

PLANNING CERTIFICATE

Information provided pursuant to SCHEDULE 4 of the
Environment Planning and Assessment Regulation 2000

APPLICANT: Brian Hayne Solicitor
2/32 West Street
FORSTER NSW 2428

Certificate No: PC2021/2794

Certificate Date: 31/03/2021

Property: UNIT 3/64-66 Little Street FORSTER NSW 2428

Title: Lot 3 SP 9412

Land No: 610818

Applicant's Ref: 132453 Sinicropi

IMPORTANT: Please read this certificate carefully.

The information provided in this certificate relates only to the land described above. If you need information about an adjoining property or nearby land, a separate certificate will be required.

All information provided is correct as at the date above. Please note, it is possible for changes to occur within a short time and we recommend you only rely upon a very recent certificate.

For more information on this Planning Certificate please contact our Customer Experience team on 02 7955 7777.

Adrian Panuccio
GENERAL MANAGER

SECTION 10.7(2)

The following matters relate to the land, as required by section 10.7(2) of the Environmental Planning and Assessment Act (1979) ("the Act").

ITEM 1 - Names of relevant planning instruments and DCPs

1. *The following environmental planning instruments apply to the carrying out of development on the land:*

Local Environmental Planning Instrument

Great Lakes Local Environmental Plan 2014.

State Environmental Planning Policies

Affordable Rental Housing 2009
Building Sustainability Index: BASIX 2004
Coastal Management 2018
Concurrences and Consents 2018
Educational Establishments and Child Care Facilities 2017
Exempt and Complying Development Codes 2008
Housing for Seniors or People with a Disability 2004
Infrastructure 2007
Koala Habitat Protection 2021
Mining, Petroleum Production and Extractive Industries 2007
No 21—Caravan Parks
No 33—Hazardous and Offensive Development
No 36—Manufactured Home Estates
No 50—Canal Estate Development
No 55—Remediation of Land
No 64—Advertising and Signage
No 65—Design Quality of Residential Apartment Development
No 70—Affordable Housing (Revised Schemes)
Primary Production and Rural Development 2019
State and Regional Development 2011
Vegetation in Non-Rural Areas 2017

Detailed information on the local environmental plans and State Environmental Planning Policies listed in this certificate is available at [NSW Legislation – In force legislation](#)

2. *The following proposed environmental planning instruments apply to the carrying out of development on the land and are or have been the subject of community consultation or on public exhibition under the Environmental Planning and Assessment Act 1979:*

The following proposed environmental planning instruments apply to the land:

No proposed State Environmental Planning instruments apply to the land.

The following proposed Local Environmental Planning instruments apply to the land:

Review of the R1 General Residential Zone and amendments to Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010. The NSW Government issued proposal reference number is: PP_2018_MCOAS_005_02

Detailed information on draft environmental planning instruments is available at the NSW Department of Planning, Industry and Environment [Current LEP Proposals](#) website; or MidCoast Council's [Current Planning Proposals and DCP Amendments](#) website.

Detailed information on draft State Environmental Planning Policies is available at the NSW Department of Planning, Industry and Environment [Draft Plans and Policies](#) and [State Environmental Planning Policies](#) review program websites.

3. *The following development control plans apply to the carrying out of development on the land:*

Great Lakes Development Control Plan 2014.

ITEM 2 - Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP)

1. (a)-(d) Zoning details in the instruments identified in ITEM 1(1) above

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To achieve increased population density in locations that support the business centre.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Helipads; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Signage; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Pond-based aquaculture Rural workers' dwellings; Any other development not specified in item 2 or 3

Detailed information on the land zone mapping is available at the NSW Department of Planning, Industry and Environment [ePlanning Spatial Viewer](#) website; or MidCoast Council's [Online Mapping](#) website.

Additional permitted uses

No Additional Permitted Use provisions apply to this land.

(e) *Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?*

No fixed minimum land dimensions apply to this land.

(f) *Does the land include or comprise critical habitat?*

The land does not include or comprise critical habitat.

(g) *Is the land within a conservation area?*

Note: excluding conservation areas otherwise identified under Item 9A - biodiversity certified land; Item 10 – biodiversity stewardship site; Item 10A – Native vegetation clearing set asides; or Item 12 – Property vegetation plans.

No, the land is not identified as being within a conservation area.

(h) *Is there an item of environmental heritage on the land?*

No environmental planning instrument identifies an item of environmental heritage on the land.

2. (a)-(d) *Zoning details in any draft instruments identified in ITEM 1(2) above*

The following proposed environmental planning instruments apply to the land and propose a change to the land zone or land uses that are allowed on the land:

Review of the R1 General Residential Zone and amendments to Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010

Proposed change: To create greater consistency and public confidence in the application of the primary residential zones across the MidCoast area in the short-term, pending the completion of the MidCoast LEP over the longer term.

Specifically, this planning proposal will amend the R1 General Residential land use table in Greater Taree LEP 2010. The R1 General Residential zone is currently an open zone, permitting innominate uses with consent. Innominate uses are uses not defined in the LEP.

