



## PLANNING CERTIFICATE under Section 149

### *Environmental Planning and Assessment Act 1979*

Luke & Company Pty Ltd  
PO Box 669  
PORT MACQUARIE NSW 2444

<b>Certificate number:</b>	101784	<b>Certificate date:</b>	5 July 2010
<b>Receipt number:</b>	2246766	<b>Certificate fee:</b>	\$100.00
<b>Property Number:</b>	59644	<b>Applicant's reference:</b>	4509ND

#### DESCRIPTION OF PROPERTY

Title: LOT: 1232 DP: 1142133  
Property: Rainbow Beach Drive BONNY HILLS 2445

#### Land to which certificate relates

The land to which this certificate relates, being the lot or one of the lots described in the corresponding application, is shown in the Council's records as being situated at the street or road address described above. The information contained in this certificate relates only to the lot described on this certificate. Where the street or road address comprises more than one lot in one or more deposited plans or strata plans, separate planning certificates for the other lots are obtainable upon application. Those certificates may contain different information than is contained in this certificate.

#### SECTION 149(2) DETAILS

In accordance with section 149(2) of the *Environmental Planning and Assessment Act 1979*, at the date of this certificate the following information is provided in respect of the prescribed matters to be included in a planning certificate.

#### 1. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Text and maps of *Hastings Local Environmental Plan 2001* and *Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan* can be downloaded from Council's website - <http://www.hastings.nsw.gov.au>. Text of both LEPs (and maps, in the case of the latter LEP) can be downloaded from the NSW Government website - <http://www.legislation.nsw.gov.au/>

#### (a) The following environmental planning instruments, namely, local environmental plans and zone/s apply to the land:

Hastings Local Environmental Plan 2001.

#### The relevant zone, and associated development control provisions and minimum land dimensions for the erection of a dwelling-house under the above local environmental plan are:

Zone: 1(a1) Rural. In Zone 1(a1) the following development is:

- 1 Allowed without development consent - Development for the purpose of Agriculture (other than buildings associated with agriculture); Forestry.
- 2 Allowed only with development consent - Demolition; Any development not included in Items 1 or 3.
- 3 Prohibited - Development for the purpose of Aeroplane landing areas within one kilometre of the coast; Boarding houses; Brothels; Car repair stations; Cluster housing; Commercial premises; Dual occupancies (detached dwellings only); Exhibition homes; Industries (other than offensive or hazardous industries and rural industries); Medical centres; Motor showrooms;

Neighbourhood centres; Residential flats; Retailing of bulky goods; Road transport terminals; Shops; Tourist facilities (other than rural tourist facilities); Warehouses.

Minimum land area for the erection of a single dwelling in Zone 1(a1): 40 hectares.

Zone: 2(a1) Residential.

In Zone 2(a1) the following development is:

- 1 Allowed without development consent - Nil.
- 2 Allowed only with development consent - Demolition; Any development not included Item 3;
- 3 Prohibited - Development for the purpose of Aeroplane landing areas; Animal establishments; Aquaculture; Brothels; Car repair stations; Clubs; Commercial premises (other than those within neighbourhood centres); Depots; Extractive industries; Forestry; Heliports; Hotels; Industries; Institutions; Junk yards; Liquid fuel depots; Mines; Motor showrooms; Places of assembly; Radio or television transmission towers; Recreation facilities; Retailing of bulky goods; Roadside stalls; Rural workers dwellings; Rural tourist facilities; Saw mills; Service stations (other than those within neighbourhood centres); Shops (other than those within neighbourhood centres); Stock and sale yards; Transport terminals (other than bus stations); Warehouses.

Minimum land area for the erection of a single dwelling in Zone 2(a1): none applies.

Zone: 6(a) Open Space.

In Zone 6(a) the following development is:

- 1 Allowed without development consent - Any development ordinarily incidental or ancillary to development included in Item 2.
- 2 Allowed only with development consent - Demolition, Development (other than ordinarily incidental or ancillary development) for the purpose of Advertisements; Car parks; Community facilities; Recreation areas; Recreation facilities; Roads; Utility installations.
- 3 Prohibited - Any development not included in Item 1 or 2.

Minimum land area for the erection of a single dwelling in Zone 6(a): none applies.

The above provisions relating to development permitted without or only with consent are subject to other provisions of the LEP and, except where Port Macquarie-Hastings (Area 13 Thrumster) LEP applies, to *Hastings Development Control Plan No 36 - Exempt and Complying Development*, as adopted, by reference, by Port Macquarie-Hastings Development Control Plan 2006.

