

# CITY OF COFFS HARBOUR

## Planning Certificate under Section 10.7(2) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070672/25

**Date of Issue:** 09/10/2024

**Property No:** 262000

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 46 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 26 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land, then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7 (2) Matters**

*In accordance with section 10.7(2) of the Environmental Planning and Assessment Act 1979, at the date of this certificate the following information is provided in respect of the prescribe matters to be included in a planning certificate.*

#### **City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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## 1. Names of relevant planning instruments and DCPs

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

The following environmental planning instruments apply to the land:

- North Coast Regional Plan 2041
- Coffs Harbour Local Environmental Plan 2013
- The following State Environmental Planning Policies may apply to the land:
  - State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Sustainable Buildings) 2022
  - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - State Environmental Planning Policy (Housing) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Primary Production) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Resources and Energy) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021

*Note: Any enquiries regarding State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<https://www.legislation.nsw.gov.au>

- (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 *Environmental Planning and Assessment Act 1979* (unless the Secretary has notified the City that the making of the proposed instrument has been deferred indefinitely or has not been approved):

*Note: In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a draft environmental planning instrument.*

(a) Draft Local Environmental Plans

No plans on exhibition relate to this land.

(b) Draft State Environmental Planning Policies

No draft policies are on exhibition at this time.

*Any enquiries regarding draft State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<http://www.planning.nsw.gov.au/>. The accuracy of this information should be validated with NSW Planning, Industry and Environment.

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

- Coffs Harbour Development Control Plan 2015

## 2. Zoning and Land Uses under relevant Local Environmental Plan

Under Coffs Harbour Local Environmental Plan 2013:

- (a) the identity of the zone:

### **R2 Low Density zone**

- (b) development that may be carried out without consent, development that may be carried out with consent, and development that is prohibited:

### **ZONE R2 LOW DENSITY RESIDENTIAL**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence in its presentation to the public realm.

#### **2 Permitted without consent**

Building identification signs; Home-based child care; Home occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

- (c) whether additional permitted uses apply to the land:

No additional permitted uses apply to the land.

- (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,

Clause 4.1B of Coffs Harbour Local Environmental Plan 2013 applies to the land as it is within zone R2 Low Density Residential. Under that clause, the minimum area of a lot on which development consent may be granted for development for the purpose of a dual occupancy is 800 square metres (not including an access handle, if the lot is a battle-axe lot or other lot with an access handle).

Note: Where the area of the subject land is less than that shown on the Lot Size Map, to obtain information in relation to the permissibility of a dwelling it is recommended that a Permissibility of a dwelling enquiry, for which a fee is payable in accordance with the City's adopted Fees & Charges Schedule, be submitted to the City. Contact the City's Customer Services Section on (02) 6648 4000 for further information.

- (e) whether the land is an area of outstanding biodiversity value:

No, the land is not within a declared area of outstanding biodiversity value under the [Biodiversity and Conservation Act 2016](#).

- (f) whether the land is in a conservation area

No

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

No

### 3. Contributions Plans

The name of each contributions plan applying to the land.

- (a) Contribution Plans applying to all land within the Coffs Harbour Local Government Area:

- *Contributions Plan - Water Supply Development Servicing Plan 2019*
- *Contributions Plan - Wastewater Development Servicing Plan 2019*

- (b) Contribution Plans that apply specifically to the land to which this certificate applies:

- *Contributions Plan - Coffs Harbour Administration Levy 2019*
- *Contributions Plan - Coffs Harbour Mines and Extractive Industries 2016*
- *Contributions Plan - Coffs Harbour Open Space 2017*
- *Contributions Plan - Coffs Harbour Road Network 2016*
- *Contributions Plan - Surf Rescue Facilities 2019*

### 4. Complying Development

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

### Housing Code

Complying development **Housing Code** may be carried out as the land is not excluded from the application of the Housing Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

Please refer to clause 3.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification on development that is complying under the **Housing Code**.

Note 2:

Certain types of development are not considered to be complying development under this code. Please check Section 3.2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 3:

Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the **Housing Code** list special provisions for development. For specific requirements, reference should be made to Clause 3.4 - Development Standards for Bush Fire Prone Land, and Clause 3.5 – Development Standards for Flood Control Lots under the Codes SEPP at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Rural Housing Code

The **Rural Housing Code** only applies to development on land in **Zones R5, RU1, RU2, RU3, RU4, RU6** and therefore does not apply to the land.

### Low Rise Housing Diversity Code

Complying development **Low Rise Housing Diversity Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### Greenfield Housing Code

The **Greenfield Housing Code** only applies to development on land within the **Greenfield Housing Code Area**, and therefore does not apply to the land.

### Housing Alterations Code and General Development Code

Complying development **Housing Alterations Code and General Development Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

The **Housing Alterations Code** applies to certain types of internal and external alterations refer to Part 4, Sections 4.3 and 4.4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 2:

The **General Development Code** applies to certain types of development refer to Part 4A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

#### **Industrial and Business Alterations Code & Industrial and Business Buildings Code**

The **Industrial and Business Alterations Code & Industrial and Business Buildings Code** only applies to development on land in **Zones E1, E2, E3, E4, E5, MU1, SP3, W4** and therefore does not apply to the land.

## **5. Exempt Development**

The extent to which the land is land on which exempt development may or may not be carried out under each of the codes for exempt development because of the provisions of clauses 1.16(1)(b1)-(d) and 1.16A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

#### **General Exempt Development Code**

Exempt development for the purposes of the **General Exempt Development Code** may be carried out as the land is not excluded from the application of the General Exempt Development Code by clauses 1.16(1) (b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the General Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 1 General Exempt Development Code](#) for further information.

#### **Advertising and Signage Exempt Development Code**

Exempt development for the purposes of the **Advertising and Signage Exempt Development Code** may be carried out as the land is not excluded from the application of the Advertising and Signage Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the Advertising and Signage Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 2 Advertising and Signage Exempt Development Code](#) for further information.

#### **Temporary Uses and Structures Exempt Development Code**

Exempt development for the purposes of the **Temporary Uses and Structures Exempt Development Code** may be carried out as the land is not excluded from the application of the Temporary Uses and Structures Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

*Note 1:*

*To be exempt development specified for the Temporary Uses and Structures Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 3 Temporary Uses and Structures Exempt Development Code](#) for further information.*

**6. Affected building notices and building product rectification orders**

- (1) Is the land subject to an affected building notice, as defined in Part 4 of the [Building Products \(Safety\) Act 2017](#), of which the City is aware and that is currently in force?

Council is not aware of any affected building notice that is currently in force on the land.

- (2) Is the land subject to any in force building product rectification order, as defined in the [Building Products \(Safety\) Act 2017](#), which the City is aware of, and that has not been fully complied with?

Council is not aware of any building product rectification order that is currently in force on the land.

- (3) Is the land subject to an outstanding notice of intention to make a building product rectification order, which the City is aware of?

Council is not aware of any outstanding notice of intention to issue a building product rectification order on the land.

**7. Land Reserved for Acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument that is applicable to the land makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 3.15 of the Act.

No such provision in an environmental planning instrument or proposed environmental planning instrument applies to the land.

**8. Road Widening and Road Realignment**

Is the land affected by any road widening or road realignment under:

- (i) Division 2 of Part 3 of the *Roads Act 1993*;

No, the road is not affected by a Road Widening Order under Division 2 Part 3 of the Roads Act 1993

- (ii) any environmental planning instrument; or

No

- (iii) any resolution of the City?

No



## 9. Flood related development controls

- (1) Is land or part of the land within the flood planning area and subject to flood related development controls?

The land is within the flood planning area and is thus subject to flood related development controls provided by the *Coffs Harbour Local Environmental Plan 2013 and Coffs Harbour Development Control Plan 2015*.

- (2) Is the land or part of the land between the flood planning area and the probable maximum flood, and subject to flood related development controls?

Unknown

## 10. The City and other Public Authority Policies on Hazard Risk Restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the City; or
- (b) adopted by any other public authority and notified to the City for the express purpose of its adoption by that authority being referred to in planning certificates issued by the City, that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

No, Council does not have any policies that restrict development of the subject land.

## 11. Bushfire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

None of the land is bush fire prone land.

## 12. Loose-fill asbestos insulation

Are any residential premises (within the meaning of Division 1A of Part 8 of the [Home Building Act 1989](#)) that are listed on the register that is required to be maintained under that Division, located on the land?

The land does not include any residential premises that are included on the Loose-fill asbestos insulation register maintained by NSW Fair Trading.

## 13. Mine Subsidence

Has the land been proclaimed to be a Mine Subsidence District within the meaning of the *Coal Mine Subsidence Compensation Act 2017*?

