APPENDIX A

S149 PLANNING CERTIFICATES
PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979

Certificate No: 1545
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2706

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

Owner (as recorded by Council)
Land and Property Management Authority
PO Box 535
TAMWORTH NSW 2340

Property: 0 Kamilaroi Highway GUNNEDAH 2380
Description: Lot: 7052 DP: 1119794
Parcel No: 1000560

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) Local Environmental Plan and deemed Environmental Planning Instrument:

       *Gunnedah Local Environmental Plan, 1998 (as amended)*

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

       *Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition*

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

       *Development Control Plan – Principles of Development*

   (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 Redevelopment 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) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001*
*Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. **(Repealed)**

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.

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.

Robert E Campbell  
GENERAL MANAGER
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,
(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,
(c) to avoid further fragmentation and alienation of useable rural land,
(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,
(e) to provide for the requirements of the rural community,
(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,
(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or

(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and

(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

(iii) adequate public utility services are or can be provided to the existing holding, and

(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979

Certificate No: 1546
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2707

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

Owner (as recorded by Council):
Mrs PJ Hedges
730 Glennies Creek Road
MIDDLE FALBROOK NSW 2330

Property: 10380 Kamilaroi Highway GUNNEDAH 2380
Description: Lot: 1 DP: 1034511
Parcel No: 18840

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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 Redevelopment 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) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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 36 or 39 of the Coastal Protection Act 1979.

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 1998.

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 Contributions and Development Services Plan, 2001
-Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. **(Repealed)**

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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,  
drive-in take-away food shops,  
exhibition homes,  
hotels,  
housing for aged or disabled persons,  
industries (other than rural, home, offensive or hazardous industries),  
junk yards,  
light industries,  
liquid fuel depots,  
manufactured home estates,  
medical centres,  
motels,  
motor showrooms,  
places of public worship,  
professional consulting rooms,  
recreation facilities,  
refreshment rooms,  
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),  
road transport terminals,  
service stations,  
shops,  
take-away food shops,  
urban entertainment facilities,  
warehouses.
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 broadacre 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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:
   
   (i) Zone No 1 (a) has an area of not less than 200 hectares, or
   
   (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

   (i) there will be adequate vehicular access to the dwelling house, and

   (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

   (iii) adequate public utility services are or can be provided to the existing holding, and

   (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

   (a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

   (b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Certificate No: 1547
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: Application No: 2708

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

Owner (as recorded by Council): Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001*
*Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. **(Repealed)**

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)(c) 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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls.

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area.

(c) to avoid further fragmentation and alienation of useable rural land.

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services.

(e) to provide for the requirements of the rural community.

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow.

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6).
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
 motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent
Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited
Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or
(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and
(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
(iii) adequate public utility services are or can be provided to the existing holding, and
(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
Owner: Whitehaven Coal Mining Pty Ltd

Property Address: SHANNON HARBOUR
84 Braymont
BLUE VALE 2330

Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 30/11/2010
12:00:00 AM

Property Details:
Lot 1 219923 BRENTY NANDEWAR

Zoning: 1(a) Rural

Date: 21/02/2012 Scale: Projection: GDA94 Zone 56

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

Certificate No: 1548
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: Application No: 2709

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

Owner (as recorded by Council):
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 84 Braymont Road BLUE VALE 2380
Description: Lot: 7 DP: 1018347
Parcel No: 18715

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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)(c) 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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
edition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
jug yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent
Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited
Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:
   (i) Zone No 1 (a) has an area of not less than 200 hectares, or
   (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:
   (i) there will be adequate vehicular access to the dwelling house, and
   (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
   (iii) adequate public utility services are or can be provided to the existing holding, and
   (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
Owner: Whitehaven Coal Mining Pty Ltd
Property Address: SHANNON HARBOUR
84 Braymont
BLUE VALE 2330

Property Details:
Lot 1 1018347 BRENTRY NANDEWAR

Zoning: 1(a) Rural
Date: 22/02/2012

Cadastral data is the property of NSW Dept of Lands – Last modified 29/11/2004
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 30/11/2010
12:00:00 AM

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

Certificate No: 1551
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: 
Application No: 2712

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

Owner (as recorded by Council): Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 84 Braymont Road BLUE VALE 2380
Description: Lot: 2 DP: 1102940
Parcel No: 1000274

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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
(1) Development on the subject land or part of the subject land is not subject to flood related development controls for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (but not including development for the purposes of group homes or seniors housing).
(2) The subject land or part of the subject land IS NOT subject to the flood related development controls for any other purpose.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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)(c) 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.