**(b) Any additional specific provisions of the LEP:**

Clause 26 Acid Sulfate Soils (part Class 2) - Part of the subject land is shown as being Class 2 land on the acid sulfate soils map. A person must not, without development consent, carry out any works on that part of the subject land being works below the ground surface or works by which the watertable is likely to be lowered.

Clause 26 Acid Sulfate Soils (part Class 3) - Part of the subject land is shown as being Class 3 land on the acid sulfate soils map. A person must not, without development consent, carry out any works on that part of the subject land being works beyond 1 metre below the natural ground surface or works by which the watertable is likely to be lowered beyond 1 metre below the natural ground.

Clause 26 Acid Sulfate Soils (part Class 4) - Part of the subject land is shown as being Class 4 land on the acid sulfate soils map. A person must not, without development consent, carry out any works on that part of the subject land being works beyond 2 metres below the natural ground surface or works by which the watertable is likely to be lowered beyond 2 metre below the natural ground.

Clause 26 Acid Sulfate Soils (part Class 5) - Part of the subject land is shown as being Class 5 land on the acid sulfate soils map. A person must not, without development consent, carry out any works on that part of the subject land by which the watertable is likely to be lowered to below 1 metre AHD in adjacent Class 1, 2, 3 or 4 land.

**(c) Other environmental planning instruments that apply to the carrying out of development on the land:**

(i) *The North Coast Regional Environmental Plan.*

(ii) State environmental policies that apply to all properties:

*SEPP No. 1 - Development Standards.*

*SEPP No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.*

*SEPP No. 6 - Number of Storeys in a Building.*

*SEPP No. 21 - Caravan Parks.*

*SEPP No. 33 - Hazardous and Offensive Development.*

*SEPP No. 36 - Manufactured Home Estates.*

*SEPP No. 44 - Koala Habitat Protection.*

*SEPP No. 50 - Canal Estate Development.*

*SEPP No. 55 - Remediation of Land.*

*SEPP No. 62 - Sustainable Aquaculture.*

*SEPP No. 64 - Advertising and Signage.*

*SEPP No. 65 - Design Quality of Residential Flat Development*

*SEPP (Building Sustainability Index: BASIX) 2004*

*SEPP (Major Projects) 2005*

*SEPP (Mining, Petroleum and Extractive Industries) 2007*

*SEPP (Temporary Structures and Places of Public Entertainment) 2007*

*SEPP (Infrastructure) 2007. If Council is aware of a current site compatibility certificate (infrastructure) issued under the Policy in respect of any proposed development on the land, details are shown in Item 14 of this Certificate.*

*SEPP (Repeal of Concurrence and Referral Provisions) 2008*

*SEPP (Exempt and Complying Development Codes) 2008*

*SEPP (Affordable Rental Housing) 2009. If Council is aware of a current site compatibility certificate (affordable rental housing) issued under the Policy in respect of any proposed development on the land, details are shown in Item 14 of this Certificate.*

(iii) State environmental policies that apply to specific land, including the land to which this certificate relates:

*SEPP (Housing for Seniors or People with a Disability) 2004. If Council is aware of a current site compatibility certificate (seniors housing) issued under the Policy in respect of any proposed development on the land, details are shown in Item 14 of this Certificate.*

*SEPP No.71 - Coastal Protection*

*SEPP (Rural Lands) 2008*

Any enquiries regarding State Environmental Planning Policies and Regional Environmental Plans should be directed to the Department of Planning on (02) 9228 6111 or see their Website - <http://www.planning.nsw.gov.au/> The Policies and the Plans may be viewed and downloaded from the NSW Government website - <http://www.legislation.nsw.gov.au/>

**(d) Does the land include or comprise 'critical habitat' under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land? No**

**(e) Is the land located within a heritage conservation area under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land?**

No.

- (f) **May complying development be carried out under each of the codes for complying development because of the provisions of clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?**

- a. *the General Housing Code,*
- b. *the Housing Internal Alterations Code,*
- c. *the General Commercial and Industrial Code,*
- d. *the Subdivisions Code*

No, for the reason that the land is land to which State Environmental Planning Policy No 26- Littoral Rainforests applies or is within 100m of such land.

No, for the reason that the land is reserved for a public purpose in an environmental planning instrument

No, for the reason that the land is identified on an Acid Sulfate Soils Map as being Class 1 or Class 2 (see also clause 1(b) of this Certificate)

No, for the reason that the land or part of the land is bush fire prone land, unless the development is only the demolition or removal of a dwelling house, the demolition of ancillary development or the erection of a swimming pool, fence or retaining wall.

