



-3 DEC 2008

COFFS HARBOUR CITY COUNCIL

ABN 79 126 214 487

Locked Bag 155, Coffs Harbour NSW 2450

Ph: (02) 6648 4000 Fax: (02) 6648 4199

**Planning Certificate Under Section 149(2) Environmental Planning
and Assessment Act 1979**

Certificate No: 1491028/09
Date of Issue: 28/11/2008

Applicant: PLANNING WORKSHOP AUSTRALIA
GPO BOX 3275
SYDNEY NSW 2001

Owner's Name: MR T BORSATO, MRS Z BORSATO, MRS M BORSATO

Property No: 2224045

Street Address: LYONS ROAD
BONVILLE NSW 2441

Legal Description: Lot 112 DP 1073791

- (a) Where a local environmental plan, a deemed environmental planning instrument, or a draft local environmental plan that has been placed on exhibition pursuant to section 66(1)(b) of the Act restricts, or purports to restrict, the purposes for which development may be carried out on the land, state:
- (i) the name of the instrument;
Coffs Harbour City Local Environmental Plan 2000
Draft Local Environmental Plan 2000 Amendment No. 23 (Vegetation Strategy)
 - (ii) the purposes for which development may be carried out in accordance with that instrument without development consent and with development consent; and
 - (iii) the purposes for which the carrying out of development is prohibited under that instrument.
See reply to (b)(ii) and (iii) below
- (b) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph (a)), state:
- (i) the name of the instrument and of the zone;
Coffs Harbour City Local Environmental Plan 2000
2A Low Density
6A Public Recreation
7A Env Protection 7A Habitat and Catchment
 - (ii) the purposes for which development may be carried out within that zone without development consent and with development consent. Refer to the Coffs Harbour City Local Environmental Plan 2000 Part 2 - Zoning Controls.
 - (iii) the purposes for which the carrying out of development is prohibited within that zone: Refer to the Coffs Harbour City Local Environmental Plan 2000 Part 2 - Zoning Controls.

RESIDENTIAL 2A LOW DENSITY ZONE**Aim**

To provide for the low density housing needs of the population.

1. Objectives of Zone

to enable housing development and other development that is compatible with a low density residential environment.

to provide for development that is within the environmental capacity of a low density residential environment and can be adequately serviced.

2. Without Development Consent

Development for the purpose of:

agriculture; bed and breakfast establishments; environmental protection works; home industries; home occupations; special care homes.

3. Only With Development Consent

Development for the purpose of:

aquaculture; attached dual occupancies; boarding houses; camp or caravan sites; child care centres; communication facilities; community facilities; dams; demolition; detached dual occupancies; dwelling-houses; educational establishments; forestry; general stores; group homes; housing for aged or disabled persons; multi-unit housing; places of worship; recreation areas; recreation facilities; roads; utility installations; veterinary clinics.

Subdivision of land.

4. Prohibited

Any development not included in item 2 or 3.

OPEN SPACE 6A PUBLIC RECREATION ZONE

Aim

To provide for the open space and recreational needs of the community.

1. Objectives of Zone

to enable development for open space or recreational or other land uses compatible with the surrounding area.

to enable development which is compatible with recreational land uses and does not jeopardise the existing and future role of the land for recreational land uses.

2. Without Development Consent

Development for the purpose of:

any activity authorised by a plan of management under the *Local Government Act 1993* or the *Crown Lands Act 1989*.

3. Only With Development Consent

Any development not included in item 2 or 4.

4. Prohibited

Development for the purpose of:

brothels.

ENVIRONMENTAL PROTECTION 7A HABITAT AND CATCHMENT ZONE**Aim**

To protect and enhance sensitive natural habitat and waterway catchments.

1. Objectives of Zone

to protect habitat values and water quality and enable development which does not adversely impact upon these.

to enable development that is within the environmental capacity of the land and can be adequately serviced.

