

## Appendix C

■ WATER ■ MINING ■ SPORTS & RECREATION ■ HORTICULTURE & AGRICULTURE ■ ENVIRONMENTAL ■ ENGINEERING & GEOTECH ■ URBAN HORTICULTURE & LANDSCAPING

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**QLD** Level 10, 15 Green Square Cl, Fortitude Valley QLD 4006



**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3665  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6298

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot 39 DP 755495  
**Parcel No:** 10212

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
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- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
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- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.



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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per: Carelyn HA

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
    - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
    - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

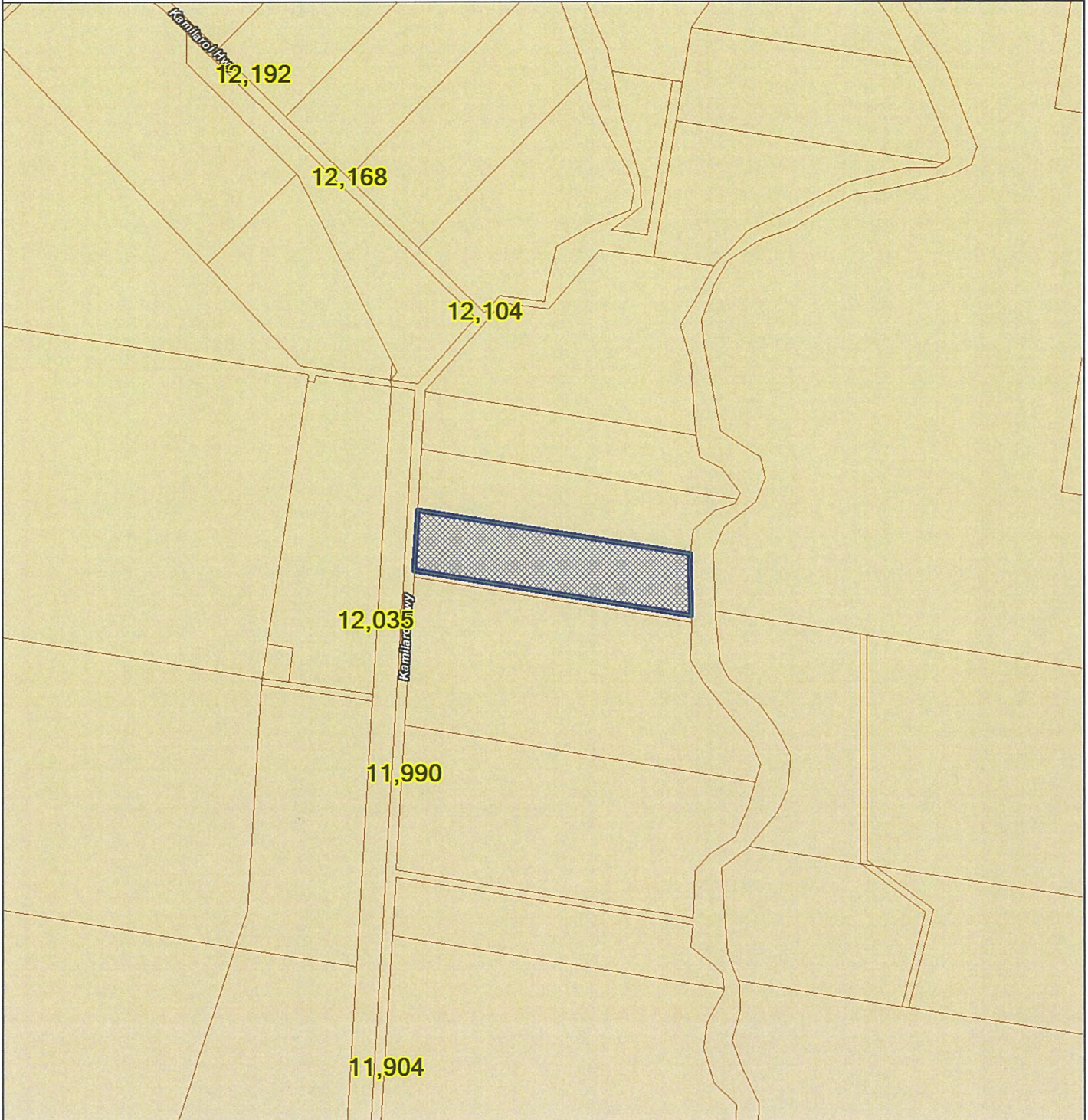
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<b>Owner:</b> <b>Property Address:</b>	COALWORKS (VICKERY SOUTH) PTY LTD 11990 Blue Vale RD BLUE VALE 2300	Cadastral data is the property of NSW Dept of Lands – Last modified 18/10/2007 12:00:00 AM
<b>Property Details:</b> Lot Section PlanNo 39 755495		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> RU1		
Date: 14/04/2016	Scale:	

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3673  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6306

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Mr RS Blackmore  
Emerald Plains  
GUNNEDAH NSW 2380

**Property:** 398 Goolhi Road EMERALD HILL 2380  
**Description:** Lot: 217 DP: 755495  
**Parcel No:** 6503

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

(1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

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(c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

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(h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
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The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

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The following contributions plans apply to the land:

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The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

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Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

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The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.

b) There is no subdivision order that applies to the land.



## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Candlyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
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Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<b>Owner:</b>	Mr RS Blackmore	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM	
<b>Property Address:</b>	398 Goolhi RD EMERALD HILL 2380		
<b>Property Details:</b>		<p align="center"><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>	
Lot	Section		PlanNo
217			755495
<b>Zoning:</b> RU1			
Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56	

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3678  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6311

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Mr TJ & Mrs C Loveridge  
Yamba  
EMERALD HILL 2380

**Property:** 224 Goolhi Road EMERALD HILL 2380  
**Description:** Lot: 1 DP: 929979  
**Parcel No:** 6545

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

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## 19. Site verification certificates

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**19. Tree Preservation Order**

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**Eric Groth  
GENERAL MANAGER**

Per: Carolyn HA



## **Zone RU1 Primary Production**

### **1 Objectives of zone**

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### **3 Permitted with consent**

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- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
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  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
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  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
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    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

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Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

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  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

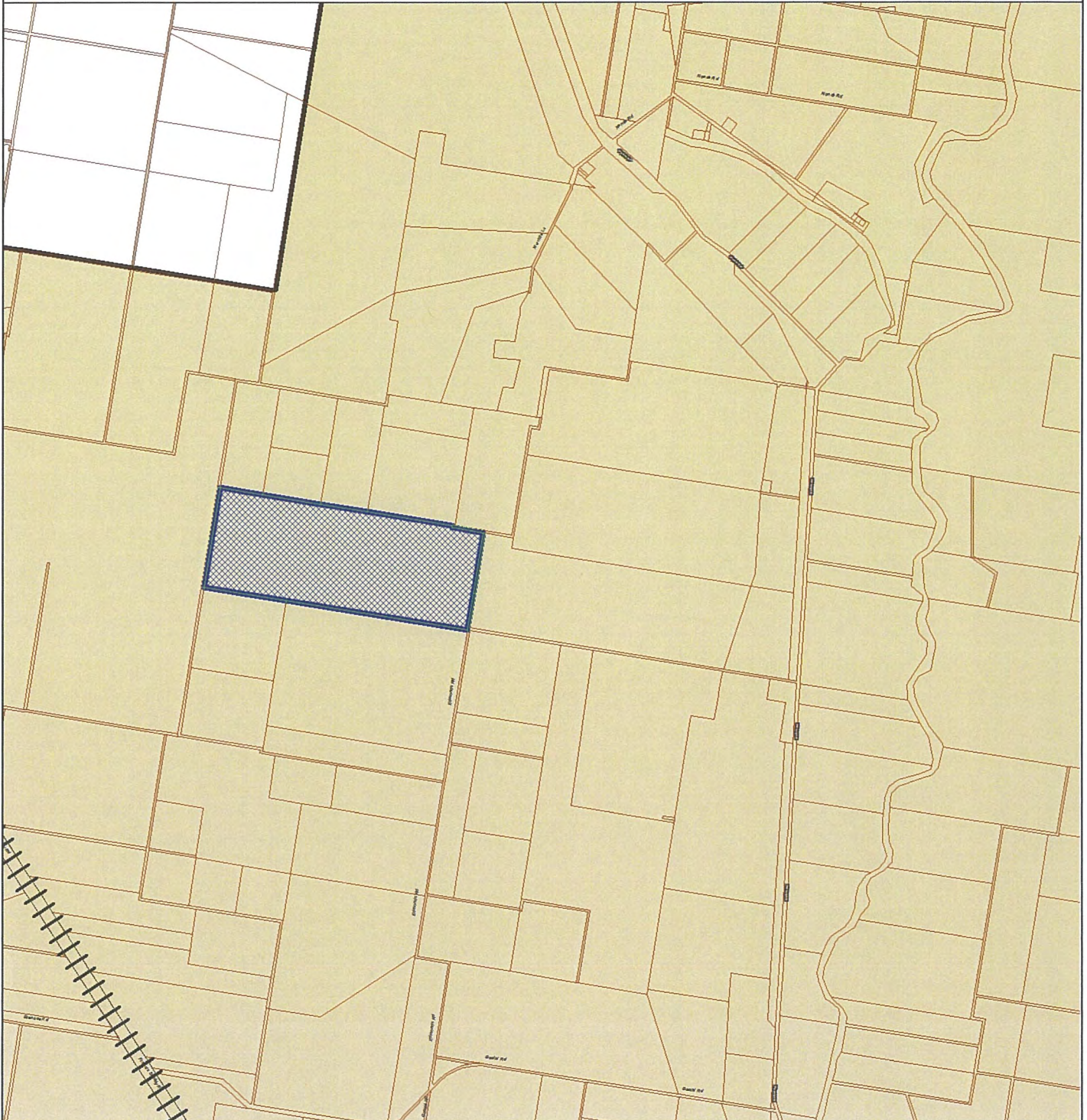
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<p><b>Owner:</b> Mr TJ &amp; Mrs C Loveridge</p> <p><b>Property Address:</b> 224 Goolhi RD EMERALD HILL 2380</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 27/04/2012 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>929979</td> </tr> </tbody> </table>	Lot	Section	PlanNo	1		929979	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
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<p><b>Zoning:</b> RU1</p> <table border="1"> <tr> <td>Date: 14/04/2016</td> <td>Scale:</td> <td>Projection: GDA94 Zone 56</td> </tr> </table>	Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56				
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**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3666  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6299

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Mr RS Blackmore  
Emerald Plains  
GUNNEDAH NSW 2380

**Property:** 398 Goolhi Road EMERALD HILL 2380  
**Description:** Lot: 64 DP: 755495  
**Parcel No:** 6494

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
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- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
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- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
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- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Carelyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production
  - Zone RU3 Forestry
  - Zone RU4 Rural Small Holdings
  - Zone RU6 Transition
  - Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.



Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.

# Gunnedah Shire Council 149(2) Certificate



<p><b>Owner:</b> Mr RS Blackmore</p> <p><b>Property Address:</b> 398 Goolhi RD EMERALD HILL 2380</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
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**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3686  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6319

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot 1 DP 1115618  
**Parcel No:** 1000499

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

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- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

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- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

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- *State Environmental Planning Policy No. 1 - Development Standards*
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## **2. Zoning and land use under relevant LEPs**

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.



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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009*.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

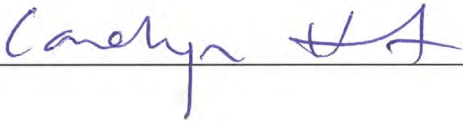
**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.



(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<p><b>Owner:</b></p> <p><b>Property Address:</b></p>	<p>COALWORKS (VICKERY SOUTH) PTY LTD</p> <p>11990 Blue Vale RD BLUE VALE 2300</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 30/08/2007 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1115618</td> </tr> </tbody> </table>		Lot	Section	PlanNo	1		1115618	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
1		1115618						
<p><b>Zoning:</b> RU1</p>	<table border="1"> <tr> <td>Date: 14/04/2016</td> <td>Scale:</td> <td>Projection: GDA94 Zone 56</td> </tr> </table>	Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56				
Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56						



**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3669  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6302

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 12035 Kamilaroi Highway EMERALD HILL 2380  
**Description:** Lot: 93 DP: 755495  
**Parcel No:** 12678

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

(2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

(3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
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- \* General Commercial and Industrial Code
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- \* Demolition Code

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The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

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The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

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The following contributions plans apply to the land:

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The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

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Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

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

No 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).

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- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
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Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

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There have been no development applications determined by Council pertaining to the land within the last five (5) years.

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A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

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Zone RU6 Transition

Zone E3 Environmental Management
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  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
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Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.



(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.

# Gunnedah Shire Council 149(2) Certificate



<b>Owner:</b> <b>Property Address:</b>	COALWORKS (VICKERY SOUTH) PTY LTD 12035 Kamilaroi HWY EMERALD HILL 2300	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM
<b>Property Details:</b> Lot Section PlanNo 93 755495		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> RU1 Date: 14/04/2016      Scale:      Projection: GDA94 Zone 56		



**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3664  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6297

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot 38 DP 755495  
**Parcel No:** 10211

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.



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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:           *Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

---

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

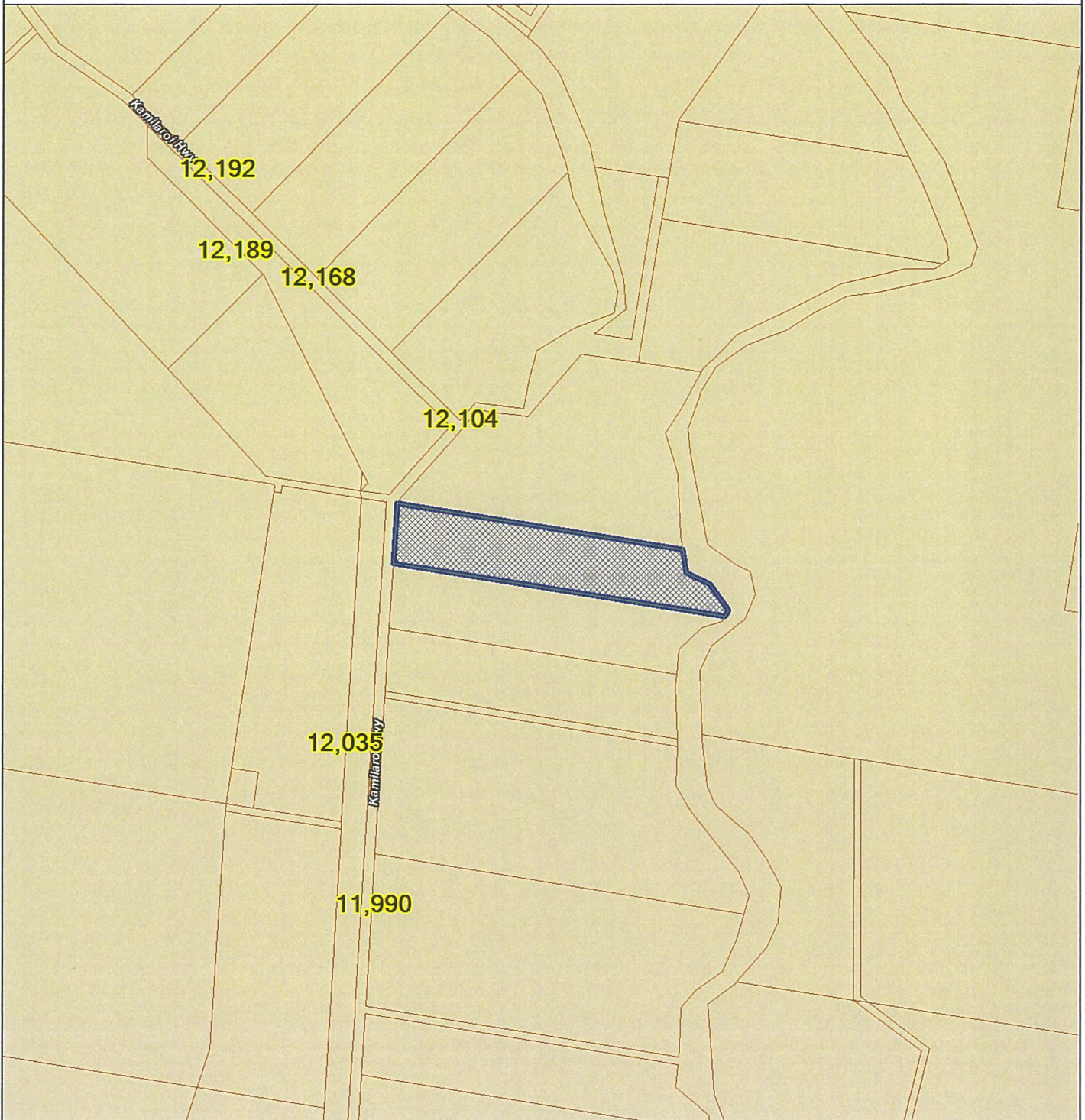
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<p><b>Owner:</b> <b>Property Address:</b></p>	<p>COALWORKS (VICKERY SOUTH) PTY LTD 11990 Blue Vale RD BLUE VALE 2300</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 18/10/2007 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>38</td> <td></td> <td>755495</td> </tr> </tbody> </table>		Lot	Section	PlanNo	38		755495	<p><b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
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38		755495						
<p><b>Zoning:</b> RU1</p> <table border="1"> <tr> <td data-bbox="95 2060 414 2101">Date: 14/04/2016</td> <td data-bbox="414 2060 734 2101">Scale:</td> <td data-bbox="734 2060 1053 2101">Projection: GDA94 Zone 56</td> </tr> </table>		Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56				
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**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3671  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6304

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot 120 DP 755495  
**Parcel No:** 10213

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

(1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

(c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



(2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

(3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
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- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.



