

**PLANNING CERTIFICATE PURSUANT TO
SECTION 149 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT, 1979**

APPLICANT DETAILS:

**STATE PLANNING SERVICES PTY LIMITED
PO BOX 394
PYRMONT NSW 2009**

Reference.: 0008A
Application number: 90527
Receipt number: 2187813
Issue Date: 11/06/2015

PROPERTY DESCRIPTION:

**6B Waropara Road MEDOWIE 2318
LOT: 22 DP: 1036306**

Parcel No: 36487

Disclaimer

Information contained in this certificate relates only to the land for which this certificate is issued on the day it is issued. This information is provided in good faith and Council shall not incur any liability in respect of any such advice. Council relies on state agencies for advice and accordingly can only provide that information in accordance with the advice. Verification of the currency of agency advice should occur. For further information, please contact Council's Strategy & Environment Section.

Title Information

Title information shown on this Planning Certificate is provided from Council's records and may not conform to information shown on the current Certificate of Title. Easements, restrictions as to user, rights of way and other similar information shown on the title of the land are not provided on this planning certificate.

Inspection of the land

The Council has made no inspection of the land for the purposes of this Planning Certificate.

PART A: INFORMATION PROVIDED UNDER SECTION 149 (2)

Matters contained in this certificate apply only to the land on the date of issue.

1. Name of Relevant Planning Instruments and DCPs

1.1 Which environmental planning instruments apply to the carrying out of development on the land?

Local Environmental Plan

Port Stephens Local Environmental Plan 2013 - Published on the NSW Legislation website and in force from 22 February 2014.

State Environmental Planning Policies

State Environmental Planning Policy No 21 - Caravan Parks

State Environmental Planning Policy No 30 - Intensive Agriculture

State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

State Environmental Planning Policy No 36 - Manufactured Home Estate

State Environmental Planning Policy No 44 - Koala Habitat Protection

State Environmental Planning Policy No 50 - Canal Estate Development

State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No 62 - Sustainable Aquaculture

State Environmental Planning Policy No 64 - Advertising and Signage

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 (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Exempt & Complying Development Codes) 2008

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy (State and Regional Development) 2011

Regional Environmental Plans

Williams River Catchment Regional Environmental Plan 1997

- 1.2 Which proposed environmental planning instruments apply to the carrying out of development on the land that is or has been the subject of community consultation or public exhibition?**

Draft Local Environmental Plan

No Draft Local Environmental Plans currently exist which affect the site the subject of this certificate.

Draft State Environmental Planning Policies:

No Draft State Environmental Planning Policies have been Publicly Exhibited which affect the site the subject of this Certificate.

- 1.3 Which development control plans apply to the carrying out of development on the land?**

Port Stephens Development Control Plan 2013

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

No Draft Local Environmental Plans currently exist which affect the site the subject of this certificate.

2. Zoning And Land Use Under Relevant Local Environmental Plan(s):

For each environmental planning instrument or proposed instrument referred to in clause 1 above (other than a SEPP or proposed SEPP) that applies to the land:

- 2.1 What is the identity of the zoning for the land?**

R5 Large Lot Residential

Port Stephens Local Environmental Plan 2013

- (a) The land is zoned R5 Large Lot Residential under the provisions of Part 2 in the Port Stephens Local Environmental Plan 2013.
- (b) **Item 2 – Permitted without consent**
Home occupations
- (c) **Item 3 – Permitted with consent**
Animal boarding or training establishments; Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Dwelling houses; Child care centres; Community facilities; Dual occupancies; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Water reticulation systems.
- (d) **Item 4 - Prohibited**

Any development not specified in item 2 or 3.

(e) **Development Standard for the erection of a dwelling-house**

Clause 4.2B in the Port Stephens Local Environmental Plan 2013 includes a development standard that fixes a minimum land dimension for the erection of a dwelling-house. This clause applies to the land. The minimum lot size for the erection of a dwelling-house is identified on the Lot Size Map.

NOTE: The land subject of this certificate DOES NOT have a site specific clause applying to it.

2.2 Does the land include or comprise a critical habitat?

Port Stephens Local Environmental Plan 2013 DOES NOT identify the land as including or comprising critical habitat.

2.3 Is the land in a conservation area?

The land IS NOT located within a heritage conservation area under the provisions in Port Stephens Local Environmental Plan 2013.

2.4 Is an item of environmental heritage situated on the land?

The land IS NOT identified as containing an item of environmental heritage under the provisions in Port Stephens Local Environmental Plan 2013.

3. Complying Development (State Environmental Planning Policy – Exempt and Complying Development Codes) 2008

General Housing Code:

Complying development under the General Housing Code MAY NOT be carried out on the land.

