Warringah Council

Section 149 (2) Environmental Planning and Assessment Act, 1979 (As Amended)

Date Printed: 07 December 2011

Certificate Number: PLC2011/5080

Applicant Reference: 110981/847538

Receipt Number: 100147282

T H Walker
DX 21311
FORESTVILLE

Property Address: 2 Childs Circuit BELROSE NSW 2085

Legal Description: Lot 2 DP 285881

Property ID: 157383

1. *Names of relevant planning instruments and DCPs.*

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

Warringah Local Environmental Plan 2000

See Attachment "A" for all other environmental planning instruments that apply to the carrying out of development on the land

1.2 *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)*

Draft State Environmental Planning Policy (Competition) 2010

Draft Warringah Local Environmental Plan 2009

1.3 *The name of each development control plan that applies to the carrying out of the development on the land.*

Warringah Development Control Plan, and

Warringah Development Control Plan – Belrose Road Corridor, applies to all land that lies within the C11 Belrose Road Corridor Locality of Warringah Local Environmental Plan 2000.

1.4 *In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.*

2. *Zoning and land use under relevant LEPs*

2.1 *Zoning and land use under WLEP 2000*

(a) The Land is identified by WLEP 2000 as being within:-

Locality:

B11 Forestway Village

A Medium Density Area:

No

A Local Retail Centre:

No

A Crossed Hatched Area:

No

Public Open Space:

No

A Local Public Open Space Reservation:

No

A Regional Public Open Space Reservation:

No

An Arterial Road Reservation:

No

A Heritage Conservation Area:

Refer Locality Statement (attached)

An Archaeological Site:

No

(b) The purposes for which WLEP 2000 provides that development may be carried out within this locality without the need for development consent.

Clause 7 of WLEP 2000 provides that all development requires consent except:-

(i) exempt development, being development of minimal environmental impact identified in Schedule 1 (Exempt Development) when carried out in accordance with the requirements of that Schedule, and
(ii) development identified in Schedule 2 (Other Development not requiring consent), when carried out in accordance with the requirements of that Schedule.

(c) The purposes for which WLEP 2000 provides that development is prohibited within the locality.

Clause 10 of WLEP 2000 provides that the following development is prohibited:-
(i) development identified as being prohibited within a Locality Statement, and
(ii) signs of the type listed in Schedule 4 (Prohibited Signs).

(d)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.

The erection of a dwelling house is permitted subject to any housing density requirements set out in the attached locality statement.

(e) Whether the land includes or comprises critical habitat.

Reference should be made to the registers of critical habitat kept by the National Parks and Wildlife Service under the Threatened Species Conservation Act 1995 and the Department of Fisheries under the Fisheries Management Act 1994.

(f) Whether the land is in a conservation area.

Refer Locality Statement (attached)

(g) Whether a heritage item is situated on the land.

Refer Locality Statement (attached)

2.2 *Zoning and land use under Draft Warringah Local Environmental Plan 2009*

(a) The land is identified by Draft Warringah Local Environmental Plan 2009 as being within the following zone.

Draft LEP - Land zoned R3 Medium Density Residential

(b) The purposes for which Draft Warringah Local Environmental Plan 2009 provides that development may be carried out within the zone without the need for development consent.

Part 3 of Draft Warringah Local Environmental Plan 2009 provides that development specified in Schedule 2 (Exempt Development) that meets the standards for development contained in that schedule and that complies with the requirements of Part 3 is exempt development.

(c) The purposes for which Draft Warringah Local Environmental Plan 2009 provides that development may not be carried out within the zone except with development consent.

Please refer to the extracts of draft Warringah Local Environmental Plan 2009 (attached)

(d) The purposes for which Draft Warringah Local Environmental Plan 2009 provides that development is prohibited within the zone.

Please refer to the extracts of draft Warringah Local Environmental Plan 2009 (attached)

(e) 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.

No

(f) Whether the land includes or comprises critical habitat.

Reference should be made to the registers of critical habitat kept by the National Parks and Wildlife Service under the Threatened Species Conservation Act 1995 and the Department of Fisheries under the Fisheries Management Act 1994.

(g) Whether the land is in a conservation area.

No

(h) Whether an item of environmental heritage is situated on the land

No

3. *Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

(a) May Complying Development under the General Housing Code be carried out on the land?

Yes

(b) May Complying Development under the Rural Housing Code be carried out on the land?

Yes

(c) May Complying Development under the Housing Alterations Code be carried out on the land?

Yes

(d) May Complying Development under the General Development Code be carried out on the land?

Yes

(e) May Complying Development under the General Commercial and Industrial Code be carried out on the land?

Yes

(f) May Complying Development under the Subdivision Code be carried out on the land?

Yes

(g) May Complying Development under the Demolition Code be carried out on the land?

Yes

4. *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. Council has not received any notification that the land is affected by the operation of Sections 38 or 39 of the Coastal Protection Act 1979.

4A. ***Information relating to beaches and coasts***

(1) Whether an order has been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of that Act) on the land (Or on public land adjacent to that land), except if Council is satisfied that such an order has been fully complied with.

No

(2) (a) Whether Council has been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land).

No

(b) If works have been so placed – whether Council is satisfied that the works have been removed and the land restored in accordance with that Act.

Not Applicable

(3) such information (if any) as is required by the regulations under section 56B of the Coastal Protection Act 1979 to be included in the planning certificate and of which the council has been notified pursuant to those regulations.

No

4B. ***Annual Charges for coastal protection services under Local Government Act 1993***

Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

No

5. *Whether or not the land is proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mines Subsidence Compensation Act 1961*

No

6. *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.

No

(b) any environmental planning instrument

No

(c) any resolution of Council.

No

7. *Whether or not the land is affected by a policy that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils, or any other risk (other then flooding):-*

(a) as adopted by Council

No

(b) as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council.