No

#### 14. Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

There is no such development plan that applies to the Land or proposed to be the subject of a consent ballot and no subdivision order applies to the Land.

#### 15. Property Vegetation Plans

If the land is land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003 (and that continues in force)* applies, a statement to that effect (but only if the City has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No Property Vegetation Plan applies to the land.

#### 16. Private Land Conservation Agreements

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5, of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the City has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

*Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.*

Council has not been notified of the existence of a biodiversity stewardship agreement.

#### 17. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

*Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.*

No

#### 18. Orders under Trees (Disputes between Neighbours) Act 2006

Whether an order 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 City has been notified of the order).

No orders under the *Trees (Disputes between Neighbours) Act 2006* have been made in relation to a tree on the land.

## 19. Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—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).

No

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.

## 20. Western Sydney Aerotropolis

[State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#) is not applicable.

## 21. Development Consent conditions for seniors housing

If [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

There have been no development consents issued upon the land since 11 October 2007 for the purposes of housing for seniors and people with a disability.

*Note: Development consents for seniors housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

## 22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is there a valid site compatibility certificate under [State Environmental Planning Policy \(Housing\) 2021](#), or a former site compatibility certificate, but only to the extent that the City has been so notified of the certificate, in respect of proposed development on the land?

City of Coffs Harbour has no record of a current site compatibility certificate (affordable rental housing) applying to the subject land. For further information, please contact the Department of Planning, Industry and Environment.

- (2) Are there any terms of a kind referred to in section 21(1) or 40(1) of [State Environmental Planning Policy \(Housing\) 2021](#), or in clause 17(1) or 38(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) that have been imposed as a condition of consent to a development application in respect of the land?

No.

*Note: Development consents for affordable rental housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

### 23. Contaminated Land

Are any of the following matters prescribed by Section 59(2) of the *Contaminated Land Management Act 1997* applicable to the land:

(a) Is the land to which the certificate relates significantly contaminated land?

No

(b) Is the land to which the certificate relates subject to a management order?

No

(c) Is the land to which the certificate relates subject to an approved voluntary management proposal?

No

(d) Is the land to which the certificate relates subject to an ongoing maintenance order?

No

(e) Is the land to which the certificate relates subject to a site audit statement that has been provided to the City at any time?

No

*Note: This question relates to contaminated land under the Contaminated Land Management Act 1997, and does not indicate previous contaminating land uses such as banana cultivation. The presence of banana contaminated land may be indicated on a Section 10.7 (5) certificate and through the City's online mapping tool.*

*On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the [Planning Portal](#).*

The *Environmental Planning and Assessment Amendment Act 1997* commenced operation on 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 above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

# CITY OF COFFS HARBOUR

## Planning Certificate Pursuant to Section 10.7(5) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070672/25

**Date of Issue:** 09/10/2024

**Property No:** 262000

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 46 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 26 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour City Council Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7(5) Matters**

*Planning certificate Section 10.7 Subsection (5) advice is current as at 12 noon two working days prior to the date of issue of the certificate. The following matters have been considered and details provided where information exists.*

### The City of Coffs Harbour

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following additional information is furnished in respect of the land pursuant to subsection (5) of the *Environmental Planning and Assessment Act 1979* and is subject to subsection (6).

**A Coastal Processes**

- (i) Is the land affected by a policy adopted by The City that restricts the development of the land because of the likelihood of coastal processes?

No

**B Native Vegetation**

- (i) Is the land affected by the preservation of trees or vegetation pursuant to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Coffs Harbour Development Control Plan 2015?

No

**C Flooding or Tidal Inundation**

- (i) Has the City information that would indicate that the land is subject to the risk of flooding or tidal inundation?

Yes, the land is subject to 1% AEP (1 in 100 year) flooding and therefore subject to a 'Flood Planning Level' (FPL) and flood related development controls. Refer to Clause 5.21 of Coffs Harbour Local Environmental Plan 2013 and Section E4 (Flooding) of Coffs Harbour Development Control Plan 2015.

Council's most recent data indicates that the 1% AEP (1 in 100 year) flood level is approximately 5.25 mAHD, therefore the Flood Planning Level is 5.75 mAHD.

Further information on flood risk can be obtained by submitting a flood level request form which can be found on Council's website.

Flood information is provided in good faith and Council gives no warranty (express or implied) as to the currency, accuracy and/or completeness of any information contained on councils geographic information system (GIS). It is not possible to accurately predict exact future flood levels for any location. A qualified consultant and/or surveyor should be engaged to assess the potential impact of flooding for any particular property before making any decision to purchase, sell or do anything on, at or to that property.

Please note that the 1% AEP (1 in 100 year) flood used to derive the Flood Planning Level is not the limit of possible flooding. Rarer events are possible and may result in higher flood levels. Local drainage problems, if any, may cause higher localised flood levels. Estimated flood levels are subject to periodic review and the estimated 1% AEP (1 in 100 year) flood level and Flood Planning Level may change in the future. As ground levels across the property do vary, the values provided is the maximum value across the property.



**D Slip or Subsidence**

- (i) Does the City's Steep and Highly Erodible Land map indicate the land may be vulnerable to soil erosion, sedimentation and landslip?

No

**E Aircraft Noise**

- (i) Has the City information which would indicate the land is, or likely to be, adversely impacted by noise from aircraft using Coffs Harbour Airport?

No

**F Significant Trees**

- (i) Is the land affected by the City of Coffs Harbour's Significant Tree Register provisions of Coffs Harbour Development Control Plan 2015 and the Significant Tree Policy?

No

**G Pacific Highway**

- (i) Is the land affected by the proposed Pacific Highway Upgrades?

No

**H Non-Potable Water Service Connection**

In addition to reticulated drinking water, the City of Coffs Harbour provides eligible properties access to several different types of metered water services which are not fit for human consumption and are subject to specific Policy and Agreement with each property owner.

- (i) Is the land to which this certificate relates connected to a non-potable raw water service, subject to the City's Regional Water Supply – Raw Water Service Policy and a Service Agreement – Connection of Raw Water Service?

No

- (ii) Is the land to which this certificate relates connected to a non-potable recycled water service, subject to the City's Recycled Water Quality Policy and a Service Agreement – Connection of Recycled Water Quality Service?

No

**I Private Land Conservation Agreements****(i) Conservation Agreement**

If the land contains a conservation agreement under Part 5, Division 3 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No

**(ii) Wildlife Refuge Agreements**

If the land contains a wildlife refuge agreement under Part 5, Division 4 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No such agreement is in place on the land.

**J Koala Plan of Management**

Is the land affected by a Koala Plan of Management adopted by the City, that includes controls that may restrict development?

No

**K Contaminated Land**

Is the land identified as being contaminated land associated with a current or historical land use, such as banana cultivation?

No

**L Potentially Contaminated Land**

Is the land identified as being potentially contaminated land associated with a current or past contaminating activity?

No

**M General Matters**

There is nothing relevant in terms of the advices Council provides here.

**Note 1:**

*Advice provided in in accordance with this Planning Certificate issued pursuant to Section 10.7 Subsection (5) is supplied in good faith. The City accepts no liability for the validity of the advice given (see Section 10.7 Subsection (6) of the Environmental Planning and Assessment Act 1979).*

Note 2:

*Further information in relation to the City's planning controls can be viewed on the City's Website:*  
[www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

Note 3:

*Development applications and decisions made before 1st July 2010 can be requested by making an <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1324>. The City may advise that a <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1325> be required for large scale requests. Copying and processing charges may apply as detailed in the City's <https://www.coffsharbour.nsw.gov.au/Your-Council/Publications-and-forms/Fees-and-charges>.*

*On the 4th of January 2013, The City began displaying development applications on the City's website using <https://chcc-icon.saas.t1cloud.com/Public/Common/Common/terms.aspx> for development applications submitted on and after the 1st of January 2013 and for modification applications from 4th of November 2013.*

Note 4:

*For information regarding outstanding notices and orders a certificate for outstanding notices of intention and/or an order under section 735A of the Local Government Act, 1993 may be applied for at the City of Coffs Harbour.*

The above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

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# CITY OF COFFS HARBOUR

## Planning Certificate under Section 10.7(2) Environmental Planning and Assessment Act 1979

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**Certificate No:** 1070670/25

**Date of Issue:** 09/10/2024

**Property No:** 262100

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 44 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 27 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land, then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7 (2) Matters**

*In accordance with section 10.7(2) of the Environmental Planning and Assessment Act 1979, at the date of this certificate the following information is provided in respect of the prescribe matters to be included in a planning certificate.*

#### **City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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## 1. Names of relevant planning instruments and DCPs

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

The following environmental planning instruments apply to the land:

- North Coast Regional Plan 2041
- Coffs Harbour Local Environmental Plan 2013
- The following State Environmental Planning Policies may apply to the land:
  - State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Sustainable Buildings) 2022
  - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - State Environmental Planning Policy (Housing) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Primary Production) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Resources and Energy) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021

*Note: Any enquiries regarding State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<https://www.legislation.nsw.gov.au>

- (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 *Environmental Planning and Assessment Act 1979* (unless the Secretary has notified the City that the making of the proposed instrument has been deferred indefinitely or has not been approved):

*Note: In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a draft environmental planning instrument.*

(a) Draft Local Environmental Plans

No plans on exhibition relate to this land.