**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Carelyn H A*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<p><b>Owner:</b> COALWORKS (VICKERY SOUTH) PTY LTD</p> <p><b>Property Address:</b> 11990 Blue Vale RD BLUE VALE 2300</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 24/09/2007 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>120</td> <td></td> <td>755495</td> </tr> </tbody> </table>		Lot	Section	PlanNo	120		755495	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
120		755495						
<p><b>Zoning:</b> RU1</p>	<p>Date: 14/04/2016</p> <p>Scale:</p> <p>Projection: GDA94 Zone 56</p>							

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3654  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6287

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot: 9 DP: 754929  
**Parcel No:** 10188,

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

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*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

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*Gunnedah Development Control Plan 2012*



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Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.



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## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
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- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**Gunnedah**  
Land of Opportunity

---

### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.



**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:
  - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<p><b>Owner:</b> <b>Property Address:</b></p>	<p>COALWORKS (VICKERY SOUTH) PTY LTD 11990 Blue Vale RD BLUE VALE 2300</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>9</td> <td></td> <td>754929</td> </tr> </tbody> </table>		Lot	Section	PlanNo	9		754929	<p><b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
9		754929						
<p><b>Zoning:</b> RU1</p>								
<p>Date: 14/04/2016</p>	<p>Scale:</p>	<p>Projection: GDA94 Zone 56</p>						

**PLANNING CERTIFICATE  
UNDER SECTION 149(2)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 4072  
**Date:** 30/01/2017  
**Receipt No:** 373799  
**Applicant Reference:**  
**Application No:** 6924

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
Resource Strategies Pty Ltd  
PO Box 1842  
MILTON QLD 4064

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 1 DP: 219923  
**Parcel No:** 5298

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

(1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(2) Draft Local Environmental Plan that has been placed on exhibition:

*No Draft Gunnedah Local Environmental Plan has been placed on exhibition*

(3) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**19. Site verification certificates**

Council is not aware of any current verification certificate that applies to this land.

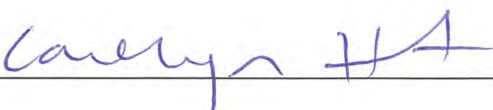
**20. Loose-fill asbestos insulation**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act 1986*.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Eric Groth  
GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies



## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production
  - Zone RU3 Forestry
  - Zone RU4 Rural Small Holdings
  - Zone RU6 Transition
  - Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

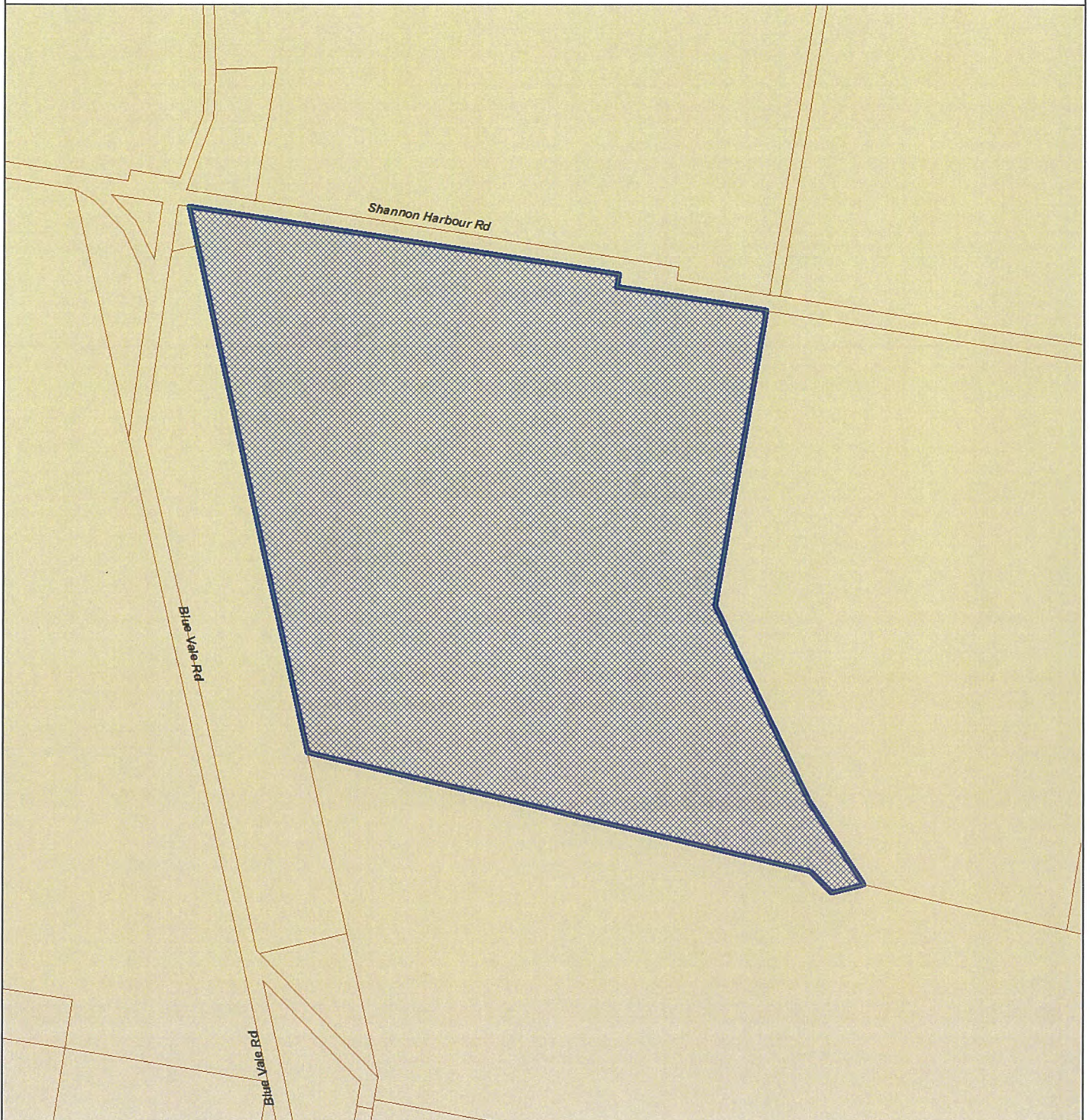
- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.





<p><b>Owner:</b> Whitehaven Coal Mining Limited</p> <p><b>Property Address:</b> 84 Braymont RD BLUE VALE</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>219923</td> </tr> </tbody> </table>		Lot	Section	PlanNo	1		219923	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
1		219923						
<p><b>Zoning:</b> RU1</p>	<p>Date: 30/01/2017      Scale:      Projection: GDA94 Zone 56</p>							



**PLANNING CERTIFICATE  
UNDER SECTION 149(2)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

Shire of  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 4074  
**Date:** 30/01/2017  
**Receipt No:** 373799  
**Applicant Reference:**  
**Application No:** 6926

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
Resource Strategies Pty Ltd  
PO Box 1842  
MILTON QLD 4064

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 34 DP: 754929, Lot: 3 DP: 1018347,  
**Parcel No:** 17725, 18955

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:
- *State Environmental Planning Policy No. 1 - Development Standards*
  - *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
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  - *State Environmental Planning Policy No. 21 - Caravan Parks*
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  - *State Environmental Planning Policy No. 55 - Remediation of Land*
  - *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
  - *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(2) Draft Local Environmental Plan that has been placed on exhibition:

*No Draft Gunnedah Local Environmental Plan has been placed on exhibition*

(3) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

Council is unable to confirm whether or not:

(1) Development on that 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.

(2) Development on that land or part of the land for any other purpose is subject to flood related development controls.

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**19. Site verification certificates**

Council is not aware of any current verification certificate that applies to this land.

**20. Loose-fill asbestos insulation**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act 1986*.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the National Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Eric Groth**  
**GENERAL MANAGER**

Per:                     *Caryn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production
  - Zone RU3 Forestry
  - Zone RU4 Rural Small Holdings
  - Zone RU6 Transition
  - Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.





## 149(2) Certificate

### Property Address

Whitehaven Coal Mining Limited  
84 Braymont RD  
BLUE VALE

### Property Description:

Parcel Info1 (2)(Property Details)

MI_Ke y	pl_nu m	Lot	Section	Plan No
776	17725	34		754929
930	18955	3		101834
				7

**Zoning:** RU1

Cadastral Updated: 26/11/2004 12:00:00 AM

Projection: GDA94 Zone 56

Date: 30/01/2017

Scale:

#### DISCLAIMER

Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. **DO NOT SCALE.** Accurate measurements should be undertaken by survey.





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Website: www.narrabri.nsw.gov.au

### PLANNING CERTIFICATE

Issued under Section 149(2)  
*Environmental Planning and Assessment Act 1979*

#### Applicant

Luke Jacovides  
16 Chulvers Road  
Thornleigh NSW 2120

Applicant Reference:

#### Administration

Amount Paid: \$133  
Receipt No: 413179  
Receipt Date: 8 April 2016

Certificate Number: **263/2016**

#### Description of Land

5747 Rangari Road, Boggabri  
Lot 2 DP 1131282  
Assessment Number: 00355-22000000-000

#### Owner

Whitehaven Coal Mining

**NOTE:** The following information is provided pursuant to Section 149(2) of the *Environmental Assessment Act 1979* as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* and is applicable to the subject land as of the date of this certificate.

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

- a. *The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Local Environmental Plan (LEP)

***Narrabri Local Environmental Plan 2012***



State Environmental Planning Policy (SEPP)

- **SEPP No.1 – Development Standards**
- **SEPP No. 4 – Development without Consent & Miscellaneous Exempt and Complying Development**
- **SEPP No. 6 – Number of Storeys in a Building**
- **SEPP No. 21 – Caravan Parks**
- **SEPP No. 22 – Shops and Commercial Premises**
- **SEPP No. 30 – Intensive Agriculture**
- **SEPP No. 33 – Hazardous and Offensive Development**
- **SEPP No. 36 – Manufactured Home Estates**
- **SEPP No. 44 – Koala Habitat Protection**
- **SEPP No. 50 – Canal Estate Development**
- **SEPP No. 55 – Remediation of Land**
- **SEPP No. 62 – Sustainable Aquaculture**
- **SEPP No. 64 – Advertising and Signage**
- **SEPP No. 65 – Design Quality of Residential Flat Development**
- **SEPP (Housing for Seniors or People with a Disability) 2004**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- **SEPP (Major Development) 2005**
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- **SEPP (Temporary Structures) 2007**
- **SEPP (Infrastructure) 2007**
- **SEPP (Rural Lands) 2008**
- **SEPP (Exempt and Complying Development Codes) 2008**
- **SEPP (Affordable Rental Housing) 2009**
- **SEPP (State and Regional Development) 2011**

b. *The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):*

Nil

c. *The name of each development control plan that applies to the carrying out of development on the land:*

- **DCP Landfill Development**
- **DCP Notification Policy**
- **DCP Outdoor Advertising**
- **DCP Parking Code**
- **DCP Subdivision Code**
- **DCP Transportable Homes**
- **DCP Water Supply to Buildings**

- **DCP Drainage to Buildings**
- **DCP Building Line**
- **DCP Encroachment onto Public Roads**
- **DCP Building near Sewer and Stormwater mains**

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **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) that includes the land in any zone (however described):*

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1"),*

### **RU1 Primary Production**

- (b) *the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,*

**Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads**

- (c) *the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,*

**Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Turf farming; Water recreation structures; Water supply systems**

- (d) *the purposes for which the instrument provides that development is prohibited within the zone,*

### **Any development not specified in item 2 or 3**

- (e) *whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,*

**100 ha**

**Note:** There are other provisions within the LEP where a dwelling may be permissible subject to consent on smaller allotments.

(f) *whether the land includes or comprises critical habitat,*

**The land does not include or comprise a critical habitat.**

(g) *whether the land is in a conservation area (however described),*

**The land is not within a conservation area.**

(h) *whether an item of environmental heritage (however described) is situated on the land.*

**There is not an item of environmental heritage situated on the land.**

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

**Not applicable.**

**3 Complying Development**

*Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Yes**

If **yes** complying development may be carried out under the following Codes:

- **General Housing Code**
- **Rural Housing Code**
- **Housing Alterations Code**
- **General Development Code**
- **Commercial and Industrial Alterations Code**
- **Commercial and Industrial (New Buildings and Additions) Code**
- **Subdivision Code**
- **Demolition Code**
- **Fire Safety Code**

**Note:** The opportunity for complying development to be carried out under each of these Codes may be restricted where the land is a flood control lot, within a bushfire prone area or subject to other site or zoning constraints. For more information about complying development visit the Electronic Housing Code website at [www.ehc.nsw.gov.au](http://www.ehc.nsw.gov.au)

If **no** complying development may not be carried out on the land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of the SEPP, the reasons why it may not be carried out under that clause are:

- **Not Applicable**

**4 Coastal protection**

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Not applicable.

**4A Certain information relating to beaches and coasts**

Not applicable.

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

Not applicable.

**5 Mine subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land isn't proclaimed to be in a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

**6 Road widening and road realignment**

The land isn't 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.

**7 Council and other public authority policies on hazard risk restrictions**

The land isn't affected by a policy:

- (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 sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

*Whether or not development on that 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**

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

**No**

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

*Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.*

**Nil**

**9 Contributions plans**

*The name of each contributions plan applying to the land.*

- **Narrabri Section 94 Contributions Plan**
- **Narrabri Section 94A Development Contributions Plan**

**Note:** Both contribution plans apply to the zone, but the imposition of each Plan is dependent upon the type of development proposed.

**Note:** There are also Developer Servicing Plans that may be applicable for water and sewer contributions which may apply to the land.

**9A Biodiversity certified land**

*If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.*

**Council has no records that the land is biodiversity certified land.**

**10 Biobanking agreements**

*If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water).*

**Council has not been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water.**

**11 Bush fire prone land**

**None of the subject land is identified as being bushfire prone land.**

**12 Property vegetation plans**

*If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, 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).*

**There is not a property vegetation plan under the *Native Vegetation Act 2002* applicable to the land.**

**Note:** This advice is based on information provided by the relevant Catchment Management Authority.

**13 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).*

**An order has not been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land**

**Note:** This advice is based on information provided to the Council.

**14 Directions under Part 3A**

There has been no directions by the Minister in force under section 75P (2) (c1) of the Act 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.

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

There is no current site compatibility certificate (of which the council is aware), issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land

There has been no development consent granted by Council for Housing for Seniors or People with a Disability on the land.

**16 Site compatibility certificates for infrastructure**

There is no valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

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

There is no current site compatibility certificate (affordable rental housing) of which the council is aware, in respect of proposed development on the land.

There has been no development consent granted by Council for affordable rental housing on the land.

**18 Paper subdivision information**

*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 - **Not Applicable***

*The date of any subdivision order that applies to the land - **Not Applicable***

*Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

**Contaminated Land Management Act 1997**

**Note.** *The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:*

(a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

**Council has no record that the land is significantly contaminated land at the date or the issue of this certificate.**

(b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*



**Council has no record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.**

*(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

**Council has no record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.**

*(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.**

*(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

**Council has no record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.**

#### **Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

**Council is not aware of any exemption under section 23 or authorization under section 24 of the Act.**

#### **Section 149(5) Additional Information**

The following information is provided in accordance with Section 149(5) of the *Environmental Planning and Assessment Act 1979*:

#### **Tree Preservation Order**

**Is the land affected by a Tree Preservation Order? No**

#### **Development Consents**

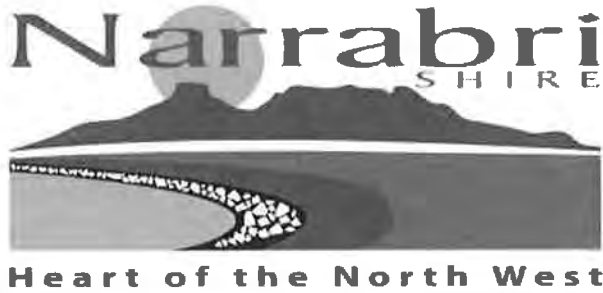
**Has any Development Consent being granted with respect to the land within previous two (2) years? No**

**Note:** Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5)



Luke Flood  
**TOWN PLANNER**

**Date of Certificate:** 11 April 2016



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Website: www.narrabri.nsw.gov.au

### PLANNING CERTIFICATE

Issued under Section 149(2)  
*Environmental Planning and Assessment Act 1979*

#### Applicant

Luke Jacovides  
16 Chulvers Road  
Thornleigh NSW 2120

Applicant Reference:

#### Administration

Amount Paid: \$133  
Receipt No: 413179  
Receipt Date: 8 April 2016

Certificate Number: **262/2016**

#### Description of Land

1216 Braymont Road, Boggabri  
Lot 1 DP 1145592  
Assessment Number: 00342-00000000-000

#### Owner

Keith Alexander Blanch and Cormaree Blanch

**NOTE:** The following information is provided pursuant to Section 149(2) of the *Environmental Assessment Act 1979* as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* and is applicable to the subject land as of the date of this certificate.

