

ABN 11 236 901 601

PLANNING CERTIFICATE under Section 10.7 *Environmental Planning and Assessment Act 1979*

Fiona Dorrans
11 Dartford Rd, Thornleigh
Sydney
NSW 2120

Certificate number:	23061	Date of Issue:	14/05/2021
Applicant's reference:	21007C - NB	Certificate fee:	\$243.00
Property Number:	70170		

DESCRIPTION OF PROPERTY

Title: **LOT: 111 DP: 1270315**
Property: **16 Owen Street PORT MACQUARIE NSW 2444**

Land to which certificate relates

The land to which this certificate relates, being the lot described in the corresponding application, is shown in 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 10.7 SUBSECTION (2) DETAILS

In accordance with section 10.7 subsection (2) of the *Environmental Planning and Assessment Act 1979* and Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*, 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 AND DEVELOPMENT CONTROL PLANS

Text and maps of Port Macquarie-Hastings Local Environmental Plan 2011 can be downloaded from the NSW Government website –
<https://www.legislation.nsw.gov.au/#/view/EPI/2011/84>

(1) THE FOLLOWING ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE LAND:

(a) Local Environmental Plan:

Port Macquarie-Hastings Local Environmental Plan 2011.

(b) State environmental policies that may apply to the land, subject to the provisions of those policies:

SEPP No. 21 - Caravan Parks

SEPP No. 33 - Hazardous and Offensive Development

SEPP No. 36 - Manufactured Home Estates

SEPP No. 50 - Canal Estate Development

SEPP No. 55 - Remediation of Land

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SEPP No. 64 - Advertising and Signage
SEPP No. 65 Design Quality of Residential Apartment Development
SEPP No. 70 Affordable Housing (Revised Schemes)
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Educational Establishments and Child Care Facilities) 2017
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Koala Habitat Protection) 2020
SEPP (Mining, Petroleum Production and Extraction Industries) 2007
SEPP (Miscellaneous Consent Provisions) 2007
SEPP (Primary Production and Rural Development) 2019
SEPP (State and Regional Development) 2011
SEPP (State Significant Precincts) 2005

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

SEPP (Coastal Management) 2018.

SEPP (Vegetation in Non-Rural Areas) 2017.

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 – <https://www.legislation.nsw.gov.au/#/browse/inForce/EPIs/S>

(2) RELEVANT PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

The following proposed environmental planning instruments that 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):

Proposed SEPP – Environment – Refer [Planning NSW Policy and Legislation](#)

Improved the regulation of manufactured homes and estates, caravan parks and camping grounds – Refer [Planning NSW Policy and Legislation](#)

Draft amendment to State Environmental Planning Policy 44 – Koala Habitat Protection – Refer [Planning NSW Policy and Legislation](#)

Repeal of Operational SEPPs – Refer [Planning NSW Policy and Legislation](#)

There are no Council exhibited draft LEPs applicable.

(3) NAMES OF RELEVANT DEVELOPMENT CONTROL PLANS

The Development Control Plan that applies to the carrying out of development on the land and applies to all land within the Port Macquarie-Hastings Council area:

Port Macquarie-Hastings Development Control Plan 2013

The plan can be downloaded from Council's website – <http://www.pmhc.nsw.gov.au/dcp>

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a-e) 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 R3 MEDIUM DENSITY RESIDENTIAL - 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:

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Item 2. Permitted without consent - Home occupations.

Item 3. Permitted with consent - Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture. Any other development not specified in item 2 or 4.

Item 4. Prohibited - Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port Facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers dwellings; Semi-detached dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste and resource management facilities; Wharf or boating facilities; Wholesale supplies.

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.

Minimum land area for the erection of a dwelling house on the subject land is that area specified for that lot in the Lot Size Map, unless other criteria are satisfied.

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

Other provisions of the LEP which apply to the land:

There are no special provisions that apply.

- (f) 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
- (g) 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.
- (h) 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.

3. COMPLYING DEVELOPMENT

Could complying development be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

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, refer to the special provisions for development under the Codes SEPP at www.legislation.nsw.gov.au.