- (g) **Is there a heritage item situated on the land under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land?**

No.

## 2. RELEVANT PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

The following proposed environmental planning instruments that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

Draft SEPP No 1 - Development Standards (Amendment No 4).  
Draft SEPP (Application of Development Standards) 2004

Port Macquarie-Hastings Local Environmental Plan 2010 to make local environmental planning provisions for land in Port Macquarie-Hastings in accordance with the relevant standard environmental planning instrument under section 33A of the Act. The draft plan proposes to repeal Hastings LEP 1987, Hastings LEP 2001 and Port Macquarie-Hastings (Area 13 Thrumster) LEP 2008; to rezone the land to the zone or zones shown hereunder and proposes the further provisions indicated in the draft plan document, if any. Copies of the Draft Local Environmental Plan (text and maps) can be downloaded from Council's website. See Item 1 of this Certificate for the link. (Please note that draft PMH Development Control Plan 2010 has been placed on public exhibition with the Draft Local Environmental Plan).

Draft LEP 2001 (Amendment No. 53) to introduce special provisions in Hastings Local

Environmental Plan 2001 to provide for the consideration of key planning objectives, strategies and plans where development is proposed on the subject land; and to ensure that development proposed on the subject land is considered within the context of Council's strategic planning for the area (32.2004.12).

Proposed Zone RU1 Primary Production. For land to which this zone is proposed, the following development would be

- 1 Permitted without consent - Extensive agriculture; Home occupations; Horticulture.
- 2 Permitted with consent - Agriculture; Air transport facilities; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Group homes; Helipads; Home Businesses; Mining; Roads; Roadside stalls; Rural supplies; Rural worker 's dwellings.
- 3 Prohibited - Any development not specified in item 1 or 2.

The demolition of a building or work may be carried out only with consent unless it is identified in this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development. In that case, the Act enables it to be carried out without consent.

Minimum land area for the erection of a dwelling house in this proposed Zone on the subject land is that area specified for that lot in the Lot Size Map adopted by the draft plan, namely 40 hectares, unless other criteria are satisfied.

Proposed Zone R1 General Residential. For land to which this zone is proposed, the following development would be:

- 1 Permitted without consent - Home-based child care; Home occupations.
- 2 Permitted with consent - Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Hostels; Home industry; Medical Centres; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any development not specified in item 1 or 3.
- 3 Prohibited - Agriculture; Air transport facilities; Advertising structures; Amusement centres; Backpackers' accommodation; Boat repair facilities; Bulky goods premises; Business premises; Charter and tourism boating facilities; Correctional centres; Crematoriums; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupation (sex services); Industries; Industrial retail outlets; Landscape and garden supplies; Marinas; Mining; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural industries; Rural supplies; Rural worker's dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Timber and building supplies; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Water treatment facilities; Wholesale supplies.

The demolition of a building or work may be carried out only with consent unless it is identified in this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development. In that case, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this proposed Zone on the subject land is specified in the draft plan.

Proposed Zone RE1 Public Recreation. For land to which this zone is proposed, the following development would be:

1 Permitted without consent - Home occupations.

2 Permitted with consent - Building identification signs; Business identification signs; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Crematoriums; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water recreation structures. #3. Prohibited - Any development not specified in item 1 or 2.

The demolition of a building or work may be carried out only with consent unless it is identified in this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development. In that case, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this proposed Zone on the subject land is specified in the draft plan.

Clause 7.1 Acid Sulfate Soils (part Class 2) - Part of the subject land is shown as being Class 2 land on the Acid Sulfate Soils Map adopted by the Draft Local Environmental Plan. A person must not, without development consent, carry out any works on that part of the subject land being works below the natural ground surface or works by which the watertable is likely to be lowered.

Clause 7.1 Acid Sulfate Soils (part Class 3) - Part of the subject land is shown as being Class 3 land on the Acid Sulfate Soils Map adopted by the Draft Local Environmental Plan. A person must not, without development consent, carry out any works on the subject land being works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Clause 7.1 Acid Sulfate Soils (part Class 4) - Part of the subject land is shown as being Class 4 land on the Acid Sulfate Soils Map adopted by the Draft Local Environmental Plan. A person must not, without development consent, carry out any works on the subject land being works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metre below the natural ground surface.