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.

Robert E Campbell
GENERAL MANAGER
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone
The objectives are as follows:
(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,
(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,
(c) to avoid further fragmentation and alienation of useable rural land,
(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,
(e) to provide for the requirements of the rural community,
(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,
(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent
Development for the purpose of:
- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent
Any development not included in item 2 or 4.

4 Development that is prohibited
Development for the purpose of:
- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
ligh industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:
   (i) Zone No 1 (a) has an area of not less than 200 hectares, or
   (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:
   (i) there will be adequate vehicular access to the dwelling house, and
   (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
   (iii) adequate public utility services are or can be provided to the existing holding, and
   (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
SHANNON HARBOUR
84 Braymont
BLUE VALE 2330

Property Details
Lot Section PlanNo
2 1102940

Date: 24/02/2012

Bushfire Prone Legend
Category 2 - Forests, woodlands, heaths & wetlands
<1 ha & within 100m of Category 1 or within 20m of
Category 2 vegetation & grasslands.
Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.
Buffer zone = 100m on Category 1 & 30m on Category 2.

Legend
Waterways
Cadastral
State Forest

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

Certificate No: 1552
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: 
Application No: 2713

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

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 84 Braymont Road BLUE VALE 2380
Description: Lot: 5 DP: 1018347
Parcel No: 18713

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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
(1) Development on the subject land or part of the subject land is not subject to flood related development controls for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (but not including development for the purposes of group homes or seniors housing).
(2) The subject land or part of the subject land IS NOT subject to the flood related development controls for any other purpose.

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 Contributions and Development Services Plan, 2001*
*Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. **(Repealed)**

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.

**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.

Robert E Campbell
GENERAL MANAGER

Per: Carolyn
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone
   The objectives are as follows:

   (a) to protect the use and efficiency of prime agricultural land while permitting
       appropriate development subject to suitable subdivision controls,
   (b) to permit other forms of development which are ancillary to rural land uses or that,
       as a result of their nature, require siting outside the urban area,
   (c) to avoid further fragmentation and alienation of useable rural land,
   (d) to retain the low density nature of settlement within the rural areas and ensure that
       any future development does not create unreasonable demands on the existing
       infrastructure or available services,
   (e) to provide for the requirements of the rural community,
   (f) to maintain safety and convenience along main roads by discouraging uses that are
       likely to generate traffic volumes which disrupt traffic flow,
   (g) to ensure that the existing level of scenic amenity is maintained by requiring
       development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent
   Development for the purpose of:
   agriculture (other than a form of agriculture, or use of any building or place,
   specifically defined in clause 6),
   bushfire hazard reduction,
   exempt development
   forestry,
   home occupations,
   public utility undertakings,
   utility installations.

3 Development allowed only with development consent
   Any development not included in item 2 or 4.

4 Development that is prohibited
   Development for the purpose of:
   automotive businesses,
   bulk stores,
   bus stations,
   car repair stations,
   clubs.
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
lights industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or

(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and

(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

(iii) adequate public utility services are or can be provided to the existing holding, and

(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
Draft Gunnedah Local Environmental Plan 2011 – 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) a lot 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 lodgment of a development application pursuant to this plan for the purpose of a dwelling house.
**Gunnedah Shire Council**

**149(2) Certificate**

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**Property Details:**

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<tr>
<th>Lot</th>
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<th>Plan No</th>
<th>Parish</th>
<th>County</th>
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<td>BRENTY</td>
<td>NANDEWAR</td>
</tr>
</tbody>
</table>

**Zoning:** 1(a) Rural

**Date:** 24/02/2012

**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.

---

**Owner:** Whitehaven Coal Mining Pty Ltd

**Property Address:**

SHANNON HARBOUR
84 Braymont
BLUE VALE 2330

---

Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM

Property data is the property of Gunnedah Shire Council – Last updated 10/07/2010 12:00:00 AM

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**Scale:**

**Projection:** GDA94 Zone 56
PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979

Certificate No: 1553
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: Application No: 2714

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

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 84 Braymont Road BLUE VALE 2380
Description: Lot: 39 DP: 754929,
Parcel No: 10231

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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 Redevelopment 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) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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
The land is subject to flood related development controls pursuant to the Gunnedah Local Environmental Plan 1998.

