



## **Section 10.7 Planning Certificate**





74 Phyllis Street SOUTH LISMORE

Our Ref: Cert No. 11214

Your Ref: E36310PT

Lodgement Date: 05/10/2023

Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

Dear Sir/Madam

**APPLICATION FOR PLANNING CERTIFICATE**  
***(S.10.7 of the Environmental Planning and Assessment Act)***

**LAND:** DP 158407 lot 1, 74 Phyllis Street SOUTH LISMORE NSW 2480

Reference is made to your recent application for a Planning Certificate in relation to the above land.

A Certificate, pursuant to Section 10.7 of the Environmental Planning and Assessment Act is enclosed. The information it contains is based on Council's records.

This Certificate does not provide advice regarding development consents issued, or proposals received, by Lismore City Council in regard to developments adjoining, or impacting upon, the property subject of this Certificate. For information concerning development applications lodged or consents issued, within the last five years, a separate application will need to be made to Council together with an application fee, as specified in Council's adopted Fees & Charges.

If you are purchasing land in a rural area:

Nothing contained in this Certificate relating to rural zoned land should be construed as inferring that the land possesses a Dwelling Entitlement. The existence of Dwelling Entitlements can only be ascertained by a search of individual property records, which is outside the scope of a Planning Certificate.

Farming and other rural activities can make noises and smells at any time of the day or night. If you make a complaint about farming activities, please be aware that Council may not take action in response to a complaint because Council values its farmers.

If you require any further information, please contact Council's Partnerships Planning and Engagement Administration team on 66 250 500

Yours faithfully

Sandy Strachan  
**Development Technical Support Officer**  
**Partnerships Planning and Engagement**

**PLANNING CERTIFICATE  
UNDER SECTION 10.7  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Certificate No:** 11214  
**Date:** 05/10/2023  
**Applicant Reference:** E36310PT

Lismore City Council  
43 Oliver Avenue, Goonellabah 2480  
(PO Box 23A, Lismore 2480)  
Ph: 66 250 0500  
Fax: 02 6625 0400  
council@lismore.nsw.gov.au  
www.lismore.nsw.gov.au

**Applicant:**  
Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

**Owner (as recorded by Council)**  
Department Education

**Property:** 74 Phyllis Street SOUTH LISMORE NSW 2480  
**Description:** DP 158407 lot 1  
**Property No:** 23022  
**Land Area:** 759.000 Square Metres

**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 OF THE ACT.**

The information contained in this certificate relates only to the lot described in the certificate.

**(1) NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS:**

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

*Lismore Local Environmental Plan 2012*  
*Lismore Development Control Plan 2012*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Regional) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

- (2) The name of each proposed environmental planning instrument and draft development control plan which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

*Nil*

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if-

- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

(b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

- (4) In this section, **proposed environmental planning** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **(2) ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) the identity of the zone, whether by reference to
- (i) name, such as “Residential Zone” or “Heritage Area”, or
  - (ii) a number, such as “Zone No. 2(a)
- (b) the purposes for which the instrument provides that development
- (i) may be carried out without development consent, and
  - (ii) may not be carried out with development consent, and
  - (iii) is prohibited

### *R2 Low Density Residential*

*The following table provides general zoning controls for Zone R2*

#### *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 limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.*

#### *2. Permitted without consent*

*Environmental protection works; home occupations.*

#### *3. Permitted with consent*

*Bed and breakfast accommodation; boarding houses; boat launching ramps; boat sheds; building identification signs; business identification signs; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; emergency services facilities; environmental facilities; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; kiosks; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); respite day care centres; restaurants or cafes; roads; tank-based aquaculture; water recreation structures.*

#### *4. Prohibited*

*Any development not specified in item 2 or 3.*

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

*No*

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

*The development standard fixed for the minimum land dimensions for the erection of a dwelling house in the RU1 – Primary Production and RU2 – Rural Landscape zones is 40ha. There are some limited areas of land identified in accordance with the lot size maps made under the Lismore Local Environmental Plan 2012 where the minimum lot size is identified as 20ha. It is strongly recommended that if the lot size of the subject property is less than 40ha in a RU1 or RU2 zone that a dwelling entitlement search application is lodged with Council for the land, and written confirmation is obtained to ascertain if the subject lot has a dwelling entitlement for the erection of a dwelling house.*

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

No

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

No

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

No

### **(3) CONTRIBUTIONS PLANS**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Lismore City Council Section 94 Contributions Plan - 2014

*The land is affected by Section 7.11 Contributions that may apply under this plan*

Lismore City Council Section 94 Contributions Plan North Lismore Plateau – 2013

No

Lismore City Council Development Servicing Plans for Water Supply and Wastewater

*The land is affected by Section 64 Contributions Rous Water Development Servicing Plan adopted by Rous Water in April 2009 and came to effect in April 2009.*

*The land is affected by the Development Servicing Plans for Water Supply and Wastewater adopted by Council on the 8 March, 2016.*

- (2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

*Not applicable to Lismore City Council*

### **(4) COMPLYING DEVELOPMENT**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

No

## (5) EXEMPT DEVELOPMENT

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land

## (6) AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (1) Whether the council is aware that: -
  - (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section: -
 

***affected building notice*** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

***building product rectification order*** has the same meaning as in the Building Products (Safety) Act 2017.

N/A

## (7) LAND RESERVED FOR ACQUISITION

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No

## (8) ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is affected by any road widening or road realignment under: -

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

No

## (9) FLOOD RELATED DEVELOPMENT CONTROLS

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause: -  
**flood planning area** has the same meaning as in the Floodplain Development Manual.