2. Without Development Consent

Development for the purpose of:

agriculture (which does not involve the clearing of bushland or construction of buildings);
environmental protection works; home industries; home occupations.

3. Only With Development Consent

Development for the purpose of:

agriculture (which involves the clearing of bushland or the construction of buildings);
aquaculture; attached dual occupancies; bed and breakfast establishments; dams;
demolition; dwelling-houses; eco- tourism facilities; environmental facilities; forestry;
recreation areas; roads; utility installations.

Subdivision of land.

4. Prohibited

Development that is not included in item 2 or 3.

(Note: The following clauses may also apply to the development of this land:

- Clause 11 - Tree Preservation
- Clause 13 - Landform Modification
- Clause 22(2) - Foreshore Building Line
- Clause 23 - Potential Acid Sulfate Soils)

- (c) Any matter relating to a State Environmental Planning Policy or a Regional Environmental Plan applying to the land or to a Draft State Environmental Policy or Draft Regional Environmental Plan applying to that land, which the Minister has, generally or in any particular case, notified the Council should be specified in the Certificate.

See Schedule 1 attached

- (d) Is the erection of a dwelling-house on the land subject to a development standard relating to the minimum area on which the dwelling-house may be erected?

Yes - see table below

Minimum Allotment Size Table for Dwellings, Dual Occupancies and Units

Zone	Minimum area per allotment for dwellings / dual occupancies / units	
Rural 1A Agriculture Zone	40 ha per dwelling/attached dual occupancy	
Rural 1A Agriculture Zone (where the consent authority is satisfied that the allotment will be used for the purpose of banana growing as shown on Map 1 "Banana Lands" supporting the Council's <i>Rural Lands Development Control Plan</i>)	6 ha per dwelling/attached dual occupancy	
Rural 1B Living Zone – but only if the land is within Area B, being land shown edged in part heavy red and in part with a broken green line on Map 4 (Subdivision Standards) in <i>Korora Rural Residential Development Control Plan</i> as in force on the commencement of <i>Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 28)</i>	2 ha per dwelling/attached dual occupancy	
Rural 1B Living Zone (other than land within Area B)	1 ha per dwelling/attached dual occupancy	
Environmental Protection 7A Habitat & Catchment Zone	40 ha per dwelling/attached dual occupancy	
Residential 2A Low Density Zone	400 m ² per dwelling	
Residential 2B Medium Density Zone	200 m ² per dwelling	
Residential 2C Medium-High Density Zone	Dwelling Size (GFA)	Site Area Per Dwelling
	Small dwelling (<55m ²)	50m ²
	Medium dwelling (55-84m ²)	75m ²
	Large dwelling (85-125m ²)	110m ²
	Extra large dwelling	150 m ²
Residential 2D High Density Zone	Dwelling Size (GFA)	Min. Site (land) Area required
	Small dwelling (<55m ²)	50 m ²
	Medium dwelling (55-70m ²)	60 m ²
	Large dwelling (>70m ²)	80 m ²
Residential 2E Tourist Zone	Refer to Residential Tourist Lands Development Control Plan	
Business 3A City Centre Zone	Refer to City Centre Development Control Plan	
Business 3B City Support Zone	Refer to Business Lands Development Control Plan	
Business 3C Town Centre Zone	Refer to Business Lands Development Control Plan	
Business 3D Tourist Service Centre Zone	Refer to Business Lands Development Control Plan	
Business 3E Town Centre Support Zone	Refer to Business Lands Development Control Plan	
Business 3F Neighbourhood Zone	Refer to Business Lands Development Control Plan (one dwelling allowed, if used in conjunction with other land uses allowed in this zone)	
Business 3G Mixed Use Zone	Refer to Business Lands Development Control Plan	
Industrial 4A Zone	Refer to Industrial Lands Development Control Plan (one dwelling allowed, if used in conjunction with other land uses allowed in this zone)	

Note:

1. **Compliance with the minimum area per allotment size does not guarantee that a Development Application for a dwelling, attached or detached dual occupancy or multi-unit housing will be approved. Council is required to assess the Development Application against applicable legislative requirements including, but not limited to the Coffs Harbour Local Environmental Plan 2000 and the Environmental Planning and Assessment Act 1979, as well as associated relevant Development Control Plans, Council policies and strategies. If unsure, Council recommends that you enquire with a relevant Planning professional about the relevant requirements for development proposals.**
 2. **In certain situations the ability to erect a dwelling on an allotment is determined by criteria other than minimum area per allotment. Where your property is in a different zone to those mentioned above, or below the minimum size contained in the above table, and you wish to determine whether other criteria may enable the erection of a dwelling on the allotment, it is recommended to obtain such information by submitting an application for general information - building enquiry (including building rights) for which a fee is payable in accordance with Council's adopted Fees & Charges Schedule. Contact Council's Customer Services Section on (02) 6648 4000 for further information.**
- (e) Is the property in a heritage conservation area or identified as a heritage property by Council or State Government? (and if so, what is the status, eg local environmental plan, Heritage Act etc)?
See Schedule 5 and Schedule 6 attached
- (f) Does the demolition of any building on the land require development consent to be obtained?
Yes, except where it is an activity listed in Schedule 2 of Coffs Harbour City Local Environmental Plan 2000
- (g) Where a development control plan (DCP) that is expressed to apply to the land has been approved under clause 24(1), the name of the plan (whether or not the plan is in force).

DCP	APPLICABLE ZONE
Rural Lands	Rural 1A and 1B
Complying Development	Residential 2A
Low Density Housing	Residential 2A
Medium Density Housing	Residential 2B
Medium-High Density Housing	Residential 2C
High Density Housing	Residential 2D
Residential Tourist Lands	Residential 2E
Business Lands	Business 3A – 3G
Industrial Lands	Industrial 4A
Access & Mobility	All zones
Boambee Creek	Boambee Creek Area
City Centre	City Centre
Hearns Lake/Sandy Beach	Hearns Lake/Sandy Beach Area
Korora Rural Residential	Korora Rural Residential Release Area
Jetty	Jetty Area
Moonee	Moonee Area
North Bonville	North Bonville Area
Notification	All zones
Off-Street Car Parking	All zones
Park Beach	Park Beach Area
Sawtell Town Centre	Sawtell Town Centre
Signs	All zones
Subdivision	All zones
Waste Management	All zones
West Coffs	West Coffs Area
West Woolgoolga	West Woolgoolga Area

DRAFT DCP
Complying Development
High Density Housing
Subdivision
Vegetation Conservation

APPLICABLE ZONE
Residential 2A
Residential 2D
All zones
All Zones

- (h) Is the land subject to any application to carry out development, the subject of a notice by the Minister under section 76A(7)(b) of the Act declaring the development to be State Significant development?

No.

All applications for canal development or artificial waterways must be referred to the Minister for Planning for determination.

Note: For development or classes of development that are, in the opinion of the Minister, State Significant, also refer to State Environmental Planning Policy (State Significant Development) 2005.

- (i) Is the land affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979? (but only to the extent that the Council has been so notified by the Department of Commerce, Office of Public Works and Services).
- No**
- (j) Has the land been proclaimed to be a Mine Subsidence District within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961?

No

- (k) Is the land affected by any road widening or road realignment under:

- (i) Division 2 of Part 3 of the Roads Act 1993;

No

- (ii) any environmental planning instrument; or

No

- (iii) any resolution of the Council?

No

- (l) Has the council by resolution adopted a policy to restrict the development of the land by reason of the likelihood of landslip, flooding, subsidence, tidal inundation, acid sulfate soils or any other risk? (Please note for Chemical Residues, this information is based on the interpretation of data up to 1994)

Yes, the land is affected by Council's Flood Policy as below:

Council considers the property to be flood liable as it is affected by flooding in the 1 in 100 year Average Recurrence Interval event.

