

PLANNING CERTIFICATE

Information provided pursuant to SCHEDULE 2 of the
Environment Planning and Assessment Regulation 2021

APPLICANT: Mace Group
Level 14, 68 Pitt Street
SYDNEY NSW 2026

Certificate No: PC2024/3858

Certificate Date: 29/10/2024

Property: 26 York Street TAREE NSW 2430

Title: Lot 1 DP 1011890

Land No: 666613

Applicant's Ref:

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”) and clause 284 and Schedule 2 of the *Environment Planning and Assessment Regulation 2021*.

ITEM 1 – Names of relevant planning instruments and Development Control Plans

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

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts—Regional) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022
State Environmental Planning Policy (Transport and Infrastructure) 2021

Detailed information on the local environmental plans and State Environmental Planning Policies listed in this certificate is available at *NSW Legislation – In force* legislation.

Local Environmental Plans

Greater Taree Local Environmental Plan 2010

Development Control Plans

Greater Taree Development Control Plan 2010

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

a) Draft environmental planning instruments

(i) State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Amendment (Complying development for farm buildings, rural sheds and earthworks) – exhibition 15/05/2024 to 14/06/2024

Housing State Environmental Planning Policy amendments: Changes to rules associated with In-fill affordable housing, social and affordable housing, group homes and hostels, temporary supportive accommodation, seniors independent living units, boarding houses and seniors housing – exhibition 22/11/2022 to 13/1/2023

(ii) Planning Proposal for a Local Environmental Plan

In accordance with section 1(2) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2021*, the following proposed LEP(s) apply to the land. The following LEP has been the subject of community consultation or has been placed on public exhibition:

Draft MidCoast Local Environmental Plan

Detailed information on the draft MidCoast Local Environmental Plan is available on the NSW Government's *Current LEP Proposals* website; or Mid-Coast Council's website.

b) Draft Development Control Plans

No draft development control plans apply to the land.

Information on the draft State Environmental Planning Policies listed in this certificate including any Explanation of Intended Effects for proposed State Environmental Planning Policies is available on the Planning NSW website.

Detailed information on draft environmental planning instruments is available at the Planning NSW website or Mid-Coast Council's website.

ITEM 2 – Zoning and land use under relevant planning instruments

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a State Environmental Planning Policy or proposed State Environmental Planning Policies)

(a)-(b) Zone and Land Use Table from Local Environmental Plan

Zone SP2 Infrastructure - (Greater Taree LEP 2010)

1 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.
- To encourage a range of airport-related uses within the Taree Airport.

2 Permitted without consent

Roads

3 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

4 Prohibited

Any development not specified in item 2 or 3

Detailed information on the land zone mapping is available at the NSW Planning Portal, Spatial Viewer; or Mid-Coast Council's website.

Note: Please be advised that waterways move over time. Consequently, if the property is affected by Zone W1 (Natural Waterways) or W2 (Recreational Waterways), or within close proximity to this zone, a surveyor may need to undertake a survey to ascertain the current property boundaries.

(c) *Additional permitted uses*

No environmental planning instrument applies additional permitted use provisions to this land.

Note: Detailed information on the local environmental plan is available at NSW Legislation – Inforce legislation.

(d) *Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions.*

A minimum subdivision lot size may apply to this land under clause 4.1 in the abovementioned Local Environmental Plan. The minimum lot size will be specified in the Minimum Lot Size Map which is available on the NSW Planning Portal.

Additional controls may apply to the land that allow an exception to the minimum lot size prescribed under clause 4.1 of the Local Environmental Plan.

(e) *Is the land in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?*

No, the land is not identified in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

(f) *Is the land within a conservation area, however described?*

Note: excluding conservation areas otherwise identified under Item 15 – Property vegetation plans; Item 16 – biodiversity stewardship site; or Item 17 – biodiversity certified land.

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

(g) Is there an item of environmental heritage in a local environmental plan?

Yes, an item of environmental heritage is identified on the land in Schedule 5 of the local environmental plan.