No

7A. *Flood related development controls information*

Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

No

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

No

(c) 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.

8. *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.*

If answer is YES in question 2 to any of the points Public Open Space, Local Public Open Space Reservation, Regional Public Open Space Reservation, Local Road Reservation or Arterial Road Reservation on this certificate then the answer to this question is "YES".

9. *The name of each contributions plan applying to the land*

Warringah Section 94A Development Contributions Plan 2011 (adopted 28 June 2011). Please contact Council's Planning and Assessment Counter for more information.

9A. *Is this land biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)?*

No

10. *Whether the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates (but only if council has been notified of the existence of the agreement by the Director–General of the Department of Environment and Climate Change and Water)?*

No

11. *Bush Fire Prone Land*

No

12. *Is the land subject to a property vegetation plan made under the Native Vegetation Act 2003?*

No

13. *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).*

No

14. *Is there 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?*

No

15. *(a) Is there a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land?*

No
For what period is the certificate current?

not applicable

A copy of the site compatibility certificate may be obtained from the head office of the Department of Planning.

(b) Are there any terms of a kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

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

No
For what period is the certificate current?

Not Applicable

A copy of the site compatibility certificate may be obtained from the head office of the Department of Planning.

17. *(a) Is there a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land?*

No
For what period is the certificate current?

Not Applicable

A copy of the site compatibility certificate may be obtained from the head office of the Department of Planning.

(b) Are there any terms of a kind referred to in clause 17(1) or 37 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land?

No
Note. *The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:*

(a) 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.

Notifications issued within Warringah in accordance with the Nation Building and Jobs Plan (State Infrastructure Delivery Act) 2009

The NSW Infrastructure Co-ordinator General has issued an order under Section 23 and an authorisation under Section 24 for the carrying out of development on the sites tabled below. The order and authorisation may exempt these projects from complying with certain development control legislation.

Address	Legal Description	Property Name	Date Issued	Description of Project
Lot 741/ Alfred Street, Narraweena	Lot 742 DP 752038	Narraweena Public School	22 July 2009	A multi-purpose hall and covered outdoor learning area and associated site works.
Lot 2593/ Bundaleer Street, Belrose	Part Lot 2593 DP 752038	Yanginanook School, Belrose	7 September 2009	Extension of the gymnasium to provide a stage, store, toilets, covered area, ramps and associated site works, removal of two trees and landscaping.
6-8 Wyatt Avenue, Belrose	Lot 1 DP 601101	John Colet School	24 September 2009	Construction of a covered outdoor learning area, covered walkway and associated works.
1 Dreadnought Road, Oxford Falls	Lot 10 DP 810343	St Pius X College	8 October 2009	Construction of a multi-purpose hall and associated works.

33 and 35 Myoora Road, Terrey Hills	Lot 1 DP 1132710 and Lot 59 DP 752017	German International School Sydney	12 October 2009	Subdivision of the land, construction of a single storey library building and single storey classroom building, construction of a sports field, extension of an existing internal driveway and a new exit to Myoora Road, and associated works comprising excavation, earthworks, drainage, ramps, pathways, tree removal and landscaping.
220 Forest Way, Belrose	Lot 1973 DP 752038	Kamarol Rudolf Steiner School	7 October 2009	Extension to an existing school building comprising a hall/ auditorium, classrooms, amenities, canteen and store rooms, landscaping, pathways, replacement of a roof and associated works.
2-8 Old Pittwater Road, Brookvale	Lot B DP 311452, Lot 1 DP 918786, Lot 2 DP 208793, Lot 1 DP 229795, Lot 14 DP 5876, Lot 1 DP 209019, Lot 13 DP 5876, Lot 17 DP 3674, Lot 1 DP 365898, Lot 15 DP 5876, Lot 2 DP 209019 Lot 1 DP 947905	Brookvale Public School	17 November 2009	Construction of a new library building and internal alterations to two (2) existing buildings, including the demolition of an existing metal clad classroom, relocation of play equipment, erection of a new shade structure, removal of existing areas of hard stand, and associated works.
For further details please contact the Nation Building and Jobs Plan Taskforce on telephone No. 9926 2520				

Warringah Council

Section 149 (2) Environmental Planning and Assessment Act, 1979 (As Amended)

Disclaimer

The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998. The locality information in this certificate is based on the Lot and Deposited Plan referred to in this certificate. If the Lot and Deposited Plan is not the current description of the land then this certificate could attribute to incorrect locality. Persons relying on the certificate should satisfy themselves by reference to the Title Deed that the land to which this certificate relates is identical to the land to which they seek to know the locality.

for Rik Hart
GENERAL MANAGER
WARRINGAH COUNCIL

Warringah Council

Section 149 (2) Environmental Planning and Assessment Act, 1979 (As Amended)

ATTACHMENT 'A'
ATTACHMENT TO CERTIFICATE UNDER SECTION 149(2)
OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

Clause 1.1 of the Section 149(2) Certificate

SYDNEY REGIONAL ENVIRONMENTAL PLAN (Sydney Harbour Catchment) 2005 – Gazetted: 28.09.2005
The plan aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.

STATE ENVIRONMENTAL PLANNING POLICY NO. 30 – Intensive Agriculture – Gazetted 08.12.1989. Amended 20.08.1993, 24.02.1995, 11.06.1999 and 04.08.2000
The SEPP introduces consistency in the control of cattle feed lots and piggeries throughout the State by ensuring development consent is required for all cattle feed lots and specifying the information to accompany such applications and the range of matters the consent authority must consider before granting consent.

