 Repealed

Sec: 11 Bush fire prone land

The land is not identified on the Lane Cove Bushfire Prone Land Map dated 21st October 2004.

Sec: 12 Property vegetation plans

Not applicable.

Sec: 13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

NONE

Sec: 14 Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

NONE

The NSW Department of Planning has received an application relating to a Concept Plan for proposed commercial development - for information please contact the Department of Planning - Metropolitan Projects.

Sec: 15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

NO

Sec: 16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

NO

Sec: 17 Site compatibility certificates and conditions for affordable rental housing

Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land:

NO

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land*

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Management Act 1997 as additional matters to be specified in a planning certificate:

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

NO

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

NO

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

NO

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

NO

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

NO

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this Section 149 certificate. To confirm that the land hasn't been used for a purpose which would be likely to have contaminated the land, parties should make their own enquiries as to whether the land may be contaminated.



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PART 5:

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

The land may be affected by the future construction and operation of a new rail line. If information is required, Railcorp NSW should be contacted.

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, details of which are available at Council's Customer Service Centre.

The Register 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 Arterial Road Reservations and Regional Open Space should be directed to the Roads and Traffic Authority and Department of 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.

For further information, please contact the Strategic Planning Department on 9911 35552

