

Port Macquarie-Hastings Council

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**PORT MACQUARIE
HASTINGS**

ABN: 11 236 901 601

PLANNING CERTIFICATE under Section 149

Environmental Planning and Assessment Act 1979

Michelle Hollis
Luke & Company (NSW) Pty Ltd
PO Box 669
PORT MACQUARIE NSW 2444

Certificate number:	80891	Certificate date:	4 April 2008
Receipt number:	1604366	Certificate fee:	\$100.00
Property Number:	18696	Applicant's reference:	4509

DESCRIPTION OF PROPERTY

Title: LOT: 5 DP: 25886
Property: P Queenslake, 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 LOCAL ENVIRONMENTAL PLANS (LEPs)

Copies of *Hastings Local Environmental Plan 2001* (text and maps) can be downloaded from Council's website – <http://www.hastings.nsw.gov.au>.

(a) The following local environmental plan 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 - Any development not included in Item 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.

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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 - Any development not included in 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.

The above provisions relating to development permitted without or only with consent are subject to other provisions of the LEP and to *Hastings Development Control Plan No 36 - Exempt and Complying Development*.

(b) Any additional specific provisions of the LEP:

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) Does the land include or comprise 'critical habitat' under the provisions of the local environmental plan applying to the land?

No.

(d) Is the land located within a heritage conservation area under the provisions of the local environmental plan applying to the land?

No.

(e) Is there a heritage item situated on the land under the provisions of the local environmental plan applying to the land?

There is no Heritage Item (as identified by the LEP) on the land.

2. RELEVANT EXHIBITED DRAFT LOCAL ENVIRONMENTAL PLANS

The following draft local environmental plans have been placed on exhibition under Section 66(1)(b) of the *Environmental Planning and Assessment Act* and apply to the land:

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).

3. NAMES OF RELEVANT DEVELOPMENT CONTROL PLANS and CONTRIBUTION PLANS

The following *Development Control Plans* that have been prepared by the Council under section 74C of the Act, or made by the Council under section 72 of the Act (before the repeal of that section), and *Contributions Plans* apply to the land.

- (a) Apply to all land within the Port Macquarie-Hastings Council area:
Port Macquarie-Hastings Development Control Plan 2006.
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.
Administration Building Contributions Plan 2007.
S94A Levy Contributions Plan 2007

The provisions of the following Development Control Plans have been adopted, by reference, by Port Macquarie-Hastings Development Control Plan 2006:

DCP No. 7 - Policy on Advertisements.
DCP No. 17 - Subdivision Code.
DCP No. 18 - Off-street Parking Code.
DCP No. 36 - Exempt and Complying Development.
DCP No. 38 - Dwelling Houses and Ancillary Development.
DCP No. 40 - Advertising of Development.
DCP No. 41 - Building Construction and Site Management.
DCP No. 48 - Energy Efficient Water Wise Residential Buildings

- (b) Apply to specific land, including the land to which this certificate applies.
The provisions of the following Development Control Plans have been adopted, by reference, by Port Macquarie-Hastings Development Control Plan 2006:
DCP No. 25 - Aeroplane Landing Areas.

DCP No. 32 - Bed and Breakfast Establishments.

DCP No. 34 - Acid Sulphate Soils.

4. REGIONAL PLANNING

(a) Relevant Regional Environmental Plans

The *North Coast Regional Environmental Plan* (as amended) applies to the land. It was originally gazetted on 5 February 1988.

(b) Exhibited draft Regional Environmental Plans that have been placed on exhibition under section 47(b) of the Act.

There are no such draft regional environmental plans.

(c) Relevant development control plans prepared by the Director-General (of DIPNR) under section 51A of the Act.

There are no such development control plans.

5. RELEVANT STATE AND DRAFT STATE ENVIRONMENTAL PLANNING POLICIES APPLYING TO THE LAND.

Any enquiries regarding State Environmental Planning Policies and Regional Environmental Plans should be directed to the Department of Infrastructure, Planning and Natural Resources on (02) 9228 6111 or see their Website – <http://www.dipnr.nsw.gov.au>.

