



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2020/05042  
**Fees:** \$133.00  
**Receipt No(s):** D001701433

**Your Reference:** CH

**Date of Issue:** 22/10/2020

<b>The Land:</b> Lot 1 DP 1228246 29 Kookaburra Circuit New Lambton Heights NSW 2305
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21  
Additional advice under section 10.7(5): see Items 22 – 28

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 22/10/2020. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

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## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm

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## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

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

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

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

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State Environmental Planning Policy (State and Regional Development) 2011

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State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

##### Newcastle Local Environmental Plan 2012

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

## Zone SP2 Infrastructure - Health Services Facility

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

### Zone SP2 Infrastructure

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

- **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

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** There are no minimum land dimensions for the erection of a dwelling-house that apply to this site.

**Critical habitat:** The land does not identify as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** A heritage item listed in the Newcastle Local Environmental Plan 2012 is situated on the land. Refer to the LEP for provisions relating to development involving a heritage item.

### 3. Complying development

**Note Other requirements:** The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

#### Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Rural Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Low Rise Housing Diversity Code

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Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Greenfield Housing Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Inland Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Housing Alterations Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **General Development Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

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

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Container Recycling Facilities Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Subdivision Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Demolition Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **Fire Safety Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

## 5. Coal Mine Subsidence Compensation Act 2017

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## 6. Road widening or realignment

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS NOT AFFECTED by any road widening or road realignment under an environmental planning instrument.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## 7. Policies on hazard risk restrictions

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** We have land contamination information/records in relation to this property. Council has adopted a policy of restricting development or imposing conditions on properties affected by land contamination. Refer to Section 5.02 Land Contamination of Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## 7A. Flood related development controls information

Our current information indicates the property is not flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

## 8. Land reserved for acquisition

The land is not identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

## 9. Contributions plans

The following contribution plan/s apply to the land.

**Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

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The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

#### **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

#### **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

#### **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

#### **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

#### **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

#### **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

#### **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

#### **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

#### **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

#### **17. Site compatibility certificates and conditions for affordable rental housing**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

#### **18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

#### **19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

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## 20. Loose-fill asbestos insulation

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

## 21. Affected building notices and building product rectification orders

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

An 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.

**Note:** The following matters are prescribed by section 59(2) of the Contaminated Land Management Act 1997.

The land to which the certificate relates is the subject of the following site audit statement(s) within the meaning of the Contaminated Land Management Act 1997.

1. Site Audit Statement No. PWH\_NSW\_031 (20/3/07) produced by Phillip Hitchcock of Environ Australia Pty Ltd

2. Site Audit Statement No. PWH\_NSW\_031A. (5 August 2010) produced by Phillip Hitchcock of Environmental Auditors Pty Ltd

You can contact Council's Compliance Services Unit on (02) 49742525 to obtain further information.

NOTE: Contamination information that relates to the land that is not required to be disclosed under section 59(2) Contaminated Land Management Act 1997, may be provided under a section 10.7(5) certificate.

## Part 2:

### Advice provided under section 10.7(5)

*ATTENTION: Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5).*

## 22. Outstanding Notices and Orders issued by City of Newcastle (CN).

Our records indicate that this premise IS NOT AFFECTED by a current notice or order (excluding the notices or orders mentioned in the note below).

NOTE: CN has not inspected the premises immediately prior to the issue of this certificate. It is possible that the premises are affected by matters of which we are unaware.

**NOTE: This Certificate does not include any advice regarding outstanding notices or orders issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993. To obtain advice regarding these matters, you should lodge an application for a Certificate as to Outstanding Notices and Orders (accompanied by the appropriate fee). For further information, please contact the Customer Contact Centre on (02) 4974 2000.**

## 23. Draft development control plans.

A draft development control plan DOES NOT APPLY to the land. The draft plans are exhibited pursuant to Part 3 of the Environmental Planning and Assessment Regulation 2000.

## **24. Heritage Act 1977.**

The land IS NOT AFFECTED by a listing on the State Heritage Register or an Interim Heritage Order that is in force under the Heritage Act 1977.

*NOTE: The above advice is provided to the extent that CN has been notified by the Heritage Council of NSW. For up-to-date details, contact the Office of Environment and Heritage, PO Box A290, South Sydney NSW 1232 Ph: (02) 9995 5000.*

## **25. Listing by National Trust of Australia.**

The land IS AFFECTED by a listing of the National Trust of Australia (NSW).

*NOTE: The above advice is provided to the extent that CN has been notified by the National Trust of Australia (NSW). For up-to-date details, contact the National Trust Ph 02 9258 0123.*

## **26. Australian Heritage Database.**

The land IS NOT AFFECTED by a listing on the Australian Heritage Database.

*NOTE: The above advice is provided to the extent that CN has been notified by the Department of the Environment. For up-to-date details, contact the Department of the Environment, Heritage, King Edward Terrace, Parkes ACT 2600. Ph (02) 6274 1111.*

## **27. Environment Protection & Biodiversity Conservation Act 1999 (Cth)**

Under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999, actions which have, may have or are likely to have, a significant impact on a matter of national environmental significance may be taken only with the approval of the Commonwealth Minister for the Environment.

Approval is also required for actions that have a significant effect on the environment of Commonwealth land. These actions may be on Commonwealth land or other land.

This approval is in addition to any approvals under the (NSW) Environmental Planning and Assessment Act 1979 or other NSW legislation.

Matters of national environmental significance are:

- declared World Heritage areas
- declared Ramsar wetlands
- listed threatened species and ecological communities
- listed migratory species
- nuclear actions
- the environment of Commonwealth marine areas.

Locations within the City of Newcastle that are a declared Ramsar wetland include Kooragang Nature Reserve and Shortland Wetlands. Listed threatened species and listed migratory species are known to occur within the City of Newcastle.

## **28. Other matters**

The land is affected by the following:

### **Newcastle earthquake**

Earthquakes occurred in the vicinity of Newcastle on 28th December 1989 and 6 August 1994. Buildings on the land may have suffered damage as a consequence of the earthquakes. Prospective purchasers are advised to make their own enquiries as to whether the property is affected by any damage.

### **Further consent requirements under the Newcastle Local Environmental Plan 2012.**

The following provisions of the Newcastle Local Environmental Plan 2012 affect the carrying out of development on the land. These provisions are in addition to those required to be disclosed at Item 2 of this Certificate.