Rural Housing Code:

Complying development under the Rural Housing Code MAY NOT be carried out on the land.

Commercial and Industrial Alterations Code:

Complying development under the Commercial and Industrial alterations Code MAY be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code:

Complying Development under the Commercial and Industrial (new buildings and additions) code MAY NOT be carried out on the land.

Housing Alterations Code:

Complying development under the Housing Internal Alterations Code MAY NOT be carried out on the land.

General Development Code:

Complying development under the General Development Code MAY NOT be carried out on the land.

Demolition Code:

Complying development under the Demolition Code MAY be carried out on the land.

Subdivision Code:

Complying development under the Subdivision Code MAY be carried out on the land.

Fire Safety Code:

Complying development under the Fire Safety Code MAY be carried out on the land.

Note: *The abovementioned advice for all complying development codes is limited to identifying whether or not the land, the subject of this certificate, is on land where complying development may be carried out because of Clauses 1.17A (1), (1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). There may be other requirements under the Codes SEPP or another Environmental Planning Instrument that needs to be satisfied.*

4. Coastal Protection

4.1 Is the land affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been notified by the Department of Services, Technology and Administration?

The land IS NOT affected by the operation of section 38 or 39 of the Coastal Protection Act 1979 (which Council is aware).

4a Certain Information Relating To Beaches And Coasts

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

The land IS NOT affected by an order under 4D of the *Coastal Protection Act*.

4a.2(a) Whether the council has been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of the Act) have been placed on the land (or on public land adjacent to that land).

The land IS NOT affected by temporary coastal protection works.

4a.2(b) Whether the council is satisfied that the works referred to in 4A.2(a) have been removed and the land restored in accordance with the *Coastal Protection Act 1979*.

Not applicable.

4b. Annual Charges Under Local Government Act 1993 For Coastal Protection Services That Relate To Existing Coastal Protection Works

The land IS NOT subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services relating to existing coastal protection works to which the owner (or any previous owner) of the land has consented.

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

5. Mine Subsidence

5.1 Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?

The land IS NOT within a proclaimed Mine Subsidence District under the Mine Subsidence Compensation Act 1961.

6. Road Widening And Road Realignment

Council's records indicate that the land the subject of this Certificate is not affected by any road widening or road realignment under:- (1) Section 25 of the Roads Act 1993; or (2) any environmental planning instrument; or (3) any resolution of the Council.

7. Council and Other Public Authority Policies on Hazard Risk Restrictions

Council's records indicate that the land subject of this certificate IS NOT affected by RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF (10th August 2011); or the Aircraft Noise Planning Area within Chapter B15.Aircraft Noise for Buildings of the Port Stephens Development Control Plan 2013.

7A. Flood Related Development Controls Information

Council's records indicate that the land may be wholly or partially flood prone land. On 19 December 2000, Council adopted a policy which restricts development on land so affected. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Flooding Engineer on 49800253.

Note: Flood related development controls relating to local overland flooding may affect any property near or adjacent to water courses, natural depressions, stormwater easements and drains. Further advice may be included regarding ocean storm surge flooding adjacent to the Port Stephens Foreshore.

8 Land Reserved For Acquisition

8.1 Does any environmental planning instrument or proposed environmental planning instrument referred to in item 1 above make provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Environmental Planning & Assessment Act?

Port Stephens Local Environmental Plan 2013 DOES NOT provide for the acquisition of this land, or part thereof, by a public authority as referred to in Section 27 of the Environmental Planning and Assessment Act 1979.

9. Contributions Plan

9.1 Which contributions plan/s apply to the land?

- * Port Stephens Section 94 Development Contributions Plan 2007.
- * Port Stephens Section 94A Development Contributions Plan 2006.

Note: These documents specify development contributions required towards the cost of providing additional community services or facilities if a property is developed. They are available on request from Council or can be viewed www.portstephens.nsw.gov.au.

9a Biodiversity Certified Land

9a.1 Is the land biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)?

No

10. Biobanking Agreements

10.1 Is there a biobanking agreement for the land under Part 7A of the Threatened Species Conservation Act 1995, that council is aware?

No

11. Bush Fire Prone Land

11.1 Is any of the land bushfire prone land as defined in the Environmental Planning & Assessment Act 1979?

The land IS shown as bush fire prone land in Council's records. Further details of any applicable restrictions on development of the land may be obtained on application to Council. For further information, please contact Council's Duty Officer by telephoning 49800255.

12. Property Vegetation Plans

12.1 Does a property vegetation plan under the Native Vegetation Act 2003 apply to the land, being a plan to which the council has been notified of its existence by the person or body that approved the plan under the Act?