Note: An item of environmental heritage, namely Aboriginal heritage, listed on the Aboriginal Heritage Information Management System (AHIMS), may be situated on the land. The Department of Planning and Environment, Biodiversity and Conservation Division maintains the AHIMS.

(a)-(b) Zone and Land Use Table in draft local environmental plan

In accordance with section 1(2) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2021*, the following proposed LEP(s) apply to the land. The following LEP has been the subject of community consultation or has been placed on public exhibition:

Draft MidCoast LEP 2024

Under the draft MidCoast Local Environmental Plan the following matters apply to the land:

Draft Zone SP2 Infrastructure

1 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.
- To encourage a range of airport-related uses within the Taree Airport.

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Detailed information on the land zone mapping is available at the NSW Planning Portal, Spatial Viewer; or Mid-Coast Council's website.

Note: Please be advised that waterways move over time. Consequently, if the property is affected by Zone W1 (Natural Waterways) or W2 (Recreational Waterways), or within close proximity to this zone, a surveyor may need to undertake a survey to ascertain the current property boundaries.

(c) Whether additional permitted uses apply to the land.

No draft environmental planning instrument applies additional permitted use provisions to this land.

(d) Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions.

A minimum subdivision lot size may apply to this land under clause 4.1 in the draft MidCoast Local Environmental Plan. The minimum lot size will be specified in the Minimum Lot Size Map which is available on the NSW Planning Portal.

Additional controls may apply to the land that allow an exception to the minimum lot size prescribed under clause 4.1 of the draft MidCoast Local Environmental Plan.

(e) Is the land in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?

No, the land is not identified in an area of outstanding biodiversity value under the Biodiversity Conservation Act.

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

Note: excluding conservation areas otherwise identified under Item 15 – Property vegetation plans; Item 16 – biodiversity stewardship site; or Item 17 – biodiversity certified land.

No planning proposal for a local environmental plan includes the land in a draft conservation area.

(g) Is there a draft item of environmental heritage in a planning proposal for a local environmental plan?

Yes, an item of environmental heritage is identified on the land in a draft environmental planning instrument.

ITEM 3 – Contributions plans

(1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

Greater Taree Section 94 Contributions Plan 2016
Greater Taree Section 94A Contributions Plan 2016

No draft contribution plans apply to the land.

(2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

No, the land is not in a special contributions area.

Note: In addition to the above developer contribution plans, Development Servicing Plans for water and sewer connection may be applicable, attracting additional contributions for the development, particularly where development will connect to water and/or sewer services.

ITEM 4 – Complying Development

(1) If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

The following Complying Development Codes **may** allow complying development to be carried out on land in the following land uses zones:

- Complying Development under **(Part 3) Housing Code** may be carried out on land within the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; RU5 Village.
- Complying Development under **(Part 3A) Rural Housing Code** may be carried out on land within the following zones: R5 Large Lot Residential; RU1 Primary Production; RU2 Rural Landscape; RU3 Forestry; RU4 Primary Production Small Lots; RU6 Transition.
- Complying Development under **(Part 3B) Low Rise Housing Diversity code** may be carried out on land within the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; RU5 Village.
- Complying Development under **(Part 3C) Greenfield Housing Code** may be carried out on land within the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; RU5 Village.
- Complying Development under **(Part 3D) Inland Code** does not apply to land within the Mid-Coast local government area.
- Complying Development under **(Part 4) Housing Alterations Code** may be carried out on land within any zone.
- Complying Development under **(Part 4A) General Development Code** may be carried out on land within any zone.
- Complying Development under **(Part 5) Industrial and Business Alterations Code** may be carried out on land within any zone.
- Complying Development under **(Part 5A) Industrial and Business Buildings Code** may be carried out on land within the following zones: E1 Local Centre; E2 Commercial Centre; E3 Productivity Support; E4 General Industrial; E5 Heavy Industrial; MU1 Mixed Use; W4 Working Waterfront; SP3 Tourist.
- Complying Development under **(Part 5B) Container Recycling Facilities Code** may be carried out on land within the following zones: E1 Local Centre; E2 Commercial Centre; E3 Productivity Support; E4 General Industrial; E5 Heavy Industrial; MU1 Mixed Use; W4 Working Waterfront; SP3 Tourist.
- Complying Development under **(Part 6) Subdivisions Code** may be carried out on land within any zone.
- Complying Development under **(Part 7) Demolition Code** may be carried out on land within any zone.
- Complying Development under **(Part 8) Fire Safety Code** may be carried out on land within any zone.