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

- a. *The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Local Environmental Plan (LEP)

***Narrabri Local Environmental Plan 2012***

State Environmental Planning Policy (SEPP)

- **SEPP No.1 – Development Standards**
- **SEPP No. 4 – Development without Consent & Miscellaneous Exempt and Complying Development**
- **SEPP No. 6 – Number of Storeys in a Building**
- **SEPP No. 21 – Caravan Parks**
- **SEPP No. 22 – Shops and Commercial Premises**
- **SEPP No. 30 – Intensive Agriculture**
- **SEPP No. 33 – Hazardous and Offensive Development**
- **SEPP No. 36 – Manufactured Home Estates**
- **SEPP No. 44 – Koala Habitat Protection**
- **SEPP No. 50 – Canal Estate Development**
- **SEPP No. 55 – Remediation of Land**
- **SEPP No. 62 – Sustainable Aquaculture**
- **SEPP No. 64 – Advertising and Signage**
- **SEPP No. 65 – Design Quality of Residential Flat Development**
- **SEPP (Housing for Seniors or People with a Disability) 2004**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- **SEPP (Major Development) 2005**
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- **SEPP (Temporary Structures) 2007**
- **SEPP (Infrastructure) 2007**
- **SEPP (Rural Lands) 2008**
- **SEPP (Exempt and Complying Development Codes) 2008**
- **SEPP (Affordable Rental Housing) 2009**
- **SEPP (State and Regional Development) 2011**

b. *The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):*

**Nil**

c. *The name of each development control plan that applies to the carrying out of development on the land:*

- **DCP Landfill Development**
- **DCP Notification Policy**
- **DCP Outdoor Advertising**
- **DCP Parking Code**
- **DCP Subdivision Code**
- **DCP Transportable Homes**
- **DCP Water Supply to Buildings**

- **DCP Drainage to Buildings**
- **DCP Building Line**
- **DCP Encroachment onto Public Roads**
- **DCP Building near Sewer and Stormwater mains**

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **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) that includes the land in any zone (however described):*

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1"),*

### **RU1 Primary Production**

- (b) *the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,*

**Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads**

- (c) *the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,*

**Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Turf farming; Water recreation structures; Water supply systems**

- (d) *the purposes for which the instrument provides that development is prohibited within the zone,*

### **Any development not specified in item 2 or 3**

- (e) *whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,*

**100 ha**

**Note:** There are other provisions within the LEP where a dwelling may be permissible subject to consent on smaller allotments.

(f) *whether the land includes or comprises critical habitat,*

**The land does not include or comprise a critical habitat.**

(g) *whether the land is in a conservation area (however described),*

**The land is not within a conservation area.**

(h) *whether an item of environmental heritage (however described) is situated on the land.*

**There is not an item of environmental heritage situated on the land.**

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

**Not applicable.**

**3 Complying Development**

*Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Yes**

If **yes** complying development may be carried out under the following Codes:

- **General Housing Code**
- **Rural Housing Code**
- **Housing Alterations Code**
- **General Development Code**
- **Commercial and Industrial Alterations Code**
- **Commercial and Industrial (New Buildings and Additions) Code**
- **Subdivision Code**
- **Demolition Code**
- **Fire Safety Code**

**Note:** The opportunity for complying development to be carried out under each of these Codes may be restricted where the land is a flood control lot, within a bushfire prone area or subject to other site or zoning constraints. For more information about complying development visit the Electronic Housing Code website at [www.ehc.nsw.gov.au](http://www.ehc.nsw.gov.au)

If **no** complying development may not be carried out on the land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of the SEPP, the reasons why it may not be carried out under that clause are:

- **Not Applicable**

#### **4 Coastal protection**

*Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.*

**Not applicable.**

#### **4A Certain information relating to beaches and coasts**

**Not applicable.**

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

**Not applicable.**

#### **5 Mine subsidence**

*Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.*

**The land isn't proclaimed to be in a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.**

#### **6 Road widening and road realignment**

The land isn't 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.

#### **7 Council and other public authority policies on hazard risk restrictions**

The land **isn't** affected by a policy:

- (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 sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

*Whether or not development on that 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**

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

**No**

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

*Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.*

**Nil**

**9 Contributions plans**

*The name of each contributions plan applying to the land.*

- **Narrabri Section 94 Contributions Plan**
- **Narrabri Section 94A Development Contributions Plan**

**Note:** Both contribution plans apply to the zone, but the imposition of each Plan is dependent upon the type of development proposed.

**Note:** There are also Developer Servicing Plans that may be applicable for water and sewer contributions which may apply to the land.

**9A Biodiversity certified land**

*If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.*

**Council has no records that the land is biodiversity certified land.**

**10 Biobanking agreements**

*If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water).*

**Council has not been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water.**

**11 Bush fire prone land**

**None of the subject land is identified as being bushfire prone land.**

**12 Property vegetation plans**

*If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, 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).*

**There is not a property vegetation plan under the *Native Vegetation Act 2002* applicable to the land.**

**Note:** This advice is based on information provided by the relevant Catchment Management Authority.

**13 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).*

**An order has not been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land**

**Note:** This advice is based on information provided to the Council.

**14 Directions under Part 3A**

There has been no directions by the Minister in force under section 75P (2) (c1) of the Act 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.

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

There is no current site compatibility certificate (of which the council is aware), issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land

There has been no development consent granted by Council for Housing for Seniors or People with a Disability on the land.

**16 Site compatibility certificates for infrastructure**

There is no valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

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

There is no current site compatibility certificate (affordable rental housing) of which the council is aware, in respect of proposed development on the land.

There has been no development consent granted by Council for affordable rental housing on the land.

**18 Paper subdivision information**

*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 - **Not Applicable***

*The date of any subdivision order that applies to the land - **Not Applicable***

*Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

**Contaminated Land Management Act 1997**

**Note.** *The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:*

(a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

**Council has no record that the land is significantly contaminated land at the date or the issue of this certificate.**

(b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.**

*(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

**Council has no record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.**

*(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.**

*(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

**Council has no record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.**

#### **Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

*Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.*

**Council is not aware of any exemption under section 23 or authorization under section 24 of the Act.**

#### **Section 149(5) Additional Information**

The following information is provided in accordance with Section 149(5) of the *Environmental Planning and Assessment Act 1979*:

#### **Tree Preservation Order**

**Is the land affected by a Tree Preservation Order? No**

#### **Development Consents**

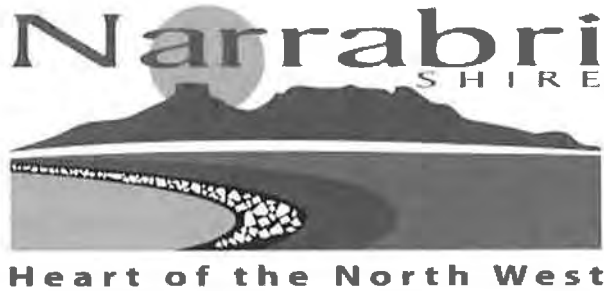
**Has any Development Consent being granted with respect to the land within previous two (2) years? No**

**Note:** Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5)



Luke Flood  
**TOWN PLANNER**

**Date of Certificate:** 11 April 2016



PO Box 261  
NARRABRI NSW 2390

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Facsimile: 02 67996888  
Email: council@narrabri.nsw.gov.au  
Website: www.narrabri.nsw.gov.au

### PLANNING CERTIFICATE

Issued under Section 149(2)  
*Environmental Planning and Assessment Act 1979*

#### Applicant

Luke Jacovides  
16 Chulvers Road  
Thornleigh NSW 2120

Applicant Reference:

#### Administration

Amount Paid: \$133  
Receipt No: 413179  
Receipt Date: 8 April 2016

Certificate Number: **261/2016**

#### Description of Land

999 Hoad Lane, Boggabri  
Lot 5 DP 1145592  
Assessment Number: 00342-00000000-000

#### Owner

Keith Alexander Blanch and Cormaree Blanch

**NOTE:** The following information is provided pursuant to Section 149(2) of the *Environmental Assessment Act 1979* as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* and is applicable to the subject land as of the date of this certificate.

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

- a. *The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Local Environmental Plan (LEP)

***Narrabri Local Environmental Plan 2012***

State Environmental Planning Policy (SEPP)

- **SEPP No.1 – Development Standards**
- **SEPP No. 4 – Development without Consent & Miscellaneous Exempt and Complying Development**
- **SEPP No. 6 – Number of Storeys in a Building**
- **SEPP No. 21 – Caravan Parks**
- **SEPP No. 22 – Shops and Commercial Premises**
- **SEPP No. 30 – Intensive Agriculture**
- **SEPP No. 33 – Hazardous and Offensive Development**
- **SEPP No. 36 – Manufactured Home Estates**
- **SEPP No. 44 – Koala Habitat Protection**
- **SEPP No. 50 – Canal Estate Development**
- **SEPP No. 55 – Remediation of Land**
- **SEPP No. 62 – Sustainable Aquaculture**
- **SEPP No. 64 – Advertising and Signage**
- **SEPP No. 65 – Design Quality of Residential Flat Development**
- **SEPP (Housing for Seniors or People with a Disability) 2004**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- **SEPP (Major Development) 2005**
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- **SEPP (Temporary Structures) 2007**
- **SEPP (Infrastructure) 2007**
- **SEPP (Rural Lands) 2008**
- **SEPP (Exempt and Complying Development Codes) 2008**
- **SEPP (Affordable Rental Housing) 2009**
- **SEPP (State and Regional Development) 2011**

b. *The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):*

Nil

c. *The name of each development control plan that applies to the carrying out of development on the land:*

- **DCP Landfill Development**
- **DCP Notification Policy**
- **DCP Outdoor Advertising**
- **DCP Parking Code**
- **DCP Subdivision Code**
- **DCP Transportable Homes**
- **DCP Water Supply to Buildings**



- DCP Drainage to Buildings
- DCP Building Line
- DCP Encroachment onto Public Roads
- DCP Building near Sewer and Stormwater mains

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **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) that includes the land in any zone (however described):*

- (a) *the identity of the zone, whether by reference to a name (such as “Residential Zone” or “Heritage Area”) or by reference to a number (such as “Zone R1”),*

### **RU1 Primary Production**

- (b) *the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,*

**Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads**

- (c) *the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,*

**Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers’ dwellings; Turf farming; Water recreation structures; Water supply systems**

- (d) *the purposes for which the instrument provides that development is prohibited within the zone,*

### **Any development not specified in item 2 or 3**

- (e) *whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,*

**100 ha**

**Note:** There are other provisions within the LEP where a dwelling may be permissible subject to consent on smaller allotments.

(f) *whether the land includes or comprises critical habitat,*

**The land does not include or comprise a critical habitat.**

(g) *whether the land is in a conservation area (however described),*

**The land is not within a conservation area.**

(h) *whether an item of environmental heritage (however described) is situated on the land.*

**There is not an item of environmental heritage situated on the land.**

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

**Not applicable.**

### **3 Complying Development**

*Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Yes**

If **yes** complying development may be carried out under the following Codes:

- **General Housing Code**
- **Rural Housing Code**
- **Housing Alterations Code**
- **General Development Code**
- **Commercial and Industrial Alterations Code**
- **Commercial and Industrial (New Buildings and Additions) Code**
- **Subdivision Code**
- **Demolition Code**
- **Fire Safety Code**

**Note:** The opportunity for complying development to be carried out under each of these Codes may be restricted where the land is a flood control lot, within a bushfire prone area or subject to other site or zoning constraints. For more information about complying development visit the Electronic Housing Code website at [www.ehc.nsw.gov.au](http://www.ehc.nsw.gov.au)

If **no** complying development may not be carried out on the land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of the SEPP, the reasons why it may not be carried out under that clause are:

- **Not Applicable**

**4 Coastal protection**

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Not applicable.

**4A Certain information relating to beaches and coasts**

Not applicable.

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

Not applicable.

**5 Mine subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land isn't proclaimed to be in a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

**6 Road widening and road realignment**

The land isn't 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.

**7 Council and other public authority policies on hazard risk restrictions**

The land isn't affected by a policy:

- (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 sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

*Whether or not development on that 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**

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

**No**

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

*Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.*

**Nil**

**9 Contributions plans**

*The name of each contributions plan applying to the land.*

- **Narrabri Section 94 Contributions Plan**
- **Narrabri Section 94A Development Contributions Plan**

**Note:** Both contribution plans apply to the zone, but the imposition of each Plan is dependent upon the type of development proposed.

**Note:** There are also Developer Servicing Plans that may be applicable for water and sewer contributions which may apply to the land.

**9A Biodiversity certified land**

*If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.*

**Council has no records that the land is biodiversity certified land.**

**10 Biobanking agreements**

*If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water).*

**Council has not been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water.**

**11 Bush fire prone land**

**None of the subject land is identified as being bushfire prone land.**

**12 Property vegetation plans**

*If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, 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).*

**There is not a property vegetation plan under the *Native Vegetation Act 2002* applicable to the land.**

**Note:** This advice is based on information provided by the relevant Catchment Management Authority.

**13 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).*

**An order has not been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land**

**Note:** This advice is based on information provided to the Council.

**14 Directions under Part 3A**

There has been no directions by the Minister in force under section 75P (2) (c1) of the Act 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.

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

There is no current site compatibility certificate (of which the council is aware), issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land

There has been no development consent granted by Council for Housing for Seniors or People with a Disability on the land.

**16 Site compatibility certificates for infrastructure**

There is no valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

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

There is no current site compatibility certificate (affordable rental housing) of which the council is aware, in respect of proposed development on the land.

There has been no development consent granted by Council for affordable rental housing on the land.

**18 Paper subdivision information**

*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 - **Not Applicable***

*The date of any subdivision order that applies to the land - **Not Applicable***

*Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

**Contaminated Land Management Act 1997**

**Note.** *The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:*

(a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

**Council has no record that the land is significantly contaminated land at the date or the issue of this certificate.**

(b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.**

- (c) *that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

**Council has no record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.**

- (d) *that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.**

- (e) *that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

**Council has no record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.**

#### **Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

**Council is not aware of any exemption under section 23 or authorization under section 24 of the Act.**

#### **Section 149(5) Additional Information**

The following information is provided in accordance with Section 149(5) of the *Environmental Planning and Assessment Act 1979*:

#### **Tree Preservation Order**

**Is the land affected by a Tree Preservation Order? No**

#### **Development Consents**

**Has any Development Consent being granted with respect to the land within previous two (2) years? No**

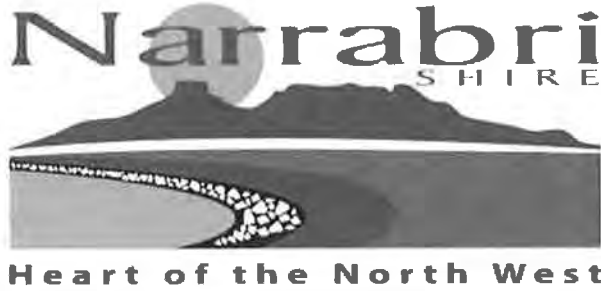
**Note:** Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5)

A handwritten signature in black ink, appearing to read 'Luke Flood', with a stylized flourish at the end.

Luke Flood  
**TOWN PLANNER**

**Date of Certificate:** 11 April 2016





PO Box 261  
NARRABRI NSW 2390

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Facsimile: 02 67996888  
Email: council@narrabri.nsw.gov.au  
Website: www.narrabri.nsw.gov.au

### PLANNING CERTIFICATE

Issued under Section 149(2)  
*Environmental Planning and Assessment Act 1979*

#### Applicant

Luke Jacovides  
16 Chulvers Road  
Thornleigh NSW 2120

Applicant Reference:

#### Administration

Amount Paid: \$133  
Receipt No: 413179  
Receipt Date: 8 April 2016

Certificate Number: **260/2016**

#### Description of Land

999 Hoad Lane, Boggabri  
Lot 4 DP 1182289  
Assessment Number: 00343-21000000-000

#### Owner

Whitehaven Coal Mining Limited

**NOTE:** The following information is provided pursuant to Section 149(2) of the *Environmental Assessment Act 1979* as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* and is applicable to the subject land as of the date of this certificate.