**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**probable maximum flood** has the same meaning as in the Floodplain Development Manual.

*Land identified as being located in the flood Planning Area and is subject to development controls in accordance with the Lismore Local Environmental Plan 2012*

*Council's records indicate that the land in this certificate is situated within the "Flood Fringe Area" as identified in mapping forming part of the Lismore Development Control Plan.*

*Development restrictions may apply and are set out in the Lismore Development Control Plan.*

## (10) COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.
- (2) In this section: -  
**adopted policy** means a policy adopted: -
  - (a) by the council, or
  - (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

- Landslip  
No
- Tidal Inundation  
No
- Subsidence  
No
- Acid Sulfate Soil  
No
- Lismore Airport Operations  
*The subject property is within an Obstacle Limitation Surfaces set for Lismore Airport as defined in the Lismore development Control Plan.  
Development restrictions may apply.*
- Erosion  
No
- Private Cemetery/Burial  
No
- Contaminated Land  
No

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of the Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,  
  
No
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued,  
  
No
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act – if it is the subject of such an approved proposal at the date when the certificate is issued,



No

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

No

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

No

If you require further detail regarding contaminated land, it is recommended that you make specific enquiries with Lismore City Council to understand the implications of this land exclusion regarding the potential for future development or intended use of the land.

A further fee may be charged by Council for detailed or written site/project specific information.

#### **(11) BUSH FIRE PRONE LAND**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

None

#### **(12) LOOSE-FILL ASBESTOS INSULATION**

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

N/A

#### **(13) MINE SUBSIDENCE**

Whether the land is declared 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 a development plan adopted by a relevant authority that: -  
(a) applies to the land, or  
(b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

N/A

#### **(15) PROPERTY VEGETATION PLANS**

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

*No*

## **(16) BIODIVERSITY STEWARDSHIP SITES**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

*Nil*

## **(17) BIODIVERSITY CERTIFIED LAND**

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

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

*N/A*

## **(18) ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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

*No*

## **(19) ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

- (1) If the Coastal Management Act 2016 applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the Local Government Act 1993, section 496B, for coastal protection services that relate to existing coastal protection works.
- (2) In this section—  
**existing coastal protection works** has the same meaning as in the Local Government Act 1993, section 553B.

**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 1 January 2011.

*No*

## **(20) WESTERN SYDNEY AEROTROPOLIS**

*Not applicable to Lismore City Council*

## **(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).

*No*

## **(22) SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

- (1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

*Nil*

- (2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

*No*

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

*No*

- (4) In this section: -  
**former site compatibility certificate** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **PLANNING AGREEMENTS**

*Nil*



**for the General Manager**



90 Phyllis Street SOUTH LISMORE

Our Ref: Cert No. 11212

Your Ref: E36310PT

Lodgement Date: 05/10/2023

Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

Dear Sir/Madam

**APPLICATION FOR PLANNING CERTIFICATE**  
**(S.10.7 of the Environmental Planning and Assessment Act)**

**LAND:** LOT: 21 SEC: 1 DP: 448737, 90 Phyllis Street SOUTH LISMORE NSW 2480

Reference is made to your recent application for a Planning Certificate in relation to the above land.

A Certificate, pursuant to Section 10.7 of the Environmental Planning and Assessment Act is enclosed. The information it contains is based on Council's records.

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Yours faithfully

Sandy Strachan  
**Development Technical Support Officer**  
**Partnerships Planning and Engagement**

**PLANNING CERTIFICATE  
UNDER SECTION 10.7  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Certificate No:** 11212  
**Date:** 05/10/2023  
**Applicant Reference:** E36310PT

Lismore City Council  
43 Oliver Avenue, Goonellabah 2480  
(PO Box 23A, Lismore 2480)  
Ph: 66 250 0500  
Fax: 02 6625 0400  
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**Applicant:**  
Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

**Owner (as recorded by Council)**  
Department Education

**Property:** 90 Phyllis Street SOUTH LISMORE NSW 2480  
**Description:** LOT: 21 SEC: 1 DP: 448737  
**Property No:** 26785  
**Land Area:** 1519.000 Square Metres

**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 OF THE ACT.**

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**(1) NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS:**

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

*Lismore Local Environmental Plan 2012*  
*Lismore Development Control Plan 2012*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*
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- *State Environmental Planning Policy (Regional) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