- Complying Development under **(Part 9) Agritourism and Farm Stay Accommodation Code** may be carried out on land within the following zones: RU1 Primary Production; RU2 Rural Landscape; RU4 Primary Production Small Lots.

(2) The complying development may not be carried out on the land because of the following provisions of Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the Policy.

The land is identified as 1.17A (1)(d)(iii) an item of environmental heritage or a heritage item by an environmental planning instrument, therefore Complying Development under the following Complying Development Codes may not be undertaken on the land:

(Part 3) Housing Code
(Part 3A) Rural Housing Code
(Part 3B) Low Rise Housing Diversity Code
(Part 3C) Greenfield Housing Code
(Part 4) Housing Alterations Code
(Part 4A) General Development Code
(Part 5) Industrial and Business Alterations Code
(Part 5A) Industrial and Business Buildings Code
(Part 5B) Container Recycling Facilities Code
(Part 6) Subdivisions Code
(Part 7) Demolition Code
(Part 8) Fire Safety Code
(Part 9) Agritourism and Farm Stay Accommodation Code

The land is identified as 1.19(3A) a heritage item or a draft heritage item, therefore Complying Development under the following Complying Development Code may not be undertaken on the land:

(Part 3B) Low Rise Housing Diversity Code

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. If an identification, restriction or characteristic of land referred to above is not located on or does not comprise, the whole of the relevant land, complying development may be carried out on any part of the land not so identified, restricted or characterised.

Note: Information regarding whether the property is affected by flood related development controls or is bushfire prone land is identified in other sections of this certificate. If your property is identified as being impacted by bushfire or flooding, a specific technical assessment of these issues will be required as part of any Complying Development Certificate application under the State Environment Planning Policy, or a development application for any other type of development requiring consent from Council.

Note: Despite any references above advising that Complying Development may be undertaken on the land, certain Complying Development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

- (3) ***If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.***

Any of the following restrictions may also apply to the land, however, Mid-Coast Council does not have sufficient information to ascertain whether these restrictions apply or how this may affect the extent to which complying development may be carried out:

1.17A(1) Requirements for complying development for all environmental planning instruments:

- (c) land that is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*),
or
- (d) (i) land that comprises an item that is listed on the State Heritage Register under the *Heritage Act 1977* or on which such an item is located, or
- (d) (ii) land subject to an interim heritage order under that Act or on which is located an item that is so subject, or
- (e) land within an environmentally sensitive area.
Cl.1.5 Interpretation – general environmentally sensitive area means any of the following—
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance.
- (e) land within an environmentally sensitive area.
Cl.1.5 Interpretation – general environmentally sensitive area means any of the following—
 - (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.
- (e) land within an environmentally sensitive area.
Cl.1.5 Interpretation – general environmentally sensitive area means any of the following—
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

1.17A(3) Requirements for complying development for all environmental planning instruments:

If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1)(d) applies only to the part of the land that is described and mapped on that register.

1.17A(4) Requirements for complying development for all environmental planning instruments:

If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1)(d) applies only to the part of the land that is described and mapped on that instrument.

1.19(1) Specific land exemptions for Housing Code, Inland Code, Low Rise Housing Diversity Code, Rural Housing Code, Greenfield Housing Code, Agritourism and Farm Stay Accommodation Code:

- (b) reserved for a public purpose by an environmental planning instrument, or
- (e) identified by an environmental planning instrument as being—
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
- (i) declared to be a special area under the *Water NSW Act 2014*, or
- (j) unsewered land—
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

1.19(4) Specific land exemptions for Housing Alterations Code and General Development Code:

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land—

- (b) in any other drinking water catchment identified in any other environmental planning instrument.