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

- a. *The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Local Environmental Plan (LEP)

***Narrabri Local Environmental Plan 2012***

State Environmental Planning Policy (SEPP)

- **SEPP No.1 – Development Standards**
- **SEPP No. 4 – Development without Consent & Miscellaneous Exempt and Complying Development**
- **SEPP No. 6 – Number of Storeys in a Building**
- **SEPP No. 21 – Caravan Parks**
- **SEPP No. 22 – Shops and Commercial Premises**
- **SEPP No. 30 – Intensive Agriculture**
- **SEPP No. 33 – Hazardous and Offensive Development**
- **SEPP No. 36 – Manufactured Home Estates**
- **SEPP No. 44 – Koala Habitat Protection**
- **SEPP No. 50 – Canal Estate Development**
- **SEPP No. 55 – Remediation of Land**
- **SEPP No. 62 – Sustainable Aquaculture**
- **SEPP No. 64 – Advertising and Signage**
- **SEPP No. 65 – Design Quality of Residential Flat Development**
- **SEPP (Housing for Seniors or People with a Disability) 2004**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- **SEPP (Major Development) 2005**
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- **SEPP (Temporary Structures) 2007**
- **SEPP (Infrastructure) 2007**
- **SEPP (Rural Lands) 2008**
- **SEPP (Exempt and Complying Development Codes) 2008**
- **SEPP (Affordable Rental Housing) 2009**
- **SEPP (State and Regional Development) 2011**

b. *The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):*

Nil

c. *The name of each development control plan that applies to the carrying out of development on the land:*

- **DCP Landfill Development**
- **DCP Notification Policy**
- **DCP Outdoor Advertising**
- **DCP Parking Code**
- **DCP Subdivision Code**
- **DCP Transportable Homes**
- **DCP Water Supply to Buildings**

- **DCP Drainage to Buildings**
- **DCP Building Line**
- **DCP Encroachment onto Public Roads**
- **DCP Building near Sewer and Stormwater mains**

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## **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) that includes the land in any zone (however described):*

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1"),*

### **RU1 Primary Production**

- (b) *the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,*

**Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads**

- (c) *the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,*

**Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Turf farming; Water recreation structures; Water supply systems**

- (d) *the purposes for which the instrument provides that development is prohibited within the zone,*

### **Any development not specified in item 2 or 3**

- (e) *whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,*

**100 ha**

**Note:** There are other provisions within the LEP where a dwelling may be permissible subject to consent on smaller allotments.

(f) *whether the land includes or comprises critical habitat,*

**The land does not include or comprise a critical habitat.**

(g) *whether the land is in a conservation area (however described),*

**The land is not within a conservation area.**

(h) *whether an item of environmental heritage (however described) is situated on the land.*

**There is not an item of environmental heritage situated on the land.**

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

**Not applicable.**

**3 Complying Development**

*Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Yes**

If **yes** complying development may be carried out under the following Codes:

- **General Housing Code**
- **Rural Housing Code**
- **Housing Alterations Code**
- **General Development Code**
- **Commercial and Industrial Alterations Code**
- **Commercial and Industrial (New Buildings and Additions) Code**
- **Subdivision Code**
- **Demolition Code**
- **Fire Safety Code**

**Note:** The opportunity for complying development to be carried out under each of these Codes may be restricted where the land is a flood control lot, within a bushfire prone area or subject to other site or zoning constraints. For more information about complying development visit the Electronic Housing Code website at [www.ehc.nsw.gov.au](http://www.ehc.nsw.gov.au)

If **no** complying development may not be carried out on the land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of the SEPP, the reasons why it may not be carried out under that clause are:

- **Not Applicable**

**4 Coastal protection**

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.

Not applicable.

**4A Certain information relating to beaches and coasts**

Not applicable.

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

Not applicable.

**5 Mine subsidence**

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land isn't proclaimed to be in a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

**6 Road widening and road realignment**

The land isn't 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.

**7 Council and other public authority policies on hazard risk restrictions**

The land isn't affected by a policy:

- (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 sulphate soils or any other risk (other than flooding).

**7A Flood related development controls information**

*Whether or not development on that 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**

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

**No**

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8 Land reserved for acquisition**

*Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.*

**Nil**

**9 Contributions plans**

*The name of each contributions plan applying to the land.*

- **Narrabri Section 94 Contributions Plan**
- **Narrabri Section 94A Development Contributions Plan**

**Note:** Both contribution plans apply to the zone, but the imposition of each Plan is dependent upon the type of development proposed.

**Note:** There are also Developer Servicing Plans that may be applicable for water and sewer contributions which may apply to the land.

**9A Biodiversity certified land**

*If the land is biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), a statement to that effect.*

**Council has no records that the land is biodiversity certified land.**

**10 Biobanking agreements**

*If the land is land to which a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water).*

**Council has not been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water.**

**11 Bush fire prone land**

**None of the subject land is identified as being bushfire prone land.**

**12 Property vegetation plans**

*If the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies, 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).*

**There is not a property vegetation plan under the *Native Vegetation Act 2002* applicable to the land.**

**Note:** This advice is based on information provided by the relevant Catchment Management Authority.

**13 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).*

**An order has not been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land**

**Note:** This advice is based on information provided to the Council.

**14 Directions under Part 3A**

There has been no directions by the Minister in force under section 75P (2) (c1) of the Act 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.

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

There is no current site compatibility certificate (of which the council is aware), issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land

There has been no development consent granted by Council for Housing for Seniors or People with a Disability on the land.

**16 Site compatibility certificates for infrastructure**

There is no valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

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

There is no current site compatibility certificate (affordable rental housing) of which the council is aware, in respect of proposed development on the land.

There has been no development consent granted by Council for affordable rental housing on the land.

**18 Paper subdivision information**

*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 - **Not Applicable***

*The date of any subdivision order that applies to the land - **Not Applicable***

*Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.*

**Contaminated Land Management Act 1997**

**Note.** *The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:*

(a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

**Council has no record that the land is significantly contaminated land at the date or the issue of this certificate.**

(b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*



**Council has no record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.**

*(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

**Council has no record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.**

*(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

**Council has no record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.**

*(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

**Council has no record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.**

**Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009**

*Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.*

**Council is not aware of any exemption under section 23 or authorization under section 24 of the Act.**

**Section 149(5) Additional Information**

The following information is provided in accordance with Section 149(5) of the *Environmental Planning and Assessment Act 1979*:

**Tree Preservation Order**

**Is the land affected by a Tree Preservation Order? No**

**Development Consents**

**Has any Development Consent being granted with respect to the land within previous two (2) years? No**

**Note:** Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5)



Luke Flood  
**TOWN PLANNER**

**Date of Certificate:** 11 April 2016

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3681  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6314

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 5 DP: 1018347  
**Parcel No:** 18713

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding). However, the land is identified as being 'bushfire prone land'. Refer to Section 11.

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

Council is unable to confirm whether or not:

(1) Development on that 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.

(2) Development on that land or part of the land for any other purpose is subject to flood related development controls.

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is identified as being partly affected “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Any proposed development on the subject land must take into consideration the policy titled “Planning for Bushfire Protection 2006”, produced by the NSW Rural Fire Service.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

## 18. Paper subdivision information

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.



**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

The following development applications pertaining to the land, have been determined by Council within the last five (5) years:

Development Consent - 2015/064 - September 2015 - Igloo Roof Area  
Modification of Consent - 493924.003 - August 2015 Modification to Hours of Operation  
Development Consent - 599701 - April 2012 - Temporary Portable Structure

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Candlyn #1*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

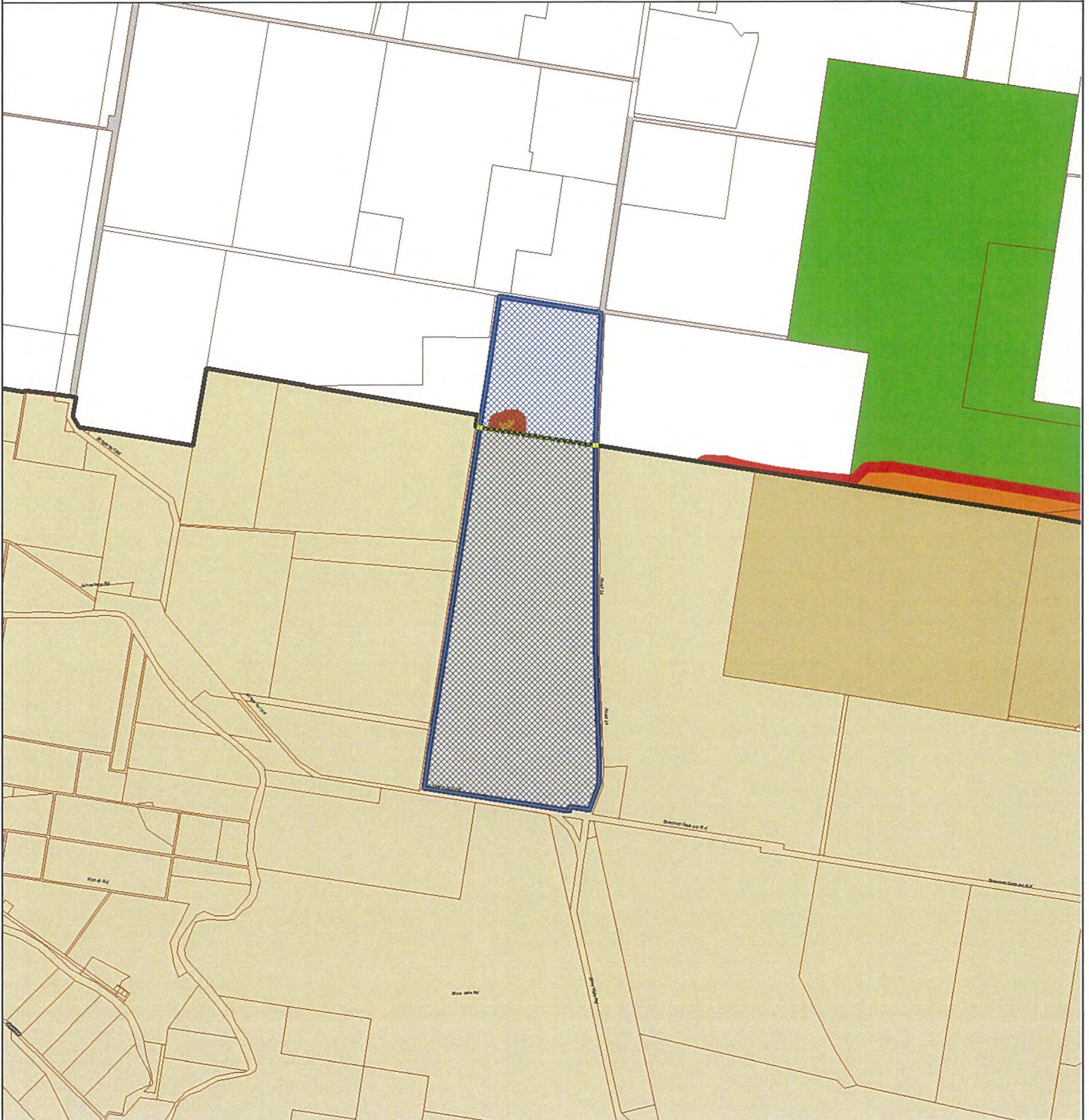
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

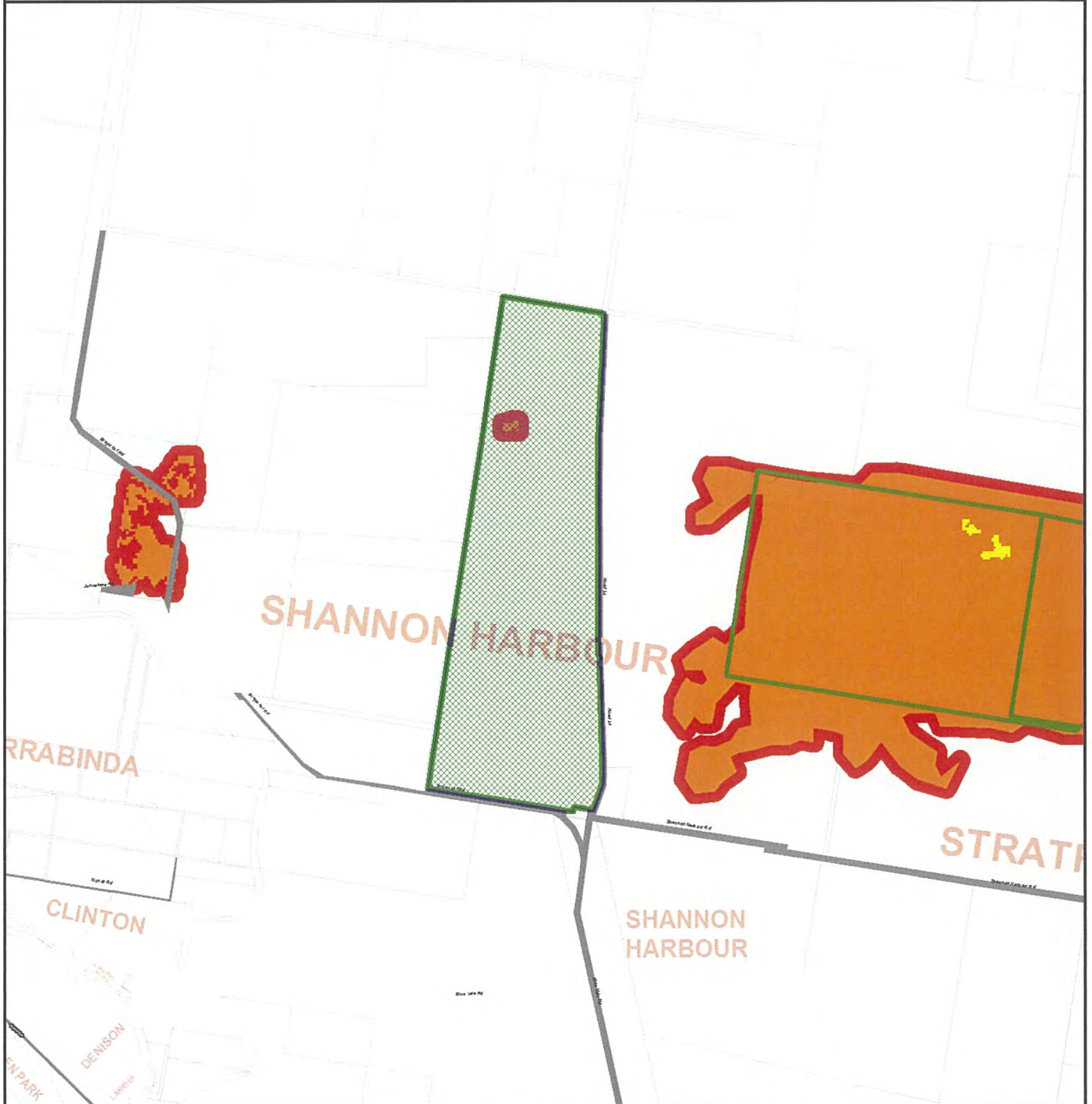
**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<p><b>Owner:</b> Whitehaven Coal Mining Limited</p> <p><b>Property Address:</b> 84 Braymont RD BLUE VALE</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>5</td> <td></td> <td>1018347</td> </tr> </tbody> </table>		Lot	Section	PlanNo	5		1018347	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
5		1018347						
<p><b>Zoning:</b> RU1</p>	<p>Date: 14/04/2016</p>	<p>Scale:</p> <p>Projection: GDA94 Zone 56</p>						







84 Braymont RD  
BLUE VALE

**Legend**

-  Watervays
-  Cadastre
-  State Forest

**Bushfire Prone Legend**

-  Category 2 - Forests, woodlands, heaths & wetlands < 1 ha & within 100m of Category 1 or within 30m of Category 2 rainforests & grasslands.
-  Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.
-  Buffer zone - 100m on Category 1 & 30m on Category 2