The review of the R1 land use table will create a closed zone, consistent with the structure used for the R2 Low Density Residential and R3 Medium Density zones in the two other MidCoast Council LEPs, being Great Lakes LEP 2014 and Gloucester LEP 2010.

The NSW Government issued proposal reference number is: PP_2018_MCOAS_005_02

Detailed information on draft environmental planning instruments is available at the NSW Department of Planning, Industry and Environment [Current LEP Proposals](#) website; or MidCoast Council's [Current Planning Proposals and DCP Amendments](#) website.

Detailed information on draft State Environmental Planning Policies is available at the NSW Department of Planning, Industry and Environment [Draft Plans and Policies](#) and [State Environmental Planning Policies](#) review program websites.

Additional permitted uses

No proposed environmental planning instruments apply to the land that propose an additional permitted use.

(e) *Are there development standards applying to the land, which fix minimum land dimensions for the erection of a dwelling house on the land?*

No proposed environmental planning instruments include a development standard to fix a minimum land dimension for the erection of a dwelling house on the land.

(f) *Does the land include or comprise critical habitat?*

No proposed environmental planning instruments include or comprise critical habitat on the land.

(g) *Is the land within a draft conservation area (however described)?*

Note: excluding conservation areas otherwise identified under Item 9A - biodiversity certified land; Item 10 – biodiversity stewardship site; Item 10A – Native vegetation clearing set asides; or Item 12 – Property vegetation plans.

No proposed environmental planning instrument identifies the land as being within a draft conservation area.

(h) *Is there a draft item of environmental heritage situated on the land?*

No proposed environmental planning instrument identifies a draft item of environmental heritage on the land.

ITEM 2A - Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Is the land identified within any zone under Part 3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, a Precinct Plan, or a Proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act?

No, the Land is not located within a Sydney Regional Growth Centre.

ITEM 3 – Complying Development Exclusions

The extent to which complying development may be carried out on the land, under clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

Complying development may or may not be carried out on the subject land under an Environmental Planning Policy.

Council does not have sufficient information to determine the extent to which specific complying development may or may not be carried out.

For further information on complying development, please refer to the NSW Government Planning Portal at <https://www.planningportal.nsw.gov.au/onlinecdc>

ITEM 4 – (Repealed)

ITEM 4A – (Repealed)

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

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

No, the land is not subject to annual charges under the Local Government Act 1993 for coastal protection works.

ITEM 5 – Mine subsidence

Is the land proclaimed to be in a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017?

No, the land is not in a mine subsidence district within the meaning of the [Coal Mine Subsidence Compensation Act 2017](#)

ITEM 6 – Road widening and road realignment

Is the land affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993; or***
- (b) Any environmental planning instrument; or***
- (c) Any resolution of the Council?***

No, the land is not identified as being affected by a proposed road widening or realignment under the provisions above.

ITEM 7 – Council and other public authority policies on hazard risk restrictions

(a) *Whether or not the land is affected by a policy adopted by the Council that restricts the development of the land because of the likelihood of:-*

(i) land slip	No
(ii) bushfire	No
(iii) tidal inundation	No
(iv) subsidence	No
(v) acid sulphate soils	No
(vi) land contamination	No
(vii) Other Risk	No

(b) *Whether or not the land is affected by a policy adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council that restricts the development of the land because of the likelihood of:-*

(i) land slip	No
(ii) bushfire	No
(iii) tidal inundation	No
(iv) subsidence	No
(v) acid sulphate soils	No
(vi) land contamination	No
(vii) Other Risk	No

ITEM 7A – Flood related development controls information

1. *Whether or not development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

No, the land is not affected by flood related development controls.

2. *Whether or not development on the land or part of the land for any other purpose is subject to flood related development controls.*

No, the land is not subject to flood related development controls associated with an identified Probable Maximum Flood (PMF) within an adopted Council policy or environmental planning instrument.

Details relating to flood risk and flood planning levels may be provided on a Flood Level Certificate. The application form is available at <https://www.midcoast.nsw.gov.au/Council/Forms-Library/Certificates> on Council's website.

ITEM 8 – Land reserved for acquisition

Is there an environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 which makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Environmental Planning and Assessment Act 1979?

No, the land is not identified in the Land Acquisition Layer of the local environmental plan or a draft environmental planning instrument.

ITEM 9 – Contributions plans

The name of each contributions plan applying to the land is:-

Great Lakes - Forster District Contributions Plan 2015
Great Lakes Wide Contributions Plan 2015

ITEM 9A - Biodiversity certified land

Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016 (including land certified under Part 7AA of the Threatened Species Conservation Act 1995)?

Note. Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

No, the land is not identified as biodiversity certified land.

ITEM 10 – Biodiversity stewardship sites

Has Council been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (including biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995)?

Note. Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

No, Council has not been notified that the land is a biodiversity stewardship site.