Council has not been notified of any Property Vegetation Plans under the Native Vegetation Act 2003 that affect the land to which this certificate applies.

- 13. Orders Under Trees (Disputes Between Neighbours) Act 2006**
13.1 Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, being an order to which the council has been notified of?

The land IS NOT affected by an order under the Trees (Disputes Between Neighbours) Act 2006 (of which Council is aware).

14. Directions Under Part 3a

- 14.1** Is there a direction by the Minister in force under section 75P(2)(c1) of the Environmental Planning & Assessment Act 1979 that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect?

The land IS NOT affected by a direction by the Minister, in force under section 75P(2) (c1) of the Environmental Planning and Assessment Act 1979.

15. Site Compatibility Certificates And Conditions For Seniors Housing

- 15.1** If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, is there a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land?

Site Compatibility Certificate:

Council is not aware of a site compatibility certificate (seniors housing) issued in respect of the subject land.

Condition of Consent:

No terms referred to in clause 18(2) of the policy have been imposed as a condition of development consent in respect of the land to which this certificate relates.

16. Site Compatibility Certificates For Infrastructure

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

The land IS NOT affected (of which Council is aware) by a valid site compatibility certificate (infrastructure) issued under the State Environmental Planning Policy (Infrastructure 2007).

17. Site Compatibility Certificates And Conditions For Affordable Rental Housing

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

The land IS NOT affected by a current site compatibility certificate (of which Council is aware) issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

17.2 Have any terms of a kind referred to in clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?

The land IS NOT affected by any terms of a kind (of which Council is aware) referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as conditions of consent to a development application granted after 11th October, 2007 in respect of the land.

Section 59(2) of the Contaminated Land Management Act 1997

There are no prescribed matters under section 59(2) of the Contaminated Land Management Act 1997 to be disclosed.

Section 26 of the National Building and Jobs Plan (State Infrastructure Delivery) Act 2009

The land IS NOT subject to any exemption under Section 23 or authorisation under Section 24 of the Act (which Council is aware).

PART B: INFORMATION PROVIDED UNDER SECTION 149 (5)

This information is provided in accordance with Section 149(5) of the Environmental Planning and Assessment Act, 1979. Section 146(6) states that Council shall not incur any liability in respect of advice provided in good faith pursuant to Section 149(5) of the Act. If this information is to be relied upon, it should be independently checked.

Port Stephens Council must take into consideration the likely effect of proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity. Please contact Council's Development Assessment and Compliance Section by telephoning 49800115.

When determining a development application on known or potential archaeological sites of both Aboriginal and non-Aboriginal heritage significance, Port Stephens Council must consider an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site. Please contact Council's Please contact Council's Development Assessment and Compliance Section on 49800115 for more information.

All areas of the Port Stephens Local Government Area are now, or are forecast to be, affected by aircraft noise from time to time. Further information concerning the degree of impact of noise from aircraft can be obtained by contacting Council's Strategy and Environment Section by telephoning 49800326.

Drinking Water Catchment

The land, or part thereof, is located within a drinking water catchment area as identified in Port Stephens Local Environmental Plan 2013. The catchment boundary is identified on the Drinking Water Catchment Map in Local Environmental Plan 2013 and clause 7.8 in the Local Environmental Plan 2013 will apply to the land.

Preservation of Trees or Vegetation

Clause 5.9 of Port Stephens Local Environmental Plan 2013 applies to the subject land:

"A person must not ringbark, cut down, top lop, remove, injure, wilfully destroy any tree or other vegetation without either development consent or a permit granted by Council as specified in Port Stephens Development Control Plan 2013".

Note: Clause 5.9 of Port Stephens Local Environmental Plan 2013 MAY NOT apply in respect to certain circumstances. For further information please refer to Clause 5.9 of Port Stephens Local Environmental Plan or contact Council's Strategy & Environment section by telephoning 49800255.

Koala Habitat

Parts of the Port Stephens Local Government Area are affected by Koala Habitat is subject to Port Stephens Comprehensive Koala Plan of Management 2002 made under State Environmental Planning Proposal 44. Further information can be obtained from Council's Strategy & Environment Section, 49800169.

Invasive Species

Parts of the Port Stephens Local Government Area contain plants listed under the Noxious Weed Act 1993 which may restrict the use of the land. Contact Council's Strategy & Environment Section on 49800326 for further information.

Development Consents Relating to the Land

Please contact Customer Relations by telephoning 4980 0255, for any enquiries regarding development consent over the land in the past 5 years.

For further information please contact the
Strategy & Environment Section on 4980 0326.

Wayne Wallis
General Manager

Per:  11/6