(a) State Environmental Planning Policies

(i) The following SEPPs 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.

(ii) The following SEPPs apply to specific land, including the land to which this certificate relates:

SEPP No. 15 - Rural Landsharing Communities.

SEPP No. 30 - Intensive Agriculture.

SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land).

SEPP No. 71 - Coastal Protection. The land is also within or partly within a sensitive coastal location within the meaning of this Policy.

(b) Draft State Environmental Planning Policies that have been publicised as referred to in section 39(2) of the Act and relate to the Port Macquarie-Hastings Area

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

Draft SEPP (Application of Development Standards) 2004

6. 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.

7. 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.

8. 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 if the council has been notified of the order)?

No.

9. 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.

10. 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).

There are no policies.

11. 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.

12. LAND RESERVED FOR ACQUISITION.

Does an environmental planning instrument, deemed 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 *Environmental Planning and Assessment Act 1979*?

No such provision applies.

13. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

- (a) Is the land to which this certificate relates within an **investigation area** or **remediation site** under Part 3 of the *Contaminated Land Management Act 1997*? No.
- (b) Is the land to which this certificate relates subject to an **investigation order** or a **remediation order** within the meaning of the *Contaminated Land Management Act 1997*? No.
- (c) Is the land to which this certificate relates the subject of a **voluntary investigation proposal** (or **voluntary remediation proposal**) that is the subject of the Environmental Protection Authority's agreement under section 19 or 26 of the *Contaminated Land Management Act 1997*? No.
- (d) Is the land to which this certificate relates the subject of a **site audit statement** (within the meaning of Part 4 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 9 above.

14. 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), being that part shaded on the diagram or extract of the zoning map shown at the end of this Certificate.

15. PROPERTY VEGETATION PLANS.

Does a property vegetation plan apply to the land?

No.

SECTION 149(5): OTHER RELEVANT MATTERS AFFECTING THE LAND

The following additional information is furnished in respect of the land, and is subject to section 149(6) of the Act.

16. GENERAL

Notice of Sewage Management Provisions: In the circumstances where a building exists on this property, and the building contains wastewater-producing fixtures, (which include but are not limited to toilets, showers, sinks and the like) an onsite sewage management facility which complies with current legislative standards must be installed and maintained on the property. Intending purchasers of properties with an onsite sewage management facility should consider Council's onsite sewage management policies and standards and the provisions of the relevant State legislation.

Council supports the right of persons to carry out legitimate rural, agricultural and agriculture products processing uses and practices on land. The Council will not support any action to interfere with the legitimate rural, agricultural and agriculture products processing use of land, provided that such practices comply with existing Federal and State Government Legislation. Intending purchasers are advised that legitimate rural, agricultural and agriculture products processing uses of land may include: aquaculture; logging and milling of timber; livestock feedlots; piggeries; poultry farming; dairies; intensive livestock waste disposal systems and ponds; clearing and cultivation of land; bushfire hazard reduction burning; firebreak construction; construction of dams, drains and contour banks; fencing; use and repair of agricultural machinery; pumping and irrigation; weedicide spraying; pesticide spraying; aerial spraying and fertilising; animal husbandry practice (castration, dehorning etc) ; driving livestock on roads; silage production; construction of roads and tracks; slashing and mowing vegetation; planting of woodlots; traffic on unsealed rural roads; destruction of noxious animals. Such rural activities may cause nuisance in respect of noise, odour, dust, spray emissions, smoke and vibration during all hours. In many instances it is not practicable for farmers to contain such nuisances within their properties. Intending purchasers of rural land should be aware that the above practices occur in this area and contribute a significant economic benefit to the Community, which is supported by the Council.

17. TREE PRESERVATION ORDER

Council's Tree Preservation Order applies.