Refer to clause 3.1 Exempt Development of the Newcastle Local Environmental Plan 2012

Refer to clause 3.2 Complying Development of the Newcastle Local Environmental Plan 2012



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### **Local Strategic Planning Statement**

The Local Strategic Planning Statement (LSPS) was adopted by council on 26 May 2020 and replaces the Local Planning Strategy. The LSPS is taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

### **Hunter Regional Plan 2036**

The Hunter Regional Plan has been prepared by the Department of Planning and Environment. The contents of the strategy will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to the Department of Planning and Environment's website to view the document. [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)*

### **Newcastle City-Wide Floodplain Risk Management Study and Plan (2012)**

The Newcastle City-wide Floodplain Risk Management Study and Plan addresses flood management for the City of Newcastle. The Study and Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

### **Greater Newcastle Metropolitan Plan 2036**

The Greater Newcastle Metropolitan Plan 2036 has been prepared by the Department of Planning and Environment. The Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

### **Contaminated land information**

Council records indicate that this land has been identified as being affected by soil or groundwater contamination. Recommendations have been made regarding restrictions or special conditions over the use or development of the land. Council is in possession of the following management plan(s) which apply to the land:

1. Report: AECOM (23 June 2010) Environmental Management Plan. John Hunter Hospital 2nd Access Road. New Lambton Heights. N4050106.  
Council is in possession of the following contaminated land document(s) which relate to the land.  
Persons relying on the certificate are advised to examine and consider the contents of each document:

1. Report: Parsons Brinckerhoff Australia Pty Ltd (June 2005) Phase 1 ESA - John Hunter Hospital Proposed Car Park Extension, Lookout Road, New Lambton Heights, NSW.
2. Report: HLA Envirosciences Pty Ltd (11 August 2006) Preliminary Site Assessment John Hunter Access Road Off Lookout Road, New Lambton, NSW. HLA N4050101\_Final RPT\_11Aug06.
3. Report: HLA Envirosciences Pty Ltd (25 August 2006) Guidance for the Placement of Geotextile Barrier for John Hunter Hospital 2nd Access Road Off Lookout Road, New Lambton, NSW. HLA N4050102\_Geo Rpt\_Aug06. doc.
4. Report: HLA Envirosciences Pty Ltd (31 October 2006) Technical Specification Removal of Asbestos Contaminated Material John Hunter Hospital 2nd Access Road Off Lookout Road Project, New Lambton, NSW. HLA N4050103\_TECH\_SPEC\_FINAL\_31OCT06.
5. Report: HLA Envirosciences Pty Ltd (1 November 2006) Preliminary Environmental Site Assessment Proposed Newcastle Private Hospital Multi-Level Car park Lookout Road, Rankin Park NSW. HLA Ref: N4058601-RPT\_1Nov06.
6. Report: HLA Envirosciences Pty Ltd (19 January 2007) Remedial Action Plan Proposed Newcastle Private Hospital Multi-Level Car park, Lookout Road, Rankin Park NSW.
7. Report: HLA Envirosciences Pty Ltd (24 January 2007) Remedial Action Plan Removal of Asbestos Contaminated Material John Hunter Hospital 2nd Access Road Off Lookout Road Project, New Lambton, NSW. HLA N4050104\_RAP\_17Jan07.
8. Report: Site Audit Report Second Access Road, John Hunter Hospital, New Lambton Heights, NSW for Bovis Lend Lease Pty Ltd. March 2007. Produced by Phillip Hitchcock of Environ Australia Pty Ltd. Ref: 32-0084.

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9. Report: AECOM (3 June 2010). Validation Report. John Hunter Hospital 2nd Access Road, New Lambton Heights. N4050106.  
Persons relying on the certificate are advised to make their own investigations as to whether the land is affected by elevated concentrations of soil or groundwater contaminants in relation to proposed purchase or use of land.

Issued without alterations or additions, 22/10/20  
Authorised by

**KEN LIDDELL**  
**ACTING CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2020/00286  
**Fees:** \$133.00  
**Receipt No(s):** D001437013

**Your Reference:** John Hunter Hospital

**Date of Issue:** 24/01/2020

<b>The Land:</b> Lot 2 DP 1228246 38 Lookout Road New Lambton Heights NSW 2305
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21  
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All information provided is correct as at 24/01/2020. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

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Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

##### Newcastle Local Environmental Plan 2012

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone SP2 Infrastructure - Classified Road
Zone SP2 Infrastructure - Health Services Facility

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) web site for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

- **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

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

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**Minimum land dimensions for erection of a dwelling-house:** There are no minimum land dimensions for the erection of a dwelling-house that apply to this site.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

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**Heritage items:** A heritage item listed in the Newcastle Local Environmental Plan 2012 is situated on the land. Refer to the LEP for provisions relating to development involving a heritage item.

### 3. Complying development

**Note Other requirements:** *The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).*

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Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Commercial and Industrial (New Buildings and Additions) Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Subdivision Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Demolition Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

#### Fire Safety Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions, being land that comprises, or on which there is, a Heritage Item.

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#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

#### **5. Mine Subsidence Compensation Act 1961**

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

#### **6. Road widening or realignment**

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS NOT AFFECTED by any road widening or road realignment under an environmental planning instrument.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

#### **7. Policies on hazard risk restrictions**

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** We have land contamination information/records in relation to this property. Council has adopted a policy of restricting development or imposing conditions on properties affected by land contamination. Refer to Section 5.02 Land Contamination of Newcastle Development Control Plan 2012, which may be inspected or purchased at our Customer Contact Centre.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

#### **7A. Flood related development controls information**

Our information currently indicates that the property is, or contains, flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

Section 4.01 Flood Management of Newcastle Development Control Plan (DCP) 2012 provides guidelines with respect to all development of flood prone land. This includes development for the purpose of dwelling houses,

dual occupancies, multi dwelling housing or residential flat buildings. The DCP may be viewed on our website, inspected or purchased at our Customer Contact Centre.

*NOTE: More detailed flood information specific to the property is available on separate flooding certificate application through our Customer Contact Centre on (02) 4974 2000*

## **8. Land reserved for acquisition**

The land is not identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

## **9. Contributions plans**

The following contribution plan/s apply to the land.