1.19(5) Specific land exemptions for Industrial and Business Buildings Code:

- (b) land that is reserved for a public purpose in an environmental planning instrument, or
- (f) land identified by an environmental planning instrument as being—
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
- (i) unsewered land—
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

(4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

There are no variations to the exempt development codes within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that apply in the Mid-Coast local government area.

For further information on complying development, please refer to the Planning NSW website.

ITEM 5 – Exempt Development

1) ***If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.***

- **General Exempt Development Code**
Under the provisions of the General Exempt Development Code, exempt development may be carried out on the land if it meets the requirements for that exempt development.
- **Advertising and Signage Exempt Development Code**
Under the provisions of the Advertising and Signage Exempt Development Code, exempt development may be carried out if it meets the requirements of that exempt development.
- **Temporary Uses and Structures Exempt Development Code**
Under the provisions of the Temporary Uses and Structure Exempt Development Code, exempt development may be carried out if it meets the requirements for that exempt development.

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. Despite any references above advising that Exempt Development may be undertaken on the land, certain Exempt Development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environmental Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

2) ***If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.***

1.16 General requirements for exempt development

- (1) To be exempt development for the purposes of this Policy, the development—
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (b1) must not be carried out on land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*, and
 - (b2) must not be carried out on land that is, or is part of, a wilderness area (within the meaning of *Wilderness Act 1987*), and
 - (c) must not be carried out on land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act, and
 - (d) must not be carried out on land that is described or otherwise identified on a map specified in Schedule 4.

(1A) Despite subclause (1)(c), if development meets the requirements and standards specified by this Policy and that development—

- (a) has been granted an exemption under section 57(2) of the *Heritage Act 1977*, or
- (b) is subject to an exemption under section 57(1A) or (3) of that Act.

The development is exempt development under this Policy.

(1B) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1)(c) applies only to the part of the land that is described and mapped on that register.

(1C) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, any restriction on carrying out development on the relevant land on which the item is located applies only to the part of the land that is described and mapped on that instrument.

(2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development for the purposes of this Policy only if—

- (a) the building has a current fire safety certificate or fire safety statement, or
- (b) no fire safety measures are currently implemented, required or proposed for the building.

(3) To be exempt development for the purposes of this Policy, the development must—

- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit, approval or development consent, unless the removal or pruning is carried out in accordance with the permit, approval or development consent.

Example — A permit or approval may be required under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 or other legislation.

(4) (Repealed)

1.16A Exempt development on land within 18 kilometres of Siding Spring Observatory

Clauses 1.15 and 1.16 and Part 2 apply to development on land that is less than 18 kilometres from the Siding Spring Observatory, but only if—

- (a) the development does not have, and will not require, any form of lighting, and
- (b) the development is not development that is specified in any of the following provisions of Division 1 of Part 2—
 - (i) Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs,
 - (ii) Subdivision 10 Carports,
 - (iii) Subdivision 10A Change of use of premises,
 - (iv) Subdivision 10B Change of use of places of public worship,
 - (v) Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers),

- (v1) Subdivision 16A Stock holding yards not used for sale of stock,
- (v2) Subdivision 16B Grain silos and grain bunkers,
- (vi) Subdivision 24 Landscaping structures,
- (vii) Subdivision 27 Minor building alterations (external),
- (viii) Subdivision 27A Mobile food and drink outlets,
- (ix) Subdivision 37 Skylights, roof windows and ventilators.

Yes, Exempt Development may be undertaken in the Mid-Coast local government area.

There is no land within the Mid-Coast local government area identified:

- 1.16 (b1) as a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*, and
- 1.16(b2) as, or part of, a wilderness area (within the meaning of *Wilderness Act 1987*), and
- 1.16(d) described or otherwise identified on a map specified in Schedule 4 – Land excluded from the General Exempt Development Code.
- 1.16A within 18 kilometres of Siding Spring Observatory.

