



**City of
Newcastle**

Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

To: Paul Gowran & Co. Solicitors
PO Box 76
JESMOND NSW 2299

Certificate No: PL2021/03966
Fees: \$53.00
Receipt No(s): D001965264

Your Reference: PKG:KK:21WU107

Date of Issue: 13/07/2021

The Land: Lot 15 DP 1149782 470 Sandgate Road Shortland NSW 2307
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Advice provided on this Certificate:

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

IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

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

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

All information provided is correct as at 13/07/2021. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

WARNING:

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

City of Newcastle

PO Box 489
NEWCASTLE 2300

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

Customer Contact Centre

Ground floor,
12 Stewart Avenue
Newcastle West NSW 2300

Office hours:

Mondays to Fridays 8.30 am to 5.00 pm

Part 1:

Advice provided under section 10.7(2)

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

1. Names of relevant planning instruments and DCPs

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

State Environmental Planning Policy No. 1 - Development Standards

State Environmental Planning Policy No. 21 - Caravan Parks

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

State Environmental Planning Policy No. 36 - Manufactured Home Estates

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

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 64 - Advertising and Signage

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

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

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

State Environmental Planning Policy (State Significant Precincts) 2005

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Urban Renewal) 2010

State Environmental Planning Policy (State and Regional Development) 2011

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

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

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Concurrences) 2018

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

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2012

2. Zoning and land use under relevant LEPs

Newcastle Local Environmental Plan 2012

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

Zone E3 Environmental Management

Note: Refer to www.newcastle.nsw.gov.au or www.legislation.nsw.gov.au website for LEP instrument and zoning maps.

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

Zone E3 Environmental Management

• **Objectives of zone**

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

• **Permitted without consent**

Environmental protection works; Home occupations

• **Permitted with consent**

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

• **Prohibited**

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

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

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

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

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

3. Complying development

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

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

Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Complying development under this Code may NOT be carried out on this land, as the land is affected by Specific land exemptions, being land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land identified as coastal wetlands or littoral rainforest plus proximity area of 100m to which State Environmental Planning Policy (Coastal Management) 2018 applies, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Rural Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Low Rise Housing Diversity Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Greenfield Housing Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Management) 2018 applies, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Inland Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Housing Alterations Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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General Development Code

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Commercial and Industrial Alterations Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land identified as coastal wetlands or littoral rainforest plus proximity area of 100m to which State Environmental Planning Policy (Coastal Management) 2018 applies, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Commercial and Industrial (New Buildings and Additions) Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Container Recycling Facilities Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land identified as coastal wetlands or littoral rainforest plus proximity area of 100m to which State Environmental Planning Policy (Coastal Management) 2018 applies, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Subdivision Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land identified as coastal wetlands or littoral rainforest plus proximity area of 100m to which State Environmental Planning Policy (Coastal Management) 2018 applies, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

Demolition Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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Fire Safety Code

Complying development under this Code may NOT be carried out on this land, as the land is affected by General land exemptions; being land that is an environmentally sensitive area, being land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention and within 100m, except as provided by the State Environmental Planning Policy (Exempt and Complying Development Codes).

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

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

5. Coal Mine Subsidence Compensation Act 2017

The land IS NOT WITHIN a Mine Subsidence District declared under section 20 of the Coal Mine Subsidence Compensation Act 2017.

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

6. Road widening or realignment

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

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

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

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

7. Policies on hazard risk restrictions

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the Environmental Planning and Assessment Regulation 2000 that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

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

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

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

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

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

7A. Flood related development controls information

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

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

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

8. Land reserved for acquisition

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

9. Contributions plans

The following contribution plan/s apply to the land.

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

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

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

9A. Biodiversity certified land

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

10. Biodiversity stewardship sites

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

10A. Native vegetation clearing set asides

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

11. Bush fire prone land

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

12. Property vegetation plans

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

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

CN HAS NOT been notified that an order has been made under the Trees (Disputes between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14. Directions under Part 3A

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

15. Site compatibility certificates and conditions for seniors housing

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

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

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

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

17. Site compatibility certificates and conditions for affordable rental housing

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

18. Paper subdivision information

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

19. Site verification certificates

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

20. Loose-fill asbestos insulation

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

21. Affected building notices and building product rectification orders

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

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

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

An affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.
Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

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

Issued without alterations or additions, 13/07/21
Authorised by

JEREMY BATH
CHIEF EXECUTIVE OFFICER