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 Contributions and Development Services Plan, 2001*
- *Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. (Repealed)

11. **Bush fire prone land**

The land is identified as being wholly 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)(c) 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.

*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*.

Robert E Campbell  
GENERAL MANAGER
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:
   (i) Zone No 1 (a) has an area of not less than 200 hectares, or
   (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:
   (i) there will be adequate vehicular access to the dwelling house, and
   (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
   (iii) adequate public utility services are or can be provided to the existing holding, and
   (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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) a lot 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.
**Gunnedah Shire Council**

**149(2) Certificate**

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### Property Details:

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<td>BRENTY</td>
<td>NANDEWAR</td>
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</tbody>
</table>

**Owner:** Whitehaven Coal Mining Pty Ltd  
**Property Address:**  
SHANNON HARBOUR  
84 Braymont  
BLUE VALE 2330

---

**Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM**  
**Property data is the property of Gunnedah Shire Council – Last updated 10/07/2010 12:00:00 AM**

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**Zoning:** 1(a) Rural  
**Date:** 24/02/2012  
**Scale:**  
**Projection:** GDA94 Zone 56

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

Certificate No: 1555
Date: 24/02/2012
Receipt No: 110514
Applicant Reference: 
Application No: 2716

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

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 84 Braymont Road BLUE VALE 2380
Description: Lot: 1 DP: 1018347
Parcel No: 18721

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. **Zoning and land use under relevant LEPs**

(a) 1(a) Rural (Agricultural Protection)

Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone
   The objectives are as follows:
   (a) to protect the use and efficiency of prime agricultural land while permitting
       appropriate development subject to suitable subdivision controls,
   (b) to permit other forms of development which are ancillary to rural land uses or that,
       as a result of their nature, require siting outside the urban area,
   (c) to avoid further fragmentation and alienation of useable rural land,
   (d) to retain the low density nature of settlement within the rural areas and ensure that
       any future development does not create unreasonable demands on the existing
       infrastructure or available services,
   (e) to provide for the requirements of the rural community,
   (f) to maintain safety and convenience along main roads by discouraging uses that are
       likely to generate traffic volumes which disrupt traffic flow,
   (g) to ensure that the existing level of scenic amenity is maintained by requiring
       development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent
   Development for the purpose of:
       agriculture (other than a form of agriculture, or use of any building or place,
       specifically defined in clause 6),
       bushfire hazard reduction,
       exempt development
       forestry,
       home occupations,
       public utility undertakings,
       utility installations.

3 Development allowed only with development consent
   Any development not included in item 2 or 4.

4 Development that is prohibited
   Development for the purpose of:
       automotive businesses,
       bulk stores,
       bus stations,
       car repair stations,
       clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
ligh industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 childcare; Home occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or
(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and
(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
(iii) adequate public utility services are or can be provided to the existing holding, and
(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
### Property Details:

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<tr>
<th>Lot</th>
<th>Section</th>
<th>PlanNo</th>
<th>Parish</th>
<th>County</th>
</tr>
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<td>1018347</td>
<td>BRENTY</td>
<td>NANDEWAR</td>
</tr>
</tbody>
</table>

**Zoning:** 1(a) Rural

**Date:** 24/02/2012  
**Scale:**  
**Projection:** GDA94 Zone 56

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**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 in this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.

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**Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004 12:00:00 AM**

**Property data is the property of Gunnedah Shire Council – Last updated 10/07/2010 12:00:00 AM**

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**Owner:** Whitehaven Coal Mining Pty Ltd

**Property Address:** SHANNON HARBOUR  
84 Braymont  
BLUE VALE 2330
PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979

Certificate No: 1556
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2717

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

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 2061 Wean Road WEAN 2380
Description: Lot: 2 DP: 219923
Parcel No: 5305

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. **Zoning and land use under relevant LEPs**

(a) **1(a) Rural (Agricultural Protection)**
Gunnedah Local Environmental Plan 1998, (as amended).

**RU1 Primary Production**
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001*
- *Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. **(Repealed)**

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)(c)(i) 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.

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.