### **Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019:**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

## **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

## **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

## **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

## **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

## **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

## **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

## **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

## **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

## **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**



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The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

**17. Site compatibility certificates and conditions for affordable rental housing**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

**18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

**19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

**20. Loose-fill asbestos insulation**

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

**21. Affected building notices and building product rectification orders**

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

An 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.

**Note:** The following matters are prescribed by section 59(2) of the Contaminated Land Management Act 1997.

The land to which the certificate relates is the subject of the following site audit statement(s) within the meaning of the Contaminated Land Management Act 1997.

1. Site Audit Statement No. PWH\_NSW\_031 (20/3/07) produced by Phillip Hitchcock of Environ Australia Pty Ltd
  2. Site Audit Statement No. PWH\_NSW\_031A. (5 August 2010) produced by Phillip Hitchcock of Environmental Auditors Pty Ltd
- You can contact Council's Compliance Services Unit on (02) 49742525 to obtain further information.  
NOTE: Contamination information that relates to the land that is not required to be disclosed under section 59(2) Contaminated Land Management Act 1997, may be provided under a section 10.7(5) certificate.

## **Part 2:**

### **Advice provided under section 10.7(5)**

*ATTENTION: Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5).*

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## 22. Outstanding Notices and Orders issued by City of Newcastle (CN).

Our records indicate that this premise IS NOT AFFECTED by a current notice or order (excluding the notices or orders mentioned in the note below).

*NOTE: CN has not inspected the premises immediately prior to the issue of this certificate. It is possible that the premises are affected by matters of which we are unaware.*

**NOTE: This Certificate does not include any advice regarding outstanding notices or orders issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993. To obtain advice regarding these matters, you should lodge an application for a Certificate as to Outstanding Notices and Orders (accompanied by the appropriate fee). For further information, please contact the Customer Contact Centre on (02) 4974 2000.**

## 23. Further consent requirements under the Newcastle Local Environmental Plan 2012.

The following provisions of the Newcastle Local Environmental Plan 2012 affect the carrying out of development on the land. These provisions are in addition to those required to be disclosed at Item 2 of this Certificate.

Refer to clause 3.1 Exempt Development of the Newcastle Local Environmental Plan 2012

Refer to clause 3.2 Complying Development of the Newcastle Local Environmental Plan 2012

*Note: The Newcastle Local Environmental 2012 may have additional provisions that affect the carry out of development. Refer to the Newcastle Local Environmental 2012 for the full affect it may have on the land or obtain profession advice for more information.*

## 24. Suspension of covenants.

Refer to 1.9A Suspension of covenants, agreements and instruments of the Newcastle Local Environmental Plan 2012.

## 25. Draft development control plans.

A draft development control plan DOES NOT APPLY to the land. The draft plans are exhibited pursuant to Part 3 of the Environmental Planning and Assessment Regulation 2000.

## 26. Heritage Act 1977.

The land IS NOT AFFECTED by a listing on the State Heritage Register or an Interim Heritage Order that is in force under the Heritage Act 1977.

*NOTE: The above advice is provided to the extent that CN has been notified by the Heritage Council of NSW. For up-to-date details, contact the Office of Environment and Heritage, PO Box A290, South Sydney NSW 1232 Ph: (02) 9995 5000.*

## 27. Listing by National Trust of Australia.

The land IS AFFECTED by a listing of the National Trust of Australia (NSW).

*NOTE: The above advice is provided to the extent that CN has been notified by the National Trust of Australia (NSW). For up-to-date details, contact the National Trust Ph 02 9258 0123.*

## 28. Australian Heritage Database.

The land IS NOT AFFECTED by a listing on the Australian Heritage Database.

*NOTE: The above advice is provided to the extent that CN has been notified by the Department of the Environment. For up-to-date details, contact the Department of the Environment, Heritage, King Edward Terrace, Parkes ACT 2600. Ph (02) 6274 1111.*

## 29. Environment Protection & Biodiversity Conservation Act 1999 (Cth)

Under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999, actions which have, may have or are likely to have, a significant impact on a matter of national environmental significance may be taken only with the approval of the Commonwealth Minister for the Environment.

Approval is also required for actions that have a significant effect on the environment of Commonwealth land. These actions may be on Commonwealth land or other land.

This approval is in addition to any approvals under the (NSW) Environmental Planning and Assessment Act 1979 or other NSW legislation.

Matters of national environmental significance are:

- declared World Heritage areas
- declared Ramsar wetlands
- listed threatened species and ecological communities
- listed migratory species
- nuclear actions
- the environment of Commonwealth marine areas.

Locations within the City of Newcastle that are a declared Ramsar wetland include Kooragang Nature Reserve and Shortland Wetlands. Listed threatened species and listed migratory species are known to occur within the City of Newcastle.

### **30. Other matters**

The land is affected by the following:

#### **Newcastle earthquake**

Earthquakes occurred in the vicinity of Newcastle on 28th December 1989 and 6 August 1994. Buildings on the land may have suffered damage as a consequence of the earthquakes. Prospective purchasers are advised to make their own enquiries as to whether the property is affected by any damage.

#### **Local Planning Strategy**

The Local Planning Strategy is the principal land use strategy for Newcastle. It was adopted by the Council on 28 July 2015. The Strategy is taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

#### **Lower Hunter Regional Strategy (2006 - 2031)**

The Lower Hunter Regional Strategy has been prepared by the Department of Planning and Infrastructure. The contents of the strategy will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

#### **Newcastle City-Wide Floodplain Risk Management Study and Plan (2012)**

The Newcastle City-wide Floodplain Risk Management Study and Plan addresses flood management for the City of Newcastle. The Study and Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

#### **Contaminated land information**

Council records indicate that this land has been identified as being affected by soil or groundwater contamination. Recommendations have been made regarding restrictions or special conditions over the use or development of the land. Council is in possession of the following management plan(s) which apply to the land:

1. Report: AECOM (23 June 2010) Environmental Management Plan. John Hunter Hospital 2nd Access Road. New Lambton Heights. N4050106.  
Council is in possession of the following contaminated land document(s) which relate to the land. Persons

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relying on the certificate are advised to examine and consider the contents of each document:

1. Report: Parsons Brinckerhoff Australia Pty Ltd (June 2005) Phase 1 ESA - John Hunter Hospital Proposed Car Park Extension, Lookout Road, New Lambton Heights, NSW.
  2. Report: HLA Envirosciences Pty Ltd (11 August 2006) Preliminary Site Assessment John Hunter Access Road Off Lookout Road, New Lambton, NSW. HLA N4050101\_Final RPT\_11Aug06.
  3. Report: HLA Envirosciences Pty Ltd (25 August 2006) Guidance for the Placement of Geotextile Barrier for John Hunter Hospital 2nd Access Road Off Lookout Road, New Lambton, NSW. HLA N4050102\_Geo Rpt\_Aug06. doc.
  4. Report: HLA Envirosciences Pty Ltd (31 October 2006) Technical Specification Removal of Asbestos Contaminated Material John Hunter Hospital 2nd Access Road Off Lookout Road Project, New Lambton, NSW. HLA N4050103\_TECH\_SPEC\_FINAL\_31OCT06.
  5. Report: HLA Envirosciences Pty Ltd (1 November 2006) Preliminary Environmental Site Assessment Proposed Newcastle Private Hospital Multi-Level Car park Lookout Road, Rankin Park NSW. HLA Ref: N4058601-RPT\_1Nov06.
  6. Report: HLA Envirosciences Pty Ltd (19 January 2007) Remedial Action Plan Proposed Newcastle Private Hospital Multi-Level Car park, Lookout Road, Rankin Park NSW.
  7. Report: HLA Envirosciences Pty Ltd (24 January 2007) Remedial Action Plan Removal of Asbestos Contaminated Material John Hunter Hospital 2nd Access Road Off Lookout Road Project, New Lambton, NSW. HLA N4050104\_RAP\_17Jan07.
  8. Report: Site Audit Report Second Access Road, John Hunter Hospital, New Lambton Heights, NSW for Bovis Lend Lease Pty Ltd. March 2007. Produced by Phillip Hitchcock of Environ Australia Pty Ltd. Ref: 32-0084.
  9. Report: AECOM (3 June 2010). Validation Report. John Hunter Hospital 2nd Access Road, New Lambton Heights. N4050106.
- Persons relying on the certificate are advised to make their own investigations as to whether the land is affected by elevated concentrations of soil or groundwater contaminants in relation to proposed purchase or use of land.

Issued without alterations or additions, 24/01/20  
Authorised by

**JEREMY BATH**  
**CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2020/05050  
**Fees:** \$133.00  
**Receipt No(s):** D001701433

**Your Reference:** CH

**Date of Issue:** 23/10/2020

<b>The Land:</b> Lot 11 DP 826092 125 Newcastle Road Jesmond NSW 2299
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21  
Additional advice under section 10.7(5): see Items 22 – 28

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 23/10/2020. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

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## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm

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## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

**Newcastle Local Environmental Plan 2012**

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone SP2 Infrastructure - Classified Road

Zone E3 Environmental Management

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone E3 Environmental Management**

- **Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.

- **Permitted without consent**

Environmental protection works; Home occupations

- **Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan Parks; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures

- **Prohibited**

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in, permitted without consent or permitted with consent

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

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- **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

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** The Newcastle Local Environmental Plan 2012 contains development standards relating to minimum land dimensions for the erection of a dwelling house. Refer to clause 4.1 Minimum subdivision lot size and Part 4 Principle development standards of the Newcastle LEP 2012 for provisions relating to minimum lot sizes for residential development.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** There are no heritage items listed in the Newcastle Local Environmental Plan 2012 situated on the land.

### 3. Complying development

**Note Other requirements:** *The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).*

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

#### Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Rural Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Low Rise Housing Diversity Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Greenfield Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Inland Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Housing Alterations Code

Complying development under the Housing Alterations Code MAY be carried out on this land.



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### **General Development Code**

Complying development under the General Development Code MAY be carried out on this land.

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

Complying development under the Commercial and Industrial Code MAY be carried out on this land.

### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

### **Container Recycling Facilities Code**

Complying development under the Container Recycling Facilities Code MAY be carried out on this land.

### **Subdivision Code**

Complying development under the Subdivision Code MAY be carried out on this land.

### **Demolition Code**

Complying development under the Demolition Code MAY be carried out on this land.

### **Fire Safety Code**

Complying development under the Fire Safety Code MAY be carried out on this land.

## **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

## **5. Coal Mine Subsidence Compensation Act 2017**

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## **6. Road widening or realignment**

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS AFFECTED by road widening or road realignment under an environmental planning instrument. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## **7. Policies on hazard risk restrictions**

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** Council has adopted a policy of restricting development or imposing conditions on properties affected by Land Contamination. Refer to the Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.  
*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## **7A. Flood related development controls information**

Our information currently indicates that the property is, or contains, flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

Section 4.01 Flood Management of Newcastle Development Control Plan (DCP) 2012 provides guidelines with respect to all development of flood prone land. This includes development for the purpose of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings. The DCP may be viewed on our website, inspected or purchased at our Customer Contact Centre.

*NOTE: More detailed flood information specific to the property is available on separate flooding certificate application through our Customer Contact Centre on (02) 4974 2000*

## **8. Land reserved for acquisition**

The land is identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

## **9. Contributions plans**

The following contribution plan/s apply to the land.

### **Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

## **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

## **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

## **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

## **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

## **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

## **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

## **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

## **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

## **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

## **17. Site compatibility certificates and conditions for affordable rental housing**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

## **18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

## **19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

## **20. Loose-fill asbestos insulation**

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

## **21. Affected building notices and building product rectification orders**

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

An 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.

---

**Note:** There are no matters prescribed by section 59(2) of the Contaminated Land Management Act 1997 to be disclosed, however if other contamination information is held by the Council this may be provided under a section 10.7(5) certificate.

## Part 2:

### Advice provided under section 10.7(5)

**ATTENTION:** Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5).

#### 22. Outstanding Notices and Orders issued by City of Newcastle (CN).

Our records indicate that this premise IS NOT AFFECTED by a current notice or order (excluding the notices or orders mentioned in the note below).