(b) Draft State Environmental Planning Policies

No draft policies are on exhibition at this time.

*Any enquiries regarding draft State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<http://www.planning.nsw.gov.au/>. The accuracy of this information should be validated with NSW Planning, Industry and Environment.

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

- Coffs Harbour Development Control Plan 2015

## 2. Zoning and Land Uses under relevant Local Environmental Plan

Under Coffs Harbour Local Environmental Plan 2013:

- (a) the identity of the zone:

### **R2 Low Density zone**

- (b) development that may be carried out without consent, development that may be carried out with consent, and development that is prohibited:

### **ZONE R2 LOW DENSITY RESIDENTIAL**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence in its presentation to the public realm.

#### **2 Permitted without consent**

Building identification signs; Home-based child care; Home occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

- (c) whether additional permitted uses apply to the land:

No additional permitted uses apply to the land.

- (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,

Clause 4.1B of Coffs Harbour Local Environmental Plan 2013 applies to the land as it is within zone R2 Low Density Residential. Under that clause, the minimum area of a lot on which development consent may be granted for development for the purpose of a dual occupancy is 800 square metres (not including an access handle, if the lot is a battle-axe lot or other lot with an access handle).

Note: Where the area of the subject land is less than that shown on the Lot Size Map, to obtain information in relation to the permissibility of a dwelling it is recommended that a Permissibility of a dwelling enquiry, for which a fee is payable in accordance with the City's adopted Fees & Charges Schedule, be submitted to the City. Contact the City's Customer Services Section on (02) 6648 4000 for further information.

- (e) whether the land is an area of outstanding biodiversity value:

No, the land is not within a declared area of outstanding biodiversity value under the [Biodiversity and Conservation Act 2016](#).

- (f) whether the land is in a conservation area

No

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

No

### 3. Contributions Plans

The name of each contributions plan applying to the land.

- (a) Contribution Plans applying to all land within the Coffs Harbour Local Government Area:

- *Contributions Plan - Water Supply Development Servicing Plan 2019*
- *Contributions Plan - Wastewater Development Servicing Plan 2019*

- (b) Contribution Plans that apply specifically to the land to which this certificate applies:

- *Contributions Plan - Coffs Harbour Administration Levy 2019*
- *Contributions Plan - Coffs Harbour Mines and Extractive Industries 2016*
- *Contributions Plan - Coffs Harbour Open Space 2017*
- *Contributions Plan - Coffs Harbour Road Network 2016*
- *Contributions Plan - Surf Rescue Facilities 2019*

### 4. Complying Development

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



### Housing Code

Complying development **Housing Code** may be carried out as the land is not excluded from the application of the Housing Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

Please refer to clause 3.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification on development that is complying under the **Housing Code**.

Note 2:

Certain types of development are not considered to be complying development under this code. Please check Section 3.2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 3:

Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the **Housing Code** list special provisions for development. For specific requirements, reference should be made to Clause 3.4 - Development Standards for Bush Fire Prone Land, and Clause 3.5 – Development Standards for Flood Control Lots under the Codes SEPP at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Rural Housing Code

The **Rural Housing Code** only applies to development on land in **Zones R5, RU1, RU2, RU3, RU4, RU6** and therefore does not apply to the land.

### Low Rise Housing Diversity Code

Complying development **Low Rise Housing Diversity Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### Greenfield Housing Code

The **Greenfield Housing Code** only applies to development on land within the **Greenfield Housing Code Area**, and therefore does not apply to the land.

### Housing Alterations Code and General Development Code

Complying development **Housing Alterations Code and General Development Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

The **Housing Alterations Code** applies to certain types of internal and external alterations refer to Part 4, Sections 4.3 and 4.4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 2:

The **General Development Code** applies to certain types of development refer to Part 4A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

#### **Industrial and Business Alterations Code & Industrial and Business Buildings Code**

The **Industrial and Business Alterations Code & Industrial and Business Buildings Code** only applies to development on land in **Zones E1, E2, E3, E4, E5, MU1, SP3, W4** and therefore does not apply to the land.

## **5. Exempt Development**

The extent to which the land is land on which exempt development may or may not be carried out under each of the codes for exempt development because of the provisions of clauses 1.16(1)(b1)-(d) and 1.16A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

#### **General Exempt Development Code**

Exempt development for the purposes of the **General Exempt Development Code** may be carried out as the land is not excluded from the application of the General Exempt Development Code by clauses 1.16(1) (b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the General Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 1 General Exempt Development Code](#) for further information.

#### **Advertising and Signage Exempt Development Code**

Exempt development for the purposes of the **Advertising and Signage Exempt Development Code** may be carried out as the land is not excluded from the application of the Advertising and Signage Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the Advertising and Signage Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 2 Advertising and Signage Exempt Development Code](#) for further information.

#### **Temporary Uses and Structures Exempt Development Code**

Exempt development for the purposes of the **Temporary Uses and Structures Exempt Development Code** may be carried out as the land is not excluded from the application of the Temporary Uses and Structures Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

*Note 1:*

*To be exempt development specified for the Temporary Uses and Structures Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 3 Temporary Uses and Structures Exempt Development Code](#) for further information.*

**6. Affected building notices and building product rectification orders**

- (1) Is the land subject to an affected building notice, as defined in Part 4 of the [Building Products \(Safety\) Act 2017](#), of which the City is aware and that is currently in force?

Council is not aware of any affected building notice that is currently in force on the land.

- (2) Is the land subject to any in force building product rectification order, as defined in the [Building Products \(Safety\) Act 2017](#), which the City is aware of, and that has not been fully complied with?

Council is not aware of any building product rectification order that is currently in force on the land.

- (3) Is the land subject to an outstanding notice of intention to make a building product rectification order, which the City is aware of?

Council is not aware of any outstanding notice of intention to issue a building product rectification order on the land.

**7. Land Reserved for Acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument that is applicable to the land makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 3.15 of the Act.

No such provision in an environmental planning instrument or proposed environmental planning instrument applies to the land.

**8. Road Widening and Road Realignment**

Is the land affected by any road widening or road realignment under:

- (i) Division 2 of Part 3 of the *Roads Act 1993*;

No, the road is not affected by a Road Widening Order under Division 2 Part 3 of the Roads Act 1993

- (ii) any environmental planning instrument; or

No

- (iii) any resolution of the City?

No

## 9. Flood related development controls

- (1) Is land or part of the land within the flood planning area and subject to flood related development controls?

The land is within the flood planning area and is thus subject to flood related development controls provided by the *Coffs Harbour Local Environmental Plan 2013 and Coffs Harbour Development Control Plan 2015*.

- (2) Is the land or part of the land between the flood planning area and the probable maximum flood, and subject to flood related development controls?

Unknown

## 10. The City and other Public Authority Policies on Hazard Risk Restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the City; or
- (b) adopted by any other public authority and notified to the City for the express purpose of its adoption by that authority being referred to in planning certificates issued by the City, that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

No, Council does not have any policies that restrict development of the subject land.

## 11. Bushfire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

None of the land is bush fire prone land.

## 12. Loose-fill asbestos insulation

Are any residential premises (within the meaning of Division 1A of Part 8 of the [Home Building Act 1989](#)) that are listed on the register that is required to be maintained under that Division, located on the land?

The land does not include any residential premises that are included on the Loose-fill asbestos insulation register maintained by NSW Fair Trading.

## 13. Mine Subsidence

Has the land been proclaimed to be a Mine Subsidence District within the meaning of the *Coal Mine Subsidence Compensation Act 2017*?

No

#### 14. Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

There is no such development plan that applies to the Land or proposed to be the subject of a consent ballot and no subdivision order applies to the Land.

#### 15. Property Vegetation Plans

If the land is land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003 (and that continues in force)* applies, a statement to that effect (but only if the City has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No Property Vegetation Plan applies to the land.

#### 16. Private Land Conservation Agreements

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5, of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the City has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

*Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.*

Council has not been notified of the existence of a biodiversity stewardship agreement.

#### 17. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.

Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

No

#### 18. Orders under Trees (Disputes between Neighbours) Act 2006

Whether an order 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 City has been notified of the order).