- (2) The name of each proposed environmental planning instrument and draft development control plan which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

*Nil*

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if-

- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

(b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

- (4) In this section, **proposed environmental planning** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **(2) ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) the identity of the zone, whether by reference to
- (i) name, such as “Residential Zone” or “Heritage Area”, or
  - (ii) a number, such as “Zone No. 2(a)
- (b) the purposes for which the instrument provides that development
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### *R2 Low Density Residential*

*The following table provides general zoning controls for Zone R2*

#### *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 limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.*

#### *2. Permitted without consent*

*Environmental protection works; home occupations.*

#### *3. Permitted with consent*

*Bed and breakfast accommodation; boarding houses; boat launching ramps; boat sheds; building identification signs; business identification signs; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; emergency services facilities; environmental facilities; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; kiosks; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); respite day care centres; restaurants or cafes; roads; tank-based aquaculture; water recreation structures.*

#### *4. Prohibited*

*Any development not specified in item 2 or 3.*

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

*No*

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

*The development standard fixed for the minimum land dimensions for the erection of a dwelling house in the RU1 – Primary Production and RU2 – Rural Landscape zones is 40ha. There are some limited areas of land identified in accordance with the lot size maps made under the Lismore Local Environmental Plan 2012 where the minimum lot size is identified as 20ha. It is strongly recommended that if the lot size of the subject property is less than 40ha in a RU1 or RU2 zone that a dwelling entitlement search application is lodged with Council for the land, and written confirmation is obtained to ascertain if the subject lot has a dwelling entitlement for the erection of a dwelling house.*

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

No

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

No

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

No

### **(3) CONTRIBUTIONS PLANS**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Lismore City Council Section 94 Contributions Plan - 2014

*The land is affected by Section 7.11 Contributions that may apply under this plan*

Lismore City Council Section 94 Contributions Plan North Lismore Plateau – 2013

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*The land is affected by Section 64 Contributions Rous Water Development Servicing Plan adopted by Rous Water in April 2009 and came to effect in April 2009.*

*The land is affected by the Development Servicing Plans for Water Supply and Wastewater adopted by Council on the 8 March, 2016.*

- (2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

*Not applicable to Lismore City Council*

### **(4) COMPLYING DEVELOPMENT**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

No

## (5) EXEMPT DEVELOPMENT

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land

## (6) AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (1) Whether the council is aware that: -
  - (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section: -
 

**affected building notice** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

**building product rectification order** has the same meaning as in the Building Products (Safety) Act 2017.

N/A



## (7) LAND RESERVED FOR ACQUISITION

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No

## (8) ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is affected by any road widening or road realignment under: -

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

No

## (9) FLOOD RELATED DEVELOPMENT CONTROLS

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause: -  
**flood planning area** has the same meaning as in the Floodplain Development Manual.

**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**probable maximum flood** has the same meaning as in the Floodplain Development Manual.

*Land identified as being located in the flood Planning Area and is subject to development controls in accordance with the Lismore Local Environmental Plan 2012*

*Council's records indicate that the land in this certificate is situated within the "Flood Fringe Area" as identified in mapping forming part of the Lismore Development Control Plan.*

*Development restrictions may apply and are set out in the Lismore Development Control Plan.*

## (10) COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.
- (2) In this section: -  
**adopted policy** means a policy adopted: -
  - (a) by the council, or
  - (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

- Landslip  
No
- Tidal Inundation  
No
- Subsidence  
No
- Acid Sulfate Soil  
No
- Lismore Airport Operations  
*The subject property is within an Obstacle Limitation Surfaces set for Lismore Airport as defined in the Lismore development Control Plan.  
Development restrictions may apply.*
- Erosion  
No
- Private Cemetery/Burial  
No
- Contaminated Land  
No

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of the Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,  
  
No
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued,  
  
No
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act – if it is the subject of such an approved proposal at the date when the certificate is issued,

No

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

No

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

No

If you require further detail regarding contaminated land, it is recommended that you make specific enquiries with Lismore City Council to understand the implications of this land exclusion regarding the potential for future development or intended use of the land.

A further fee may be charged by Council for detailed or written site/project specific information.

#### **(11) BUSH FIRE PRONE LAND**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

None

#### **(12) LOOSE-FILL ASBESTOS INSULATION**

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

N/A

#### **(13) MINE SUBSIDENCE**

Whether the land is declared 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 a development plan adopted by a relevant authority that: -  
(a) applies to the land, or  
(b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

N/A

#### **(15) PROPERTY VEGETATION PLANS**

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

*No*

## **(16) BIODIVERSITY STEWARDSHIP SITES**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

*Nil*

## **(17) BIODIVERSITY CERTIFIED LAND**

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

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

*N/A*

## **(18) ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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

*No*

## **(19) ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

- (1) If the Coastal Management Act 2016 applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the Local Government Act 1993, section 496B, for coastal protection services that relate to existing coastal protection works.
- (2) In this section—  
**existing coastal protection works** has the same meaning as in the Local Government Act 1993, section 553B.