No information on the extent of flooding is available from Council. However, flood levels relative to Australian Height Datum may be available from Council and where available are supplied on 149(5) certificates.

Restrictions on development within flood liable land is set out in Council's Flood Policy which is available for inspection at Council's Customer Services Counter, Council's website or a copy may be provided upon payment of a fee.

Yes, the land is affected by Council's Agricultural Chemical Residues Policy.

The land is affected by Clause 23 of Coffs Harbour City Local Environmental Plan 2000 - Acid Sulfate Soils (Class 3 and 5); see attached Schedule.

Biodiversity Statement:

Coffs Harbour has over 90 species of plants, animals or areas being recognised as being either endangered or vulnerable. These species may include, but not be limited to, rainforests (SEPP26), Wetlands (SEPP14), Ecologically Endangered Communities and Threatened Species, or their habitats. Some of these species may be found on this land or adjoining lands.

Any proposed works, development or improvement of land within the Coffs Harbour region will need to consider and address potential impacts on biodiversity. The onus of inquiries and/or further investigation as to biodiversity impact is on the landowner, occupier and/or purchaser.

- (m) Has critical habitat been identified on the property?

No

- (n) The following Developer Contributions Plans, in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may apply:

Boambee Creek

Coffs Harbour City Centre Car Parking

Coffs Harbour Road Network

Hearnes Lake/Sandy Beach Area

Jetty Area Car Parking

Korora Rural Residential Release Area

Local Roads, Trunk Drainage and Mines and Extractive Industries

Moonee Release Area

North Boambee Valley

North Bonville

Park Beach Area

Regional, District and Neighbourhood Facilities

Sewer Developer Services Plan

Surf Rescue Equipment

Water Developer Services Plan

West Coffs

West Woolgoolga

Woolgoolga Town Centre Car Parking

- (o) Matters arising under the Contaminated Land Management Act 1997:

- (i) Is the land to which this certificate relates within land declared to be an "investigation area" or "remediation site" under Part 3 of Contaminated Land Management Act 1997 at the date this certificate is issued?

No

- (ii) Is the land to which this certificate relates subject to an "investigation order" or a "remediation order" within the meaning of that Act at the date this certificate is issued?

No

- (iii) Is the land to which this certificate relates the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Department of Environment and Conservation's agreement under section 19 or 26 of that Act and the proposal has not been fully carried out at the date this certificate is issued?

No

- (iv) Has a copy of a site audit statement, concerning the land to which this certificate relates, been provided to Council prior to the issuing of this certificate?

No

- (p) Is the land to which this certificate relates, or any part of that land, bush fire prone land (as defined in the Environmental Planning and Assessment Act 1979), at the date this certificate is issued?

Yes

- (q) Has the Council by resolution adopted a policy to restrict development of the land for the purposes of subdivision?

No

- (r) Has any part of the land:

- been proclaimed a Wildlife Refuge under s.68 of the National Parks and Wildlife Act 1974; or
- has a Conservation Agreement been registered under s.69B of the National Parks and Wildlife Act 1974?

No

Note: Further information on conservation options for landholders (including voluntary conservation agreements, wildlife refuges, Land for Wildlife and Conserve Wildlife) may be obtained from the Conservation Partnerships Unit, Department of Environment and Conservation, PO Box 1967 Hurstville 1481

Phone: (02) 9585 6458 **Fax:** (02) 9585 6402 **Email:** conservation.partners@environment.nsw.gov.au

Web: http://www.nationalparks.nsw.gov.au/npws.nsf/content/conservation_partners

- (s) If the land contains koala habitat identified by Council's Koala Plan of Management 1999, state the classification of koala habitat (Primary, Secondary or Tertiary).

Primary

- (t) Is the property affected by constraints to legal public access?