STATE ENVIRONMENTAL PLANNING POLICY NO.32 –Urban Consolidation (Redevelopment of Urban Land) – Gazetted 15.11.1991
States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy:

- Focuses on the redevelopment of urban land that is no longer required for the purposes it is currently zoned or used.
- Encourages local Councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

Councils will continue to be responsible for the majority of rezoning. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban development. Where a site is rezoned by an REP, the Minister will be the consent authority.

STATE ENVIRONMENTAL PLANNING POLICY NO.50 – Canal Estates – Gazetted 10.11.1997
Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – Remediation of Land - Gazetted 28.08.1998
Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The policy applies to the whole state, to ensure that remediation is permissible development and is always carried out to a high standard. It specifies when consent is required for remediation and lists considerations that are relevant when rezoning land and determining development applications.

STATE ENVIRONMENTAL PLANNING POLICY NO. 62 – Sustainable Aquaculture -Gazetted: 01.10.2000.
The plan aims to encourage sustainable aquaculture throughout New South Wales by:

- Making aquaculture permissible under certain zones under the Standard Instrument,
- Setting minimum performance criteria for aquaculture development, and
- Establishing a graduated environmental assessment regime for aquaculture development.

STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE - Gazetted 16.03.2001
Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – Design Quality of Residential Flat Development - Gazetted 26.07.2002. Aims to improve the design quality of residential flat development in New South Wales.

STATE ENVIRONMENTAL PLANNING POLICY NO. 71 - Coastal Protection - Gazetted 01.11.2002 (and in force in Warringah from 18.11.2005) Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. The policy identifies sensitive coastal locations and sets down additional planning criteria to be considered in these areas.

STATE ENVIRONMENTAL PLANNING POLICY (Housing for Seniors or People with a Disability) 2004 - Gazetted 31.03.2004; Repealed by SEPP (Seniors Living) Housing for Seniors or People with a Disability) 2004 and effective 12.10.07.

Aims to encourage the provision of housing (including residential care facilities) that will:

(a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
(b) Make efficient use of existing infrastructure and services, and
(c) Be of good design.

STATE ENVIRONMENTAL PLANNING POLICY (Building Sustainability Index: BASIX) 2004 - Gazetted 25.06.2004. The aim of the policy is to encourage sustainable residential development (*the BASIX scheme)*, specifically to achieve a reduction in the consumption of water and reduction in energy use leading to less green house gas emissions.

STATE ENVIRONMENTAL PLANNING POLICY (Sydney Metropolitan Water Supply) 2004 - Gazetted 24.12.2004. The aims of the policy are to facilitate development for water supply infrastructure to enable deep water extraction from dams, and to facilitate investigation into the availability of groundwater to augment water supply to the Sydney metropolitan area (including the carrying out of exploratory drilling).

STATE ENVIRONMENTAL PLANNING POLICY (Temporary Structures and Places of Public Entertainment 2007 – Gazetted 28.09.2007, effective 26.10.07. Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. The SEPP supports the transfer of the regulation of places of public entertainment and temporary structures (such as tents, marquees and booths) from the Local Government Act 1993 to the Environmental Planning and Assessment Act 1979.

Aims to ensure the provision of safety measures for uses of temporary structures or POPE, to encourage the protection of the environment at these locations, and to specify circumstances under which these structures and uses can be considered exempt or complying development. Also aims to promote job creation and increase access for places of public entertainment.

STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005
Gazetted: 01.08.05. Formerly known as State Environmental Planning Policy (State Significant Development) 2005. Defines certain developments that are major projects under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. The SEPP also lists State significant sites. The policy repeals SEPP 34 and SEPP 38, as well as provisions in numerous other planning instruments, declarations and directions.

STATE ENVIRONMENTAL PLANNING POLICY (Sydney Region Growth Centres) 2006
Gazetted: 28.07.06. Abstract: Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with Environmental Planning and Assessment Regulation relating to precinct planning).

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
Gazetted: 21 December 2007; Commenced: 1 January 2008. Facilitates the delivery of public infrastructure and provision of services across the State by providing a consistent planning regime for this purpose; greater flexibility of location of infrastructure and provisions for development, redevelopment and disposal of surplus government owned land.

STATE ENVIRONMENTAL PLANNING POLICY (REPEAL OF CONCURRENCE AND REFERRAL PROVISIONS) 2008
Gazetted: 12.12.2008; Commencement: 15.12.2008. The SEPP aims to improve efficiency in the planning system by removing duplicative or unnecessary requirements in environmental planning instruments (EPIs) to consult with State agencies (government departments) on planning decisions.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008
Gazetted: 12.12.2008 – Commenced 27.02.2009
Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009
Published: 31.07.2009; Commencement 31.07.2009. The policy aims to better encourage home owners, social housing providers and developers to invest and create new affordable rental housing to meet the needs of our growing population and existing residents.

LOCALITY B11 FOREST WAY VILLAGE

DESIRED FUTURE CHARACTER

The Forest Way Village locality will be characterised by medium density development of villa homes, town houses and small lot subdivision. Development within this locality is to be assessed with regard to a masterplan. Residential development will be interspersed by a range of complementary and compatible uses.

Future development will address public streets and spaces, create visual interest and will be situated in landscaped settings. Development, including its scale, form and appearance is to be designed to integrate with the landscape and topography and minimise its visual impact. The spread of indigenous tree canopy will be enhanced and natural features and remnant bushland will be preserved where possible and integrated with the development. Fencing adjacent to Forest Way is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon.

LAND USE

Category One

Development for the purpose of the following:

- housing

Category Two

Development for the purpose of the following:

- child care centres
- community facilities
- further education
- health consulting rooms
- hospitals
- housing for older people or people with disabilities
- places of worship
- primary schools
- veterinary hospitals
- other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.