**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 1 January 2011.

*No*

## **(20) WESTERN SYDNEY AEROTROPOLIS**

*Not applicable to Lismore City Council*

## **(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).

*No*

## **(22) SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

- (1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

*Nil*

- (2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

*No*

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

*No*

- (4) In this section: -  
**former site compatibility certificate** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **PLANNING AGREEMENTS**

*Nil*



**for the General Manager**



79 Kyogle Street SOUTH LISMORE

Our Ref: Cert No. 11213

Your Ref: E36310PT

Lodgement Date: 05/10/2023

Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

Dear Sir/Madam

**APPLICATION FOR PLANNING CERTIFICATE**  
**(S.10.7 of the Environmental Planning and Assessment Act)**

**LAND:** LOT: 22 SEC: 1 DP: 448737, 79 Kyogle Street SOUTH LISMORE NSW 2480

Reference is made to your recent application for a Planning Certificate in relation to the above land.

A Certificate, pursuant to Section 10.7 of the Environmental Planning and Assessment Act is enclosed. The information it contains is based on Council's records.

This Certificate does not provide advice regarding development consents issued, or proposals received, by Lismore City Council in regard to developments adjoining, or impacting upon, the property subject of this Certificate. For information concerning development applications lodged or consents issued, within the last five years, a separate application will need to be made to Council together with an application fee, as specified in Council's adopted Fees & Charges.

If you are purchasing land in a rural area:

Nothing contained in this Certificate relating to rural zoned land should be construed as inferring that the land possesses a Dwelling Entitlement. The existence of Dwelling Entitlements can only be ascertained by a search of individual property records, which is outside the scope of a Planning Certificate.

Farming and other rural activities can make noises and smells at any time of the day or night. If you make a complaint about farming activities, please be aware that Council may not take action in response to a complaint because Council values its farmers.

If you require any further information, please contact Council's Partnerships Planning and Engagement Administration team on 66 250 500

Yours faithfully

Sandy Strachan  
**Development Technical Support Officer**  
**Partnerships Planning and Engagement**

**PLANNING CERTIFICATE  
UNDER SECTION 10.7  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Certificate No:** 11213  
**Date:** 05/10/2023  
**Applicant Reference:** E36310PT

Lismore City Council  
43 Oliver Avenue, Goonellabah 2480  
(PO Box 23A, Lismore 2480)  
Ph: 66 250 0500  
Fax: 02 6625 0400  
council@lismore.nsw.gov.au  
www.lismore.nsw.gov.au

**Applicant:**  
Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

**Owner (as recorded by Council)**  
Department Education

**Property:** 79 Kyogle Street SOUTH LISMORE NSW 2480  
**Description:** LOT: 22 SEC: 1 DP: 448737  
**Property No:** 26784  
**Land Area:** 1516.000 Square Metres

**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 OF THE ACT.**

The information contained in this certificate relates only to the lot described in the certificate.

**(1) NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS:**

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

*Lismore Local Environmental Plan 2012*  
*Lismore Development Control Plan 2012*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Regional) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

- (2) The name of each proposed environmental planning instrument and draft development control plan which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

*Nil*

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if-

- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

(b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

- (4) In this section, **proposed environmental planning** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **(2) ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) the identity of the zone, whether by reference to
- (i) name, such as “Residential Zone” or “Heritage Area”, or
  - (ii) a number, such as “Zone No. 2(a)
- (b) the purposes for which the instrument provides that development
- (i) may be carried out without development consent, and
  - (ii) may not be carried out with development consent, and
  - (iii) is prohibited

### *R2 Low Density Residential*

*The following table provides general zoning controls for Zone R2*

#### *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 limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.*

#### *2. Permitted without consent*

*Environmental protection works; home occupations.*

#### *3. Permitted with consent*

*Bed and breakfast accommodation; boarding houses; boat launching ramps; boat sheds; building identification signs; business identification signs; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; emergency services facilities; environmental facilities; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; kiosks; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); respite day care centres; restaurants or cafes; roads; tank-based aquaculture; water recreation structures.*

#### *4. Prohibited*

*Any development not specified in item 2 or 3.*

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

*No*



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

*The development standard fixed for the minimum land dimensions for the erection of a dwelling house in the RU1 – Primary Production and RU2 – Rural Landscape zones is 40ha. There are some limited areas of land identified in accordance with the lot size maps made under the Lismore Local Environmental Plan 2012 where the minimum lot size is identified as 20ha. It is strongly recommended that if the lot size of the subject property is less than 40ha in a RU1 or RU2 zone that a dwelling entitlement search application is lodged with Council for the land, and written confirmation is obtained to ascertain if the subject lot has a dwelling entitlement for the erection of a dwelling house.*

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

No

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

No

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

No

### **(3) CONTRIBUTIONS PLANS**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Lismore City Council Section 94 Contributions Plan - 2014