No orders under the Trees (Disputes between Neighbours) Act 2006 have been made in relation to a tree on the land.

**19. Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

In relation to a coastal council—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).

No

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.

**20. Western Sydney Aerotropolis**

[State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#) is not applicable.

**21. Development Consent conditions for seniors housing**

If [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

There have been no development consents issued upon the land since 11 October 2007 for the purposes of housing for seniors and people with a disability.

*Note: Development consents for seniors housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

**22. Site compatibility certificates and development consent conditions for affordable rental housing**

- (1) Is there a valid site compatibility certificate under [State Environmental Planning Policy \(Housing\) 2021](#), or a former site compatibility certificate, but only to the extent that the City has been so notified of the certificate, in respect of proposed development on the land?

City of Coffs Harbour has no record of a current site compatibility certificate (affordable rental housing) applying to the subject land. For further information, please contact the Department of Planning, Industry and Environment.

- (2) Are there any terms of a kind referred to in section 21(1) or 40(1) of [State Environmental Planning Policy \(Housing\) 2021](#), or in clause 17(1) or 38(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) that have been imposed as a condition of consent to a development application in respect of the land?

No.

*Note: Development consents for affordable rental housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

### 23. Contaminated Land

Are any of the following matters prescribed by Section 59(2) of the *Contaminated Land Management Act 1997* applicable to the land:

(a) Is the land to which the certificate relates significantly contaminated land?

No

(b) Is the land to which the certificate relates subject to a management order?

No

(c) Is the land to which the certificate relates subject to an approved voluntary management proposal?

No

(d) Is the land to which the certificate relates subject to an ongoing maintenance order?

No

(e) Is the land to which the certificate relates subject to a site audit statement that has been provided to the City at any time?

No

*Note: This question relates to contaminated land under the Contaminated Land Management Act 1997, and does not indicate previous contaminating land uses such as banana cultivation. The presence of banana contaminated land may be indicated on a Section 10.7 (5) certificate and through the City's online mapping tool.*

*On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the [Planning Portal](#).*

The *Environmental Planning and Assessment Amendment Act 1997* commenced operation on 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 above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager



# CITY OF COFFS HARBOUR

## Planning Certificate Pursuant to Section 10.7(5) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070670/25

**Date of Issue:** 09/10/2024

**Property No:** 262100

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 44 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 27 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour City Council Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7(5) Matters**

*Planning certificate Section 10.7 Subsection (5) advice is current as at 12 noon two working days prior to the date of issue of the certificate. The following matters have been considered and details provided where information exists.*

### **The City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following additional information is furnished in respect of the land pursuant to subsection (5) of the *Environmental Planning and Assessment Act 1979* and is subject to subsection (6).

**A Coastal Processes**

- (i) Is the land affected by a policy adopted by The City that restricts the development of the land because of the likelihood of coastal processes?

No

**B Native Vegetation**

- (i) Is the land affected by the preservation of trees or vegetation pursuant to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Coffs Harbour Development Control Plan 2015?

No

**C Flooding or Tidal Inundation**

- (i) Has the City information that would indicate that the land is subject to the risk of flooding or tidal inundation?

Yes, the land is subject to 1% AEP (1 in 100 year) flooding and therefore subject to a 'Flood Planning Level' (FPL) and flood related development controls. Refer to Clause 5.21 of Coffs Harbour Local Environmental Plan 2013 and Section E4 (Flooding) of Coffs Harbour Development Control Plan 2015.

Council's most recent data indicates that the 1% AEP (1 in 100 year) flood level is approximately 5.28 mAHD, therefore the Flood Planning Level is 5.78 mAHD.

Further information on flood risk can be obtained by submitting a flood level request form which can be found on Council's website.

Flood information is provided in good faith and Council gives no warranty (express or implied) as to the currency, accuracy and/or completeness of any information contained on councils geographic information system (GIS). It is not possible to accurately predict exact future flood levels for any location. A qualified consultant and/or surveyor should be engaged to assess the potential impact of flooding for any particular property before making any decision to purchase, sell or do anything on, at or to that property.

Please note that the 1% AEP (1 in 100 year) flood used to derive the Flood Planning Level is not the limit of possible flooding. Rarer events are possible and may result in higher flood levels. Local drainage problems, if any, may cause higher localised flood levels. Estimated flood levels are subject to periodic review and the estimated 1% AEP (1 in 100 year) flood level and Flood Planning Level may change in the future. As ground levels across the property do vary, the values provided is the maximum value across the property.

**D Slip or Subsidence**

- (i) Does the City's Steep and Highly Erodible Land map indicate the land may be vulnerable to soil erosion, sedimentation and landslip?

No

**E Aircraft Noise**

- (i) Has the City information which would indicate the land is, or likely to be, adversely impacted by noise from aircraft using Coffs Harbour Airport?

No

**F Significant Trees**

- (i) Is the land affected by the City of Coffs Harbour's Significant Tree Register provisions of Coffs Harbour Development Control Plan 2015 and the Significant Tree Policy?

No

**G Pacific Highway**

- (i) Is the land affected by the proposed Pacific Highway Upgrades?

No

**H Non-Potable Water Service Connection**

In addition to reticulated drinking water, the City of Coffs Harbour provides eligible properties access to several different types of metered water services which are not fit for human consumption and are subject to specific Policy and Agreement with each property owner.

- (i) Is the land to which this certificate relates connected to a non-potable raw water service, subject to the City's Regional Water Supply – Raw Water Service Policy and a Service Agreement – Connection of Raw Water Service?

No

- (ii) Is the land to which this certificate relates connected to a non-potable recycled water service, subject to the City's Recycled Water Quality Policy and a Service Agreement – Connection of Recycled Water Quality Service?

No

**I Private Land Conservation Agreements****(i) Conservation Agreement**

If the land contains a conservation agreement under Part 5, Division 3 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No

**(ii) Wildlife Refuge Agreements**

If the land contains a wildlife refuge agreement under Part 5, Division 4 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No such agreement is in place on the land.

**J Koala Plan of Management**

Is the land affected by a Koala Plan of Management adopted by the City, that includes controls that may restrict development?

No

**K Contaminated Land**

Is the land identified as being contaminated land associated with a current or historical land use, such as banana cultivation?

No

**L Potentially Contaminated Land**

Is the land identified as being potentially contaminated land associated with a current or past contaminating activity?

No

**M General Matters**

There is nothing relevant in terms of the advices Council provides here.

**Note 1:**

*Advice provided in in accordance with this Planning Certificate issued pursuant to Section 10.7 Subsection (5) is supplied in good faith. The City accepts no liability for the validity of the advice given (see Section 10.7 Subsection (6) of the Environmental Planning and Assessment Act 1979).*

Note 2:

*Further information in relation to the City's planning controls can be viewed on the City's Website:*  
[www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

Note 3:

*Development applications and decisions made before 1st July 2010 can be requested by making an <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1324>. The City may advise that a <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1325> be required for large scale requests. Copying and processing charges may apply as detailed in the City's <https://www.coffsharbour.nsw.gov.au/Your-Council/Publications-and-forms/Fees-and-charges>.*

*On the 4th of January 2013, The City began displaying development applications on the City's website using <https://chcc-icon.saas.t1cloud.com/Public/Common/Common/terms.aspx> for development applications submitted on and after the 1st of January 2013 and for modification applications from 4th of November 2013.*

Note 4:

*For information regarding outstanding notices and orders a certificate for outstanding notices of intention and/or an order under section 735A of the Local Government Act, 1993 may be applied for at the City of Coffs Harbour.*

The above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

# CITY OF COFFS HARBOUR

## Planning Certificate under Section 10.7(2) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070669/25

**Date of Issue:** 09/10/2024

**Property No:** 262200

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 42 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 28 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land, then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7 (2) Matters**

*In accordance with section 10.7(2) of the Environmental Planning and Assessment Act 1979, at the date of this certificate the following information is provided in respect of the prescribe matters to be included in a planning certificate.*

#### **City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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## 1. Names of relevant planning instruments and DCPs

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

The following environmental planning instruments apply to the land:

- North Coast Regional Plan 2041
- Coffs Harbour Local Environmental Plan 2013
- The following State Environmental Planning Policies may apply to the land:
  - State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Sustainable Buildings) 2022
  - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - State Environmental Planning Policy (Housing) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Primary Production) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Resources and Energy) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021

*Note: Any enquiries regarding State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<https://www.legislation.nsw.gov.au>

- (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 *Environmental Planning and Assessment Act 1979* (unless the Secretary has notified the City that the making of the proposed instrument has been deferred indefinitely or has not been approved):

*Note: In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a draft environmental planning instrument.*

(a) Draft Local Environmental Plans

No plans on exhibition relate to this land.