Category Three

Development for the purpose of the following:

- agriculture
- animal boarding or training establishments
- bulky goods shops
- business premises
- entertainment facilities
- hire establishments
- hotels
- industries
- medical centres
- motor showrooms
- offices
- recreation facilities
- registered clubs
- restaurants
- retail plant nurseries
- service stations
- shops
- short term accommodation
- vehicle repair stations
- warehouses

PROHIBITED DEVELOPMENT

Development for the purpose of the following is prohibited within this locality:

- brothels
- canal estate development
- extractive industries
- heliports
- potentially hazardous industries
- potentially offensive industries
- vehicle body repair workshops

BUILT FORM

Housing density

The maximum housing density is 1 dwelling per 315m^2 of site area (which does not include the area of any access or corridor, whether such access corridor is to be created or is in existence at the time of application for development consent).

To measure housing density:

- the site area is divided by the number of dwellings proposed on the site, including any existing dwellings which are to be retained, and
- the site area does not include the transmission easement and the required embellished open space, and
- the site is the allotment which existed on the day this plan came to effect, and
- granny flats are not considered to be a dwelling and are limited to one per allotment.

In calculating housing density, the area of any access corridor (including any right-of-carriageway, access handle, accessway or other area that provides for vehicle access) is to be excluded, whether that access corridor is to be created or is in existence at the time of application for subdivision.

This control does not apply:

(a) where this standard would prevent an existing allotment accommodating one dwelling, or

(b) for housing for older people or people with disabilities, where the site area per dwelling may be reduced provided the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development and the development conforms with the minimum standards set out in clause 29, or

(c) for housing located within a local retail centre

Building height

Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may

be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Front building setback

On Forest Way, development is to maintain a minimum front setback of 10 metres south of Dawes Road and 15 metres north of Perentie Road. The front setback from all other roads is to be 6.5 metres. The front building setback area is to be landscaped and generally free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

Consent may be granted for development to be carried out within the minimum front setback:

- on corner allotments provided the development is compatible with development in the vicinity, or
- on allotments constrained by the location and use of existing buildings or the topography, if it is for the provision of carparking.

Side boundary envelope and side setback

Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

Development will provide a setback of 4.5 metres to all boundaries.

Notwithstanding any other standard, development is to be set back to accommodate bushfire hazard reduction adjacent to bushland.

Landscaped open space

The minimum area of landscaped open space is 50 per cent of the site area.

To measure an area of landscaped open space:

- impervious surfaces such as driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks and the like and any areas with a width or length of less than 2 metres are excluded from the landscaped open space area, and
- the water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the landscaped open space area, and
- landscaped open space must be at ground level, and

- the minimum soil depth of land that can be included as landscaped open space is 1 metre.

Parking design

Car parking for future development is to be provided for individual units at ground level.

COMPLYING DEVELOPMENT

The following table shows the development which is complying development in this locality. Column A describes the development and Column B shows the requirements that the development must comply with to be complying development.

Column A	Column B
Development for the purpose of	
Single storey detached houses, being: • construction of new single storey houses. • alterations to single storey houses. • additions to single storey houses. • constructions of carports, garages and outbuildings associated with a dwelling.	As described in Schedule 12 – Part A
Attached houses and apartment buildings, being: • internal alterations to attached houses and apartment buildings (excluding balcony enclosures and other devices which are externally visible). • construction of garages associated with these residential buildings. • outbuildings associated with these residential buildings.	As described in Schedule 12 – Part A
Swimming pools	As described in Schedule 12 – Part B
Business uses, offices and shops, being: • a different use resulting from a change of use from one type of approved business, office or shop use to another type of business, office or shop use. • internal alterations to business premises, offices and shops.	As described in Schedule 12 – Part D

Public Exhibition Draft

Extract from Warringah Local Environmental Plan 2009

Part 2 - Land Use Table Part 2

Refer to Clause 2.2 of the Section 149 (2) Certificate.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are harmonious with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Roads; Seniors housing; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

2.5 Additional permitted uses for particular land [compulsory]

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

(a) with consent, or

(b) if the Schedule so provides--without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision--consent requirements [compulsory]

(1) Land to which this Plan applies may be subdivided, but only with consent.

(2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:

(a) widening a public road,

(b) a minor realignment of boundaries that does not create:

(i) additional lots or the opportunity for additional dwellings, or

(ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,

(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,

(d) rectifying an encroachment on a lot,

(e) creating a public reserve,

(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

2.6A Demolition requires consent [local]

The demolition of a building or work may be carried out only with consent.

Note. If the demolition of a building or work is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without consent.

2.5B Temporary use of land [local]

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that:

(a) the temporary use will not prejudice the subsequent carrying outof development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Schedule 1 Additional permitted uses

1 Use of certain land at Hotel, No 8 Aperta Place, Beacon Hill

(1) This clause applies to land at Hotel, No 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335.

(2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties.)

2 Use of certain land at Warringah Gravel and Stone Pty Ltd, Challenger Drive, Belrose

(1) This clause applies to so much of the land at Warringah Gravel and Stone Pty Ltd, Challenger Drive, Belrose, shown as "Area 8" on the Additional Permitted Uses Map, that is covered by Licence NumberL308608 (issued by the Department of Lands).

(2) Development for the purposes of extractive industries, recreation facilities (indoor) or recreation facilities (outdoor) is permitted with consent.

3 Use of certain land at Hotel, 5 Hews Parade, Belrose

(1) This clause applies to land at Hotel, 5 Hews Parade, Belrose, being Lot6, DP 834036.

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

4 Use of certain land at the intersection of Mona Vale Road and Forest Way, Belrose

(1) This clause applies to land at the intersection of Mona Vale Road and Forest Way, Belrose, shown as "Area 2" on the Additional Permitted Uses Map

(2) Development for the purposes of bulky goods premises, business premises (with a gross floor area not exceeding 2,500m^2), function centres, hotel or motel accommodation (that incorporates function centres), pubs (that incorporate function centres), retail premises (with a gross floor area not exceeding 2,500m^2) is permitted with consent

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

(1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as "Area 9" on the Additional Permitted Uses Map

(2) Development for the purposes of office premises or retail premises is permitted with consent.