*The land is affected by Section 7.11 Contributions that may apply under this plan*

Lismore City Council Section 94 Contributions Plan North Lismore Plateau – 2013

No

Lismore City Council Development Servicing Plans for Water Supply and Wastewater

*The land is affected by Section 64 Contributions Rous Water Development Servicing Plan adopted by Rous Water in April 2009 and came to effect in April 2009.*

*The land is affected by the Development Servicing Plans for Water Supply and Wastewater adopted by Council on the 8 March, 2016.*

- (2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

*Not applicable to Lismore City Council*

### **(4) COMPLYING DEVELOPMENT**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

No

## (5) EXEMPT DEVELOPMENT

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land

## (6) AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (1) Whether the council is aware that: -
  - (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section: -
 

**affected building notice** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

**building product rectification order** has the same meaning as in the Building Products (Safety) Act 2017.

N/A

## (7) LAND RESERVED FOR ACQUISITION

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No

## (8) ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is affected by any road widening or road realignment under: -

- (a) the Roads Act 1993, Part 3, Division 2, or
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No

## (9) FLOOD RELATED DEVELOPMENT CONTROLS

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause: -  
**flood planning area** has the same meaning as in the Floodplain Development Manual.

**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**probable maximum flood** has the same meaning as in the Floodplain Development Manual.

*Land identified as being located in the flood Planning Area and is subject to development controls in accordance with the Lismore Local Environmental Plan 2012*

*Council's records indicate that the land in this certificate is situated within the "Flood Fringe Area" as identified in mapping forming part of the Lismore Development Control Plan.*

*Development restrictions may apply and are set out in the Lismore Development Control Plan.*

## (10) COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.
- (2) In this section: -  
**adopted policy** means a policy adopted: -
  - (a) by the council, or
  - (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

- Landslip  
No
- Tidal Inundation  
No
- Subsidence  
No
- Acid Sulfate Soil  
No
- Lismore Airport Operations  
*The subject property is within an Obstacle Limitation Surfaces set for Lismore Airport as defined in the Lismore development Control Plan.  
Development restrictions may apply.*
- Erosion  
No
- Private Cemetery/Burial  
No
- Contaminated Land  
No

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters:

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No
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued,  
  
No
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act – if it is the subject of such an approved proposal at the date when the certificate is issued,

No

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

No

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

No

If you require further detail regarding contaminated land, it is recommended that you make specific enquiries with Lismore City Council to understand the implications of this land exclusion regarding the potential for future development or intended use of the land.

A further fee may be charged by Council for detailed or written site/project specific information.

#### **(11) BUSH FIRE PRONE LAND**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

None

#### **(12) LOOSE-FILL ASBESTOS INSULATION**

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

N/A

#### **(13) MINE SUBSIDENCE**

Whether the land is declared 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 a development plan adopted by a relevant authority that: -  
(a) applies to the land, or  
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- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

N/A

#### **(15) PROPERTY VEGETATION PLANS**

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

*No*

## **(16) BIODIVERSITY STEWARDSHIP SITES**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

*Nil*

## **(17) BIODIVERSITY CERTIFIED LAND**

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

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

*N/A*

## **(18) ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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

*No*

## **(19) ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

- (1) If the Coastal Management Act 2016 applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the Local Government Act 1993, section 496B, for coastal protection services that relate to existing coastal protection works.
- (2) In this section—  
**existing coastal protection works** has the same meaning as in the Local Government Act 1993, section 553B.

**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 1 January 2011.

*No*

## **(20) WESTERN SYDNEY AEROTROPOLIS**

*Not applicable to Lismore City Council*

## **(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).

*No*

## **(22) SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

- (1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

*Nil*

- (2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

*No*

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

*No*

- (4) In this section: -  
**former site compatibility certificate** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **PLANNING AGREEMENTS**

*Nil*



**for the General Manager**



85 Kyogle Street SOUTH LISMORE

Our Ref: Cert No. 11210

Your Ref: E36310PT

Lodgement Date: 05/10/2023

Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

Dear Sir/Madam

**APPLICATION FOR PLANNING CERTIFICATE**  
**(S.10.7 of the Environmental Planning and Assessment Act)**

**LAND:** LOT: 25 SEC: 2 DP: 448737, 85 Kyogle Street SOUTH LISMORE NSW 2480

Reference is made to your recent application for a Planning Certificate in relation to the above land.

A Certificate, pursuant to Section 10.7 of the Environmental Planning and Assessment Act is enclosed. The information it contains is based on Council's records.

This Certificate does not provide advice regarding development consents issued, or proposals received, by Lismore City Council in regard to developments adjoining, or impacting upon, the property subject of this Certificate. For information concerning development applications lodged or consents issued, within the last five years, a separate application will need to be made to Council together with an application fee, as specified in Council's adopted Fees & Charges.