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. Despite any references above advising that Exempt Development may be undertaken on the land, certain Exempt Development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environmental Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—

(a) a restriction applies to the land, but it may not apply to all of the land

(b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.

Mid-Coast Council does not have sufficient information to ascertain whether the land is listed on the State Heritage Register under the *Heritage Act 1977*, or subject to an interim heritage order under that Act.

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. Despite any references above advising that Exempt Development may be undertaken on the land, certain Exempt Development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environmental Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.

There are no variations to the exempt development codes within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that apply in the Mid-Coast local government area.

Note: This information needs to be read in conjunction with the whole of the State Environment Planning Policy. Despite any references above advising that Exempt Development may be undertaken on the land, certain Exempt Development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environmental Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

ITEM 6 – Affected building notices and building product rectification orders

1) *Whether the council is aware that—*

(a) an affected building notice is in force in relation to the land, or

No.

(b) a building product rectification order is in force in relation to the land that has not been fully complied with, or

No.

(c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.

No.

Note: In this section, *affected building notice* has the same meaning as in the *Building Products (Safety) Act 2017*, Part 4. *Building product rectification order* has the same meaning as in the *Building Products (Safety) Act 2017*.

ITEM 7 – Land reserved for acquisition

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

State Environmental Planning Policies

Council is unable to provide any site-specific information on the provisions of any State Environmental Planning Policy regarding the acquisition of land. Information on State Environmental Planning Policies listed in this certificate is available at *NSW Legislation – In force* legislation.

Draft State Environmental Planning Policies

Council is unable to provide site-specific information on the provisions of any draft State Environmental Planning Policy regarding the acquisition of land. Information on the draft State Environmental Planning Policies listed in this certificate is available on the Planning NSW website.

Local Environmental Plan

No, the land is not identified in the Land Reserved for Acquisition map of the local environmental plan.

Planning Proposal for a Local Environmental Plan or Amendment

No, the land is not identified in the Land Acquisition Layer of a proposed local environmental plan.

ITEM 8 – Road widening and road realignment

Whether the land is affected by road widening or road realignment under—

(a) the Roads Act 1993, Part 3, Division 2, or

No, Council has not been notified that the land is affected by road widening or realignment under the *Roads Act 1993, Part 3, Division 2*.

(b) an environmental planning instrument, or

No, the land is not identified as being affected by a proposed road widening or realignment in the local environmental plan.

(c) a resolution of the council.

No, the land is not identified by a resolution of Council as being affected by a proposed road widening or realignment.

Note: This item relates to Council's road proposals only. Other authorities, including the NSW Roads and Traffic Authority may have road widening proposals.

ITEM 9 – Flood related development controls

1. If the land or part of the land is within the flood planning area and subject to flood related development controls.

No, the land, in whole or part is not identified within the flood planning area and subject to affected flood related development controls.

2. If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

No, the land in whole or part 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.

Note: In this section, *flood planning area* has the same meaning as in the Floodplain Development Manual. *Floodplain Development Manual* means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005. *Probable maximum flood* has the same meaning as in the Floodplain Development Manual.

Note: The information provided in Item 9 is based on the data and information presently available to the Council and on development controls in force as at the date of this certificate. The identification of land as not being subject to flood related development controls does not mean that the land is not, or may not be, subject to flooding or that the land will not in the future be subject to flood related development controls, as additional data and information regarding the land become available.

Details relating to flood risk and flood planning levels may be provided on a Flood Level Certificate. The application form is available in the Forms Library on Council's website.

ITEM 10 – Council and other public authority policies on hazard risk restrictions

Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Adopted policy means a policy adopted:

- a) adopted by the council, or
- b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils or any other risk (other than flooding).

Council **has not** adopted a policy or been notified of any adopted policy of another public authority, that restricts development on the land because of the likelihood of landslip, subsidence or salinity.