ITEM 10A – Native vegetation clearing set asides

Under section 60ZC of the Local Land Service Act 2013, has Council been notified by Local Land Services (or is it registered in the public register under that section) that the land contains a set aside area?

No, Council has not been notified that the land contains a native vegetation clearing set asides site.

ITEM 11 – Bush fire prone land

No, the land is not identified as bushfire prone land.

ITEM 12 – Property vegetation plans

Has Council been notified (by the person or body that approved the plan) of the existence of a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applying to the land?

No, Council has not been advised that an approved Property Vegetation Plan applies to this land and continues in force under Part 4 of the Native Vegetation Act 2003.

ITEM 13 – Orders under Trees (Disputes Between Neighbours) Act 2006

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

No, Council has not been notified of an order under the Trees (Disputes Between Neighbours) Act 2006 that affects the subject land.

ITEM 14 – Directions under Part 3A

Is there a direction by the Minister in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979 that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect?

No, there is no direction by the Minister in force under section 75P (2) (c1) of the Environmental Planning and Assessment Act 1979, that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, applying to the land.

ITEM 15 – Site compatibility certificates and conditions for seniors housing

(a) *Has a current site compatibility certificate (seniors housing), of which the Council is aware, been issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land?*

No, Council is not aware of a current site compatibility certificate (seniors housing) issued under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

- (b) ***Have any terms of a kind referred to in clause 18(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?***

No, Council is not aware of a condition of consent being imposed in terms of a kind referred to in clause 18(2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of development on the land.

ITEM 16 – Site compatibility certificates for infrastructure, schools or TAFE establishments

Has a valid site compatibility certificate (infrastructure) or a site compatibility certificate (schools or TAFE establishments), of which the Council is aware, been issued?

No, Council is not aware of a site compatibility verification certificate for infrastructure, schools or TAFE establishments on the land.

ITEM 17 – Site compatibility certificates and conditions for affordable rental housing

1. ***Has a current site compatibility certificate (affordable rental housing), of which the Council is aware, been issued in respect of proposed development on the land?***

No, Council is not aware of a site compatibility verification certificate for affordable rental housing on the land.

2. ***Have any terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?***

No, Council is not aware of a condition of consent being imposed in terms of a kind referred to in clause 17(1) or 38(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land

ITEM 18 – Paper subdivision information

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

A development plan has not been adopted that applies to the land.

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

A subdivision order does not apply to the land.

ITEM 19 – Site verification certificates

Has Council been made aware of a current site verification certificate that has been issued in respect of the land?

No, Council is not aware of a current site verification certificate that applies to the land.

ITEM 20 – Loose – fill asbestos insulation

Has Council 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 that is required to be maintained under that Division?

No, Council has not been notified that the land is identified on the register of residential premises under Division 1A of Part 8 of the Home Building Act 1989.

ITEM 21 – Affected building notices and building product rectification orders

1. Is any affected building notice in force in respect of the land?

No, Council is not aware of any affected building notice is in force on the land.

2. Is any building product rectification order in force in respect of the land that has not been fully complied with?

No, Council is not aware of any building product rectification order is in force on the land that has not been fully complied with.

3. Has a notice of intention to make a building product rectification order been given in respect of that land that is outstanding?

No, Council is not aware of any notice of intention to make a building product rectification order on the land which is outstanding.

NOTE 1 – Matters arising under the Contaminated Land Management Act 1997

Section 59(2) of the Contaminated Land Management Act 1997 prescribes the following additional matters to be specified in planning certificates:-

(a) At the date of this certificate, is the land (or part of the land) to which this certificate relates significantly contaminated land?

No, the land is not declared to be significantly contaminated land under Part 3 of the Contaminated Land Management Act 1997 at the date of issue of the certificate.

(b) *At the date of this certificate, is the land to which this certificate relates subject to a management order?*

No, the land is not subject to a management order within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate.

(c) *At the date of this certificate, is the land to which this certificate relates the subject of an approved voluntary management proposal?*

No, the land is not subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate.

(d) *At the date of this certificate, is the land to which this certificate relates subject to an ongoing maintenance order?*

No, the land is not subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate.

(e) *At the date of this certificate, is the land to which this certificate relates the subject of a site audit statement and a copy of such a statement has been provided to the Council?*

No, Council has not been provided with a site audit statement that applies to the land within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate.

GENERAL INFORMATION

The absence of any reference to a matter affecting the land shall not imply that the land is not affected by that matter not referred to in this certificate.

Information provided under section 10.7(2) is in accordance with the matters prescribed under schedule 4 of the Environmental Planning and Assessment Regulation 2000 and is provided only to the extent that the Council has been notified by the Department of Planning.

Any enquiries regarding State and Regional Environmental Planning Policies should be directed to the Department of Planning at [http:// www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Please contact Council's Customer Service team for further information about this Planning Certificate.

Adrian Panuccio
GENERAL MANAGER