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4, 4A Repealed

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 the *Coal Mine Subsidence Compensation Act 2017*?

No.

6. 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.

7. 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. However, refer to the information provided under section 10.7 subsection(5) below.

7A. 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 identified on the Flood Planning Map supporting the local environmental plan. The land is therefore not subject to flood related development controls.

8. 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.

9. NAMES OF RELEVANT CONTRIBUTION PLANS

Contributions Plans applying to the land:

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

- Port Macquarie-Hastings Contributions Plan 1993.
- Hastings S94 Major Council Roads Contributions Plans.
- Hastings S94 Administration Levy Contributions Plan.
- Port Macquarie-Hastings Community, Cultural and Emergency Services Contributions Plan 2005.
- Port Macquarie-Hastings Administration Building Contributions Plan 2007.
- Port Macquarie-Hastings Council S94A Levy Contributions Plan 2007

(b) Apply to specific land, including the land to which this certificate applies:

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Port Macquarie-Hastings Open Space Contributions Plan 2018.

9A. BIODIVERSITY CERTIFIED LAND

Is the land biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*?
No.

10. BIODIVERSITY STEWARDSHIP SITES

Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, but only to the extent that Council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.

No.

10A NATIVE VEGETATION CLEARING SET ASIDES

Does the land contain a set aside area under section 60ZC of the *Local Land Services Act 2013*, but only to the extent that Council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section)?

No.

11. BUSH FIRE PRONE LAND

Is the land bush fire prone land?

The land is not bush fire prone land as defined in the Act.

12. PROPERTY VEGETATION PLANS

Does a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force) apply to the land? (but only to the extent that Council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No.

13. 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.

14. DIRECTIONS UNDER PART 3A

Is there a direction in force under section 75P (2) (cl) of the Act 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?

No.

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

Under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, is there a valid site compatibility certificate (seniors housing), but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS

Is there a valid site compatibility certificate (infrastructure), or site compatibility certificate (schools or TAFE establishments) but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

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17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

Is there a valid site compatibility certificate (affordable rental housing), but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

18. PAPER SUBDIVISION INFORMATION

Is there an adopted development plan that applies to the land or that is proposed to be subject to a consent ballot?

No.

19. SITE VERIFICATION CERTIFICATES

Is there a current site verification certificate, but only to the extent that Council has been so notified of the certificate, in respect of the land?

No.

20. LOOSE-FILL ASBESTOS INSULATION

Is the land including any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) listed on the register that is required to be maintained under that Division, but only to the extent that Council has been so notified?

No.

21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

(1) Is there any affected building notice of which Council is aware is in force in respect of the land?

No.

(2) (a) Is there any building product rectification order of which Council is aware is in force in respect of the land?

No.

(b) Is there any notice of intention to make a building product rectification order of which Council is aware has been given in respect of the land and is outstanding?

No.

(3) In this clause:

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

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

22. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

The following matters are prescribed by section 59(2) of 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.

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- (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 7 of this Planning Certificate above.

INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

A. PRESERVATION OF TREES OR VEGETATION

Broadly, provisions relating to the preservation of trees or vegetation on private land are contained within either:

- [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)
- Part 5A of the [Local Land Services Act 2013](#).

B. GENERAL

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

C. COASTAL HAZARDS

No, the land is not identified on the Coastal Erosion Risk Map of the Port Macquarie-Hastings Local Environmental Plan 2011.

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

Is the land affected by any resolution under section 3.33 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 1.)

None applicable.

E. PORT MACQUARIE-HASTINGS COUNCIL CONTAMINATED LAND MANAGEMENT POLICY 2017 - REMEDIATED LAND - ADVICE PROVIDED PURSUANT TO SUBSECTION (5).

The land is not identified as being remediated land under Council's Contaminated Land Management Policy 2017.

*Issued by Authorised Officer
Port Macquarie-Hastings Council*

Please note: Council retains an electronic version of the original of this Certificate. Where this Certificate refers to information displayed on Council's website or the NSW Government website, it includes information displayed on those websites on the date this Certificate is issued, with the exception that it may not include information added or altered on those websites during the date of issue of this Certificate.