



PLANNING CERTIFICATE under Section 149

Environmental Planning and Assessment Act 1979

Architectus
Level 3, 341 George Street
SYDNEY NSW 2000

Certificate number:	112778	Certificate date:	30 September 2011
Receipt number:	2644874	Certificate fee:	\$133.00
Property Number:	49703	Applicant's reference:	Jayne Klein

DESCRIPTION OF PROPERTY

Title: LOT: 23 DP: 1099567
Property: 1-31 Wrights Road PORT MACQUARIE 2444

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 *Port Macquarie-Hastings Local Environmental Plan 2011* and *Port Macquarie-Hastings (Area 13 Thrumster) Local Environmental Plan 2008* 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:

Port Macquarie-Hastings Local Environmental Plan 2011.

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:

In Zone SP2 Infrastructure the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

2. Permitted without consent - Nil.
3. Permitted with consent - The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
4. Prohibited - Any development not specified in Item 2 or 3.

The demolition of a building or work may be carried out only with consent. Note: If the demolition

of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

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

There are no special provisions that apply.

The above provisions relating to development permitted without or only with consent are subject to other provisions of the LEP.

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

(i) State environmental policies that apply to all properties, subject to the provisions of those policies:

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. 15 - Rural Landsharing Communities
SEPP No. 22 - Shops and Commercial Premises.
SEPP No. 30 - Intensive Agriculture.
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 (Housing for Seniors or People with a Disability) 2004.
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Major Development) 2005
SEPP (Mining, Petroleum Production and Extraction Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures) 2007
SEPP (Infrastructure) 2007
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Affordable Rental Housing) 2009.

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

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

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/>

(c) 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

(d) Is the land located within a conservation area under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land?
No.

- (e) May complying development be carried out under each of the codes for complying development (the Codes SEPP) because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

- a. the General Housing Code,
- b. the Rural Housing Code,
- c. the Housing Alterations Code,
- d. the General Development Code,
- e. the General Commercial and Industrial Code,
- f. the Subdivisions Code,
- g. the Demolition Code.

Yes.

Note: Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the General Housing Code and the Rural Housing Code list special provisions for development. For specific requirements reference should be made to Clauses 3.36B and 3A.37 - Development Standards for Bush Fire Prone Land, and Clauses 3.36C and 3A.38 - Development Standards for Flood Control Lots under the Codes SEPP at www.legislation.nsw.gov.au.

- (f) 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 (Competition) 2010
Draft State Environmental Planning Policy (State and Regional Development) 2011
Draft State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) (No. 2) 2011

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 2011.

This *plan*, can be downloaded from Council's website - <http://www.pmhc.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 Services, Technology and Administration? No.

4A. INFORMATION RELATING TO BEACHES AND COASTS

Has an Order been made under Part 4D of the *Coastal Protection Act 1979* in relation to emergency coastal protection works (within the meaning of the Act) on the land or on adjacent public land, but only to the extent that Council has been so notified by a Coastal Authority as defined by the Act? No. In addition, Council has not received any notification under section 55X of the Act in relation to emergency coastal protection works.

4B. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES

Has Council made or levied an annual charge under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act), to which the owner, or any previous owner, of the land has consented in writing to the land being subject to annual charges? 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)?

There are no policies.

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 shown as flood planning area or as land between the flood planning area and the line that is shown as the probable maximum flood level on the Flood Planning Map supporting the local environmental plan or as land at or below the flood planning level. 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 under the *Native Vegetation Act 2003* 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. PRESERVATION OF TREES OR VEGETATION

This clause applies only to land within a zone designated "residential" (but not "rural-residential"), "village", "township", "industrial" or "business" under the local environmental plan or, having regard to the purpose of the zone, having the substantial character of a zone so designated, not being land to which a property vegetation plan applies.

Clause 5.9 of the local environmental plan, subject to the aforementioned paragraph, contains provisions for the preservation of trees or vegetation (refer also to the Development Control Plan described in clause 3(a) of this Certificate).