If you are purchasing land in a rural area:

Nothing contained in this Certificate relating to rural zoned land should be construed as inferring that the land possesses a Dwelling Entitlement. The existence of Dwelling Entitlements can only be ascertained by a search of individual property records, which is outside the scope of a Planning Certificate.

Farming and other rural activities can make noises and smells at any time of the day or night. If you make a complaint about farming activities, please be aware that Council may not take action in response to a complaint because Council values its farmers.

If you require any further information, please contact Council's Partnerships Planning and Engagement Administration team on 66 250 500

Yours faithfully

Sandy Strachan  
**Development Technical Support Officer**  
**Partnerships Planning and Engagement**



**PLANNING CERTIFICATE  
UNDER SECTION 10.7  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Certificate No:** 11210  
**Date:** 05/10/2023  
**Applicant Reference:** E36310PT

Lismore City Council  
43 Oliver Avenue, Goonellabah 2480  
(PO Box 23A, Lismore 2480)  
Ph: 66 250 0500  
Fax: 02 6625 0400  
council@lismore.nsw.gov.au  
www.lismore.nsw.gov.au

**Applicant:**  
Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

**Owner (as recorded by Council)**  
Department Education

**Property:** 85 Kyogle Street SOUTH LISMORE NSW 2480  
**Description:** LOT: 25 SEC: 2 DP: 448737  
**Property No:** 20904  
**Land Area:** 1516.000 Square Metres

**INFORMATION PROVIDED PURSUANT TO SECTION 10.7 OF THE ACT.**

The information contained in this certificate relates only to the lot described in the certificate.

**(1) NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS:**

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

*Lismore Local Environmental Plan 2012*  
*Lismore Development Control Plan 2012*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Regional) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

- (2) The name of each proposed environmental planning instrument and draft development control plan which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

*Nil*

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if-

- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

(b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

(4) In this section, **proposed environmental planning** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **(2) ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) the identity of the zone, whether by reference to
  - (i) name, such as “Residential Zone” or “Heritage Area”, or
  - (ii) a number, such as “Zone No. 2(a)”
- (b) the purposes for which the instrument provides that development
  - (i) may be carried out without development consent, and
  - (ii) may not be carried out with development consent, and
  - (iii) is prohibited

### *R2 Low Density Residential*

*The following table provides general zoning controls for Zone R2*

#### *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 limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.*

#### *2. Permitted without consent*

*Environmental protection works; home occupations.*

#### *3. Permitted with consent*

*Bed and breakfast accommodation; boarding houses; boat launching ramps; boat sheds; building identification signs; business identification signs; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; emergency services facilities; environmental facilities; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; kiosks; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); respite day care centres; restaurants or cafes; roads; tank-based aquaculture; water recreation structures.*

#### *4. Prohibited*

*Any development not specified in item 2 or 3.*

(c) whether additional permitted uses apply to the land

No

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

*The development standard fixed for the minimum land dimensions for the erection of a dwelling house in the RU1 – Primary Production and RU2 – Rural Landscape zones is 40ha. There are some limited areas of land identified in accordance with the lot size maps made under the Lismore Local Environmental Plan 2012 where the minimum lot size is identified as 20ha. It is strongly recommended that if the lot size of the subject property is less than 40ha in a RU1 or RU2 zone that a dwelling entitlement search application is lodged with Council for the land, and written confirmation is obtained to ascertain if the subject lot has a dwelling entitlement for the erection of a dwelling house.*

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

No

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

No

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

No

### **(3) CONTRIBUTIONS PLANS**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Lismore City Council Section 94 Contributions Plan - 2014

*The land is affected by Section 7.11 Contributions that may apply under this plan*

Lismore City Council Section 94 Contributions Plan North Lismore Plateau – 2013

No

Lismore City Council Development Servicing Plans for Water Supply and Wastewater

*The land is affected by Section 64 Contributions Rous Water Development Servicing Plan adopted by Rous Water in April 2009 and came to effect in April 2009.*

*The land is affected by the Development Servicing Plans for Water Supply and Wastewater adopted by Council on the 8 March, 2016.*

- (2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

*Not applicable to Lismore City Council*

### **(4) COMPLYING DEVELOPMENT**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

No

## (5) EXEMPT DEVELOPMENT

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land

## (6) AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (1) Whether the council is aware that: -
  - (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section: -
 

**affected building notice** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

**building product rectification order** has the same meaning as in the Building Products (Safety) Act 2017.

N/A

## (7) LAND RESERVED FOR ACQUISITION

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No

## (8) ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is affected by any road widening or road realignment under: -

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

No

## (9) FLOOD RELATED DEVELOPMENT CONTROLS

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause: -  
**flood planning area** has the same meaning as in the Floodplain Development Manual.

**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**probable maximum flood** has the same meaning as in the Floodplain Development Manual.