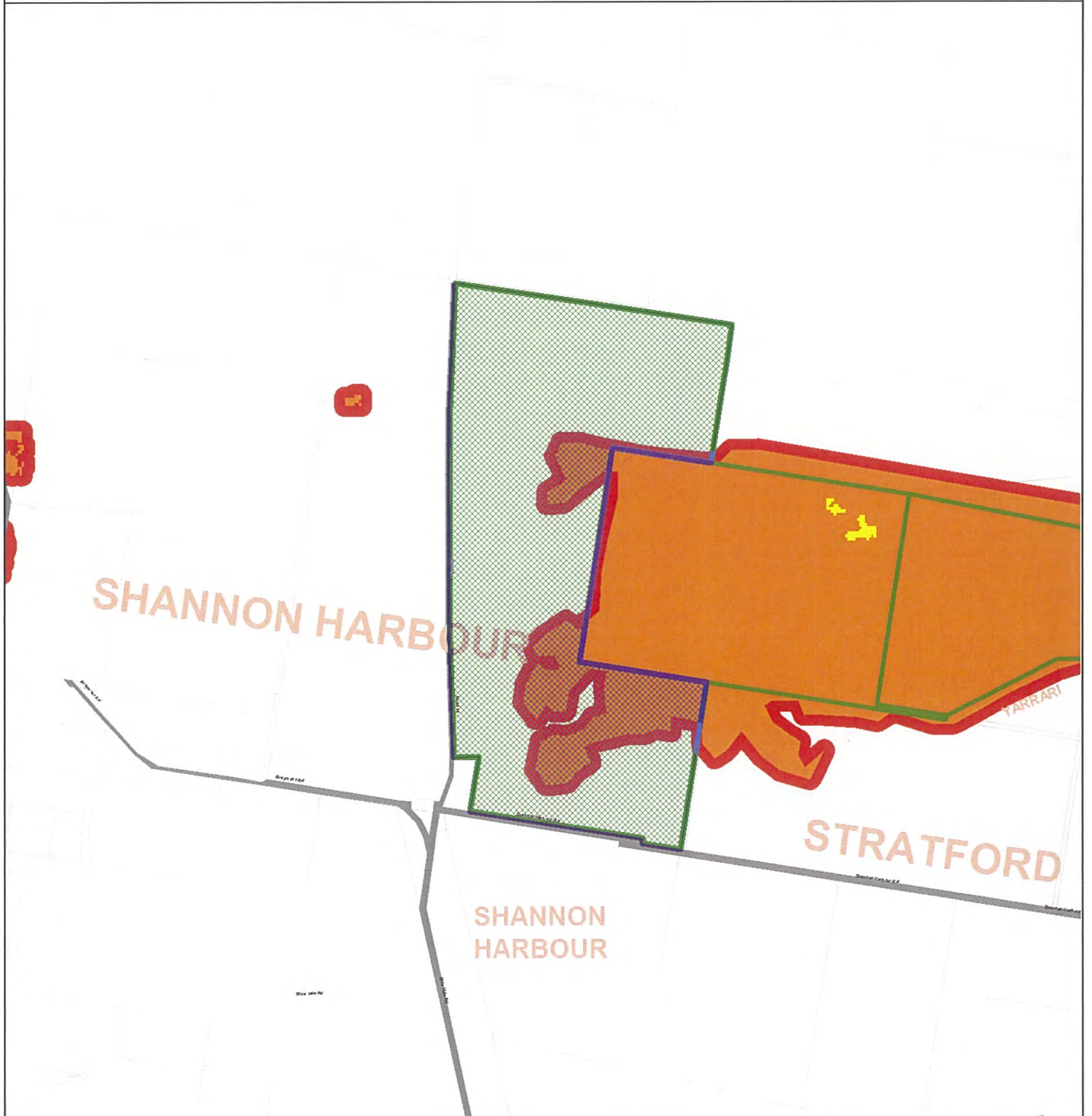
**Property Details**

Lot	Section	PlanNo
5		1018347

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Date: 14/04/2016



<p><b>Owner:</b> {Owner Name 2}</p> <p><b>Property Address:</b> 84 Braymont RD BLUE VALE</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 10/11/2006 12:00:00 AM</p>
<p><b>Property Details:</b></p> <p>Lot Section PlanNo 2 1102940</p>		<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
<p><b>Zoning:</b> {ZONE_}</p>		
<p>Date: 14/04/2016</p>	<p>Scale:</p>	<p>Projection: GDA94 Zone 56</p>

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3682  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6315

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 7 DP: 1018347  
**Parcel No:** 18715

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.



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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.





## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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**5.9 Preservation of trees or vegetation**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

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(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

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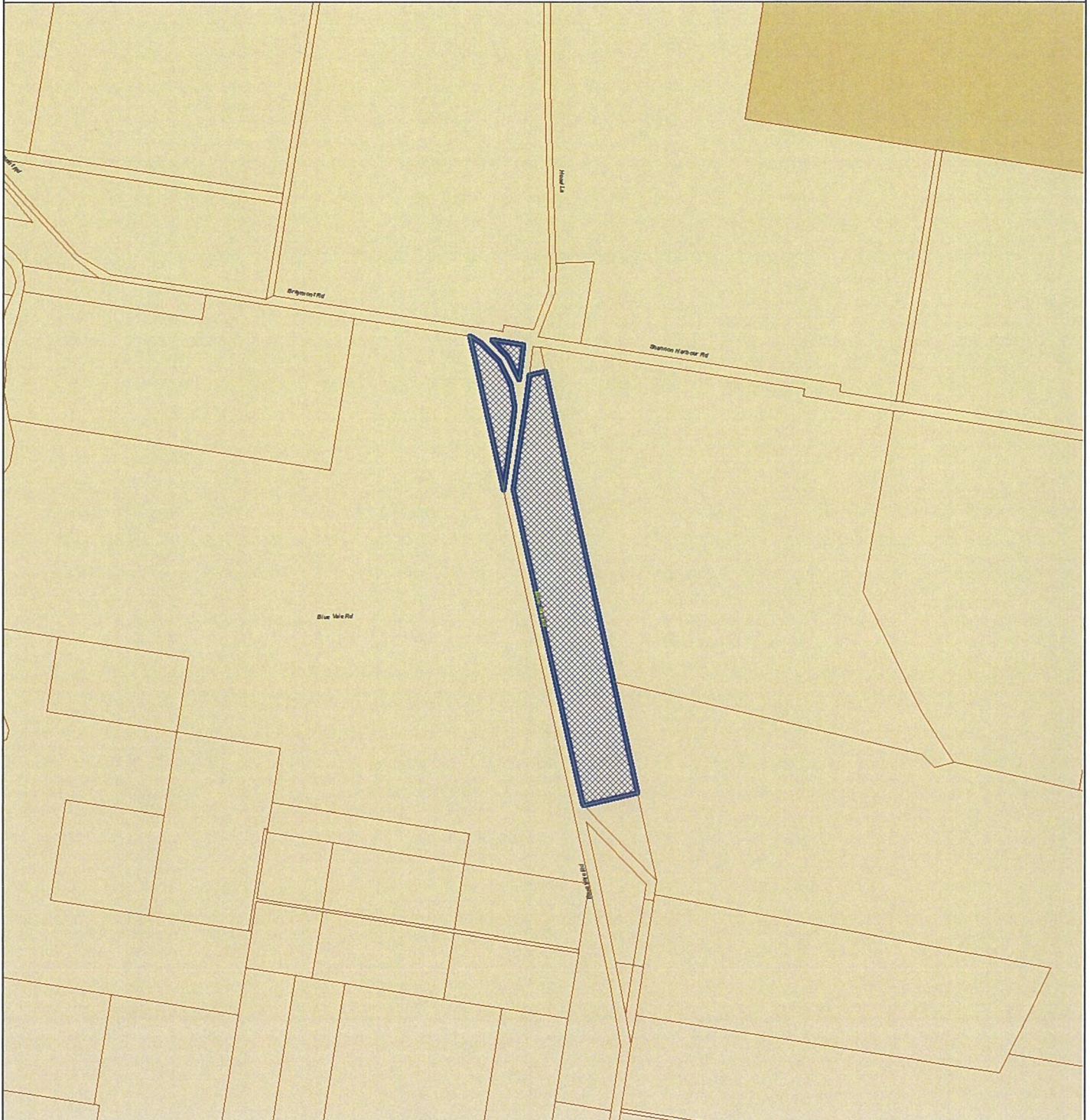
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<p><b>Owner:</b> Whitehaven Coal Mining Limited</p> <p><b>Property Address:</b> 84 Braymont RD BLUE VALE</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
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**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3653  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6286

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 33 DP: 553903  
**Parcel No:** 17722

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

(1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

(c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with

development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

Council is unable to confirm whether or not:

(1) Development on that 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.

(2) Development on that land or part of the land for any other purpose is subject to flood related development controls.

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Caroleyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies



## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

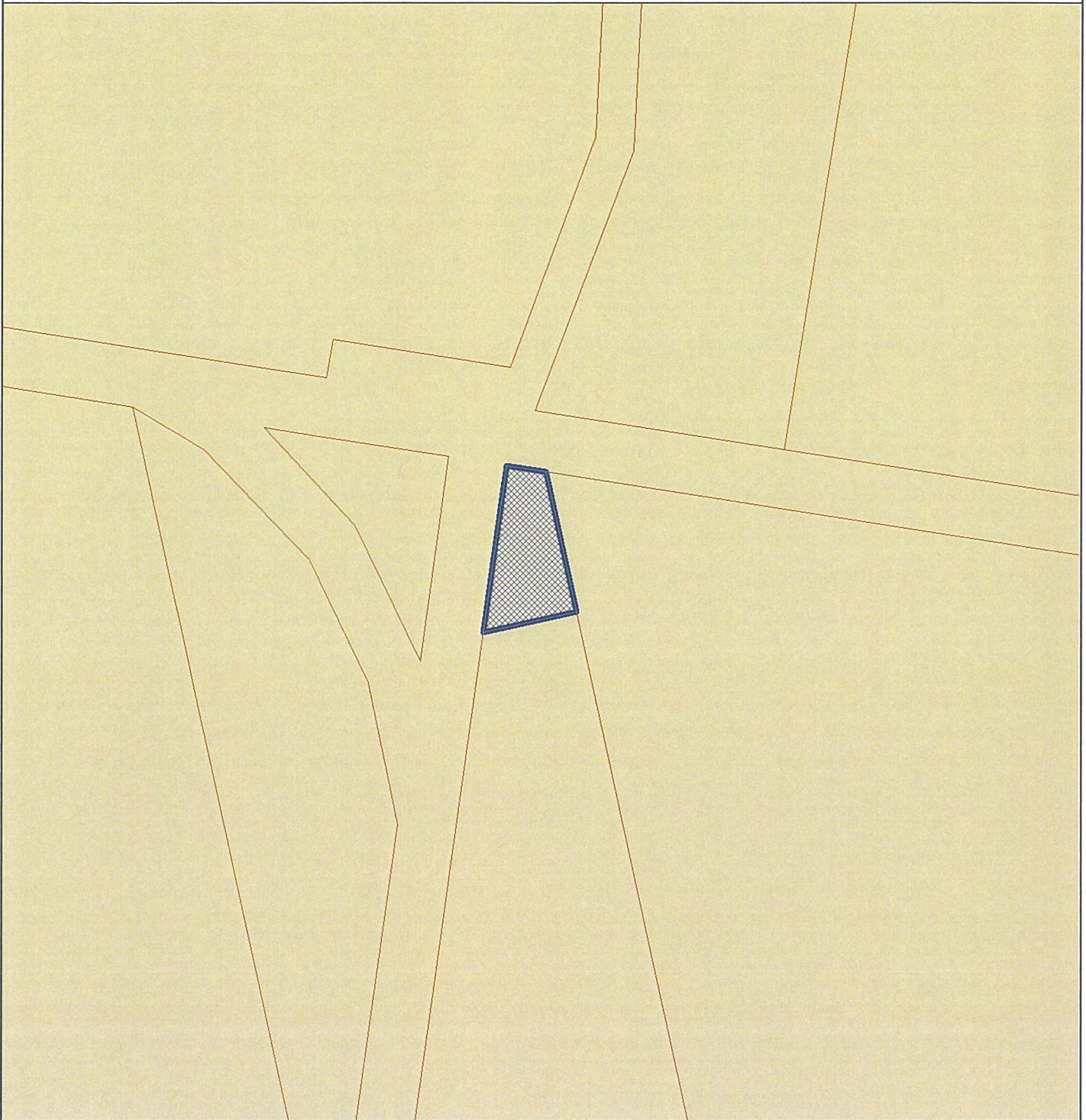
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<p><b>Owner:</b> Whitehaven Coal Mining Limited</p> <p><b>Property Address:</b> 84 Braymont RD BLUE VALE</p>		<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
<p><b>Property Details:</b></p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Section</th> <th>PlanNo</th> </tr> </thead> <tbody> <tr> <td>33</td> <td></td> <td>553903</td> </tr> </tbody> </table>		Lot	Section	PlanNo	33		553903	<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section	PlanNo						
33		553903						
<p><b>Zoning:</b> RU1</p>	<p>Date: 14/04/2016</p> <p>Scale:</p> <p>Projection: GDA94 Zone 56</p>							

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3679  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6312

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Whitehaven Coal Mining Limited  
PO Box 638  
NEWCASTLE NSW 2300

**Property:** 84 Braymont Road BLUE VALE 2380  
**Description:** Lot: 1 DP: 1018347  
**Parcel No:** 18721

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



(2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

(3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
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- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

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The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

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The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

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The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

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The following contributions plans apply to the land:

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Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

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There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

*Per: Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
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- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.



**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

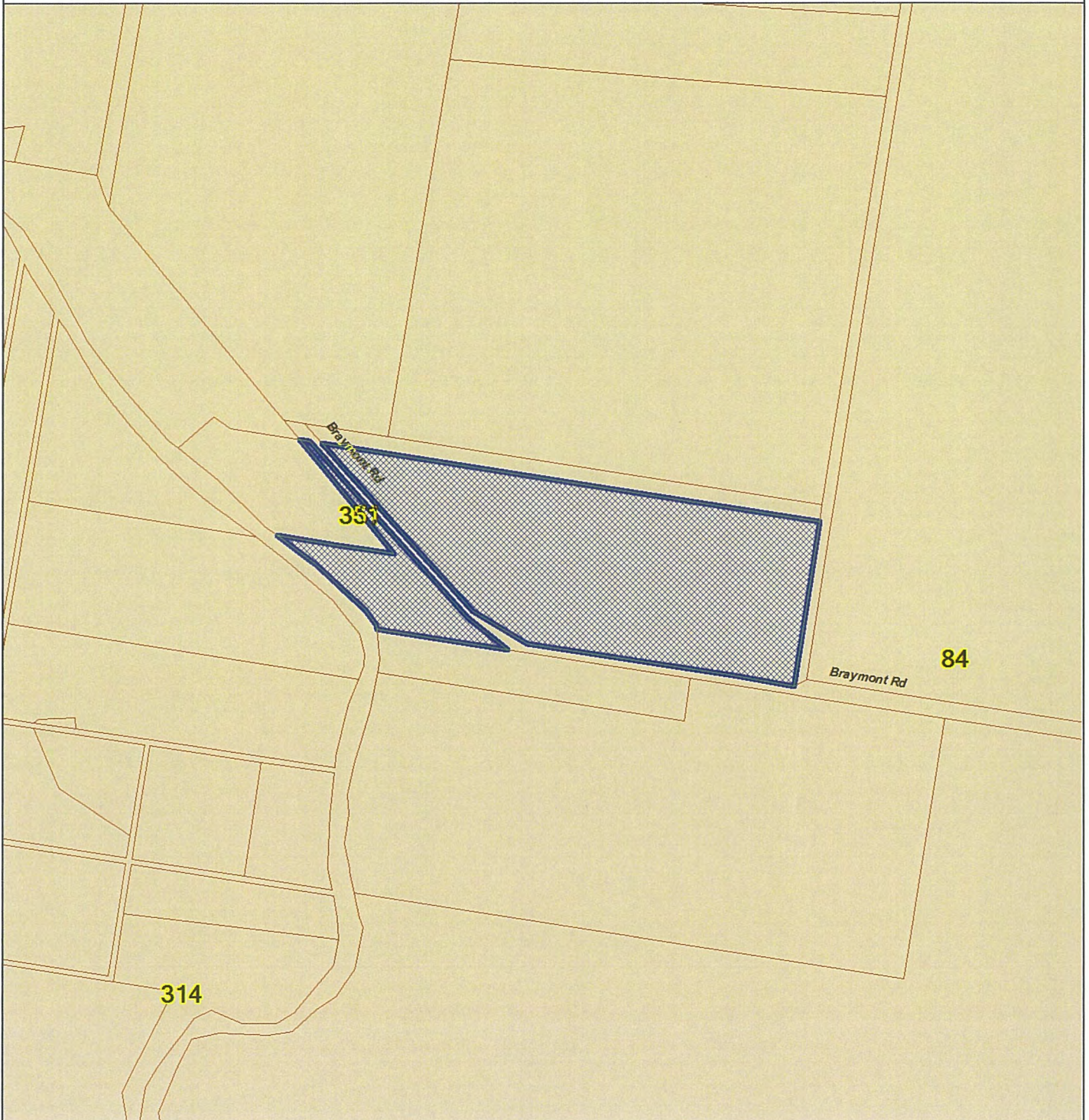
(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<b>Owner:</b> Whitehaven Coal Mining Limited		Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM	
<b>Property Address:</b>	84 Braymont RD BLUE VALE		
<b>Property Details:</b>		<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>	
Lot	Section		PlanNo
1			1018347
<b>Zoning:</b> RU1			
Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56	

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3656  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6289

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot: 22 DP: 754929  
**Parcel No:** 10191

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*



(2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

(3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.