6 Use of certain land at No 2 Anderson Place, Cottage Point

(1) This clause applies to land at No 2 Anderson Place, Cottage Point, being Lot 23, DP 819004.

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

7 Use of certain land at Ku-ring-gai Motor Yacht Club, Cottage Point

(1) This clause applies to land at Ku-ring-gai Motor Yacht Club, Cottage Point, being Lot 1, DP 930591, Lot 1, DP 922754, Lot 3, DP 929708and Lot 4, DP 929708.

(2) Development for the purposes of registered clubs, neighbourhood shops or boat hire premises is permitted with consent.

8 Use of certain land at Time and Tide Hotel, 30 Campbell Ave, Cromer

(1) This clause applies to land at Time and Tide Hotel, 30 Campbell Ave, Cromer, being Lot 1, DP 227969.

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

9 Use of certain land at Dee Why RSL Club, Pittwater Road, Dee Why

(1) This clause applies to land at Dee Why RSL Club, Pittwater Road, Dee Why, being Lot 1, DP 706230.

(2) Development for the purposes of registered clubs or recreational facilities (indoor) is permitted with consent.

10 Use of certain land at Forestville RSL, Melwood Ave, Forestville

(1) This clause applies to land at Forestville RSL, Melwood Ave, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454.

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

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

(1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and land in the vicinity of McBrien Place and John Oxley Drive, Frenchs Forest, shown as "Area 5", "Area 6" or "Area 7"on the Additional Permitted Uses Map.

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

12 Use of certain land at Christian City Church, Wakehurst Parkway, Frenchs Forest

(1) This clause applies to at Christian City Church, Wakehurst Parkway, Frenchs Forest, being Lot 1, DP 863123.

(2) Development for the purposes of places of public worship is permitted with consent.

13 Use of certain land at Hotel, 39 Frenchs Forest Road East, Frenchs Forest

(1) This clause applies to land at Hotel, 39 Frenchs Forest Road East, Frenchs Forest, Lot X, DP 405206.

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

14 Use of certain land at Harbord Diggers Club, Lumsdaine Drive, Harbord

(1) This clause applies to land at Harbord Diggers Club, Lumsdaine Drive, Harbord, being Lot 125, DP 1102154 and Lot 2548, DP 752038.

(2) Development for the purposes of registered clubs, recreation facilities (indoor) or recreation facilities (outdoor) is permitted with consent.

15 Use of certain land at Harbord Hotel, 29 Moore Road, Harbord

(1) This clause applies to land at Harbord Hotel, 29 Moore Road, Harbord, Lots 1 to 5, Sec 1, DP 7022 and Lot 13, Sec 1, DP 7022.

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

16 Use of certain land at 80 Undercliff Rd, Harbord

(1) This clause applies to land at 80 Undercliff Rd, Harbord, being Lot B, DP 329073.

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

17 Use of certain land at Hotel, 1260 Pittwater Road, Narrabeen

(1) This clause applies to land at Hotel, 1260 Pittwater Road, Narrabeen, being Lot 1, DP 746653.

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

18 Use of certain land at the intersection of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly

(1) This clause applies to land at the intersection of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly, shown as "Area 3" or "Area 4" on the Additional Permitted Uses Map.

(2) Development for the purposes of industrial retail outlet, service stations, timber and building supplies, vehicle body repair workshops, vehicle repair stations or wholesale supplies is permitted with consent.

19 Use of certain land at Tavern, 2 Aumuna Road, Terrey Hills

(1) This clause applies to land at Tavern, 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456.

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

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

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

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

Warringah Council

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
Telephone (02) 9942 2111
Facsimile (02) 9971 4522

Website www.warringah.nsw.gov.au
Email council@warringah.nsw.gov.au
ABN 31 565 068 406

31 August 2011

Dear Recipient,

Re: Commencement of provisions under State Environmental Planing Policy (Exempt and Complying Development Codes) 2008

This document provides advice on the commencement of provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and its impact upon Complying Development within the Warringah Local Government Area.

As per Clause 1.9(2) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, development provisions, specifically relating to Complying Development within the Locality Statements of Warringah Local Environmental Plan 2000, no longer have effect as of 1 September 2011. As such Complying Development provisions contained within Locality Statements under Warringah Local Environmental Plan 2000 provided within s.149 Certificates do not have effect by virtue of Clause 1.9 (2) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

In accordance with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, any Complying Development Certificate (CDC) submitted under Warringah Local Environmental Plan 2000, lodged but not yet determined by 1 September 2011 cannot be determined. A possible amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be considered by the New South Wales Minister for Planning, subject to a public exhibition of the amendment.

The commencement of Clause 1.9(2) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 determines that Complying Development under Warringah Local Environmental Plan 2000 is not available after 1 September 2011and will not be available until any amendment has been gazetted.

Regards,

Michael McDermid
Acting Manager Strategic Planning

VINCE MORGAN SURVEYORS PTY. LTD.

Re: Lot 2 Childs Circuit, Belrose

VINCE MORGAN SURVEYORS PTY. LTD.

P.O. Box 227,
Penrith N.S.W. 2751
1/77 Union Road,
Penrith N.S.W. 2750
Email: vmsurvey@telpacific.com.au
DX 8032 PENRITH

CONSULTING SURVEYORS

Phone: (02) 4721 5293
Fax: (02) 4731 2821

A.B.N. 52 065 060 808

Our Ref: PRW:jv R123398_06

2 December, 2004

Australand
DX 8419
RYDE NSW

SURVEY REPORT

Dear Sirs,

Re: Lot 2 Childs Circuit, Belrose

In accordance with your instructions I have surveyed for identification purposes only the land comprised in Certificate of Title Folio Identifier 2/285881 being Lot 2 in unregistered Deposited Plan 285881 situated in the Local Government Area of Warringah Parish of Manly Cove County of Cumberland.