Clause 7.1 Acid Sulfate Soils (part Class 5) - Part of the subject land is shown as being Class 5 land on the Acid Sulfate Soils Map adopted by the Draft Local Environmental Plan. A person must not, without development consent, carry out any works on the subject land within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

### 3. NAMES OF RELEVANT DEVELOPMENT CONTROL PLANS and CONTRIBUTION PLANS

*Development Control Plans* that apply to the carrying out of development on the land, and the *Contributions Plans* applying to the land:

- (a) Apply to all land within the Port Macquarie-Hastings Council area:

*Port Macquarie-Hastings Development Control Plan 2006.*

The purpose of this *plan* is to provide a consolidating reference of development control provisions that apply to development within the Council area. This *plan* and the *plans adopted by reference in this plan*, can be downloaded from Council's website - <http://www.hastings.nsw.gov.au>

*Hastings Contributions Plan 1993.*

*Hastings Major Council Roads Contribution Plan 1996.*

*Open Space Contribution Plan 1996.*

*Hastings Administration Levy Contribution Plan.*

*Community, Cultural and Emergency Services Contribution Plan.*

*Administration Building Contributions Plan 2007.*

*S94A Levy Contributions Plan 2007*



- (b) Apply to specific land, including the land to which this certificate applies:  
*No other DCPs or CPs apply to the land.*

#### 4. COASTAL PROTECTION

Is the land affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that Council has been so notified by the Department of Public Works? No.

#### 5. MINE SUBSIDENCE.

Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*? No.

#### 6. TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006.

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, but only to the extent that Council has been so notified of the order?

No.

#### 7 ROAD WIDENING AND ROAD REALIGNMENT

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

- (a) Division 2 of Part 3 of the *Roads Act 1993*; or
- (b) any environmental planning instrument; or
- (c) any resolution of the council?

No - the land is not so affected.

#### 8. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES RESTRICTING DEVELOPMENT DUE TO RISKS OR HAZARDS

Is the land affected by a policy:

- (a) adopted by the Council; or
- (b) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)? (Matters specified in Items 1 and 3 may also be relevant).

Contaminated Land Class A and B. Council has by resolution adopted a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which has previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under relevant State legislation are warranted.

#### 9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

**Is the land or part of the land subject to flood related development controls?**

The land or any part of the land is not mapped as flood liable. If the land or any part of the land is not flood liable, it is not subject to flood related development controls.

**10. LAND RESERVED FOR ACQUISITION.**

**Does an environmental planning instrument or proposed environmental planning instrument or draft environmental planning instrument applying to the land provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act?**

No such provision applies.

**11. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

- (a) Is the land to which this certificate relates significantly contaminated land within the meaning of the Contaminated Land Management Act 1997? No.
- (b) Is the land to which this certificate relates subject to a management order within the meaning of the Contaminated Land Management Act 1997? No.
- (c) Is the land to which this certificate relates the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997? No.
- (d) Is the land to which the certificate relates subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997? No.
- (e) Is the land to which this certificate relates the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 that has been provided to Council? No.

**Note:** If Council is otherwise aware of potential contamination of the land this will be noted under Item 8 above.

**12. BIOBANKING AGREEMENTS.**

**Does a Biobanking Agreement under Part 7A of the *Threatened Species Conservation Act 1995* apply to the land, but only to the extent that Council has been so notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water?**

No.

**13. BUSH FIRE PRONE LAND.**

**Is the land bush fire prone land?**

Some of the land is bush fire prone land (as defined in the Act).

**14. PROPERTY VEGETATION PLANS.**

**Does a property vegetation plan apply to the land?**

No.



## OTHER RELEVANT MATTERS AFFECTING THE LAND, INCLUDING ADVICE PROVIDED PURSUANT TO SUBSECTION 5

The following additional information is furnished in respect of the land, and where that information is advice provided pursuant to subsection (5), that advice is subject to subsection (6).

### 15. GENERAL

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

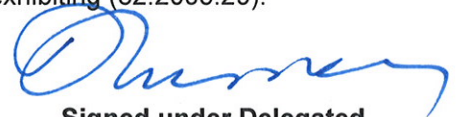
### 16. TREE PRESERVATION ORDER – ADVICE PROVIDED PURSUANT TO SUBSECTION (5).

Council's provisions for the preservation of trees apply.

### 17. RESOLUTIONS TO PREPARE AMENDING LEPs – ADVICE PROVIDED PURSUANT TO SUBSECTION (5).

Is the land affected by any resolution under section 55 of the Act to alter the current local environmental planning provisions? (This excludes any matters that have been publicly exhibited, and are listed under Item 2.)

Yes - resolution to prepare a new Local Environmental Plan in line with the draft Local Environmental Plan Template that the State Government is exhibiting (32.2005.29).



Signed under Delegated  
Authority on behalf of the  
General Manager