**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

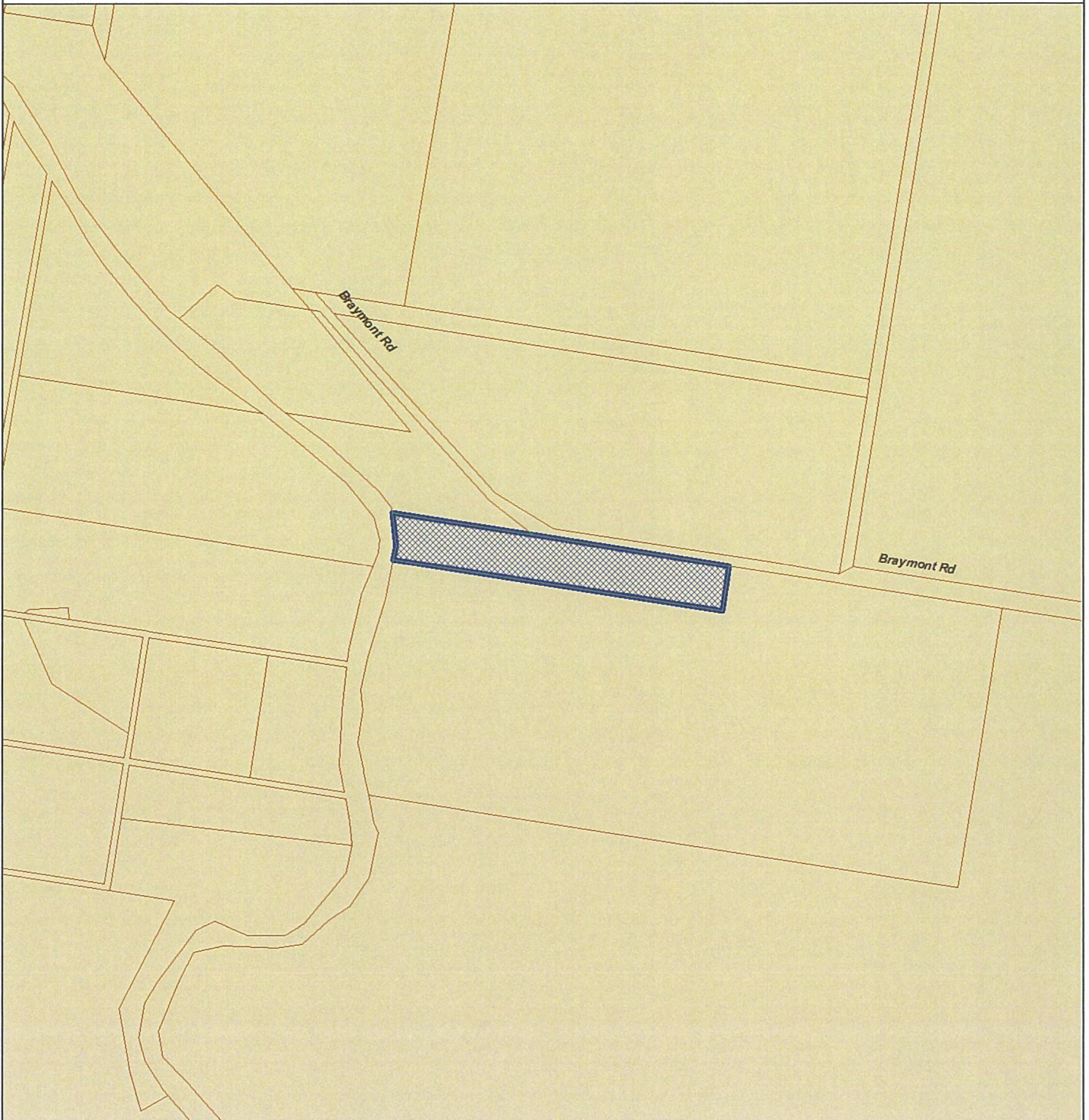
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<b>Owner:</b> <b>Property Address:</b>	COALWORKS (VICKERY SOUTH) PTY LTD 11990 Blue Vale RD BLUE VALE 2300	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM
<b>Property Details:</b> Lot Section PlanNo 22 754929		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> RU1 Date: 14/04/2016      Scale:      Projection: GDA94 Zone 56		



**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3655  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6288

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot: 21 DP: 754929  
**Parcel No:** 10190

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
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- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:                     *Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies



## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### 4.2A Erection of a dwelling house in rural and environmental zones [local]

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone RU4 Rural Small Holdings

Zone RU6 Transition

Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Shire of  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

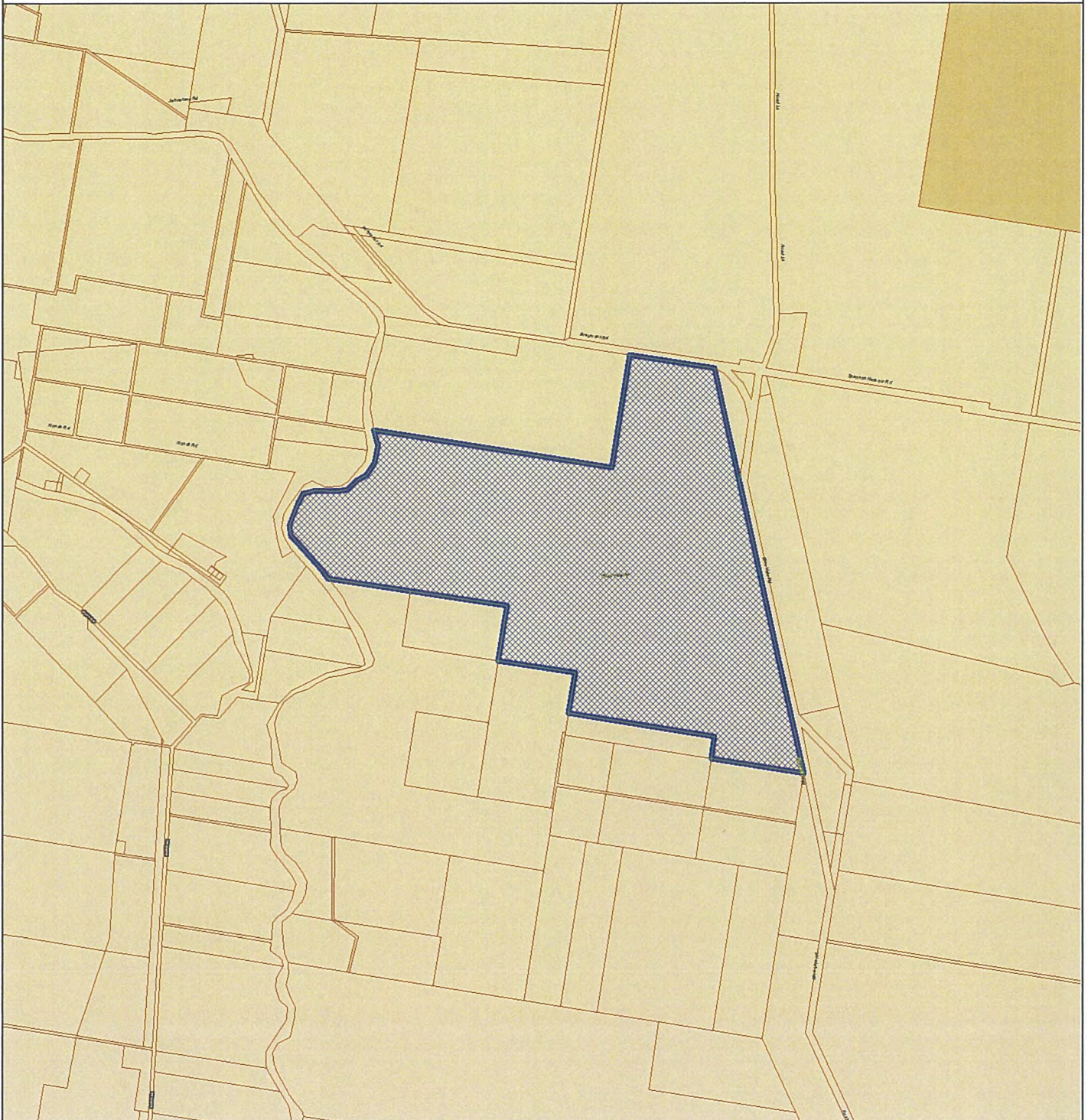
(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<p><b>Owner:</b></p> <p><b>Property Address:</b></p>	<p>COALWORKS (VICKERY SOUTH) PTY LTD</p> <p>11990 Blue Vale RD BLUE VALE 2300</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM</p>						
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**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3657  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6290

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

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**Property:** 11990 Blue Vale Road BLUE VALE 2380  
**Description:** Lot: 25 DP: 754929  
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At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

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Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

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**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**18. Development Consent issued by Council within the previous five years**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per: \_\_\_\_\_

*Carolyn HA*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## Gunnedah Local Environmental Plan 2012 – Clause 4.2A

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production
  - Zone RU3 Forestry
  - Zone RU4 Rural Small Holdings
  - Zone RU6 Transition
  - Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.



(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**5.9 Preservation of trees or vegetation**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

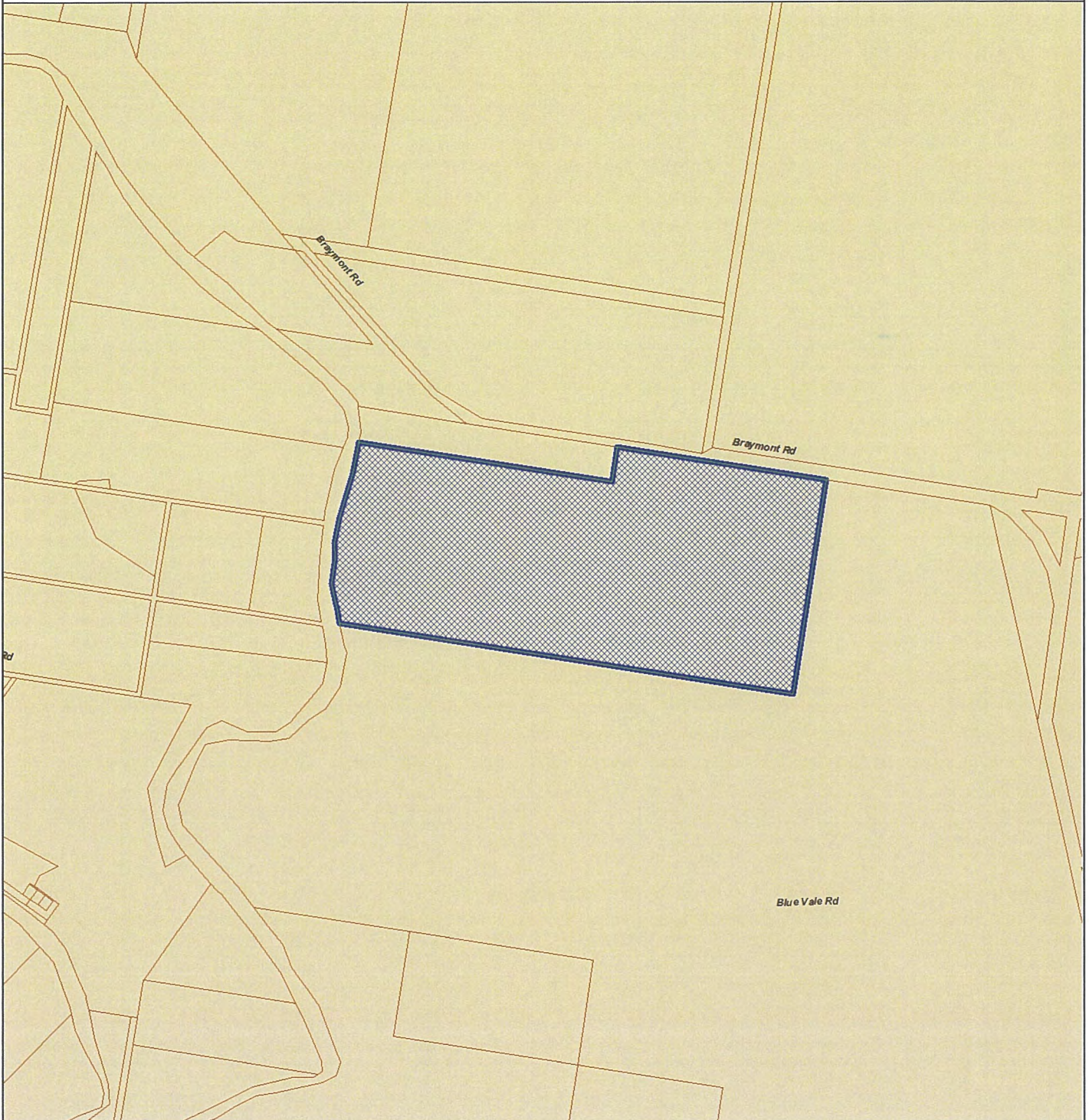
(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.



<b>Owner:</b> <b>Property Address:</b>	COALWORKS (VICKERY SOUTH) PTY LTD 11990 Blue Vale RD BLUE VALE 2300	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM
<b>Property Details:</b> Lot Section PlanNo 25 754929		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> RU1 Date: 14/04/2016      Scale:      Projection: GDA94 Zone 56		



**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 3685  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6318

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
Gunnedah Shire Council  
PO Box 63  
GUNNEDAH NSW 2380

**Property:** Hoads Lane GUNNEDAH 2380  
**Description:** Lot: 1 DP: 1102940  
**Parcel No:** 1000273

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*

- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with

development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

Council is unable to confirm whether or not:

(1) Development on that 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.

(2) Development on that land or part of the land for any other purpose is subject to flood related development controls.

Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.



**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

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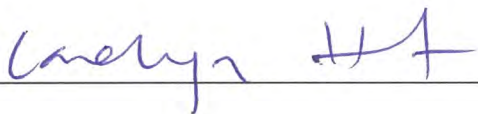
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**19. Tree Preservation Order**

A Tree Preservation Order applies to the subject land. Refer to the attached.

**Eric Groth  
GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
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- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**G u n n e d a h**  
Land of Opportunity

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
  - (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
  - (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.





<b>Owner:</b> <b>Property Address:</b>	Gunnedah Shire Council 0 Hoads LA GUNNEDAH 2380	Cadastral data is the property of NSW Dept of Lands – Last modified 10/11/2006 12:00:00 AM
<b>Property Details:</b> Lot Section PlanNo 1 1102940		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> RU1 Date: 14/04/2016      Scale:      Projection: GDA94 Zone 56		



**PLANNING CERTIFICATE  
UNDER SECTION 149(2)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 4423  
**Date:** 07/09/2017  
**Receipt No:** 412955  
**Applicant Reference:**  
**Application No:** 7529

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
Alessandro Kennedy  
Suite 2/Level 3  
24 McDougall Street  
MILTON QLD 4064

**Owner (as recorded by Council)**  
COALWORKS (VICKERY SOUTH) PTY LTD  
P.O. Box 638  
NEWCASTLE NSW 2300

**Property:** 12035 Kamilaroi Highway EMERALD HILL 2380  
**Description:** Lot: 301 DP: 755495  
**Parcel No:** 12678, 12679, 12680

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:
- *State Environmental Planning Policy No. 1 - Development Standards*
  - *State Environmental Planning Policy No. 21 - Caravan Parks*
  - *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
  - *State Environmental Planning Policy No. 30 - Intensive Agriculture*
  - *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
  - *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
  - *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
  - *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
  - *State Environmental Planning Policy No. 50 – Canal Estate Development*
  - *State Environmental Planning Policy No. 55 - Remediation of Land*
  - *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
  - *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 (Affordable Rental Housing) 2009*

- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(2) Draft Local Environmental Plan that has been placed on exhibition:

*No Draft Gunnedah Local Environmental Plan has been placed on exhibition*

(3) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 2012.

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**19. Site verification certificates**


Council is not aware of any current verification certificate that applies to this land.

**20. Loose-fill asbestos insulation**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act 1986*.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Eric Groth**  
**GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.



(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



<p><b>Owner:</b> <b>Property Address:</b></p>	<p>COALWORKS (VICKERY SOUTH) PTY LTD 12035 Kamilaroi HWY EMERALD HILL 2300</p>	<p>Cadastral data is the property of NSW Dept of Lands – Last modified 24/10/2011 12:00:00 AM</p>
<p><b>Property Details:</b> Lot Section PlanNo 301 755495</p>		<p><b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
<p><b>Zoning:</b> RU1 Date: 06/09/2017 Scale: Projection: GDA94 Zone 56</p>		

**PLANNING CERTIFICATE  
UNDER SECTION 149(2)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

**Shire of**  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 4428  
**Date:** 07/09/2017  
**Receipt No:** 412955  
**Applicant Reference:**  
**Application No:** 7534

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
Alessandro Kennedy  
Suite 2/Level 3  
24 McDougall Street  
MILTON QLD 4064

**Owner (as recorded by Council)**  
Mr RS Blackmore  
Emerald Plains  
GUNNEDAH NSW 2380

**Property:** 398 Goolhi Road EMERALD HILL 2380  
**Description:** Lot: 15 DP: 113293, Lot: 113 DP: 755495  
**Parcel No:** 1000186, 1000833

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:
- *State Environmental Planning Policy No. 1 - Development Standards*
  - *State Environmental Planning Policy No. 21 - Caravan Parks*
  - *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
  - *State Environmental Planning Policy No. 30 - Intensive Agriculture*
  - *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
  - *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
  - *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
  - *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
  - *State Environmental Planning Policy No. 50 – Canal Estate Development*
  - *State Environmental Planning Policy No. 55 - Remediation of Land*
  - *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
  - *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 (Affordable Rental Housing) 2009*

- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(2) Draft Local Environmental Plan that has been placed on exhibition:

*No Draft Gunnedah Local Environmental Plan has been placed on exhibition*

(3) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

(f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.