*Land identified as being located in the flood Planning Area and is subject to development controls in accordance with the Lismore Local Environmental Plan 2012*

*Council's records indicate that the land in this certificate is situated within the "Flood Fringe Area" as identified in mapping forming part of the Lismore Development Control Plan.*

*Development restrictions may apply and are set out in the Lismore Development Control Plan.*

## (10) COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.
- (2) In this section: -  
**adopted policy** means a policy adopted: -
  - (a) by the council, or
  - (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

- Landslip  
No
- Tidal Inundation  
No
- Subsidence  
No
- Acid Sulfate Soil  
No
- Lismore Airport Operations  
*The subject property is within an Obstacle Limitation Surfaces set for Lismore Airport as defined in the Lismore development Control Plan.  
Development restrictions may apply.*
- Erosion  
No
- Private Cemetery/Burial  
No
- Contaminated Land  
No

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of the Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,  
  
No
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued,  
  
No
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act – if it is the subject of such an approved proposal at the date when the certificate is issued,

No

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

No

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

No

If you require further detail regarding contaminated land, it is recommended that you make specific enquiries with Lismore City Council to understand the implications of this land exclusion regarding the potential for future development or intended use of the land.

A further fee may be charged by Council for detailed or written site/project specific information.

#### **(11) BUSH FIRE PRONE LAND**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

None

#### **(12) LOOSE-FILL ASBESTOS INSULATION**

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

N/A

#### **(13) MINE SUBSIDENCE**

Whether the land is declared 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 a development plan adopted by a relevant authority that: -  
(a) applies to the land, or  
(b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

N/A

#### **(15) PROPERTY VEGETATION PLANS**

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

*No*

## **(16) BIODIVERSITY STEWARDSHIP SITES**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

*Nil*

## **(17) BIODIVERSITY CERTIFIED LAND**

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

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

*N/A*

## **(18) ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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

*No*

## **(19) ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

- (1) If the Coastal Management Act 2016 applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the Local Government Act 1993, section 496B, for coastal protection services that relate to existing coastal protection works.
- (2) In this section—  
**existing coastal protection works** has the same meaning as in the Local Government Act 1993, section 553B.

**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 1 January 2011.

*No*



## **(20) WESTERN SYDNEY AEROTROPOLIS**

*Not applicable to Lismore City Council*

## **(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).

*No*

## **(22) SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

- (1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

*Nil*

- (2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

*No*

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

*No*

- (4) In this section: -  
**former site compatibility certificate** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **PLANNING AGREEMENTS**

*Nil*



**for the General Manager**



95 Kyogle Street SOUTH LISMORE

Our Ref: Cert No. 11209

Your Ref: E36310PT

Lodgement Date: 05/10/2023

Katrina Taylor  
JK Environments Pty Ltd  
PO Box 976  
North Ryde BC NSW 1670

Dear Sir/Madam

**APPLICATION FOR PLANNING CERTIFICATE**  
**(S.10.7 of the Environmental Planning and Assessment Act)**

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Yours faithfully

Sandy Strachan  
**Development Technical Support Officer**  
**Partnerships Planning and Engagement**

Enclosure: Section 10.7 Certificate

**PLANNING CERTIFICATE  
UNDER SECTION 10.7  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Certificate No:** 11209  
**Date:** 05/10/2023  
**Applicant Reference:** E36310PT

Lismore City Council  
43 Oliver Avenue, Goonellabah 2480  
(PO Box 23A, Lismore 2480)  
Ph: 66 250 0500  
Fax: 02 6625 0400  
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**Applicant:**  
Katrina Taylor  
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**Owner (as recorded by Council)**  
Department Education

**Property:** 95 Kyogle Street SOUTH LISMORE NSW 2480  
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**Land Area:** 1516.000 Square Metres

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*Lismore Development Control Plan 2012*

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
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- *State Environmental Planning Policy (Resources and Energy) 2021*
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- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Regional) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

- (2) The name of each proposed environmental planning instrument and draft development control plan which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

*Nil*

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if-

- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

(b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

- (4) In this section, **proposed environmental planning** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

## **(2) ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS**

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described:

- (a) the identity of the zone, whether by reference to
- (i) name, such as “Residential Zone” or “Heritage Area”, or
  - (ii) a number, such as “Zone No. 2(a)
- (b) the purposes for which the instrument provides that development
- (i) may be carried out without development consent, and
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### *R2 Low Density Residential*

*The following table provides general zoning controls for Zone R2*

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*- 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 limit the density of residential development to ensure development is compatible with the flood hazard associated with the land.*

#### *2. Permitted without consent*

*Environmental protection works; home occupations.*

#### *3. Permitted with consent*

*Bed and breakfast accommodation; boarding houses; boat launching ramps; boat sheds; building identification signs; business identification signs; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; emergency services facilities; environmental facilities; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; kiosks; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); respite day care centres; restaurants or cafes; roads; tank-based aquaculture; water recreation structures.*

