



Davis Earthmoving & Quarrying Pty Ltd  
PO Box 19  
TERREY HILLS NSW 2084

## PLANNING CERTIFICATE

This Planning Certificate is issued in accordance with Section 149 of the *Environmental Planning and Assessment Act, 1979*

Certificate No: 148698  
Certificate Date: 7 April 2017  
Address: 90 Gindurra Road SOMERSBY  
Lot Description: LOT: 4 DP: 227279  
  
Parish: Gosford  
County: Northumberland  
Assessment No: 210855  
Receipt No: 142624  
Parcel No: 16235  
Applicants Reference:  
Applicants Email: mark@jacksonenvironment.com.au



## Part 2 - Environmental Planning and Assessment Regulation 2000

### 1 NAMES OF RELEVANT PLANNING INSTRUMENTS and DCPS

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Gosford Local Environmental Plan 2014

#### ***Specific Site State Environmental Planning Policies***

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2-1997)

#### ***General Site State Environmental Planning Policies***

ZONE IN1 GENERAL INDUSTRIAL UNDER GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Affordable Rental Housing) 2009

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

State Environmental Planning Policy No. 64 - Advertising and Signage

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 44 - Koala Habitat Protection

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 30 - Intensive Agriculture

State Environmental Planning Policy No. 21 - Caravan Parks

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2-1995)

- (2) The name of each proposed environmental planning instrument 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 the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Draft State Environmental Planning Policy (Competition) 2010

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Gosford Development Control Plan 2013

## **2 ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

- (a) to (d) is the zoning of the land and the land use table for each of the zones listed, including existing and proposed Local Environmental Plans in landuse tables.

Zone IN1 General Industrial under Gosford Local Environmental Plan 2014

PERMITTED WITHOUT CONSENT

Recreation areas

PERMITTED WITH CONSENT

Depots; Freight transport facilities; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Restaurants or cafes; Roads; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in Permitted without consent or Prohibited

PROHIBITED

Amusement centres; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Storage premises; Tourist and visitor accommodation; Water recreation structures; Water supply systems

- (e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land, if so, the minimum land dimensions so fixed,

No.

(f) whether the land includes or comprises critical habitat,

None

(g) whether the land is in a conservation area (however described),

No.

(h) whether an item of environmental heritage (however described) is situated on the land.

No.

## **2A ZONING AND LAND USE UNDER SEPP (SYDNEY REGIONAL GROWTH CENTRES) 2006**

Not applicable

## **3 COMPLYING DEVELOPMENT**

### **General Housing Code**

Complying development under the General Housing Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Rural Housing Code**

Complying development under the Rural Housing Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Housing Alterations Code**

Complying development under the Housing Alterations Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **General Development Code**

Complying development under the General Development Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Subdivision Code**

Complying development under the Subdivisions Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Demolition Code**

Complying development under the Demolition Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint 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 except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

### **Fire Safety Code**

Complying development under the Fire Safety Code may not be carried out on the land except as otherwise provided by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land is affected by the requirements for complying development: The land is within an environmentally sensitive area. Please contact your Private Accredited Certifier to ascertain the extent of the constraint on the land.

#### **4 COASTAL PROTECTION**

The Council has not been notified that by the relevant NSW Government Department that the land is affected by Sections 38 and 39 or Parts 4C, 4D of the Coastal Protection Act, 1979.

Further Council has not been notified that annual charges apply under 4B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works.

##### **4A Information relating to beaches and coasts**

- (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.

No.

- (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 that Act) have been placed on the land (or on public land adjacent to that land), and

(b) if works have been so placed - whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

None.

##### **4B Annual Charges for coastal protection services under *Local Government Act 1993***

None

#### **5 MINE SUBSIDENCE**

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of The Mine Subsidence Compensation Act, 1961.

#### **6 ROAD WIDENING AND ROAD RE-ALIGNMENT**

Whether or not the land is affected by any road widening or road alignment.

The land is not affected by Road Widening Proposals.

**7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**  
*(No, unless a message is listed below)*

Chapter 6.4 of Gosford Development Control Plan (Geotechnical Requirements) applies to the land and the land may be subject to slip. When considering a development application, each circumstance will be considered and development may be restricted.

**7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

Is development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling house or residential flat buildings (excluding group homes or seniors housing) subject to flood related development controls.

No.

Is development on the land or part of the land for any other purpose subject to flood related development controls.

No.

**8 LAND RESERVED FOR ACQUISITION**

No.

**9 CONTRIBUTION PLANS**

None.

**9A BIODIVERSITY CERTIFIED LAND**

Is the land biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*)?

No.

**10 BIOBANKING AGREEMENTS**

Is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates.

No.