**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 2012.

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**19. Site verification certificates**

Council is not aware of any current verification certificate that applies to this land.

**20. Loose-fill asbestos insulation**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act 1986*.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Eric Groth**  
**GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies



## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

Shire of  
**G u n n e d a h**  
Land of Opportunity

---

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

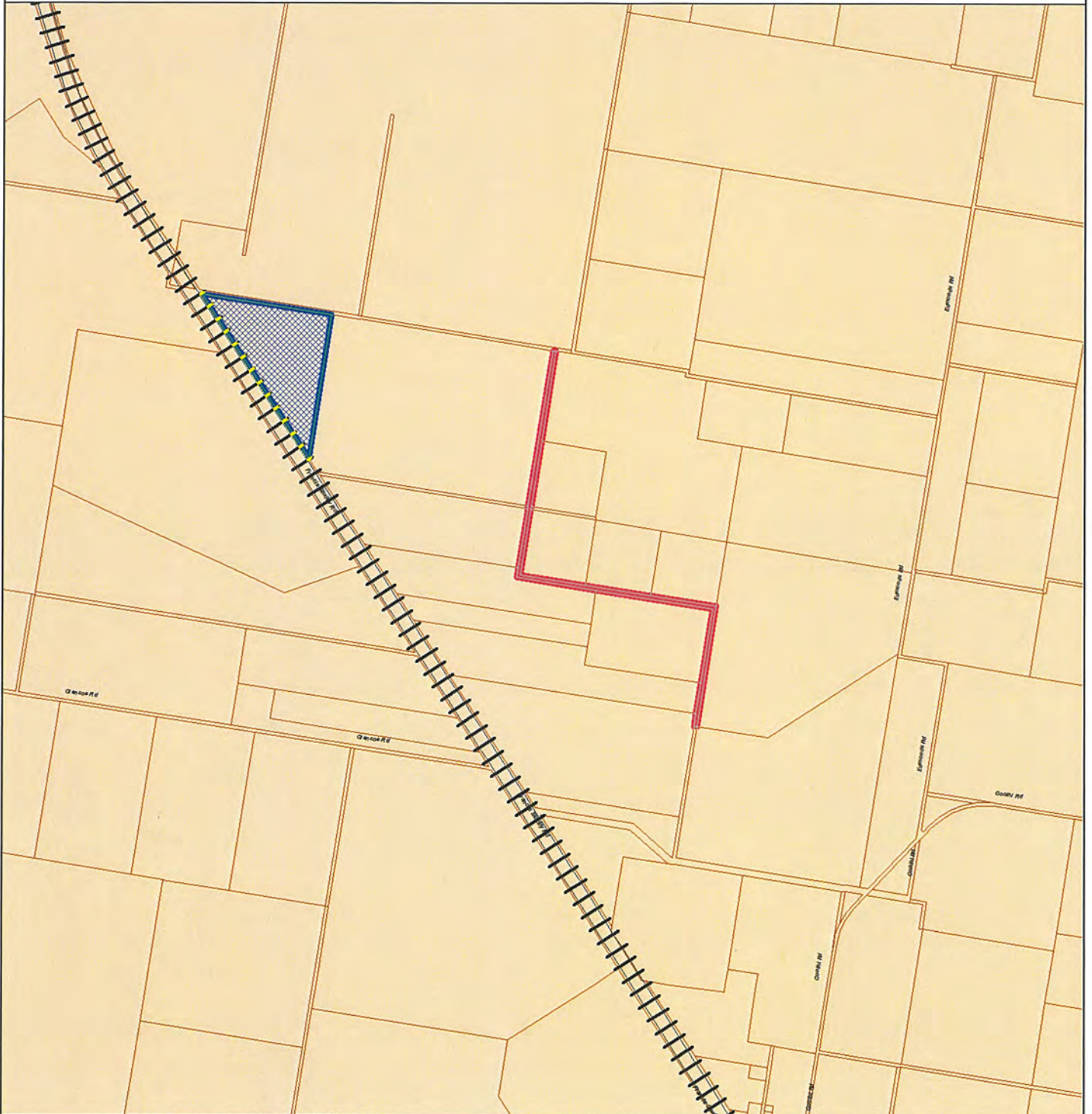
**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



<b>Owner:</b>	Mr RS Blackmore	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM	
<b>Property Address:</b>	398 Goolhi RD EMERALD HILL 2380		
<b>Property Details:</b>		<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>	
Lot	Section		PlanNo
15			113293
<b>Zoning:</b> RU1			
Date: 06/09/2017	Scale:	Projection: GDA94 Zone 56	

**PLANNING CERTIFICATE  
UNDER SECTION 149(2)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**

Shire of  
**Gunnedah**  
Land of Opportunity

**Certificate No:** 4424  
**Date:** 07/09/2017  
**Receipt No:** 412955  
**Applicant Reference:**  
**Application No:** 7530

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**

Alessandro Kennedy  
Suite 2/Level 3  
24 McDougall Street  
MILTON QLD 4064

**Owner (as recorded by Council)**

Mr TJ & Mrs C Loveridge  
Yamba  
EMERALD HILL 2380

**Property:** 415 Edmonds Road EMERALD HILL 2380

**Description:** Lot: 79 DP: 755495, Lot: 83 DP: 755495, Lot: 85 DP: 755495, Lot: 137 DP: 755495, Lot: 142 DP: 755495, Lot: 222 DP: 755495, Lot: 1 DP: 1160899, Lot: 2 DP: 1160899

**Parcel No:** 12664, 12667, 12668, 12671, 12672, 12673, 1001096, 1001097

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

(1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(2) Draft Local Environmental Plan that has been placed on exhibition:

*No Draft Gunnedah Local Environmental Plan has been placed on exhibition*

(3) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

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

(a) RU1 Primary Production

*Gunnedah Local Environmental Plan, 2012*

(b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.

(e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.

- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

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

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

**3. Complying development**

Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

**4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

**4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.



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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 2012.

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**19. Site verification certificates**

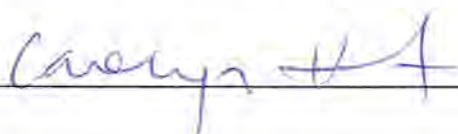
Council is not aware of any current verification certificate that applies to this land.

**20. Loose-fill asbestos insulation**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act 1986*.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Eric Groth**  
**GENERAL MANAGER**

Per:  \_\_\_\_\_

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.

**Shire of**  
**Gunnedah**  
Land of Opportunity

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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

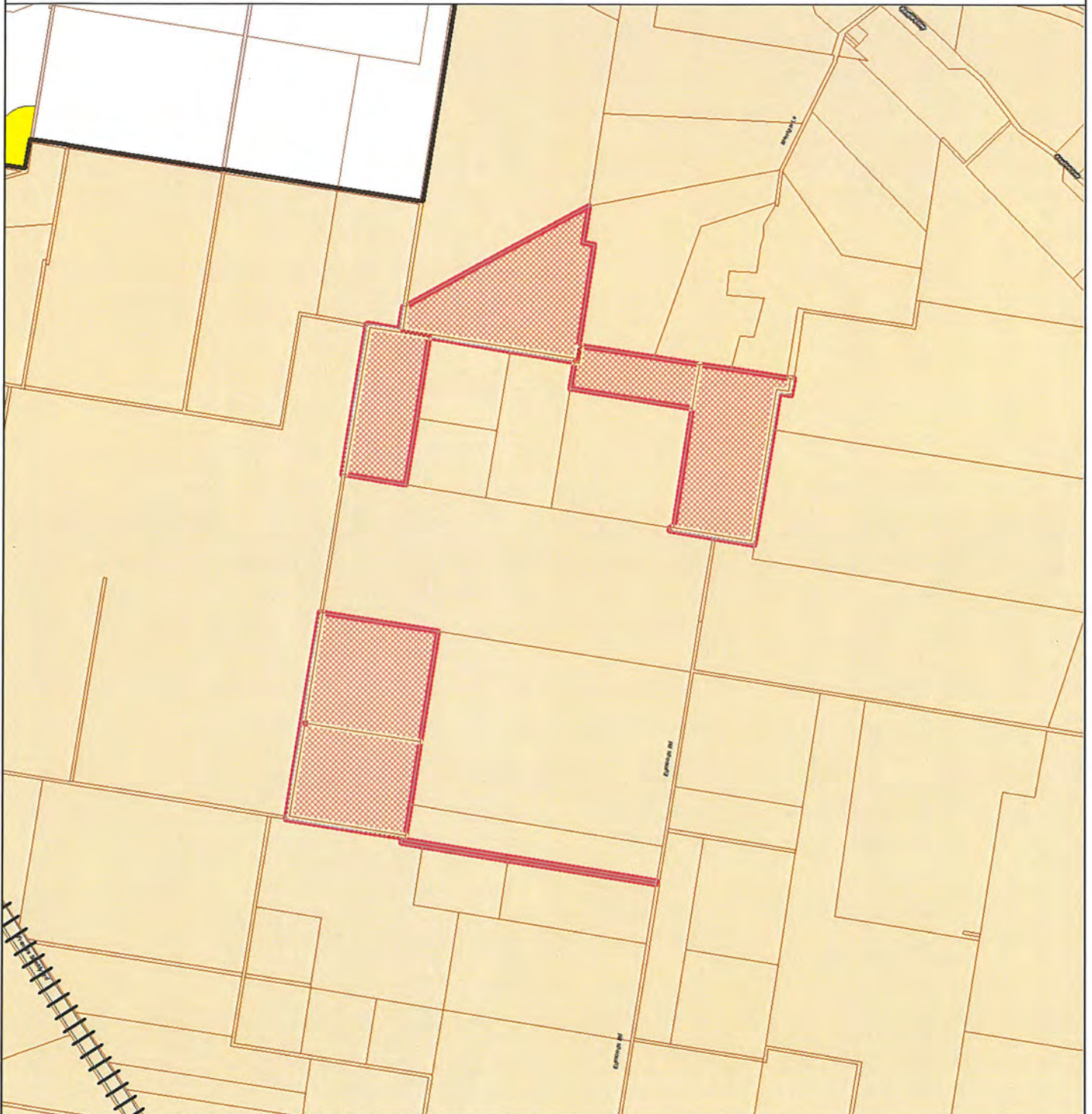
- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.





<b>Owner:</b>	Mr TJ & Mrs C Loveridge	Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM
<b>Property Address:</b>	415 Edmonds RD EMERALD HILL 2380	
<b>Property Details:</b>		<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>
Lot	Section PlanNo	
79, 83, 85, 137, 142, 222 1, 2	755495 1160899	
<b>Zoning:</b> RU1		
Date: 06/09/2017	Scale:	Projection: GDA94 Zone 56

**PLANNING CERTIFICATE  
UNDER SECTION 149(2) and (5)  
ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT, 1979**



**Certificate No:** 3683  
**Date:** 14/04/2016  
**Receipt No:** 325946  
**Applicant Reference:** Luke  
**Application No:** 6316

Gunnedah Shire Council  
63 Elgin Street (PO Box 63)  
GUNNEDAH NSW 2380  
Ph: 02 6740 2100  
Fax: 02 6740 2119  
council@infogunnedah.com.au

**Applicant:**  
SESL Australia  
16 Chilvers Road  
THORNLEIGH NSW 2120

**Owner (as recorded by Council)**  
State Of New South Wales  
PO Box 535  
TAMWORTH NSW 2340

**Property:** Kamilaroi Highway EMERALD HILL 2380  
**Description:** Lot 7004 DP 1029299  
**Parcel No:** 1002131

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) & (5) OF THE ACT.**

**1. Names of relevant SEPPs, REPS, LEPs and DCPs**

At the date of this certificate, the following matters apply to the subject land:

- (1) (a) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

- (b) Draft Local Environmental Plan that has been placed on exhibition:

*The following Draft Gunnedah Local Environmental Plan has been placed on public exhibition:*

- *Draft Gunnedah Local Environmental Plan – land surrounding Curlewis – rezone land from RU1 Primary Production to RU4 Primary Production Small Lots, SP2 Infrastructure and RE1 Public Recreation, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012, to remove dwelling opportunities that have expired under the provisions of Clause 4.2A(4) of the Gunnedah LEP 2012, and remove Clause 4.2A(4) of the Gunnedah LEP 2012.*

- (c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

- (2) (a) Development Control Plan/s that has been prepared by the Director-General:

*No Development Control Plan that has been prepared by the Director-General, apply to the subject land.*

- (3) (a)-(b) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*



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

- (a) RU1 Primary Production  
*Gunnedah Local Environmental Plan, 2012*
- (b)-(d) The extract from the relevant local environmental plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (e) The erection of a dwelling-house may be prohibited by a development standard relating to the minimum area of land. See the attached extract from the local environmental plan relating to this matter.
- (f) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.
- (g) The land is not identified in the Gunnedah Local Environmental Plan, 2012 as being located in a conservation area.
- (h) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the Gunnedah Local Environmental Plan, 2012.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not applicable to the subject land.

## **3. Complying development**

Yes. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- \* General Housing Code
- \* Rural Housing Code
- \* Housing Alteration Code
- \* General Development Code
- \* General Commercial and Industrial Code
- \* Subdivision Code
- \* Demolition Code

## **4. Coastal protection**

The land is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979.

## **4A. Certain information relating to beaches and coasts**

Not applicable to the subject land.

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

Not applicable to the subject land.

**5. Mine subsidence**

The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.

**6. Road widening and road realignment**

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**7. Council and other public authority policies on hazard risk restrictions**

The land is not affected by a policy adopted by Council or by any other public authority and notified to the Council, 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).

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

The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 2012.

**8. Land reserved for acquisition**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 27 of the Act.

**9. Contributions plans**

The following contributions plans apply to the land:

*Gunnedah Shire Council Section 94A Contributions Plan, 2013*

**9A. Biodiversity certified land**

The land is not biodiversity certified land within the meaning of Part 7AA of the Threatened Species Conservation Act 1995.

**10. Biobanking agreements**

Council has not been advised by the Director-General of the Department of Environment, Climate Change and Water, any of the existence of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**11. Bush fire prone land**

The land is not identified as “bushfire prone land” on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. Property vegetation plans**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

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

No 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).

**14. Directions under Part 3A**

The Minister has not issued a direction under Section 75P(2)(cl) of the Act, in relation to a provision of the Gunnedah Local Environmental Plan, 1998 (as amended).

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

Council is not aware of any current site compatibility certificate that has been issued under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in respect of proposed development on the land.

**16. Site compatibility certificates for infrastructure**

Council is not aware of any valid site compatibility certificate being issued under Clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in respect of development on the land.

**18. Paper subdivision information**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

## 19. Site verification certificates

Council is not aware of any current verification certificate that applies to this land.

**Note.** Council has not been advised of any matters prescribed by section 59 (2) of the Contaminated Land Management Act 1997.

**Note.** Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act. Council has not been advised of any exemptions or authorisations under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.



## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.
- To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.
- To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Moorings; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Dual occupancies (attached); Extractive industries; Farm buildings; Farm stay accommodation; Home industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Rural workers' dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Amusement centres; Car parks; Caravan parks; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

## **Gunnedah Local Environmental Plan 2012 – Clause 4.2A**

### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development and
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:

Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone RU4 Rural Small Holdings  
Zone RU6 Transition  
Zone E3 Environmental Management
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
  - (a) a lot created in accordance with clause 4.1, or
  - (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or
  - (c) lot that that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.
- (4) Despite subclause (3)(d), development consent may only be granted for the erection of a dwelling if an application for development consent referred to in subclause (3)(d) is made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Subclause (2) does not prevent consent from being granted for a dwelling house on land described in that subclause that has been affected only by the following:
  - (a) a minor realignment of its boundaries that did not create an additional allotment, or
  - (b) a consolidation of allotments, but not so as to reduce the area of the land on which the dwelling house will be erected, or
  - (c) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (6) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house and is not occupied until the lawfully erected dwelling house is demolished or its occupation has permanently ceased; or
  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
    - (i) removed from the site; or
    - (ii) partially or completely destroyed, less than two years prior to the lodgement of a development application pursuant to this plan for the purpose of a dwelling house.