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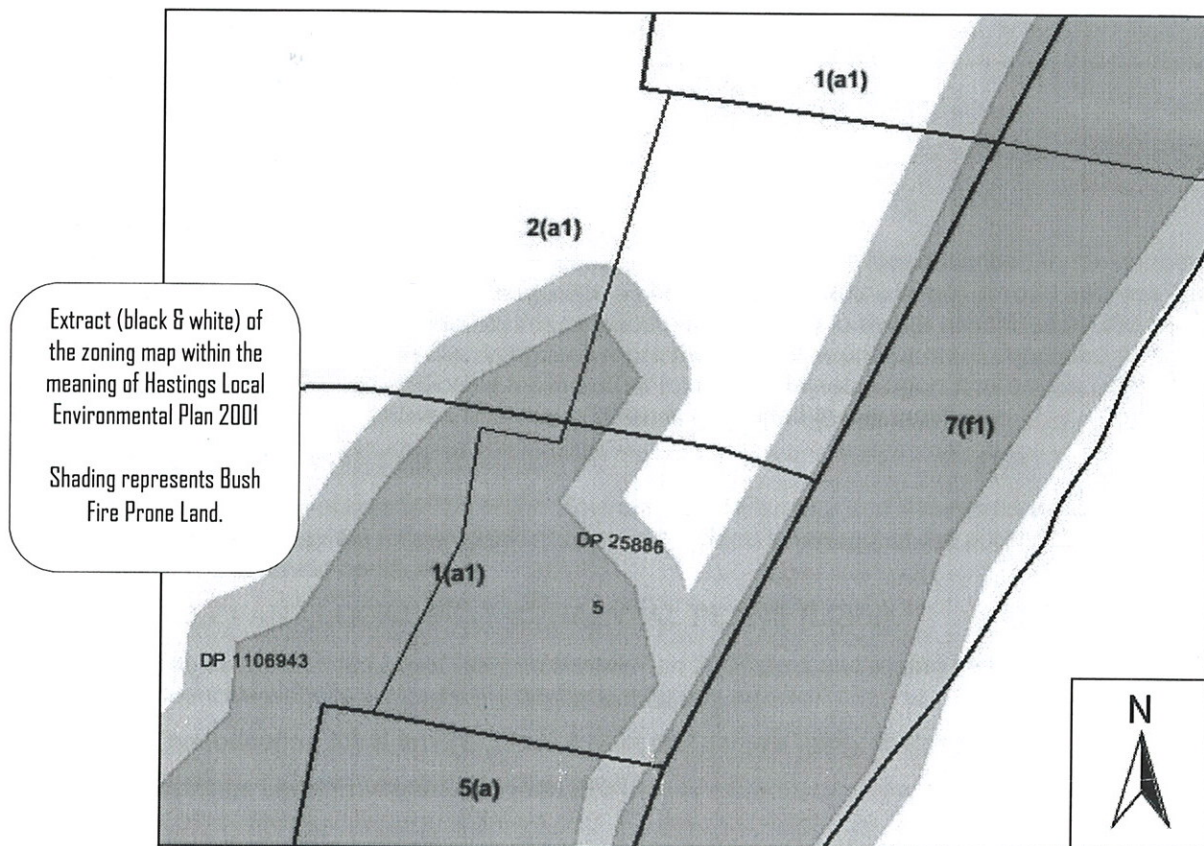
18. RESOLUTIONS TO PREPARE AMENDING LEPs

Is the land affected by any resolution under Section 54 of the Act to alter the current local environmental planning provisions? (This excludes any matters that have reached public exhibition, and are listed under Item 2.)

Yes - resolution to commence the rezoning process in relation to "Area 14" Urban Investigation Areas and to the area known as "St. Vincents land". (32.2001.0014.1)

Yes - resolution to introduce sustainable housing requirements into Zone 2(a1) (32.2004.0011.1).

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).



Bernard Smith
General Manager

Per: 