(b) Draft State Environmental Planning Policies

No draft policies are on exhibition at this time.

*Any enquiries regarding draft State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<http://www.planning.nsw.gov.au/>. The accuracy of this information should be validated with NSW Planning, Industry and Environment.

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

- Coffs Harbour Development Control Plan 2015

## 2. Zoning and Land Uses under relevant Local Environmental Plan

Under Coffs Harbour Local Environmental Plan 2013:

(a) the identity of the zone:

### **R2 Low Density zone**

(b) development that may be carried out without consent, development that may be carried out with consent, and development that is prohibited:

#### **ZONE R2 LOW DENSITY RESIDENTIAL**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence in its presentation to the public realm.

##### **2 Permitted without consent**

Building identification signs; Home-based child care; Home occupations

##### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water storage facilities

##### **4 Prohibited**

Any development not specified in item 2 or 3

(c) whether additional permitted uses apply to the land:

No additional permitted uses apply to the land.

(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,

Clause 4.1B of Coffs Harbour Local Environmental Plan 2013 applies to the land as it is within zone R2 Low Density Residential. Under that clause, the minimum area of a lot on which development consent may be granted for development for the purpose of a dual occupancy is 800 square metres (not including an access handle, if the lot is a battle-axe lot or other lot with an access handle).

Note: Where the area of the subject land is less than that shown on the Lot Size Map, to obtain information in relation to the permissibility of a dwelling it is recommended that a Permissibility of a dwelling enquiry, for which a fee is payable in accordance with the City's adopted Fees & Charges Schedule, be submitted to the City. Contact the City's Customer Services Section on (02) 6648 4000 for further information.

(e) whether the land is an area of outstanding biodiversity value:

No, the land is not within a declared area of outstanding biodiversity value under the [Biodiversity and Conservation Act 2016](#).

(f) whether the land is in a conservation area

No

(g) whether an item of environmental heritage (however described) is situated on the land.

No

### 3. Contributions Plans

The name of each contributions plan applying to the land.

(a) Contribution Plans applying to all land within the Coffs Harbour Local Government Area:

- *Contributions Plan - Water Supply Development Servicing Plan 2019*
- *Contributions Plan - Wastewater Development Servicing Plan 2019*

(b) Contribution Plans that apply specifically to the land to which this certificate applies:

- *Contributions Plan - Coffs Harbour Administration Levy 2019*
- *Contributions Plan - Coffs Harbour Mines and Extractive Industries 2016*
- *Contributions Plan - Coffs Harbour Open Space 2017*
- *Contributions Plan - Coffs Harbour Road Network 2016*
- *Contributions Plan - Surf Rescue Facilities 2019*

### 4. Complying Development

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

### Housing Code

Complying development **Housing Code** may be carried out as the land is not excluded from the application of the Housing Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

Please refer to clause 3.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification on development that is complying under the **Housing Code**.

Note 2:

Certain types of development are not considered to be complying development under this code. Please check Section 3.2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 3:

Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the **Housing Code** list special provisions for development. For specific requirements, reference should be made to Clause 3.4 - Development Standards for Bush Fire Prone Land, and Clause 3.5 – Development Standards for Flood Control Lots under the Codes SEPP at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Rural Housing Code

The **Rural Housing Code** only applies to development on land in **Zones R5, RU1, RU2, RU3, RU4, RU6** and therefore does not apply to the land.

### Low Rise Housing Diversity Code

Complying development **Low Rise Housing Diversity Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### Greenfield Housing Code

The **Greenfield Housing Code** only applies to development on land within the **Greenfield Housing Code Area**, and therefore does not apply to the land.

### Housing Alterations Code and General Development Code

Complying development **Housing Alterations Code and General Development Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

The **Housing Alterations Code** applies to certain types of internal and external alterations refer to Part 4, Sections 4.3 and 4.4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 2:

The **General Development Code** applies to certain types of development refer to Part 4A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

#### **Industrial and Business Alterations Code & Industrial and Business Buildings Code**

The **Industrial and Business Alterations Code & Industrial and Business Buildings Code** only applies to development on land in **Zones E1, E2, E3, E4, E5, MU1, SP3, W4** and therefore does not apply to the land.

## **5. Exempt Development**

The extent to which the land is land on which exempt development may or may not be carried out under each of the codes for exempt development because of the provisions of clauses 1.16(1)(b1)-(d) and 1.16A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

#### **General Exempt Development Code**

Exempt development for the purposes of the **General Exempt Development Code** may be carried out as the land is not excluded from the application of the General Exempt Development Code by clauses 1.16(1) (b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the General Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 1 General Exempt Development Code](#) for further information.

#### **Advertising and Signage Exempt Development Code**

Exempt development for the purposes of the **Advertising and Signage Exempt Development Code** may be carried out as the land is not excluded from the application of the Advertising and Signage Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the Advertising and Signage Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 2 Advertising and Signage Exempt Development Code](#) for further information.

#### **Temporary Uses and Structures Exempt Development Code**

Exempt development for the purposes of the **Temporary Uses and Structures Exempt Development Code** may be carried out as the land is not excluded from the application of the Temporary Uses and Structures Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

*Note 1:*

*To be exempt development specified for the Temporary Uses and Structures Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 3 Temporary Uses and Structures Exempt Development Code](#) for further information.*

**6. Affected building notices and building product rectification orders**

- (1) Is the land subject to an affected building notice, as defined in Part 4 of the [Building Products \(Safety\) Act 2017](#), of which the City is aware and that is currently in force?

Council is not aware of any affected building notice that is currently in force on the land.

- (2) Is the land subject to any in force building product rectification order, as defined in the [Building Products \(Safety\) Act 2017](#), which the City is aware of, and that has not been fully complied with?

Council is not aware of any building product rectification order that is currently in force on the land.

- (3) Is the land subject to an outstanding notice of intention to make a building product rectification order, which the City is aware of?

Council is not aware of any outstanding notice of intention to issue a building product rectification order on the land.

**7. Land Reserved for Acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument that is applicable to the land makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 3.15 of the Act.

No such provision in an environmental planning instrument or proposed environmental planning instrument applies to the land.

**8. Road Widening and Road Realignment**

Is the land affected by any road widening or road realignment under:

- (i) Division 2 of Part 3 of the *Roads Act 1993*;

No, the road is not affected by a Road Widening Order under Division 2 Part 3 of the Roads Act 1993

- (ii) any environmental planning instrument; or

No

- (iii) any resolution of the City?

No

## 9. Flood related development controls

- (1) Is land or part of the land within the flood planning area and subject to flood related development controls?

The land is within the flood planning area and is thus subject to flood related development controls provided by the *Coffs Harbour Local Environmental Plan 2013* and *Coffs Harbour Development Control Plan 2015*.

- (2) Is the land or part of the land between the flood planning area and the probable maximum flood, and subject to flood related development controls?

Unknown

## 10. The City and other Public Authority Policies on Hazard Risk Restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the City; or
- (b) adopted by any other public authority and notified to the City for the express purpose of its adoption by that authority being referred to in planning certificates issued by the City, that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

No, Council does not have any policies that restrict development of the subject land.

## 11. Bushfire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

None of the land is bush fire prone land.

## 12. Loose-fill asbestos insulation

Are any residential premises (within the meaning of Division 1A of Part 8 of the [Home Building Act 1989](#)) that are listed on the register that is required to be maintained under that Division, located on the land?

The land does not include any residential premises that are included on the Loose-fill asbestos insulation register maintained by NSW Fair Trading.

## 13. Mine Subsidence

Has the land been proclaimed to be a Mine Subsidence District within the meaning of the *Coal Mine Subsidence Compensation Act 2017*?

No

#### 14. Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

There is no such development plan that applies to the Land or proposed to be the subject of a consent ballot and no subdivision order applies to the Land.

#### 15. Property Vegetation Plans

If the land is land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003 (and that continues in force)* applies, a statement to that effect (but only if the City has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No Property Vegetation Plan applies to the land.

#### 16. Private Land Conservation Agreements

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5, of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the City has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

*Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.*

Council has not been notified of the existence of a biodiversity stewardship agreement.

#### 17. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.

*Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.*

No

#### 18. Orders under Trees (Disputes between Neighbours) Act 2006

Whether an order 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 City has been notified of the order).

No orders under the Trees (Disputes between Neighbours) Act 2006 have been made in relation to a tree on the land.



## 19. Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—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).

No

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.

## 20. Western Sydney Aerotropolis

[State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#) is not applicable.

## 21. Development Consent conditions for seniors housing

If [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

There have been no development consents issued upon the land since 11 October 2007 for the purposes of housing for seniors and people with a disability.