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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Certificate under Section 149**

**SCHEDULE**

**Flood Affected Land**

You are advised that the part of Gunnedah in which this land is located can be affected by flooding. The incidence of flooding is as illustrated on the Flood Inundation Map, Namoi Valley Flood Inundation Plan Atlas, prepared on behalf of the Water Resources Commission of NSW.

If the incidence and degree of flooding is of any concern, examination of the abovementioned map is most essential.

Clause 6.1 Gunnedah Local Environmental Plan 2012 provides that:

**6.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
  
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

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### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone E2 Environmental Conservation or Zone E4 Environmental Living.

# Gunnedah Shire Council 149(2) Certificate



<b>Owner:</b> State of New South Wales		Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM	
<b>Property Address:</b>	Kamilaroi Highway Emerald Hill NSW 2380		
<b>Property Details:</b>		<p><b>DISCLAIMER</b></p> <p>Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.</p>	
Lot	Section		PlanNo
7004			1029299
<b>Zoning:</b> RU1			
Date: 14/04/2016	Scale:	Projection: GDA94 Zone 56	



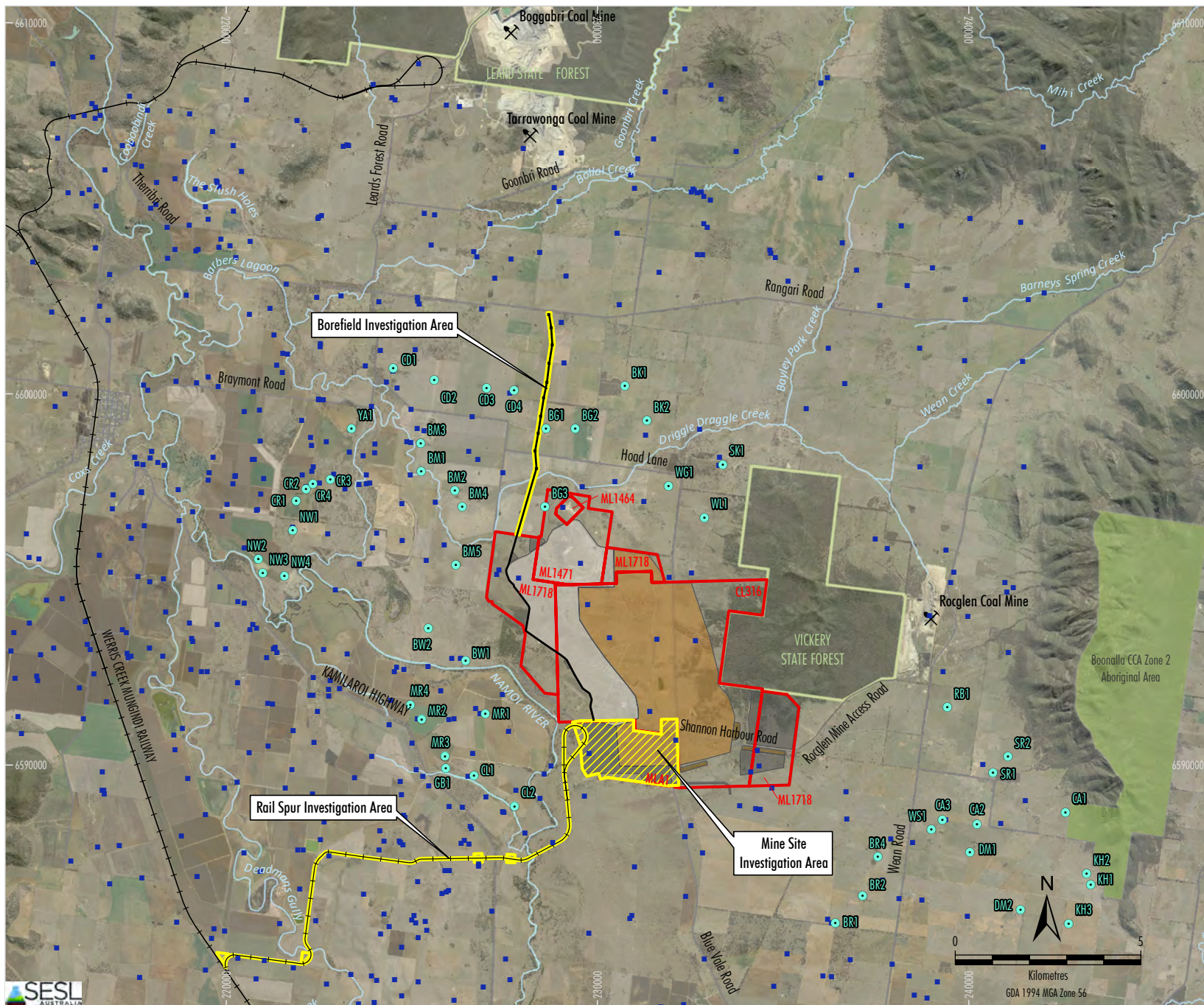
## Appendix D

■ WATER ■ MINING ■ SPORTS & RECREATION ■ HORTICULTURE & AGRICULTURE ■ ENVIRONMENTAL ■ ENGINEERING & GEOTECH ■ URBAN HORTICULTURE & LANDSCAPING

**ABN** 70 106 810 708  
**T** 1300 30 40 80  
**F** 1300 64 46 89  
**E** [info@sesl.com.au](mailto:info@sesl.com.au)  
**W** [sesl.com.au](http://sesl.com.au)

**POST** PO Box 357, Pennant Hills NSW 1715  
**LAB** 16 Chilvers Rd, Thornleigh NSW 2120  
**ACT** Level 5 Tower A, 7 London Cct, Canberra ACT 2601  
**VIC** Level 1, 21 Shields St, Flemington VIC 3031  
**QLD** Level 10, 15 Green Square Cl, Fortitude Valley QLD 4006





- LEGEND**
- Mining Tenement Boundary (ML and CL)
  - Mining Lease Application (MLA)
  - State Forest
  - State Conservation Area, Aboriginal Area
  - Railway
- Project Components**
- Indicative Extent of Open Cut
  - Indicative Extent of Out of Pit Waste Rock Emplacement
  - Indicative Extent of Infrastructure Area
  - Indicative Extent of Soil Stockpile
  - Indicative Rail Spur Alignment
  - Indicative Location of Groundwater Bores and Pipeline
  - Investigation Area
  - Pinneena Registered Bore
  - Bore Census

Source: Orthophoto - Department of Land and Property Information, Aerial Photography Flown (July 2011); Department of Industry (2015); SESL (2018)

**Figure D-1**

### Contaminated land

- + Management of contaminated land
- + Consultants and site auditor scheme
- + Underground petroleum storage systems
- Guidelines under the CLM Act
- NEPM amendment
- + Further guidance
- Record of notices
  - About the record
  - Search the record
  - Search tips
  - Disclaimer
- List of NSW contaminated sites notified to EPA
- Frequently asked questions
- Forms
- + Other contamination issues
- + Contaminated Land Management Program

[Home](#)
[Contaminated land](#)
[Record of notices](#)

## Search results

Your search for: LGA: Gunnedah Shire Council

Matched 11 notices relating to 4 sites.

Suburb	Address	Site Name	Notices related to this site
GUNNEDAH	Intersection of Henry Street and Conadilly STREET	<a href="#">Adjacent to Service Station</a>	3 current and 1 former
GUNNEDAH	Corner Conadilly Street & Henry STREET	<a href="#">BP Service Station</a>	3 current and 1 former
GUNNEDAH	61 Railway AVENUE	<a href="#">Former Caltex Depot</a>	3 former
GUNNEDAH	341 Conadilly STREET	<a href="#">Mobil Service Station</a>	3 current and 1 former

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22 May 2018





## Contaminated land

[+ Management of contaminated land](#)[+ Consultants and site auditor scheme](#)[+ Underground petroleum storage systems](#)[Guidelines under the CLM Act](#)[NEPM amendment](#)[+ Further guidance](#)[- Record of notices](#)[About the record](#)[Search the record](#)[Search tips](#)[Disclaimer](#)[List of NSW contaminated sites notified to EPA](#)[Frequently asked questions](#)[Forms](#)[+ Other contamination issues](#)[+ Contaminated Land Management Program](#)[Home](#) [Contaminated land](#) [Record of notices](#)

## Search results

Your search for: LGA: Narrabri Shire Council

Matched 2 notices relating to 1 site.

[Search Again](#)[Refine Search](#)

Suburb	Address	Site Name	Notices related to this site
NARRABRI	Westport ROAD	<a href="#">Cargill Soapstock Disposal Site</a>	2 former

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## Appendix E

■ WATER ■ MINING ■ SPORTS & RECREATION ■ HORTICULTURE & AGRICULTURE ■ ENVIRONMENTAL ■ ENGINEERING & GEOTECH ■ URBAN HORTICULTURE & LANDSCAPING

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ACT Level 5 Tower A, 7 London Cct, Canberra ACT 2601  
VIC Level 1, 21 Shields St, Flemington VIC 3031  
QLD Level 10, 15 Green Square Cl, Fortitude Valley QLD 4006



Table 1A(3) Soil HSLs for vapour intrusion (mg/kg)

CHEMICAL	HSL A & HSL B Low - high density residential				HSL C recreational / open space				HSL D Commercial / Industrial				Soil saturation concentration (C <sub>sat</sub> )
	0 m to <1 m	1 m to <2 m	2 m to <4m	4 m+	0 m to <1 m	1 m to <2 m	2 m to <4 m	4 m+	0 m to <1 m	1 m to <2 m	2 m to <4 m	4 m+	
<b>SAND</b>													
Toluene	160	220	310	540	NL	NL	NL	NL	NL	NL	NL	NL	560
Ethylbenzene	55	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	64
Xylenes	40	60	95	170	NL	NL	NL	NL	230	NL	NL	NL	300
Naphthalene	3	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	9
Benzene	0.5	0.5	0.5	0.5	NL	NL	NL	NL	3	3	3	3	360
F1 <sup>(9)</sup>	45	70	110	200	NL	NL	NL	NL	260	370	630	NL	950
F2 <sup>(10)</sup>	110	240	440	NL	NL	NL	NL	NL	NL	NL	NL	NL	560
<b>SILT</b>													
Toluene	390	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	640
Ethylbenzene	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	69
Xylenes	95	210	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	330

	HSL A & HSL B Low - high density residential				HSL C recreational / open space				HSL D Commercial / Industrial				
<b>Naphthalene</b>	4	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	10
<b>Benzene</b>	0.6	0.7	1	2	NL	NL	NL	NL	4	4	6	10	440
<b>F1<sup>(9)</sup></b>	40	65	100	190	NL	NL	NL	NL	250	360	590	NL	910
<b>F2<sup>(10)</sup></b>	230	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	570
<b>CLAY</b>													
<b>Toluene</b>	480	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	630
<b>Ethylbenzene</b>	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	68
<b>Xylenes</b>	110	310	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	330
<b>Naphthalene</b>	5	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	10
<b>Benzene</b>	0.7	1	2	3	NL	NL	NL	NL	4	6	9	20	430
<b>F1<sup>(9)</sup></b>	50	90	150	290	NL	NL	NL	NL	310	480	NL	NL	850
<b>F2<sup>(10)</sup></b>	280	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	560

**Notes:**

- (1) Land use settings are equivalent to those described in Table 1A(1) Footnote 1 and Schedule B7. HSLs for vapour intrusion for high density residential assume residential occupation of the ground floor. If communal car parks or commercial properties occupy the ground floor, HSL D should be used,
- (2) The key limitations of the HSLs should be referred to prior to application and are presented in Friebel and Nadebaum (2011b and 2011d).
- (3) Detailed assumptions in the derivation of the HSLs and information on how to apply the HSLs are presented in Friebel and Nadebaum (2011a and 2011b).
- (4) Soil HSLs for vapour inhalation incorporate an adjustment factor of 10 applied to the vapour phase partitioning to reflect the differences observed between theoretical estimates of soil vapour partitioning and field measurements. Refer Friebel & Nadebaum (2011a) for further information.
- (5) The soil saturation concentration (C<sub>sat</sub>) is defined as the soil concentration at which the porewater phase cannot dissolve any more of an individual chemical. The soil vapour that is in equilibrium with the porewater will be at its maximum. If the derived soil HSL exceeds C<sub>sat</sub>, a soil vapour source concentration for a petroleum mixture could not exceed a level that would result in the maximum allowable vapour risk for the given scenario. For these scenarios, no HSL is presented for these chemicals and the HSL is shown as 'not limiting' or 'NL'.

- (6) The HSLs for TPH C<sub>6</sub>-C<sub>10</sub> in sandy soil are based on a finite source that depletes in less than seven years, and therefore consideration has been given to use of sub-chronic toxicity values. The >C<sub>8</sub>-C<sub>10</sub> aliphatic toxicity has been adjusted to represent sub-chronic exposure, resulting in higher HSLs than if based on chronic toxicity. For further information refer to Section 8.2 and Appendix J in Friebel and Nadebaum (2011a).
- (7) The figures in the above table may be multiplied by a factor to account for biodegradation of vapour. A factor of 10 may apply for source depths from 2 m to <4 m or a factor of 100 for source depths of 4 m and deeper. To apply the attenuation factor for vapour degradation, a number of conditions must be satisfied. Firstly the maximum length of the shorter side of the concrete slab and surrounding pavement cannot exceed 15 m, as this would prevent oxygen penetrating to the centre of the slab. Secondly, measurement of oxygen in the subsurface is required to determine the potential for biodegradation. Oxygen must be confirmed to be present at >5% to use these factors.
- (8) For soil texture classification undertaken in accord with AS 1726, the classifications of sand, silt and clay may be applied as coarse, fine with liquid limit <50% and fine with liquid limit >50% respectively, as the underlying properties to develop the HSLs may reasonably be selected to be similar. Where there is uncertainty, either a conservative approach may be adopted or laboratory analysis should be carried out.
- (9) To obtain F1 subtract the sum of BTEX concentrations from the C<sub>6</sub>-C<sub>10</sub> fraction.
- (10) To obtain F2 subtract naphthalene from the >C<sub>10</sub>-C<sub>16</sub> fraction.

**Table 1B(5) Generic EILs for aged As, fresh DDT and fresh naphthalene in soils irrespective of their physicochemical properties**

CHEMICAL	Ecological Investigation Levels (mg total contaminant/kg)		
	Areas of ecological significance	Urban residential and public open space <sup>1</sup>	Commercial and industrial
Arsenic <sup>2</sup>	40	100	160
DDT <sup>3</sup>	3	180	640
Naphthalene <sup>3</sup>	10	170	370

**Notes:**

1. Urban residential/public open space is broadly equivalent to the HIL-A, HIL-B and HIL-C land use scenarios in Table 1A(1) Footnote 1 and as described in Schedule B7.
2. Aged values are applicable to arsenic contamination present in soil for at least two years. For fresh contamination refer to Schedule B5c.
3. Insufficient data was available to calculate aged values for DDT and naphthalene, consequently the values for fresh contamination should be used.
4. Insufficient data was available to calculate ACLs for As, DDT and naphthalene. The EIL should be taken directly from Table 1B(5).

**Table 1B(6) ESLs for TPH fractions F1 – F4, BTEX and benzo(a)pyrene in soil**

CHEMICAL	Soil texture	ESLs (mg/kg dry soil)		
		Areas of ecological significance	Urban residential and public open space	Commercial and industrial
<b>F1</b> C <sub>6</sub> -C <sub>10</sub>		125*	180*	215*
<b>F2</b> >C <sub>10</sub> -C <sub>16</sub>	<i>Coarse/ Fine</i>	25*	120*	170*
<b>F3</b> >C <sub>16</sub> -C <sub>34</sub>	<i>Coarse</i>	-	300	1700
	<i>Fine</i>	-	1300	2500
<b>F4</b> >C <sub>34</sub> -C <sub>40</sub>	<i>Coarse</i>	-	2800	3300
	<i>Fine</i>	-	5600	6600
<b>Benzene</b>	<i>Coarse</i>	10	50	75
	<i>Fine</i>	10	65	95
<b>Toluene</b>	<i>Coarse</i>	10	85	135
	<i>Fine</i>	65	105	135
<b>Ethylbenzene</b>	<i>Coarse</i>	1.5	70	165
	<i>Fine</i>	40	125	185
<b>Xylenes</b>	<i>Coarse</i>	10	105	180
	<i>Fine</i>	1.6	45	95
<b>Benzo(a)pyrene</b>	<i>Coarse</i>	0.7	0.7	0.7
	<i>Fine</i>	0.7	0.7	0.7

**Notes:**

- (1) ESLs are of low reliability except where indicated by \* which indicates that the ESL is of moderate reliability.
- (2) ‘-’ indicates that insufficient data was available to derive a value.
- (3) To obtain F1, subtract the sum of BTEX concentrations from C<sub>6</sub>-C<sub>10</sub> fraction and subtract naphthalene from >C<sub>10</sub>-C<sub>16</sub> to obtain F2.