*NOTE: CN has not inspected the premises immediately prior to the issue of this certificate. It is possible that the premises are affected by matters of which we are unaware.*

**NOTE: This Certificate does not include any advice regarding outstanding notices or orders issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993. To obtain advice regarding these matters, you should lodge an application for a Certificate as to Outstanding Notices and Orders (accompanied by the appropriate fee). For further information, please contact the Customer Contact Centre on (02) 4974 2000.**

#### 23. Draft development control plans.

A draft development control plan DOES NOT APPLY to the land. The draft plans are exhibited pursuant to Part 3 of the Environmental Planning and Assessment Regulation 2000.

#### 24. Heritage Act 1977.

The land IS NOT AFFECTED by a listing on the State Heritage Register or an Interim Heritage Order that is in force under the Heritage Act 1977.

*NOTE: The above advice is provided to the extent that CN has been notified by the Heritage Council of NSW. For up-to-date details, contact the Office of Environment and Heritage, PO Box A290, South Sydney NSW 1232 Ph: (02) 9995 5000.*

#### 25. Listing by National Trust of Australia.

The land IS NOT AFFECTED by a listing of the National Trust of Australia (NSW).

*NOTE: The above advice is provided to the extent that CN has been notified by the National Trust of Australia (NSW). For up-to-date details, contact the National Trust Ph 02 9258 0123.*

#### 26. Australian Heritage Database.

The land IS NOT AFFECTED by a listing on the Australian Heritage Database.

*NOTE: The above advice is provided to the extent that CN has been notified by the Department of the Environment. For up-to-date details, contact the Department of the Environment, Heritage, King Edward Terrace, Parkes ACT 2600. Ph (02) 6274 1111.*

#### 27. Environment Protection & Biodiversity Conservation Act 1999 (Cth)

Under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999, actions which have, may have or are likely to have, a significant impact on a matter of national environmental significance may be taken only with the approval of the Commonwealth Minister for the Environment.

Approval is also required for actions that have a significant effect on the environment of Commonwealth land. These actions may be on Commonwealth land or other land.

This approval is in addition to any approvals under the (NSW) Environmental Planning and Assessment Act 1979 or other NSW legislation.

Matters of national environmental significance are:

- declared World Heritage areas
- declared Ramsar wetlands
- listed threatened species and ecological communities
- listed migratory species
- nuclear actions
- the environment of Commonwealth marine areas.

Locations within the City of Newcastle that are a declared Ramsar wetland include Kooragang Nature Reserve and Shortland Wetlands. Listed threatened species and listed migratory species are known to occur within the City of Newcastle.

## **28. Other matters**

The land is affected by the following:

### **Newcastle earthquake**

Earthquakes occurred in the vicinity of Newcastle on 28th December 1989 and 6 August 1994. Buildings on the land may have suffered damage as a consequence of the earthquakes. Prospective purchasers are advised to make their own enquiries as to whether the property is affected by any damage.

### **Further consent requirements under the Newcastle Local Environmental Plan 2012.**

The following provisions of the Newcastle Local Environmental Plan 2012 affect the carrying out of development on the land. These provisions are in addition to those required to be disclosed at Item 2 of this Certificate.

Refer to clause 3.1 Exempt Development of the Newcastle Local Environmental Plan 2012

Refer to clause 3.2 Complying Development of the Newcastle Local Environmental Plan 2012

### **Local Strategic Planning Statement**

The Local Strategic Planning Statement (LSPS) was adopted by council on 26 May 2020 and replaces the Local Planning Strategy. The LSPS is taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

### **Hunter Regional Plan 2036**

The Hunter Regional Plan has been prepared by the Department of Planning and Environment. The contents of the strategy will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to the Department of Planning and Environment's website to view the document. [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)*

### **Newcastle City-Wide Floodplain Risk Management Study and Plan (2012)**

The Newcastle City-wide Floodplain Risk Management Study and Plan addresses flood management for the City of Newcastle. The Study and Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

### **Greater Newcastle Metropolitan Plan 2036**

The Greater Newcastle Metropolitan Plan 2036 has been prepared by the Department of Planning and Environment. The Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

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Issued without alterations or additions, 23/10/20  
Authorised by

**KEN LIDDELL**  
**ACTING CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2020/05044  
**Fees:** \$133.00  
**Receipt No(s):** D001701433

**Your Reference:** CH

**Date of Issue:** 22/10/2020

<b>The Land:</b> Lot 202 DP 1176551 158 Croudace Street New Lambton Heights NSW 2305
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21  
Additional advice under section 10.7(5): see Items 22 – 28

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 22/10/2020. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

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## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm

---

## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

##### Newcastle Local Environmental Plan 2012

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):



## Zone E3 Environmental Management

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

### Zone E3 Environmental Management

- **Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.

- **Permitted without consent**

Environmental protection works; Home occupations

- **Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan Parks; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures

- **Prohibited**

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** The Newcastle Local Environmental Plan 2012 contains development standards relating to minimum land dimensions for the erection of a dwelling house. Refer to clause 4.1 Minimum subdivision lot size and Part 4 Principle development standards of the Newcastle LEP 2012 for provisions relating to minimum lot sizes for residential development.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** There are no heritage items listed in the Newcastle Local Environmental Plan 2012 situated on the land.

### 3. Complying development

**Note Other requirements:** The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

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**Housing Code**

Complying development under the Housing Code MAY be carried out on this land.

**Rural Housing Code**

Complying development under the Rural Housing Code MAY be carried out on this land.

**Low Rise Housing Diversity Code**

Complying development under the Low Rise Housing Diversity Code MAY be carried out on this land.

**Greenfield Housing Code**

Complying development under the Greenfield Housing Code MAY be carried out on this land.

**Inland Code**

Complying development under the Inland Code MAY be carried out on this land.

**Housing Alterations Code**

Complying development under the Housing Alterations Code MAY be carried out on this land.

**General Development Code**

Complying development under the General Development Code MAY be carried out on this land.

**Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Code MAY be carried out on this land.

**Commercial and Industrial (New Buildings and Additions) Code**

Complying development under the Commercial and Industrial (New Buildings and Additions) Code MAY be carried out on this land.

**Container Recycling Facilities Code**

Complying development under the Container Recycling Facilities Code MAY be carried out on this land.

**Subdivision Code**

Complying development under the Subdivision Code MAY be carried out on this land.

**Demolition Code**

Complying development under the Demolition Code MAY be carried out on this land.

**Fire Safety Code**

Complying development under the Fire Safety Code MAY be carried out on this land.