*Note: Development consents for seniors housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

## 22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is there a valid site compatibility certificate under [State Environmental Planning Policy \(Housing\) 2021](#), or a former site compatibility certificate, but only to the extent that the City has been so notified of the certificate, in respect of proposed development on the land?

City of Coffs Harbour has no record of a current site compatibility certificate (affordable rental housing) applying to the subject land. For further information, please contact the Department of Planning, Industry and Environment.

- (2) Are there any terms of a kind referred to in section 21(1) or 40(1) of [State Environmental Planning Policy \(Housing\) 2021](#), or in clause 17(1) or 38(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) that have been imposed as a condition of consent to a development application in respect of the land?

No.

*Note: Development consents for affordable rental housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council's website.*

### 23. Contaminated Land

Are any of the following matters prescribed by Section 59(2) of the *Contaminated Land Management Act 1997* applicable to the land:

(a) Is the land to which the certificate relates significantly contaminated land?

No

(b) Is the land to which the certificate relates subject to a management order?

No

(c) Is the land to which the certificate relates subject to an approved voluntary management proposal?

No

(d) Is the land to which the certificate relates subject to an ongoing maintenance order?

No

(e) Is the land to which the certificate relates subject to a site audit statement that has been provided to the City at any time?

No

*Note: This question relates to contaminated land under the Contaminated Land Management Act 1997, and does not indicate previous contaminating land uses such as banana cultivation. The presence of banana contaminated land may be indicated on a Section 10.7 (5) certificate and through the City's online mapping tool.*

*On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the [Planning Portal](#).*

The *Environmental Planning and Assessment Amendment Act 1997* commenced operation on 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 above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

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# CITY OF COFFS HARBOUR

## Planning Certificate Pursuant to Section 10.7(5) Environmental Planning and Assessment Act 1979

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**Certificate No:** 1070669/25

**Date of Issue:** 09/10/2024

**Property No:** 262200

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** BGYVU-JP

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 42 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 28 DP 240215

### ***Please Note:***

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour City Council Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7(5) Matters**

*Planning certificate Section 10.7 Subsection (5) advice is current as at 12 noon two working days prior to the date of issue of the certificate. The following matters have been considered and details provided where information exists.*

### **The City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

Doc ID 732720593/v1

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**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following additional information is furnished in respect of the land pursuant to subsection (5) of the *Environmental Planning and Assessment Act 1979* and is subject to subsection (6).

**A Coastal Processes**

- (i) Is the land affected by a policy adopted by The City that restricts the development of the land because of the likelihood of coastal processes?

No

**B Native Vegetation**

- (i) Is the land affected by the preservation of trees or vegetation pursuant to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Coffs Harbour Development Control Plan 2015?

No

**C Flooding or Tidal Inundation**

- (i) Has the City information that would indicate that the land is subject to the risk of flooding or tidal inundation?

Yes, the land is subject to 1% AEP (1 in 100 year) flooding and therefore subject to a 'Flood Planning Level' (FPL) and flood related development controls. Refer to Clause 5.21 of Coffs Harbour Local Environmental Plan 2013 and Section E4 (Flooding) of Coffs Harbour Development Control Plan 2015.

Council's most recent data indicates that the 1% AEP (1 in 100 year) flood level is approximately 5.30 mAHD, therefore the Flood Planning Level is 5.80 mAHD.

Further information on flood risk can be obtained by submitting a flood level request form which can be found on Council's website.

Flood information is provided in good faith and Council gives no warranty (express or implied) as to the currency, accuracy and/or completeness of any information contained on councils geographic information system (GIS). It is not possible to accurately predict exact future flood levels for any location. A qualified consultant and/or surveyor should be engaged to assess the potential impact of flooding for any particular property before making any decision to purchase, sell or do anything on, at or to that property.

Please note that the 1% AEP (1 in 100 year) flood used to derive the Flood Planning Level is not the limit of possible flooding. Rarer events are possible and may result in higher flood levels. Local drainage problems, if any, may cause higher localised flood levels. Estimated flood levels are subject to periodic review and the estimated 1% AEP (1 in 100 year) flood level and Flood

Planning Level may change in the future. As ground levels across the property do vary, the values provided is the maximum value across the property.

**D Slip or Subsidence**

- (i) Does the City's Steep and Highly Erodible Land map indicate the land may be vulnerable to soil erosion, sedimentation and landslip?

No

**E Aircraft Noise**

- (i) Has the City information which would indicate the land is, or likely to be, adversely impacted by noise from aircraft using Coffs Harbour Airport?

No

**F Significant Trees**

- (i) Is the land affected by the City of Coffs Harbour's Significant Tree Register provisions of Coffs Harbour Development Control Plan 2015 and the Significant Tree Policy?

No

**G Pacific Highway**

- (i) Is the land affected by the proposed Pacific Highway Upgrades?

No

**H Non-Potable Water Service Connection**

In addition to reticulated drinking water, the City of Coffs Harbour provides eligible properties access to several different types of metered water services which are not fit for human consumption and are subject to specific Policy and Agreement with each property owner.

- (i) Is the land to which this certificate relates connected to a non-potable raw water service, subject to the City's Regional Water Supply – Raw Water Service Policy and a Service Agreement – Connection of Raw Water Service?

No

- (ii) Is the land to which this certificate relates connected to a non-potable recycled water service, subject to the City's Recycled Water Quality Policy and a Service Agreement – Connection of Recycled Water Quality Service?

No

**I Private Land Conservation Agreements****(i) Conservation Agreement**

If the land contains a conservation agreement under Part 5, Division 3 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No

**(ii) Wildlife Refuge Agreements**

If the land contains a wildlife refuge agreement under Part 5, Division 4 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No such agreement is in place on the land.

**J Koala Plan of Management**

Is the land affected by a Koala Plan of Management adopted by the City, that includes controls that may restrict development?

No

**K Contaminated Land**

Is the land identified as being contaminated land associated with a current or historical land use, such as banana cultivation?

No

**L Potentially Contaminated Land**

Is the land identified as being potentially contaminated land associated with a current or past contaminating activity?

No

**M General Matters**

There is nothing relevant in terms of the advices Council provides here.

**Note 1:**

*Advice provided in in accordance with this Planning Certificate issued pursuant to Section 10.7 Subsection (5) is supplied in good faith. The City accepts no liability for the validity of the advice given (see Section 10.7 Subsection (6) of the Environmental Planning and Assessment Act 1979).*



## Note 2:

Further information in relation to the City's planning controls can be viewed on the City's Website:  
[www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

## Note 3:

Development applications and decisions made before 1st July 2010 can be requested by making an <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1324>. The City may advise that a <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1325> be required for large scale requests. Copying and processing charges may apply as detailed in the City's <https://www.coffsharbour.nsw.gov.au/Your-Council/Publications-and-forms/Fees-and-charges>.

On the 4th of January 2013, The City began displaying development applications on the City's website using <https://chcc-icon.saas.t1cloud.com/Public/Common/Common/terms.aspx> for development applications submitted on and after the 1st of January 2013 and for modification applications from 4th of November 2013.

## Note 4:

For information regarding outstanding notices and orders a certificate for outstanding notices of intention and/or an order under section 735A of the Local Government Act, 1993 may be applied for at the City of Coffs Harbour.

The above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

# CITY OF COFFS HARBOUR

## Planning Certificate under Section 10.7(2) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070668/25

**Date of Issue:** 09/10/2024

**Property No:** 262300

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** 146702572

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 40 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 29 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land, then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7 (2) Matters**

*In accordance with section 10.7(2) of the Environmental Planning and Assessment Act 1979, at the date of this certificate the following information is provided in respect of the prescribe matters to be included in a planning certificate.*

#### **City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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## 1. Names of relevant planning instruments and DCPs

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

The following environmental planning instruments apply to the land:

- North Coast Regional Plan 2041
- Coffs Harbour Local Environmental Plan 2013
- The following State Environmental Planning Policies may apply to the land:
  - State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Sustainable Buildings) 2022
  - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - State Environmental Planning Policy (Housing) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Primary Production) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Resources and Energy) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021

*Note: Any enquiries regarding State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<https://www.legislation.nsw.gov.au>

- (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 *Environmental Planning and Assessment Act 1979* (unless the Secretary has notified the City that the making of the proposed instrument has been deferred indefinitely or has not been approved):

*Note: In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a draft environmental planning instrument.*

(a) Draft Local Environmental Plans

No plans on exhibition relate to this land.

(b) Draft State Environmental Planning Policies

No draft policies are on exhibition at this time.

*Any enquiries regarding draft State Environmental Planning Policies should be directed to NSW Planning, Industry and Environment. The Policies may be viewed and downloaded from the following website:*

<http://www.planning.nsw.gov.au/>. The accuracy of this information should be validated with NSW Planning, Industry and Environment.