No

- (u) Has Council been notified by the relevant approval authority that the property is subject to a Property Vegetation Plan created under the Native Vegetation Act 2003?

No

SCHEDULE 1

This list is intended as a summary guide only. Please refer to the relevant policy for full details. Please note that the Legislation.nsw.gov.au site only provides the full text of state policies and regional plans. For maps relating to the various policies, or further information, please contact:

Department of Planning Information Centre, 23-33 Bridge Street, Sydney NSW
Opening hours: 9.00am to 5.00pm Monday to Friday
Telephone: 1300 305 695 or (02) 9228 6333 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

or

Department of Planning Regional Office, 76 Victoria Street, Grafton NSW 2460
Telephone: (02) 6641 6600 Fax: (02) 6641 6601
Email: northcoast@planning.nsw.gov.au

State Environmental Planning Policy (SEPP) No 1—Development Standards

This Policy provides makes development standards more flexible. It allows Council to approve a development proposal that does not comply with a set standard where strict compliance with a development standard can be shown to be unreasonable or unnecessary.

State Environmental Planning Policy No. 4—Development Without Consent and Miscellaneous Exempt and Complying Development

Allows relatively simple or minor changes of land or building use and certain types of development which have minor environmental significance without the need for formal development applications. This Policy regulates as complying development certain types of fire alarm system connections. It also allows as exempt development filming and rainwater tanks that comply with the specified requirements.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

Sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

State Environmental Planning Policy No. 14 – Coastal Wetlands

Ensures certain lands in coastal local government areas (except those in the Sydney Metropolitan Area) are preserved and protected for environmental and economic reasons. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director-General of the Department of Planning. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed and has been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying.

State Environmental Planning Policy No. 15 - Rural Land-Sharing Communities

Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.

State Environmental Planning Policy No. 21—Caravan Parks

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

State Environmental Planning Policy No. 22 - Shops and Commercial Premises

The policy permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument. Development consent must be obtained and the consent authority satisfied that the change of use will have no, or only minor, environmental effect.

State Environmental Planning Policy No. 26—Littoral Rainforests

Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.

State Environmental Planning Policy No. 30—Intensive Agriculture

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages Council to pursue its own urban consolidation strategies. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.

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

Provides definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment' for application to all existing and future planning instruments. The definitions enable approval or refusal of development based on the proposal's merit. The consent authority must consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of Councils as a consent authority, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy No. 36—Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

State Environmental Planning Policy No. 50—Canal Estate Development

Bans new canal estates to ensure coastal and aquatic environments are not affected by these developments.

State Environmental Planning Policy No. 55—Remediation of Land

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

Encourages the sustainable expansion of the industry in NSW. The policy implements developed regional strategies by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks. This policy applies to Coffs Harbour City Council in relation to pond-based or tank-based aquaculture and to the state in relation to natural water-based aquaculture in the form of oyster aquaculture.

State Environmental Planning Policy No. 64—Advertising and Signage

Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. SEPP No. 64 offers the comprehensive provisions and consistent approach needed. SEPP 64 – Advertising and Signage: Explanatory Information should be read in conjunction with the policy.

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

Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

State Environmental Planning Policy No 71—Coastal Protection

The Policy ensures that development in the NSW coastal zone is appropriate and suitably located; that there is a consistent and strategic approach to coastal planning and management; and that there is a clear development assessment framework for the coastal zone.

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

Encourages the development of high quality accommodation for our ageing population and for people who have disabilities, housing that is in keeping with the local neighbourhood. The policy restricts the form of seniors housing permitted on land adjoining land zoned primarily for urban purposes to only hostels or residential care facilities.

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

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004.

State Environmental Planning Policy (Major Projects) 2005

Formerly known as State Environmental Planning Policy (State Significant Development) 2005 this SEPP defines certain developments that are major projects under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. The SEPP also lists State Significant Sites.