Council **does have** adopted policies or has been notified of adopted policies of another public authority on matters relating to the risk of bushfire; acid sulfate soils; contamination; aircraft noise; flooding; tidal inundation; sea level rise; and coastal hazards.

Yes, the land is affected by airport management policies that may restrict development due to potential noise, buildings, aerial structures and other potential hazards associated with airport activities.

ITEM 11 – Bush fire prone land

If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.

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

Note: In accordance with the *Environmental Planning and Assessment Act 1979*, bush fire prone land, in relation to an area, means land recorded for the time being as bush fire prone land on a bush fire prone land map for the area. This mapping is subject to periodic review. Additional mapping information is available on Council's website via the Online Mapping tool.

Note: Further details of any applicable restrictions on development of the land associated with Bushfire Prone Land may be obtained by consulting with Council or reviewing the guideline *Planning for Bushfire Protection 2019* (as amended from time to time) available on the NSW Rural Fire Service website.

Note: The identification of land as not being bushfire prone does not mean that the land is not, or may not be, affected by bushfire or that the land will not in the future be subject to bushfire related development controls, as additional data and information regarding the land become available.

ITEM 12 – Loose – fill asbestos insulation

If the land includes residential premises, within the meaning of the *Home Building Act 1989*, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

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 13 – Mine subsidence

Whether the land is declared to be 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 14 – 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.

No, an adopted development plan does not apply 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 15 – Property vegetation plans

If the land is land in relation to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

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

ITEM 16 – Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

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

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

No, Council has not been notified that the land is under a biobanking agreement under the *Threatened Species Conservation Act 1995*, Part 7A.

ITEM 17 – Biodiversity certified land

If the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8, a statement to that effect.

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

No, Council has not been notified that the land is biodiversity certified land.

No, Council has not been notified that the land is certified under the *Threatened Species Conservation Act 1995*, Part 7A.

ITEM 18 – Orders under *Trees (Disputes Between Neighbours) Act 2006*

Whether 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, but only if the council has been notified of the order.

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

ITEM 19 – Annual charges under *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works

If the *Coastal Management Act 2016* applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

No, the land is not subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services.

Note: In this section, existing coastal protection works has the same meaning as in the *Local Government Act 1993*, section 553B. Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

ITEM 20 – Western Sydney Aerotropolis

The *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* does not apply to land within the Mid-Coast local government area.

ITEM 21 – Development consent conditions for seniors housing

If *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

Clause 88(2) of the *State Environmental Planning Policy (Housing) 2021* restricts occupation of development approved for seniors housing to:

- a) seniors or people who have a disability,
- b) people who live in the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration and provision of services to housing provided under this Part.

No, Council is not aware of a condition of consent being imposed in terms of a kind referred to in *Chapter 3, Part 5 clause 88(2)* of the *State Environmental Planning Policy (Housing) 2021* in respect of development on the land.

ITEM 22 – Site compatibility certificates and development consent conditions for affordable rental housing

1. ***Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—***

- a) the period for which the certificate is current, and
- b) that a copy may be obtained from the Department.

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

2. ***If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, a statement setting out terms of a kind referred to in the Policy, clause 21(1) or 40(1).***

No, Council is not aware of a condition being imposed in terms of a kind referred to in *Chapter 2, Part 2, Division 1 or 5 Clause 21(1) or 40(1)* of the *State Environmental Planning Policy (Housing) 2021* in respect of development on the land.

Note: Any conditions of a development consent in relation to land that are of a kind referred to in *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

In this section, former site compatibility certificate means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

ITEM 23 – Water or Sewerage Services

Council has not been advised that water or sewerage services are, or are to be provided to the land under the *Water Industry Competition Act 2006*.

Note— A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

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 2 of the Environmental Planning and Assessment Regulation 2021 and is provided only to the extent that the Council has been notified by Planning NSW.

Any enquiries regarding State and Regional Environmental Planning Policies should be directed to the Planning NSW website.

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

Adrian Panuccio
GENERAL MANAGER