**4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

**5. Coal Mine Subsidence Compensation Act 2017**

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

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*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## **6. Road widening or realignment**

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS NOT AFFECTED by any road widening or road realignment under an environmental planning instrument.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## **7. Policies on hazard risk restrictions**

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** Council has adopted a policy of restricting development or imposing conditions on properties affected by Land Contamination. Refer to the Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## **7A. Flood related development controls information**

Our information currently indicates that the property is, or contains, flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

Section 4.01 Flood Management of Newcastle Development Control Plan (DCP) 2012 provides guidelines with respect to all development of flood prone land. This includes development for the purpose of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings. The DCP may be viewed on our website, inspected or purchased at our Customer Contact Centre.

*NOTE: More detailed flood information specific to the property is available on separate flooding certificate application through our Customer Contact Centre on (02) 4974 2000*

## **8. Land reserved for acquisition**

The land is not identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

## **9. Contributions plans**

The following contribution plan/s apply to the land.

### **Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

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**9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

**11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

**12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

**13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

**14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

**15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

**16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

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The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

**18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

**19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

**20. Loose-fill asbestos insulation**

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

## 21. Affected building notices and building product rectification orders

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

An 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.

**Note:** *There are no matters prescribed by section 59(2) of the Contaminated Land Management Act 1997 to be disclosed, however if other contamination information is held by the Council this may be provided under a section 10.7(5) certificate.*

## Part 2:

### Advice provided under section 10.7(5)

**ATTENTION:** *Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5).*

## 22. Outstanding Notices and Orders issued by City of Newcastle (CN).

Our records indicate that this premise IS NOT AFFECTED by a current notice or order (excluding the notices or orders mentioned in the note below).

**NOTE:** *CN has not inspected the premises immediately prior to the issue of this certificate. It is possible that the premises are affected by matters of which we are unaware.*

**NOTE:** *This Certificate does not include any advice regarding outstanding notices or orders issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993. To obtain advice regarding these matters, you should lodge an application for a Certificate as to Outstanding Notices and Orders (accompanied by the appropriate fee). For further information, please contact the Customer Contact Centre on (02) 4974 2000.*

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A draft development control plan DOES NOT APPLY to the land. The draft plans are exhibited pursuant to Part 3 of the Environmental Planning and Assessment Regulation 2000.

## 24. Heritage Act 1977.

The land IS NOT AFFECTED by a listing on the State Heritage Register or an Interim Heritage Order that is in force under the Heritage Act 1977.

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## 25. Listing by National Trust of Australia.

The land IS NOT AFFECTED by a listing of the National Trust of Australia (NSW).

**NOTE:** *The above advice is provided to the extent that CN has been notified by the National Trust of Australia (NSW). For up-to-date details, contact the National Trust Ph 02 9258 0123.*

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## 26. Australian Heritage Database.

The land IS NOT AFFECTED by a listing on the Australian Heritage Database.

*NOTE: The above advice is provided to the extent that CN has been notified by the Department of the Environment. For up-to-date details, contact the Department of the Environment, Heritage, King Edward Terrace, Parkes ACT 2600. Ph (02) 6274 1111.*

## 27. Environment Protection & Biodiversity Conservation Act 1999 (Cth)

Under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999, actions which have, may have or are likely to have, a significant impact on a matter of national environmental significance may be taken only with the approval of the Commonwealth Minister for the Environment.

Approval is also required for actions that have a significant effect on the environment of Commonwealth land. These actions may be on Commonwealth land or other land.

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Matters of national environmental significance are:

- declared World Heritage areas
- declared Ramsar wetlands
- listed threatened species and ecological communities
- listed migratory species
- nuclear actions
- the environment of Commonwealth marine areas.

Locations within the City of Newcastle that are a declared Ramsar wetland include Kooragang Nature Reserve and Shortland Wetlands. Listed threatened species and listed migratory species are known to occur within the City of Newcastle.

## 28. Other matters

The land is affected by the following:

### Newcastle earthquake

Earthquakes occurred in the vicinity of Newcastle on 28th December 1989 and 6 August 1994. Buildings on the land may have suffered damage as a consequence of the earthquakes. Prospective purchasers are advised to make their own enquiries as to whether the property is affected by any damage.

### Further consent requirements under the Newcastle Local Environmental Plan 2012.

The following provisions of the Newcastle Local Environmental Plan 2012 affect the carrying out of development on the land. These provisions are in addition to those required to be disclosed at Item 2 of this Certificate.

Refer to clause 3.1 Exempt Development of the Newcastle Local Environmental Plan 2012

Refer to clause 3.2 Complying Development of the Newcastle Local Environmental Plan 2012

### Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by council on 26 May 2020 and replaces the Local Planning Strategy. The LSPS is taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

### Hunter Regional Plan 2036

The Hunter Regional Plan has been prepared by the Department of Planning and Environment. The contents of the strategy will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to the Department of Planning and Environment's website to view the document. [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)*

### Newcastle City-Wide Floodplain Risk Management Study and Plan (2012)

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The Newcastle City-wide Floodplain Risk Management Study and Plan addresses flood management for the City of Newcastle. The Study and Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

*Note: Refer to our website to view the document. [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)*

**Greater Newcastle Metropolitan Plan 2036**

The Greater Newcastle Metropolitan Plan 2036 has been prepared by the Department of Planning and Environment. The Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

Issued without alterations or additions, 22/10/20  
Authorised by

**KEN LIDDELL**  
**ACTING CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2021/02278  
**Fees:** \$53.00  
**Receipt No(s):** D001879492

**Your Reference:**

**Date of Issue:** 23/04/2021

<b>The Land:</b> Lot 9 DP 826092 127 Newcastle Road Jesmond NSW 2299
---

## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 23/04/2021. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

## WARNING:

This certificate DOES NOT contain additional advice provided under section 10.7(5). We have not provided this additional advice because it was not requested or paid for by the applicant. We recommend that you obtain a full certificate.

---

## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm



---

## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

**Newcastle Local Environmental Plan 2012**

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone SP2 Infrastructure - Classified Road

Zone E3 Environmental Management

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone E3 Environmental Management**

- **Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.