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

This SEPP applies statewide and recognises the importance of mining, petroleum production and extractive industries to NSW. The SEPP aims to: provide for the proper management and development of mineral, petroleum production and extractive material resources for the social and economic welfare of the State; facilitate the orderly use and development of areas where the resources are located; and establish appropriate planning controls to encourage sustainable management of these resources.

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. The SEPP supports the transfer of the regulation of places of public entertainment and temporary structures (such as tents, marquees and booths) from the Local Government Act 1993 to the *Environmental Planning and Assessment Act 1979*.

State Environmental Planning Policy (Infrastructure) 2007

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

State Environmental Planning Policy (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

North Coast Regional Environmental Plan 1988

This plan provides local government with state and regional policy guidelines for the preparation of local environmental plans and for certain types of development. The plan sets the basis for new urban and rural development. The emphasis is on progress coupled with careful management. Amendments to the policy deal with heritage items, the NSW Coastal Policy and concurrence and consultation requirements in the REP.

Draft Mid North Coast Regional Strategy (exhibited 19.1.07 to 16.3.07)

The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The draft Strategy sets the policy to govern where and how growth can occur. The final Regional Strategy will represent an agreed NSW Government position on the future of the Mid North Coast. It will be the pre-eminent planning document for the Mid North Coast and will complement and inform other relevant State planning instruments. The Mid North Coast Regional Strategy will apply to the period 2006-2031 and will be reviewed every five years.

The Environmental Planning and Assessment Amendment Act 1997 commenced operation on 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact Ms Julie Elvery on (02) 6648 4620.

Stephen Sawtell
General Manager

ATTACHMENT ENVIRONMENTAL HAZARDS

23.

OBJECTIVE OF PROVISION

To ensure development of land subject to environmental hazards is conducted in a manner which does not adversely affect the environment.

POTENTIAL ACID SULFATE SOILS

- (1) A person must not, without development consent, carry out works on land to which this Plan applies shown as being Class 1, 2, 3, 4 or 5 land on the map marked "Potential Acid Sulfate Soils", being the works specified for the class of land in the following table, except as otherwise provided in this clause:

Acid Sulfate Soils Table

Class of land	Works to which this clause applies
1	Any works
2	Works below the ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1m below the natural ground surface Works by which the watertable is likely to be lowered beyond 1m below natural ground surface
4	Works beyond 2m below the natural ground surface Works by which the watertable is likely to be lowered beyond 2m below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (2) For the purposes of subclause (1), "works" includes:
- (a) any disturbance of more than one tonne of soils (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries dredging, the construction of artificial water bodies (including canals, dams, and detention basins) or foundations, or flood mitigation works), or
 - (b) any other works that are likely to lower the watertable.
- (3) Subclause (1) does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the Acid Sulfate Soil Manual, has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soil Manual.

ATTACHMENT

- (4) The consent authority must not grant a consent required by subclause (1) unless it has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soil Manual, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan.
- (5) Subclause (1) requires consent for development proposed by the Council, another council, a county council or a drainage union despite:
- (a) Clause 7, and
 - (b) Clause 10 of State Environmental Planning Policy No. 4 - Development Without Consent.
- (6) Regardless of subclause (5), development to which subclause (1) applies may be carried out by the Council or a county council, without consent, being:
- (a) development consisting of emergency works, or
 - (b) development consisting of routine maintenance, or
 - (c) development consisting of minor works,
- and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies.
- (7) Despite subclause (6), development consisting of routine maintenance or minor works may be carried out only with consent for development on a site listed as a heritage item in Schedule 5.
- (8) Where the Council or a county council carries out development described in subclause (6) and encounters, or is likely to encounter, acid sulfate soils the Council or county council shall properly deal with those soils in accordance with the Acid Sulfate Soil Manual so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.

FLOOD PRONE LAND

- (9) Consent shall not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land that is prone to flooding, unless the consent authority has had regard to the provisions of the Council's Floodplain Development and Management Policy, if any, and the Floodplain Development Manual most recently notified by the Minister for Urban Affairs and Planning under section 733(5)(a) of the Local Government Act 1993.