16. GENERAL.

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

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

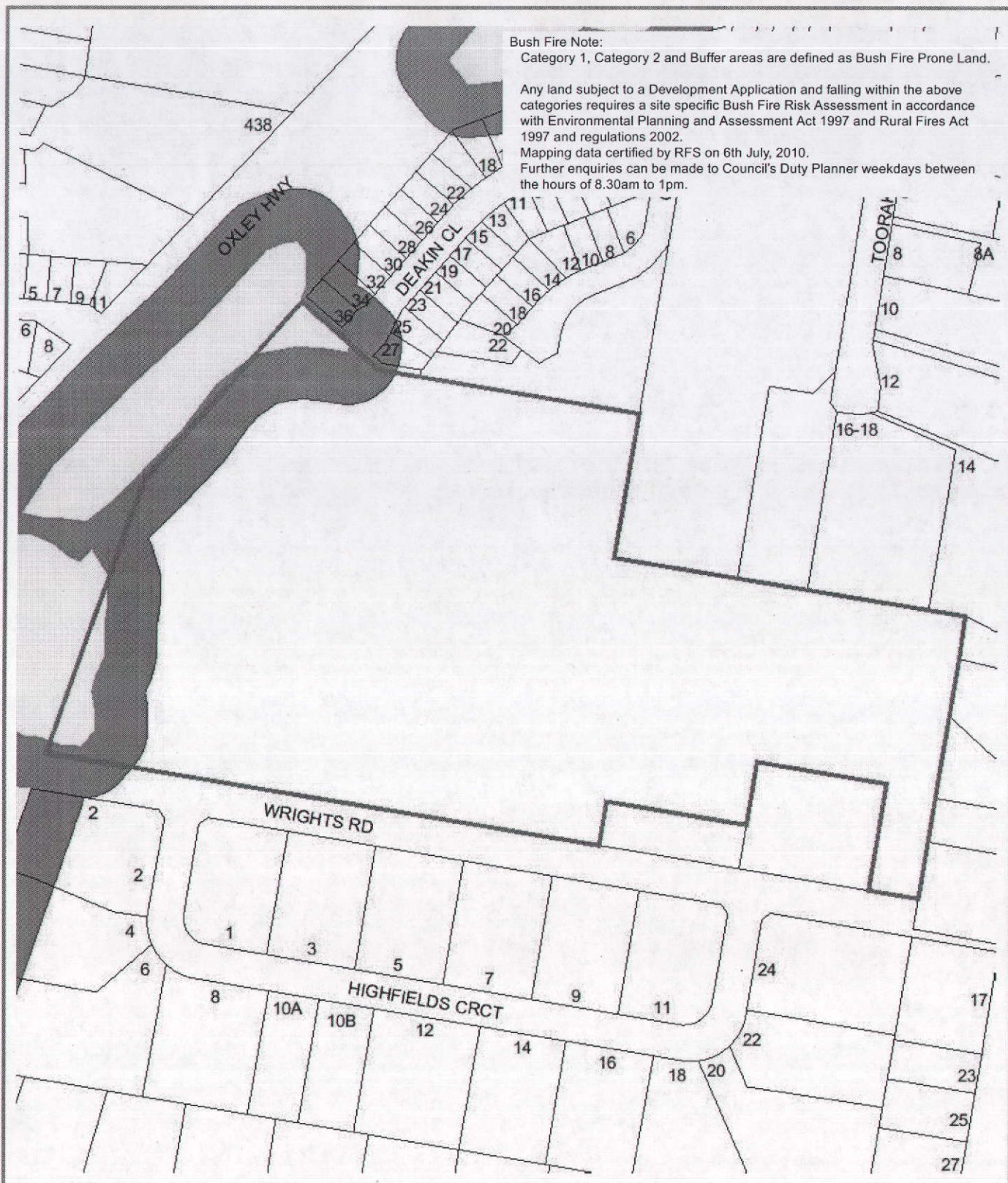
Is the land affected by any resolution under section 55 of the Act to alter the current local environmental planning provisions? (This excludes any matters that have been publicly exhibited, and are listed under Item 2.)

None applicable.



Signed under Delegated
Authority on behalf of the
General Manager

Please note: Council retains the electronic original of this Certificate. Where this Certificate refers to information displayed on Council's website or the NSW Government website, it refers to information displayed on the website on the date this Certificate is issued.



Bush Fire Note:
Category 1, Category 2 and Buffer areas are defined as Bush Fire Prone Land.

Any land subject to a Development Application and falling within the above categories requires a site specific Bush Fire Risk Assessment in accordance with Environmental Planning and Assessment Act 1997 and Rural Fires Act 1997 and regulations 2002.
Mapping data certified by RFS on 6th July, 2010.
Further enquiries can be made to Council's Duty Planner weekdays between the hours of 8.30am to 1pm.



30/09/2011

Bushfire Prone Land Mapping

LOT: 23 DP: 1099567

Scale = 1:3,058

Legend

Bushfire Prone Land CATEGORY

- 1
- 2
- Buffer

DISCLAIMER

This map was produced by the Geographic Information Services Section of the Port Macquarie-Hastings Council using information available to Port Macquarie-Hastings Council and the Department of Lands, Bathurst. The data was captured at a scale of 1:25000 for rural areas and 1:4000 for urban areas. The positional accuracy of plots becomes less reliable when viewed at scales greater than the capture scale. Port Macquarie-Hastings Council accepts no responsibility either in contract or tort (and particularly in negligence) for any errors, omission or inaccuracies whatsoever contained within or arising from this map. NOTE: Cadastral information outside Port Macquarie-Hastings LGA not updated.