#### *4. Prohibited*

*Any development not specified in item 2 or 3.*

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

*No*

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

*The development standard fixed for the minimum land dimensions for the erection of a dwelling house in the RU1 – Primary Production and RU2 – Rural Landscape zones is 40ha. There are some limited areas of land identified in accordance with the lot size maps made under the Lismore Local Environmental Plan 2012 where the minimum lot size is identified as 20ha. It is strongly recommended that if the lot size of the subject property is less than 40ha in a RU1 or RU2 zone that a dwelling entitlement search application is lodged with Council for the land, and written confirmation is obtained to ascertain if the subject lot has a dwelling entitlement for the erection of a dwelling house.*

- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,

No

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

No

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

No

### **(3) CONTRIBUTIONS PLANS**

- (1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Lismore City Council Section 94 Contributions Plan - 2014

*The land is affected by Section 7.11 Contributions that may apply under this plan*

Lismore City Council Section 94 Contributions Plan North Lismore Plateau – 2013

No

Lismore City Council Development Servicing Plans for Water Supply and Wastewater

*The land is affected by Section 64 Contributions Rous Water Development Servicing Plan adopted by Rous Water in April 2009 and came to effect in April 2009.*

*The land is affected by the Development Servicing Plans for Water Supply and Wastewater adopted by Council on the 8 March, 2016.*

- (2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

*Not applicable to Lismore City Council*

### **(4) COMPLYING DEVELOPMENT**

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
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Complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

No

## (5) EXEMPT DEVELOPMENT

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
  - (a) a restriction applies to the land, but it may not apply to all of the land, and
  - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on the land. Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land

## (6) AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (1) Whether the council is aware that: -
  - (a) an affected building notice is in force in relation to the land, or
  - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
  - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section: -
 

***affected building notice*** has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

***building product rectification order*** has the same meaning as in the Building Products (Safety) Act 2017.

N/A

## (7) LAND RESERVED FOR ACQUISITION

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

No

## (8) ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is affected by any road widening or road realignment under: -

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

No

## (9) FLOOD RELATED DEVELOPMENT CONTROLS

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause: -  
**flood planning area** has the same meaning as in the Floodplain Development Manual.

**Floodplain Development Manual** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**probable maximum flood** has the same meaning as in the Floodplain Development Manual.

*Land identified as being located in the flood Planning Area and is subject to development controls in accordance with the Lismore Local Environmental Plan 2012*

*Council's records indicate that the land in this certificate is situated within the "Flood Fringe Area" as identified in mapping forming part of the Lismore Development Control Plan.*

*Development restrictions may apply and are set out in the Lismore Development Control Plan.*

## (10) COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.
- (2) In this section: -  
**adopted policy** means a policy adopted: -
  - (a) by the council, or
  - (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

- Landslip  
No
- Tidal Inundation  
No
- Subsidence  
No
- Acid Sulfate Soil  
No
- Lismore Airport Operations  
*The subject property is within an Obstacle Limitation Surfaces set for Lismore Airport as defined in the Lismore development Control Plan.  
Development restrictions may apply.*
- Erosion  
No
- Private Cemetery/Burial  
No
- Contaminated Land  
No

## **MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

Section 59 (2) of the Contaminated Land Management Act 1997 prescribes the following additional matters:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of the Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,  
  
No
- (b) that the land to which the certificate relates is subject to a management order within the meaning of the Act – if it is subject to such an order at the date when the certificate is issued,  
  
No
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act – if it is the subject of such an approved proposal at the date when the certificate is issued,



No

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

No

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

No

If you require further detail regarding contaminated land, it is recommended that you make specific enquiries with Lismore City Council to understand the implications of this land exclusion regarding the potential for future development or intended use of the land.

A further fee may be charged by Council for detailed or written site/project specific information.

#### **(11) BUSH FIRE PRONE LAND**

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

None

#### **(12) LOOSE-FILL ASBESTOS INSULATION**

If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

N/A

#### **(13) MINE SUBSIDENCE**

Whether the land is declared 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 a development plan adopted by a relevant authority that: -  
(a) applies to the land, or  
(b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

N/A

#### **(15) PROPERTY VEGETATION PLANS**

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

*No*

## **(16) BIODIVERSITY STEWARDSHIP SITES**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

*Nil*

## **(17) BIODIVERSITY CERTIFIED LAND**

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

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

*N/A*

## **(18) ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

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

*No*

## **(19) ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

- (1) If the Coastal Management Act 2016 applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the Local Government Act 1993, section 496B, for coastal protection services that relate to existing coastal protection works.
- (2) In this section—  
**existing coastal protection works** has the same meaning as in the Local Government Act 1993, section 553B.

**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 1 January 2011.

*No*

## **(20) WESTERN SYDNEY AEROTROPOLIS**

*Not applicable to Lismore City Council*

## **(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).

*No*

## **(22) SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

- (1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—
- (a) the period for which the certificate is current, and
  - (b) that a copy may be obtained from the Department.

*Nil*

- (2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).

*No*

- (3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

*No*

- (4) In this section: -  
**former site compatibility certificate** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **PLANNING AGREEMENTS**

*Nil*

**for the General Manager**