- **Permitted without consent**

Environmental protection works; Home occupations

- **Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan Parks; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Tank-based aquaculture; Water recreation structures

- **Prohibited**

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in, permitted without consent or permitted with consent

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

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- **Permitted with consent**

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** The Newcastle Local Environmental Plan 2012 contains development standards relating to minimum land dimensions for the erection of a dwelling house. Refer to clause 4.1 Minimum subdivision lot size and Part 4 Principle development standards of the Newcastle LEP 2012 for provisions relating to minimum lot sizes for residential development.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** There are no heritage items listed in the Newcastle Local Environmental Plan 2012 situated on the land.

### 3. Complying development

**Note Other requirements:** *The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).*

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

#### Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Rural Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Low Rise Housing Diversity Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Greenfield Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Inland Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Housing Alterations Code

Complying development under the Housing Alterations Code MAY be carried out on this land.

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### **General Development Code**

Complying development under the General Development Code MAY be carried out on this land.

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

Complying development under the Commercial and Industrial Code MAY be carried out on this land.

### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

### **Container Recycling Facilities Code**

Complying development under the Container Recycling Facilities Code MAY be carried out on this land.

### **Subdivision Code**

Complying development under the Subdivision Code MAY be carried out on this land.

### **Demolition Code**

Complying development under the Demolition Code MAY be carried out on this land.

### **Fire Safety Code**

Complying development under the Fire Safety Code MAY be carried out on this land.

## **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

## **5. Coal Mine Subsidence Compensation Act 2017**

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## **6. Road widening or realignment**

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS AFFECTED by road widening or road realignment under an environmental planning instrument. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## **7. Policies on hazard risk restrictions**

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** Council has adopted a policy of restricting development or imposing conditions on properties affected by Land Contamination. Refer to the Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.  
*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## **7A. Flood related development controls information**

Our current information indicates the property is not flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

## **8. Land reserved for acquisition**

The land is identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

## **9. Contributions plans**

The following contribution plan/s apply to the land.

### **Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

## **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

## **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

## **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

## **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

## **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

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### **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

### **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

### **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

### **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

### **17. Site compatibility certificates and conditions for affordable rental housing**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

### **18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

### **19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

### **20. Loose-fill asbestos insulation**

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

### **21. Affected building notices and building product rectification orders**

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

An 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.

**Note:** There are no matters prescribed by section 59(2) of the Contaminated Land Management Act 1997 to be disclosed, however if other contamination information is held by the Council this may be provided under a section 10.7(5) certificate.

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Issued without alterations or additions, 23/04/21  
Authorised by

**JEREMY BATH**  
**CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2021/02277  
**Fees:** \$53.00  
**Receipt No(s):** D001879503

**Your Reference:**

**Date of Issue:** 23/04/2021

<b>The Land:</b> Lot 41 DP 1176191 78 Lookout Road New Lambton Heights NSW 2305
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 23/04/2021. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

## WARNING:

This certificate DOES NOT contain additional advice provided under section 10.7(5). We have not provided this additional advice because it was not requested or paid for by the applicant. We recommend that you obtain a full certificate.

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## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm



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## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

**Newcastle Local Environmental Plan 2012**

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone E3 Environmental Management
Zone SP2 Infrastructure - Classified Road
Zone SP2 Infrastructure - Health Services Facility

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone E3 Environmental Management**

- **Objectives of zone**
  - To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
  - To provide for a limited range of development that does not have an adverse effect on those values.
  - To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.
- **Permitted without consent**

Environmental protection works; Home occupations
- **Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan Parks; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Tank-based aquaculture; Water recreation structures
- **Prohibited**

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in, permitted without consent or permitted with consent

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**
  - To provide for infrastructure and related uses.
  - To prevent development that is not compatible with or that may detract from the provision of infrastructure.

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- **Permitted without consent**

Roads

- **Permitted with consent**

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

- **Permitted with consent**

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** The Newcastle Local Environmental Plan 2012 contains development standards relating to minimum land dimensions for the erection of a dwelling house. Refer to clause 4.1 Minimum subdivision lot size and Part 4 Principle development standards of the Newcastle LEP 2012 for provisions relating to minimum lot sizes for residential development.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** There are no heritage items listed in the Newcastle Local Environmental Plan 2012 situated on the land.

### 3. Complying development

**Note Other requirements:** The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

#### Housing Code

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Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Rural Housing Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Low Rise Housing Diversity Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Greenfield Housing Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Inland Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Housing Alterations Code**

Complying development under the Housing Alterations Code MAY be carried out on this land.

#### **General Development Code**

Complying development under the General Development Code MAY be carried out on this land.

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

Complying development under the Commercial and Industrial Code MAY be carried out on this land.

#### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### **Container Recycling Facilities Code**

Complying development under the Container Recycling Facilities Code MAY be carried out on this land.

#### **Subdivision Code**

Complying development under the Subdivision Code MAY be carried out on this land.

#### **Demolition Code**

Complying development under the Demolition Code MAY be carried out on this land.

#### **Fire Safety Code**

Complying development under the Fire Safety Code MAY be carried out on this land.

#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

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## 5. Coal Mine Subsidence Compensation Act 2017

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## 6. Road widening or realignment

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS AFFECTED by road widening or road realignment under an environmental planning instrument. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## 7. Policies on hazard risk restrictions

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** Council has adopted a policy of restricting development or imposing conditions on properties affected by Land Contamination. Refer to the Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## 7A. Flood related development controls information

Our current information indicates the property is not flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

## 8. Land reserved for acquisition

The land is identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

## 9. Contributions plans

The following contribution plan/s apply to the land.

**Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

#### **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

#### **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

#### **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

#### **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

#### **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

#### **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

#### **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

#### **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

#### **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Infrastructure) 2007.

#### **17. Site compatibility certificates and conditions for affordable rental housing**

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

#### **18. Paper subdivision information**

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

#### **19. Site verification certificates**

The land IS NOT AFFECTED by a current site verification certificate (of which CN is aware) issued under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

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**20. Loose-fill asbestos insulation**

CN HAS NOT been notified that the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register of loose-fill asbestos insulation, that is required to be maintained under that Division.

**21. Affected building notices and building product rectification orders**

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

An 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.