The subject land shown edged red on the accompanying sketch has a frontage of 8.74 metres around an arc of radius 48 metres to Childs Circuit, Belrose. The remaining dimensions are as shown on the sketch. Erected thereon and indicated by hatching is a 2 storey brick and hardboard semi-detached residence with tile roof which stands wholly within the block. The location of the residence in relation to the boundaries of the subject land is as shown on the sketch; such location is generally in accordance with the Council approved building plans. A 0.29 metre wide brick, timber and plaster party wall stands centrally upon part of the northern side boundary of the subject land as shown on the sketch. The ground floor levels of the residence related to Australian Height Datum are as shown on the sketch.

The land is affected by (i) Restrictions on the Use of Land; (ii) an Easement to Drain Water variable width; (iii) an Easement for Television Signal Reception; and (iv) an Easement for Overhang and Support 0.8 metres wide as shown on the sketch.

The land has the benefit of (i) an Easement for Overhang and Support 0.8 metres wide; and (ii) an Easement to Drain Water variable width over parts of the adjacent Lot 3 as shown on the sketch.

The boundaries were not fenced at the time of survey and there are no apparent encroachments by or upon the subject land.

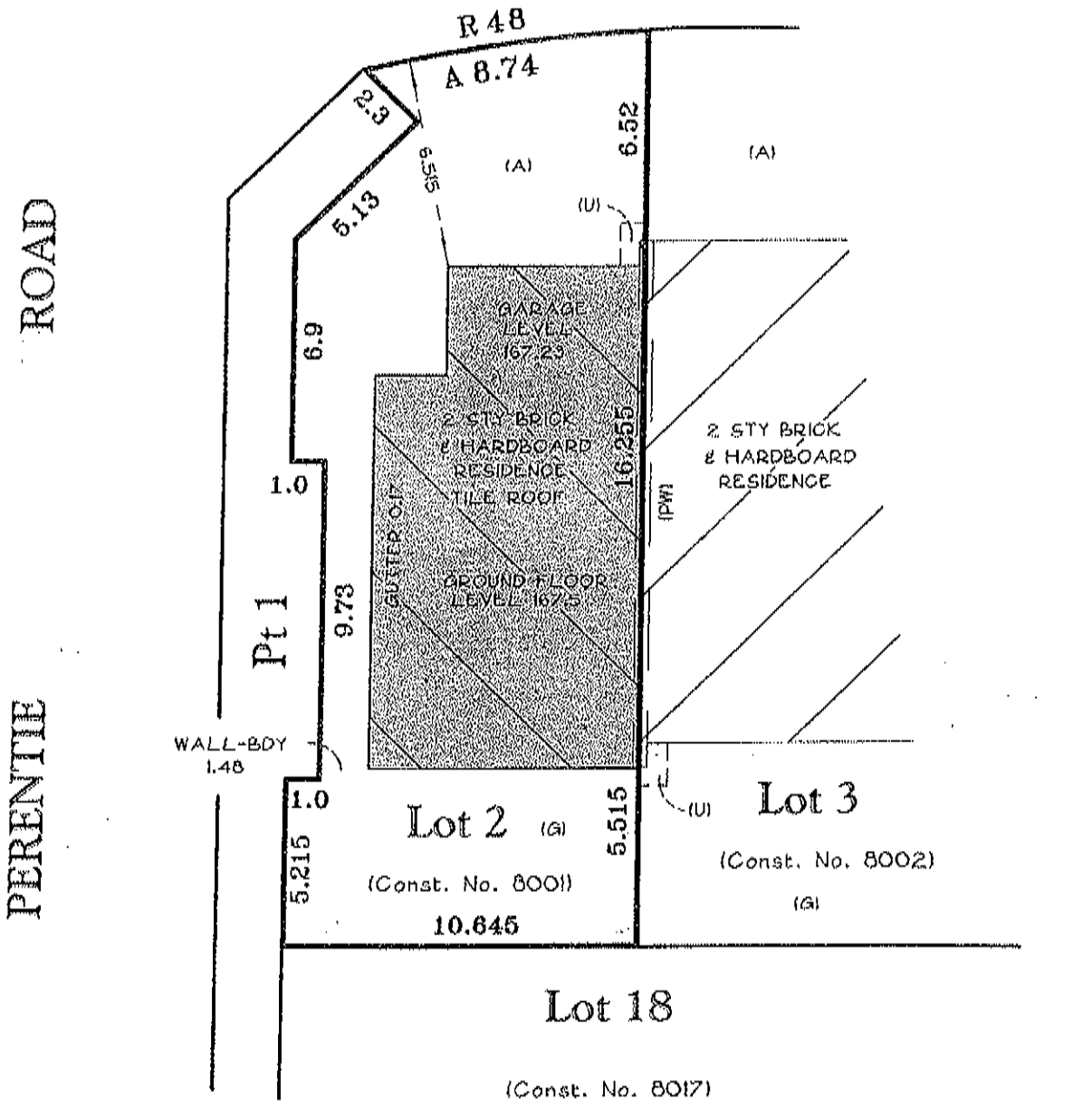
PETER ROBERT WARWICK
Registered Land Surveyor