SCHEDULE 5 – HERITAGE ITEMS

ITEM DESCRIPTION	LEVEL OF SIGNIFICANCE	PROPERTY DESCRIPTION
Arrawarra		
Fish Traps - Arrawarra Headland	Regional	N/A – Map Reference '56' 519380E 6674440N Woolgoolga 9537-4-N
Bonville		
Former Post Office - Gleniffer Road	Local	Lot 2, DP805047
Anglican Church - Gleniffer Road	Local	Lot 46, DP938419
Bonville Hall - East Bonville Road	Local	Lot 70, DP755536
Coffs Harbour		
Residence - 4 Azalea Avenue	Local	Lot 2, DP714437
Residence - 20 Korff Street	Local	Lot 12 & 13, Sec 2, DP5661
Former Police Station & Court House – 215 High Street	Local	Lot 1, Sec 11, DP758258
Bunker Gallery – City Hill Drive	Local	Lot 21, DP867844
Coffs Harbour Jetty		
Residence - 10 Collingwood Street	Local	Lot 10, DP881287
Residence – 151 Edinburgh Street	Local	Lots A & B, DP366102
Residence - 23 Moore Street	Local	Lot 3, Sec 61, DP758258
Post Office - 350 High Street	Local	Lot 1, DP211339
Buried Trestle Bridge - Foreshore	Regional	Lot 21, DP850150
Tramway Line Site - Foreshore	Regional	Lot 21, DP850150
Butter Factory - 321 High Street	Regional	Lot 1, DP845202
Butter Factory Pool and Park	Local	Lot 277, DP752817
Coffs Harbour Jetty	State	N/A
Jetty Theatre – 337 High Street	Local	Lots 11 & 12, Sec 65, DP758258
Coramba		
Residence - 15 Hartleys Road	Local	Lot 175, DP752834
House & Bakery - 39-41 Gale Street	Local	Lots 25-28, Sec B, DP3951
Police Station - 71-73 Gale Street	Regional	Lot 2, DP574408
Coramba Hall – 4 Dorrigo Street	Local	Lot 2, Sec A, DP3971
Dairyville		
Residence - 'Braeside' - 201 Dairyville Road	Regional	Lot 21, DP582871
Residence - 'Creeside' - 221 Dairyville Road	Regional	Lot 5, DP262769
Residence - 169 Dairyville Road	Regional	Lot 40, DP735011
Emerald Beach		
Look-At-Me-Now Headland	Local	Lot 3, DP800108
Shelley Beach Graves	Local	Lot 3, DP800108
Karangi		
Residence - 843 Coramba Road	Local	Lot 1, DP963666
Lowanna		
George's Gold Mine	Regional	Lot 25, DP752824
Lowanna Railway Station – off Camp Creek Road	State	N/A
Nana Glen		
Residence - 'Edgefern' - Eastbank Road	Regional	Lot 333, DP719001
Nana Glen Rail		
St Peters Church - 47 Grafton Road	Local	Lot 52, DP620497
Orara (Upper)		
Shed - 420 North Island Loop Road	Regional	Lot 11, DP802379
Anglican Church - Upper Orara Road	Local	Lot 2, DP931299
Sapphire		
Residence - 18 Split Solitary Road	Local	Lot 2, DP628408