## **11 BUSHFIRE PRONE LAND**

All or part of the land is shown as Bushfire Prone on Council's records. Details of the Bushfire Category can be obtained from Mapping, Environmental Constraints, available on Council's website. Further information related to building on bushfire prone land can be obtained from the Fact Sheet on Council's website and the Rural Fire Service Website <http://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area>.

## **12 PROPERTY VEGETATION PLANS**

Has Council been notified by the person or body that approved the plan that the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies?

No.

## **13 ORDERS UNDER TREES (DISPUTE BETWEEN NEIGHBOURS) ACT 2006**

Has Council been notified that an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

No.

## **14 DIRECTIONS UNDER PART 3A**

If there is a direction by the Minister in force under section 75P (2) (c1) 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, a statement to that effect identifying the provision that does not have effect.

No.

## **15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

### **15(a) IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE (SENIORS HOUSING) IN RESPECT OF PROPOSED DEVELOPMENT ON THE LAND?**

*If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.*

No.

### **15(b) ARE THERE ANY CONDITIONS IMPOSED BY A CONSENT AUTHORITY IN TERMS OF CLAUSE 18 (2) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 AFTER 11 OCTOBER 2007?**

No.



**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

No.

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

**17(1) IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE (AFFORDABLE RENTAL HOUSING) IN RESPECT OF PROPOSED DEVELOPMENT ON THE LAND?**

No.

**17(2) ARE THERE ANY CONDITIONS IMPOSED BY A CONSENT AUTHORITY IN TERMS OF CL 17 (1) OR 37 (1) OF STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009?**

No.

**18 PAPER SUBDIVISION INFORMATION**

(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

None

(2) The date of any subdivision order that applies to the land.

Nil

**19 SITE VERIFICATION CERTIFICATE**

There is no current site verification certificate, of which the Council is aware in respect of the land.

**20 LOOSE-FILL ASBESTOS INSULATION**

NSW Fair Trading has not identified any residential dwellings erected within Central Coast Council Local Government Area as containing loose-fill asbestos ceiling insulation, as per the Loose-Fill Asbestos Insulation Register.

## Note

### **1 CONTAMINATED LAND MANAGEMENT ACT 1997 NOTICES UNDER SECTION 59(2)**

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No.

- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No.

- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No.

- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No.

- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No.

### **2 NATION BUILDING AND JOB PLAN (STATE INFRASTRUCTURE DELIVERY) ACT 2009 EXEMPTION UNDER SECTION 23 OR AUTHORISATION UNDER SECTION 24 OF THE ACT.**

No.

**The following additional information is issued under Section 149(5) of the *Environmental Planning and Assessment Act, 1979***

Council has fixed a foreshore building line on all lands fronting any harbour, bay, ocean, lake, estuary, lagoon or tidal river and creek.

If this land adjoins land or roads over which there is an easement for services to drain water, to drain sewage or where services, drainage, sewerage or other utilities have been installed and easements have not been created, foundations may be required such as will ensure the stability of any improvements on the subject land against any influence from use of the easement or installations over the adjoining land or roads.

This lot is subject to the Somersby Industrial Park Plan of Management. The site may contain habitat or buffer areas for threatened species. A copy of the Plan of Management should be obtained for further details and is available from Council's website.

This lot is subject to a Management Zone nominated in the Somersby Industrial Park Plan of Management. Development of this lot will be restricted. A copy of the Plan of Management should be obtained for further details and is available from Council's website.

This property is subject to approval by Council for on-site sewage management. Limitations and restrictions may apply for all future development/permitted occupancy rate. Enquiries may be made through Council's Waste and Emergency Services.

The land may be subject to Part V Section 117A of the Water Act. Pursuant to Section 117A of the Water Act, a new licensing policy statement has been approved by the Department of Natural Resources that affects the Mangrove Mountain-Kulnura Groundwater Management Zone 603/1. Further enquiries should be directed to the Newcastle Office - Phone Mr. Hemantha de Silva on 4904-2500

The land may be subject to Part II Section 22BA of the Water Act. Pursuant to Section 22BA of the Water Act as of 16/6/95, this land may be subject to an embargo on applications for new (additional) entitlements from surface water sources within the Hawkesbury/Nepean River Catchment by the Department of Natural Resources. Further enquiries should be directed to the Newcastle Office - Phone Mr. Hemantha de Silva on 4904-2500

Any property which is not connected to the Council's sewer system may be subject to requirements of State Legislation concerning "On-Site" Sewage Management. When purchasing or selling property in an unsewered area information concerning on-site sewage management should be obtained from Council's Waste Services section by phoning (02) 4325 8222. NOTE: It is a requirement under the provisions of the Local Government Approval(s) Regulation 1999, that a person who purchases (or otherwise acquires) land on which any sewage management facility is installed or constructed, is required to apply to Council for an Approval to Operate an on-site sewage management system.

**Note: This Certificate is issued without Alteration and Erasure.**

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