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

- Coffs Harbour Development Control Plan 2015

## 2. Zoning and Land Uses under relevant Local Environmental Plan

Under Coffs Harbour Local Environmental Plan 2013:

(a) the identity of the zone:

### **R2 Low Density zone**

(b) development that may be carried out without consent, development that may be carried out with consent, and development that is prohibited:

#### **ZONE R2 LOW DENSITY RESIDENTIAL**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.
- To encourage active living through the provision of healthy built environments, safe streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence in its presentation to the public realm.

##### **2 Permitted without consent**

Building identification signs; Home-based child care; Home occupations

##### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water storage facilities

##### **4 Prohibited**

Any development not specified in item 2 or 3

(c) whether additional permitted uses apply to the land:

No additional permitted uses apply to the land.

(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,

Clause 4.1B of Coffs Harbour Local Environmental Plan 2013 applies to the land as it is within zone R2 Low Density Residential. Under that clause, the minimum area of a lot on which development consent may be granted for development for the purpose of a dual occupancy is 800 square metres (not including an access handle, if the lot is a battle-axe lot or other lot with an access handle).

Note: Where the area of the subject land is less than that shown on the Lot Size Map, to obtain information in relation to the permissibility of a dwelling it is recommended that a Permissibility of a dwelling enquiry, for which a fee is payable in accordance with the City's adopted Fees & Charges Schedule, be submitted to the City. Contact the City's Customer Services Section on (02) 6648 4000 for further information.

(e) whether the land is an area of outstanding biodiversity value:

No, the land is not within a declared area of outstanding biodiversity value under the [Biodiversity and Conservation Act 2016](#).

(f) whether the land is in a conservation area

No

(g) whether an item of environmental heritage (however described) is situated on the land.

No

### 3. Contributions Plans

The name of each contributions plan applying to the land.

(a) Contribution Plans applying to all land within the Coffs Harbour Local Government Area:

- *Contributions Plan - Water Supply Development Servicing Plan 2019*
- *Contributions Plan - Wastewater Development Servicing Plan 2019*

(b) Contribution Plans that apply specifically to the land to which this certificate applies:

- *Contributions Plan - Coffs Harbour Administration Levy 2019*
- *Contributions Plan - Coffs Harbour Mines and Extractive Industries 2016*
- *Contributions Plan - Coffs Harbour Open Space 2017*
- *Contributions Plan - Coffs Harbour Road Network 2016*
- *Contributions Plan - Surf Rescue Facilities 2019*

### 4. Complying Development

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

### Housing Code

Complying development **Housing Code** may be carried out as the land is not excluded from the application of the Housing Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

Please refer to clause 3.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification on development that is complying under the **Housing Code**.

Note 2:

Certain types of development are not considered to be complying development under this code. Please check Section 3.2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 3:

Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the **Housing Code** list special provisions for development. For specific requirements, reference should be made to Clause 3.4 - Development Standards for Bush Fire Prone Land, and Clause 3.5 – Development Standards for Flood Control Lots under the Codes SEPP at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Rural Housing Code

The **Rural Housing Code** only applies to development on land in **Zones R5, RU1, RU2, RU3, RU4, RU6** and therefore does not apply to the land.

### Low Rise Housing Diversity Code

Complying development **Low Rise Housing Diversity Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### Greenfield Housing Code

The **Greenfield Housing Code** only applies to development on land within the **Greenfield Housing Code Area**, and therefore does not apply to the land.

### Housing Alterations Code and General Development Code

Complying development **Housing Alterations Code and General Development Code** may be carried out as the land is not excluded from the application of the Code by clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

The **Housing Alterations Code** applies to certain types of internal and external alterations refer to Part 4, Sections 4.3 and 4.4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

Note 2:

The **General Development Code** applies to certain types of development refer to Part 4A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further clarification.

#### **Industrial and Business Alterations Code & Industrial and Business Buildings Code**

The **Industrial and Business Alterations Code & Industrial and Business Buildings Code** only applies to development on land in **Zones E1, E2, E3, E4, E5, MU1, SP3, W4** and therefore does not apply to the land.

### **5. Exempt Development**

The extent to which the land is land on which exempt development may or may not be carried out under each of the codes for exempt development because of the provisions of clauses 1.16(1)(b1)-(d) and 1.16A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

#### **General Exempt Development Code**

Exempt development for the purposes of the **General Exempt Development Code** may be carried out as the land is not excluded from the application of the General Exempt Development Code by clauses 1.16(1) (b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the General Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 1 General Exempt Development Code](#) for further information.

#### **Advertising and Signage Exempt Development Code**

Exempt development for the purposes of the **Advertising and Signage Exempt Development Code** may be carried out as the land is not excluded from the application of the Advertising and Signage Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note 1:

To be exempt development specified for the Advertising and Signage Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 2 Advertising and Signage Exempt Development Code](#) for further information.

#### **Temporary Uses and Structures Exempt Development Code**

Exempt development for the purposes of the **Temporary Uses and Structures Exempt Development Code** may be carried out as the land is not excluded from the application of the Temporary Uses and Structures Exempt Development Code by clauses 1.16(1)(b1)-(d) and 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.



*Note 1:*

*To be exempt development specified for the Temporary Uses and Structures Exempt Development Code, the development must meet the standards relating to that type of development identified within the Code. Refer to [Division 3 Temporary Uses and Structures Exempt Development Code](#) for further information.*

**6. Affected building notices and building product rectification orders**

- (1) Is the land subject to an affected building notice, as defined in Part 4 of the [Building Products \(Safety\) Act 2017](#), of which the City is aware and that is currently in force?

Council is not aware of any affected building notice that is currently in force on the land.

- (2) Is the land subject to any in force building product rectification order, as defined in the [Building Products \(Safety\) Act 2017](#), which the City is aware of, and that has not been fully complied with?

Council is not aware of any building product rectification order that is currently in force on the land.

- (3) Is the land subject to an outstanding notice of intention to make a building product rectification order, which the City is aware of?

Council is not aware of any outstanding notice of intention to issue a building product rectification order on the land.

**7. Land Reserved for Acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument that is applicable to the land makes provision in relation to the acquisition of the land by a public authority, as referred to in Section 3.15 of the Act.

No such provision in an environmental planning instrument or proposed environmental planning instrument applies to the land.

**8. Road Widening and Road Realignment**

Is the land affected by any road widening or road realignment under:

- (i) Division 2 of Part 3 of the *Roads Act 1993*;

No, the road is not affected by a Road Widening Order under Division 2 Part 3 of the Roads Act 1993

- (ii) any environmental planning instrument; or

No

- (iii) any resolution of the City?

No

## 9. Flood related development controls

- (1) Is land or part of the land within the flood planning area and subject to flood related development controls?

The land is within the flood planning area and is thus subject to flood related development controls provided by the *Coffs Harbour Local Environmental Plan 2013* and *Coffs Harbour Development Control Plan 2015*.

- (2) Is the land or part of the land between the flood planning area and the probable maximum flood, and subject to flood related development controls?

Unknown

## 10. The City and other Public Authority Policies on Hazard Risk Restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the City; or
- (b) adopted by any other public authority and notified to the City for the express purpose of its adoption by that authority being referred to in planning certificates issued by the City, that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

No, Council does not have any policies that restrict development of the subject land.

## 11. Bushfire Prone Land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

None of the land is bush fire prone land.

## 12. Loose-fill asbestos insulation

Are any residential premises (within the meaning of Division 1A of Part 8 of the [Home Building Act 1989](#)) that are listed on the register that is required to be maintained under that Division, located on the land?

The land does not include any residential premises that are included on the Loose-fill asbestos insulation register maintained by NSW Fair Trading.

## 13. Mine Subsidence

Has the land been proclaimed to be a Mine Subsidence District within the meaning of the *Coal Mine Subsidence Compensation Act 2017*?

No

#### 14. Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

There is no such development plan that applies to the Land or proposed to be the subject of a consent ballot and no subdivision order applies to the Land.

#### 15. Property Vegetation Plans

If the land is land to which a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003 (and that continues in force)* applies, a statement to that effect (but only if the City has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No Property Vegetation Plan applies to the land.

#### 16. Private Land Conservation Agreements

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5, of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the City has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

*Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.*

Council has not been notified of the existence of a biodiversity stewardship agreement.

#### 17. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.

*Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.*

No

#### 18. Orders under Trees (Disputes between Neighbours) Act 2006

Whether an order 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 City has been notified of the order).

No orders under the Trees (Disputes between Neighbours) Act 2006 have been made in relation to a tree on the land.

## 19. Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—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).

No

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.

## 20. Western Sydney Aerotropolis

[State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#) is not applicable.