SKETCH

Ref.: 12339_8122

RR 1:200

DATUM: AHD



(U) EASEMENT FOR OVERHANG & SUPPORT 0.6 WIDE
(A) EASEMENT FOR TV SIGNAL RECEPTION SERVICES OVER EXISTING LINE OF RECEIVING EQUIPMENT
(G) EASEMENT TO DRAIN WATER VARIABLE WIDTH (OVER WHOLE LOT)
(PW) CENTRE 0.23 WIDE BRICK, TIMBER & PLASTER WALL

THIS IS THE SKETCH TO ACCOMPANY THE REPORT.
Dated: 2 December, 2004

.....
Registered Land Surveyor

Home Warranty

certificate

of insurance

HIA INSURANCE SERVICES P/L
ABN 84 076 460 967
An associated company of
Aon Risk Services Australia Ltd
PO Box 241
Ryde NSW 2112
Telephone (02) 9808 7222
Facsimile (02) 9808 7233
CLAIMS ENQUIRY LINE
1800 554 255

Australand
Locked Bag 2106
NORTH RYDE NSW 2113

Certificate No: 299993
Owner's Copy
Issue Date 08/12/2003

FORM 1

HOME BUILDING ACT 1989

Section 92

Certificate in respect of insurance

CONTRACT WORK

A contract of insurance complying with Section 92 of the Home Building Act 1989 has been issued by: Vero Insurance Limited ABN 48 005 297 807

Please note that Aon Risk Services Australia Ltd ABN 17 000 434 720 is arranging the insurance policy as agent of the insurer below.

They also act as agent of the insurer below and not as agent of the insured in dealing with or settling any claim.

In Respect Of: Single Dwelling

At: Lot No: 8001 Unit No: House No:
Stage 8 Proposed Rd Off Childs Circ
BELROSE NSW 2085

Carried Out By: Rylehall Pty Ltd
Licence No: 43484
ABN: 87003470531

Subject to the Act and the Home Building Regulation 1997 and the conditions of the insurance contract, cover will be provided to a beneficiary described in the contract and successors in title to the beneficiary.

Insurer:

- Vero Insurance Limited
ABN 48 005 297 807

Signed for and on behalf of the insurer:

AON HIA INSURANCE SERVICES Tailormade for the trade

IMPORTANT NOTICE TO THE INSURED

The Insurer

The policy is issued by Vero Insurance Limited ABN 48 005 297 807 ('the Insurer').

Your duty of disclosure

Before you enter into a policy with the Insurer, you must tell the Insurer everything that you know, or that you could reasonably be expected to know, is relevant to the Insurer's decision whether to accept the risk of the insurance and, if so, on what terms.

You must also do this before you renew or vary a policy.

However, you do not have to tell the Insurer anything –

- that lessens the risk that the Insurer insures you against
- that is common knowledge
- that the Insurer knows or, in the ordinary course of its business, should know, or
- for which the Insurer has waived its right to be told.

You may make disclosure to the Insurer by making disclosure to HIA Insurance Services, a division of Aon Risk Services ABN 17 000 434 720.

Non-disclosure

If you do not tell the Insurer these things –

- the Insurer may be entitled to reduce its liability under the policy if you make a claim, or the Insurer may cancel the policy, or do both, or
- the Insurer may be able to avoid the policy from its beginning, or refuse payment of any claim, if your non-disclosure is fraudulent.

Where the sum insured exceeds the value of your interest

The policy does not give cover to any person apart from you as the insured and any person who subsequently acquires the home.

Agents for the Insurer

Aon Risk Services Australia Ltd ABN 17 000 434 720 are arranging your policy, and act as agent of the insurer and not as agent for you.

HIA Insurance Services is a division of Aon Risk Services.

Important points to note about the policy

READ YOUR POLICY provided to you. It sets out the insurance cover you will get if a certificate of insurance is issued.

It also sets out –

- important limitations on the liability of the insurer
- that you must make a claim within 90 days (6 months in NSW, 180 days in Victoria) from when you become aware, or should become aware of grounds for a claim and
- that there is no cover under the policy until a certificate of insurance is issued.

You should also note that, when the Insurer pays a claim, the Insurer normally can subrogate. That is, the Insurer is placed in your legal position, and can recover what it has paid you by using your name to sue other parties that you could have sued.

Please note that, under the policy, if you affect that right of the Insurer by agreeing in writing to exclude or limit your own rights to sue any other party, the Insurer will not be liable, or the Insurer's liability will be reduced.

The policy also contains other important terms and conditions.

Please also note that –

- if you make a claim before the period of cover is finished, the Insurer may still be liable to pay the claim after this period has ended and
- the policy does not provide cover in relation to events that occur before the Insurer issues a certificate of insurance.

Some other important points

1. Any significant variation to the building work is something which affects the risk, and you should report it to the Insurer. (This does not apply in the case of owner-builder policies.)
2. Each separate home, unit or home improvement must be separately insured, and a separate premium is payable for each.
3. If you wish to cancel the policy for any reason, and we agree, we may deduct a fee from any refund.
4. The extent of the cover, and all claims, are subject to the terms and conditions of the relevant policy.
5. Keep your policy together with your insurance certificate. If you sell the home within the warranty period, please give those documents to the new owner.
6. Please direct all questions and correspondence relating to the policy to the address, phone number or fax number shown on the certificate.
7. No payment is received by your builder (or your vendor) from the Insurer, or Aon Risk Services Australia Ltd to issue this policy.
8. You are not obliged to insure with the Insurer and may, if you wish, arrange similar insurance with an insurer of your choice.

EXTREMELY IMPORTANT WARNINGS

For a policy other than an owner-builder policy

The amount a home builder can ask for as a deposit before starting work, or as a progress payment, may be restricted under State law.

You are not covered for any payment which exceeds –

- the lawful deposit, or the amount we can limit cover for a lost deposit to under law
- the amount specified in the contract or under law for a progress payment, or the amount we can limit cover for a lost progress payment to under law.