Sawtell		
Anglican Church - 15 Elizabeth Street	Local	Lot 10, Sec 10, DP17282
Bank - 20 First Avenue	Local	Lots 181 & 182, 600370
Cinema - 25 First Avenue	Local	Lot 102, DP846196
Ficus 'Hillii' Trees - First Avenue	Local	Road Reserve
Flats - 66-68 First Avenue	Local	Lot 28, Sec 21, DP32212 and Lot A, DP420494
Office - 16 First Avenue	Local	Lot F, DP362060
Office and Dental Surgery - 34-36 First Avenue	Local	Lot D, DP22356
Restaurant - 21-23 First Avenue	Local	Lot 1, DP622641 and Lot 6, Sec 19, DP14800
Rock Pool - Bonville Headland	Local	Part CR 81703
Sawtell Hotel - 51-55 First Avenue	Regional	Lots 1 & 2, Sec 19, DP14800
Sawtell Reserve Hall	Regional	Part CR 81703
Shop - 18 First Avenue	Local	Lot E, DP362060
Shop - 26-30 First Avenue	Local	Lot 16, DP18379
Shop - 31-33 First Avenue	Local	Lot 1, DP359683
Shop - 45-49 First Avenue	Local	Lot 3, Sec 19, DP14800
Shops and dwellings - 63-67 First Avenue	Local	Lot 7, DP857331
Shops and dwellings - 8-14 First Avenue	Local	Lot G, DP362060
Public reserve - Noreen Anderson and Dora Climpson Memorial Gardens (central landscaped area)	Local	Road Reserve
Timmsvale		
Timber Mill - Timmsvale Road	Regional	Lot 68, DP602638
Ulong		
Timber Mill	Regional	Lot 17, DP866535
Ulong Railway Station - Pine Avenue	State	N/A
Woolgoolga		
BAT Co Relics - 65 River Street	Local	Lot 682, DP618948

ATTACHMENT

**SCHEDULE 6
DIAGRAM 1 – SAWTELL
HERITAGE CONSERVATION AREA**

ATTACHMENT

**SCHEDULE 6
DIAGRAM 2 – CORAMBA
HERITAGE CONSERVATION AREA**





COFFS HARBOUR CITY COUNCIL

ABN 79 126 214 487

Locked Bag 155, Coffs Harbour NSW 2450

Ph: (02) 6648 4000 Fax: (02) 6648 4199

**ANNEXURE Section 149(5) to Certificate under Section 149(2)
Environmental Planning & Assessment Act 1979**

Certificate No: 1491028/09
Date of Issue: 28/11/2008

Applicant: PLANNING WORKSHOP AUSTRALIA
ROBERT POWER
GPO BOX 3275
SYDNEY NSW 2001

Your Ref:

Owner's Name: MR T BORSATO, MRS Z BORSATO, MRS M BORSATO

Property No: 2224045

Street Address: LYONS ROAD
BONVILLE NSW 2441

Legal Description: Lot 112 DP 1073791

- (a) Has the Council information that would indicate that the land is subject to the risk of flooding or tidal inundation?

Yes, the land is affected by Council's Flood Policy as below:

The estimated 1% (1 in 100 year) flood level is approximately 4.1m AHD.

- (b) Has the Council information that would indicate that the land is subject to slip or subsidence?

No

- (c) Is the land affected by a Tree Preservation Order?

Yes, the land has tree preservation data.

- (d) Has any development consent with respect to the land been granted within the previous two years?

No

- (e) Has Council resolved to make, alter, vary or repeal any environmental planning instrument in circumstances where such resolution, if implemented, will directly affect the land?

Council has resolved to prepare a Draft Local Environmental Plan 2000 Amendment No. 23 & 30 which may affect this land.

- (f) Has the Council information that would indicate the land is, or may be, subject to risk from the presence on it of Agricultural Chemical Residues?

Assessment of landuse history information indicates that the subject land may be affected by soil chemical residues which may exceed levels regarded by the Environment Protection Authority as safe for a particular development. Soil sampling and site remediation may be required for the further development of the site.

- (g) Has the Council information which would indicate the land is, or likely to be, adversely impacted by noise from aircraft using Coffs Harbour Airport?

No

- (h) Has the Council a Raw Water Policy that relates to the land?

No

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

For further information regarding this Certificate, please contact Ms Julie Elvery (02) 6648 4620.

Stephen Sawtell
General Manager