## 21. Development Consent conditions for seniors housing

If [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

There have been no development consents issued upon the land since 11 October 2007 for the purposes of housing for seniors and people with a disability.

*Note: Development consents for seniors housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council’s website.*

## 22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is there a valid site compatibility certificate under [State Environmental Planning Policy \(Housing\) 2021](#), or a former site compatibility certificate, but only to the extent that the City has been so notified of the certificate, in respect of proposed development on the land?

City of Coffs Harbour has no record of a current site compatibility certificate (affordable rental housing) applying to the subject land. For further information, please contact the Department of Planning, Industry and Environment.

- (2) Are there any terms of a kind referred to in section 21(1) or 40(1) of [State Environmental Planning Policy \(Housing\) 2021](#), or in clause 17(1) or 38(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) that have been imposed as a condition of consent to a development application in respect of the land?

No.

*Note: Development consents for affordable rental housing may exist on allotments that existed prior to any subdivision that resulted in this allotment. Further information on historical land parcels may be obtained by submitting the associated form on Council's website.*

### 23. Contaminated Land

Are any of the following matters prescribed by Section 59(2) of the *Contaminated Land Management Act 1997* applicable to the land:

(a) Is the land to which the certificate relates significantly contaminated land?

No

(b) Is the land to which the certificate relates subject to a management order?

No

(c) Is the land to which the certificate relates subject to an approved voluntary management proposal?

No

(d) Is the land to which the certificate relates subject to an ongoing maintenance order?

No

(e) Is the land to which the certificate relates subject to a site audit statement that has been provided to the City at any time?

No

*Note: This question relates to contaminated land under the Contaminated Land Management Act 1997, and does not indicate previous contaminating land uses such as banana cultivation. The presence of banana contaminated land may be indicated on a Section 10.7 (5) certificate and through the City's online mapping tool.*

*On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the [Planning Portal](#).*

The *Environmental Planning and Assessment Amendment Act 1997* commenced operation on 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 above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager

# CITY OF COFFS HARBOUR

## Planning Certificate Pursuant to Section 10.7(5) Environmental Planning and Assessment Act 1979



**Certificate No:** 1070668/25

**Date of Issue:** 09/10/2024

**Property No:** 262300

(Email certificate to: [ecertificates@infotrack.com.au](mailto:ecertificates@infotrack.com.au))

**Applicant:** INFOTRACK PTY LIMITED  
GPO BOX 4029  
SYDNEY NSW 2001

**Your Reference:** 146702572

**Owner's Name:** NSW LAND AND HOUSING CORPORATION - ABN 24960729253

**Address of Property:** 40 EIGHTEENTH AVENUE  
SAWTELL NSW 2452

**Legal Description:** Lot 29 DP 240215

### **Please Note:**

*The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.*

*A reference in this certificate to any instrument, including Coffs Harbour City Council Local Environmental Plan 2013, is a reference to that instrument, as amended.*

### **Section 10.7(5) Matters**

*Planning certificate Section 10.7 Subsection (5) advice is current as at 12 noon two working days prior to the date of issue of the certificate. The following matters have been considered and details provided where information exists.*

### **The City of Coffs Harbour**

- All correspondence to be addressed to General Manager, Locked Bag 155, COFFS HARBOUR NSW 2450
- Yarrila Place, 27 Gordon Street, COFFS HARBOUR
- Telephone (02) 6648 4000
- Email: [coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)
- Internet: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

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**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following additional information is furnished in respect of the land pursuant to subsection (5) of the *Environmental Planning and Assessment Act 1979* and is subject to subsection (6).

**A Coastal Processes**

- (i) Is the land affected by a policy adopted by The City that restricts the development of the land because of the likelihood of coastal processes?

No

**B Native Vegetation**

- (i) Is the land affected by the preservation of trees or vegetation pursuant to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Coffs Harbour Development Control Plan 2015?

No

**C Flooding or Tidal Inundation**

- (i) Has the City information that would indicate that the land is subject to the risk of flooding or tidal inundation?

Yes, the land is subject to 1% AEP (1 in 100 year) flooding and therefore subject to a 'Flood Planning Level' (FPL) and flood related development controls. Refer to Clause 5.21 of Coffs Harbour Local Environmental Plan 2013 and Section E4 (Flooding) of Coffs Harbour Development Control Plan 2015.

Council's most recent data indicates that the 1% AEP (1 in 100 year) flood level is approximately 5.30 mAHD, therefore the Flood Planning Level is 5.80 mAHD.

Further information on flood risk can be obtained by submitting a flood level request form which can be found on Council's website.

Flood information is provided in good faith and Council gives no warranty (express or implied) as to the currency, accuracy and/or completeness of any information contained on councils geographic information system (GIS). It is not possible to accurately predict exact future flood levels for any location. A qualified consultant and/or surveyor should be engaged to assess the potential impact of flooding for any particular property before making any decision to purchase, sell or do anything on, at or to that property.

Please note that the 1% AEP (1 in 100 year) flood used to derive the Flood Planning Level is not the limit of possible flooding. Rarer events are possible and may result in higher flood levels. Local drainage problems, if any, may cause higher localised flood levels. Estimated flood levels are subject to periodic review and the estimated 1% AEP (1 in 100 year) flood level and Flood

Planning Level may change in the future. As ground levels across the property do vary, the values provided is the maximum value across the property.

**D Slip or Subsidence**

- (i) Does the City's Steep and Highly Erodible Land map indicate the land may be vulnerable to soil erosion, sedimentation and landslip?

No

**E Aircraft Noise**

- (i) Has the City information which would indicate the land is, or likely to be, adversely impacted by noise from aircraft using Coffs Harbour Airport?

No

**F Significant Trees**

- (i) Is the land affected by the City of Coffs Harbour's Significant Tree Register provisions of Coffs Harbour Development Control Plan 2015 and the Significant Tree Policy?

No

**G Pacific Highway**

- (i) Is the land affected by the proposed Pacific Highway Upgrades?

No

**H Non-Potable Water Service Connection**

In addition to reticulated drinking water, the City of Coffs Harbour provides eligible properties access to several different types of metered water services which are not fit for human consumption and are subject to specific Policy and Agreement with each property owner.

- (i) Is the land to which this certificate relates connected to a non-potable raw water service, subject to the City's Regional Water Supply – Raw Water Service Policy and a Service Agreement – Connection of Raw Water Service?

No

- (ii) Is the land to which this certificate relates connected to a non-potable recycled water service, subject to the City's Recycled Water Quality Policy and a Service Agreement – Connection of Recycled Water Quality Service?

No

**I Private Land Conservation Agreements****(i) Conservation Agreement**

If the land contains a conservation agreement under Part 5, Division 3 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No

**(ii) Wildlife Refuge Agreements**

If the land contains a wildlife refuge agreement under Part 5, Division 4 of the *Biodiversity Conservation Act 2016*, a statement to that effect.

No such agreement is in place on the land.

**J Koala Plan of Management**

Is the land affected by a Koala Plan of Management adopted by the City, that includes controls that may restrict development?

No

**K Contaminated Land**

Is the land identified as being contaminated land associated with a current or historical land use, such as banana cultivation?

No

**L Potentially Contaminated Land**

Is the land identified as being potentially contaminated land associated with a current or past contaminating activity?

No

**M General Matters**

There is nothing relevant in terms of the advices Council provides here.

**Note 1:**

*Advice provided in in accordance with this Planning Certificate issued pursuant to Section 10.7 Subsection (5) is supplied in good faith. The City accepts no liability for the validity of the advice given (see Section 10.7 Subsection (6) of the Environmental Planning and Assessment Act 1979).*

## Note 2:

*Further information in relation to the City's planning controls can be viewed on the City's Website:*  
[www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

## Note 3:

*Development applications and decisions made before 1st July 2010 can be requested by making an <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1324>. The City may advise that a <https://forms.coffsharbour.nsw.gov.au/RunForm.aspx?formId=1325> be required for large scale requests. Copying and processing charges may apply as detailed in the City's <https://www.coffsharbour.nsw.gov.au/Your-Council/Publications-and-forms/Fees-and-charges>.*

*On the 4th of January 2013, The City began displaying development applications on the City's website using <https://chcc-icon.saas.t1cloud.com/Public/Common/Common/terms.aspx> for development applications submitted on and after the 1st of January 2013 and for modification applications from 4th of November 2013.*

## Note 4:

*For information regarding outstanding notices and orders a certificate for outstanding notices of intention and/or an order under section 735A of the Local Government Act, 1993 may be applied for at the City of Coffs Harbour.*

The above information has been taken from the City's records but the City cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact the City on 6648 4000.

Natalia Cowley  
General Manager