**Note:** *There are no matters prescribed by section 59(2) of the Contaminated Land Management Act 1997 to be disclosed, however if other contamination information is held by the Council this may be provided under a section 10.7(5) certificate.*

Issued without alterations or additions, 23/04/21  
Authorised by

**JEREMY BATH**  
**CHIEF EXECUTIVE OFFICER**



City of  
Newcastle

# Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

**To:** Ethos Urban  
173 Sussex Street  
SYDNEY NSW 2000 NSW 2000

**Certificate No:** PL2021/02278  
**Fees:** \$53.00  
**Receipt No(s):** D001879492

**Your Reference:**

**Date of Issue:** 23/04/2021

<b>The Land:</b> Lot 9 DP 826092 127 Newcastle Road Jesmond NSW 2299
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## Advice provided on this Certificate:

Advice under section 10.7(2): see items 1 – 21

## IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 23/04/2021. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

## WARNING:

This certificate DOES NOT contain additional advice provided under section 10.7(5). We have not provided this additional advice because it was not requested or paid for by the applicant. We recommend that you obtain a full certificate.

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## City of Newcastle

PO Box 489  
NEWCASTLE 2300

Phone: (02) 4974 2000  
Facsimile: (02) 4974 2222

## Customer Contact Centre

Ground floor,  
12 Stewart Avenue  
Newcastle West NSW 2300

## Office hours:

Mondays to Fridays 8.30 am to 5.00 pm



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## Part 1:

### Advice provided under section 10.7(2)

*ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).*

#### 1. Names of relevant planning instruments and DCPs

The following environmental planning instruments, proposed environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Maps) 2020

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

#### 2. Zoning and land use under relevant LEPs

**Newcastle Local Environmental Plan 2012**

**Zoning:** The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone SP2 Infrastructure - Classified Road

Zone E3 Environmental Management

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone E3 Environmental Management**

- **Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.

- **Permitted without consent**

Environmental protection works; Home occupations

- **Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan Parks; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Tank-based aquaculture; Water recreation structures

- **Prohibited**

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in, permitted without consent or permitted with consent

*Note: Refer to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) website for LEP instrument and zoning maps.*

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

**Zone SP2 Infrastructure**

- **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- **Permitted without consent**

Roads

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- **Permitted with consent**

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

- **Prohibited**

Any development not specified in, permitted without consent or permitted with consent

**Minimum land dimensions for erection of a dwelling-house:** The Newcastle Local Environmental Plan 2012 contains development standards relating to minimum land dimensions for the erection of a dwelling house. Refer to clause 4.1 Minimum subdivision lot size and Part 4 Principle development standards of the Newcastle LEP 2012 for provisions relating to minimum lot sizes for residential development.

**Critical habitat:** The Newcastle Local Environmental Plan 2012 does not identify the land as including or comprising critical habitat.

**Heritage conservation area:** The land is not within a heritage conservation area under the Newcastle Local Environmental Plan 2012.

**Heritage items:** There are no heritage items listed in the Newcastle Local Environmental Plan 2012 situated on the land.

### 3. Complying development

**Note Other requirements:** *The advice below for all Complying Development Codes, is limited to identifying whether or not the **land**, the subject of the certificate, is land on which complying development may be carried out because of Clauses 1.17A(1)(c) to (e), (2), (3) & (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).*

To ascertain the extent to which the complying development may or may not be carried out on the land, maps are available on City of Newcastle (CN) web pages.

#### Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Rural Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Low Rise Housing Diversity Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Greenfield Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Inland Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

#### Housing Alterations Code

Complying development under the Housing Alterations Code MAY be carried out on this land.

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### **General Development Code**

Complying development under the General Development Code MAY be carried out on this land.

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

Complying development under the Commercial and Industrial Code MAY be carried out on this land.

### **Commercial and Industrial (New Buildings and Additions) Code**

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land that is reserved for a public purpose by an environmental planning instrument.

### **Container Recycling Facilities Code**

Complying development under the Container Recycling Facilities Code MAY be carried out on this land.

### **Subdivision Code**

Complying development under the Subdivision Code MAY be carried out on this land.

### **Demolition Code**

Complying development under the Demolition Code MAY be carried out on this land.

### **Fire Safety Code**

Complying development under the Fire Safety Code MAY be carried out on this land.

## **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The land IS NOT subject to an agreement for annual charges under section 496B of the Local Government Act 1993 for coastal protection services (within the meaning of section 553B of that Act).

## **5. Coal Mine Subsidence Compensation Act 2017**

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

*NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.*

## **6. Road widening or realignment**

*NOTE: The Roads and Maritime Services (RMS) may have proposals that are not referred to in this item. For advice about affectation by RMS proposals, contact the Roads and Maritime Services, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.*

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS AFFECTED by road widening or road realignment under an environmental planning instrument. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

## **7. Policies on hazard risk restrictions**

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 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).

**Potential acid sulfate soils:** Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

**Land Contamination:** Council has adopted a policy of restricting development or imposing conditions on properties affected by Land Contamination. Refer to the Newcastle Development Control Plan 2012, which is available to view and download from City of Newcastle's website.

**Bush fire:** Under clause 5.11 Bush fire hazard reduction of the Newcastle LEP 2012, bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

*NOTE: The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.*

*NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.*

## **7A. Flood related development controls information**

Our current information indicates the property is not flood prone land as defined in the Floodplain Development Manual: the management of flood liable land, April 2005 published by the NSW Government.

## **8. Land reserved for acquisition**

The land is identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land. Refer to Clause 5.1 Relevant acquisition authority and 5.1A Development on land intended to be acquired for public purposes, Part 5 Miscellaneous provisions of the Newcastle LEP 2012 for lands identified for acquisition.

## **9. Contributions plans**

The following contribution plan/s apply to the land.

### **Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.**

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

*NOTE: Contributions plans are available on our website or may be inspected or purchased at our Customer Contact Centre.*

## **9A. Biodiversity certified land**

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

## **10. Biodiversity stewardship sites**

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

## **10A. Native vegetation clearing set asides**

The land IS NOT land (of which CN is aware) that contains a set aside area under section 60ZC of the Local Land Services Act 2013.

## **11. Bush fire prone land**

The land, either in whole or in part IS bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

## **12. Property vegetation plans**

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

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### **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

CN HAS NOT 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.

### **14. Directions under Part 3A**

The land IS NOT AFFECTED by a direction by the Minister in force under section 75P (2) (c1) of the Act.

### **15. Site compatibility certificates and conditions for seniors housing**

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

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