Thus, if you suffer loss because you make a payment in advance, you are not covered under the policy, or your cover is limited.

Also, the Insurer does not want to insure you if you are prepared to make, or agree to make, payments in advance.

DON'T PAY A PROGRESS PAYMENT FOR WORK THAT HASN'T BEEN DONE.

For an owner-builder policy

Under the policy, you are not covered for any defect in the work which is referred to in any report on the work –

- required under law in Victoria and Tasmania to be obtained before contracting to sell the home or unit or
- required to be obtained in NSW or WA by the Insurer before the policy was entered into.

Telephone 1300 663 215
Facsimile (02) 9659 1633
PO Box 6160
Baulkham Hills BC NSW 2153

R Moy & Associates Pty Ltd
T/as Greenfield Accredited Certifiers
ACN 100 924 605
ABN 23 100 924 605

Final Occupation Certificate

CC or CDC no. CC2004-02900

Issued in accordance with the Environmental Planning & Assessment Regulation 2000 with reference to the Environmental Planning & Assessment Act 1979 Sections 109C(1)(c) and 109H

COPY FOR CERTIFICATE

DETAILS OF THE APPLICANT

Name	Australand Holdings Limited
Address	Level 3, 1C Homebush Bay Drive, RHODES 2138
Contact no (telephone/fax)	9767 2000 - 0438 534 628 (Warwick)

DETAILS OF THE OWNER

Name	Australand Holdings Limited
Address	Level 3, 1C Homebush Bay Drive, RHODES

DETAILS OF THE BUILDING

Street Address	Construction No Lots 8001-8002 Childs Circuit (Prop Allars Place), BELROSE 2085
Lot no.	Proposed Lot No's 2 & 3
Description of the building	Two of 17 Two Storey Dwellings
DP no.	Lot 15 of DP270334
Development Application no.	2003/0526/DA
CC or CDC no.	CC2004-02900
Council Area	WARRINGAH COUNCIL

DECISION OF THE CERTIFYING AUTHORITY

Type of certificate issued	Final Occupation Certificate
Date of this decision	28/02/2005

INFORMATION ATTACHED TO THIS DECISION

Council Submission Cheque - $30.00

Insulation Certificate

Engineers Certificates for Piers and Slab

Part A & B Pest treatment Certificates

Wet Areas Certificate

Smoke detectors Certificate

Final Survey Report

Floor Level Survey Report

Ridge Survey Report

Landscape Certificate

Glazing Certificate

Filtration Certificate

Section 73 Certificate

OCCUPATION CERTIFICATE

INSPECTIONS CARRIED OUT DURING CONSTRUCTION

Kieran Tobincertifies that the subject stages of construction were inspected and were found to be satisfactory. The development was completed in accordance with the approved plans and specifications and Council's Development Consent conditions, if applicable.

Date	Inspection	Inspected by
25/08/04	Commencement	Kieran Tobin
25/08/04	Storm Water	Kieran Tobin
29/10/04	Framework	Kieran Tobin
21/12/04	Completion	Kieran Tobin

FINAL OCCUPATION CERTIFICATE

Kieran Tobin certifies that:

- [x] A current development consent has been granted for the development
- [x] A current construction certificate has been issued with respect to the plans and specifications for the building
- [ ] A current complying development certificate has been issued for the development
- [x] The building is suitable for occupation or use in accordance with its classification under the Building Code of Australia as a class 1a building
- [ ] A final fire safety certificate has been issued for the building
- [ ] A final report from the Commissioner of Fire Brigades has been considered

Occupation certificate no.	CC2004-02900
Date of the certificate	28/02/2005

OCCUPATION CERTIFICATE

SIGNATURE

Signed	
Name	**Kieran Tobin**
	Greenfield Accredited Certifiers
Address	PO Box 6160 Baulkham Hills BC NSW 2153
Telephone	1300 663 215
Fax	9659 1633
Accreditation body of certifier	DIPNR, 20 Lee St, Sydney NSW 2000
Accreditation no.	44

AUSTRALAND

Warranty

Rylehall Pty Limited is a licensed builder and a wholly owned subsidiary of Australand Holdings Limited. Rylehall, as builder of your new home, provides the following warranties regarding your new home:

1. Rylehall provides warranties for a period of six years against structural defects and two years against other defects in you home. These warranties are in accordance with the Home Building Act 1989 (NSW).

2. Rylehall will extend the manufacturer's warranty on the following appliances to a total of 2 years, provided they are cared for as set out in your Purchasers Presentation Package:

    a. Wall Oven
    b. Cooktop
    c. Rangehood
    d. Door Furniture
    e. Hot water unit

3. Rylehall will provide a service warranty on the following items for 2 years, provided they are cared for as set out in your Purchasers Presentation Package:

ITEM	EXTENT OF WARRANTY
Sink	Waterproof sealing
Laundry Tub	Latching mechanisms
Toilet Suites	Cistern adjustment
Wall Linings	Adhesives and sheeting
Kitchen Cupboards	Door and hinge adjustment
Ceramic Tiling	Bonding material
Electrical Wiring and Switches	All and any defects
Vanity Tops	Waterproof sealing
Vanity Cupboards	Door and hinge adjustment
Mirror/Robe Doors	Tracks and fittings
Floor Coverings	Carpet and vinyl installation
Power Supply	To local authority regulations
Windows	Locks and mechanisms
Gutters and Downpipes	Rectify joints and leaks
Flashing	Rectify leaks
Garage Doors	Operation of hinges and guides
Plumbing	Repair leaks (does not include tap washers)

4. Three months after completion of your purchase, Rylehall will carry out a free service inspection of your home, including servicing items covered under the extended warranties.

All maintenance and Warranty works will be carried out in normal business hours. All correspondence including requests for maintenance and warranty work are to be provided in writing.