Robert E Campbell
GENERAL MANAGER

Per: Carolyn
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,
(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,
(c) to avoid further fragmentation and alienation of useable rural land,
(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,
(e) to provide for the requirements of the rural community,
(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,
(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 Ginnindah’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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or

(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and

(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

(iii) adequate public utility services are or can be provided to the existing holding, and

(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
Draft Gunnedah Local Environmental Plan 2011 – 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 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.
Owner: Whitehaven Coal Mining Pty Ltd

Property Address: STRATFORD
2061 Wean
WEAN 2380

Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 01/07/2009
12:00:00 AM

Property Details:
Lot 2  219923  BRENTY  NANDEWAR

Zoning: 1(a) Rural

Date: 24/02/2012  Scale:  Projection: GDA94 Zone 56

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

Certificate No: 1557
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2718

Applicant: Resource Strategies Pty Ltd
PO Box 1842
Milton QLD 4064

Owner (as recorded by Council) Whitehaven Coal Mining Pty Ltd
PO Box 600
Gunnedah NSW 2380

Property: 2061 Wean Road WEAN 2380
Description: Lot: 23 DP: 754929
Parcel No: 16447

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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 Redevelopment 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) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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
(1) Development on the subject land or part of the subject land is not subject to flood related development controls for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (but not including development for the purposes of group homes or seniors housing).
(2) The subject land or part of the subject land IS NOT subject to the flood related development controls for any other purpose.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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)(c) 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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent
   Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited
   Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

   (i) Zone No 1 (a) has an area of not less than 200 hectares, or
   (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

   (i) there will be adequate vehicular access to the dwelling house, and
   (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
   (iii) adequate public utility services are or can be provided to the existing holding, and
   (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
Owner: Whitehaven Coal Mining Pty Ltd

Property Address: STRATFORD
2061 Wean
WEAN 2380

Property Details:
Lot 23 754929 BRENTRY NANDEWAR

Zoning: 1(a) Rural

Date: 24/02/2012

Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 01/07/2009
12:00:00 AM

DISCLAIMER
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**Property Details**

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<tr>
<th>Lot</th>
<th>Section</th>
<th>PlanNo</th>
</tr>
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Date: 24/02/2012
Certificate No: 1558  
Date: 24/02/2012  
Receipt No: 110514  
Applicant Reference:  
Application No: 2719

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

Owner (as recorded by Council): Whitehaven Coal Mining Pty Ltd  
PO Box 600  
GUNNEDAH NSW 2380

Property: 10409 Kamilaroi Highway GUNNEDAH 2380  
Description: Lot: 111 DP: 755503  
Parcel No: 6866

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

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

Certificate No: 1558
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2719

Applicant:
Resource Strategies Pty Ltd
PO Box 1842
Milton QLD 4064

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
Gunnedah NSW 2380

Property: 10409 Kamilaroi Highway Gunnedah 2380
Description: Lot: 111 DP: 755503
Parcel No: 6866

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

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

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended)

**RU1 Primary Production**
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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

(1) Development on the subject land or part of the subject land is not subject to flood related development controls for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (but not including development for the purposes of group homes or seniors housing).
(2) The subject land or part of the subject land IS NOT subject to the flood related development controls for any other purposes.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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.

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.

Robert E Campbell  
GENERAL MANAGER

Per: ___________________________
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,
(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,
(c) to avoid further fragmentation and alienation of useable rural land,
(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,
(e) to provide for the requirements of the rural community,
(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,
(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
-
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine
or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or

(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and

(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

(iii) adequate public utility services are or can be provided to the existing holding, and

(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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) a lot 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.
Gunnedah Shire Council
149(2) Certificate

Owner: Whitehaven Coal Mining Pty Ltd
Property Address: REPTON PARK
  10409 Kamilaroi
  GUNNEDAH 2380

Property Details:
Lot 111  Section 755503  PlanNo GUNNEDAH POTTINGER

Zoning: 1(a) Rural
Date: 24/02/2012

Cadastral data is the property of NSW Dept of Lands – Last modified 26/11/2004
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 01/07/2009
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PLANNING CERTIFICATE
UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT, 1979

Certificate No: 1559
Date: 24/02/2012
Receipt No: 110514
Applicant Reference:
Application No: 2720

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

Owner (as recorded by Council)
Whitehaven Coal Mining Pty Ltd
PO Box 600
GUNNEDAH NSW 2380

Property: 10409 Kamilaroi Highway GUNNEDAH 2380
Description: Lot: 678 DP: 705086
Parcel No: 6878

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. **Zoning and land use under relevant LEPs**

(a) 1(a) **Rural (Agricultural Protection)**
Gunnedah Local Environmental Plan 1998, (as amended)

**RU1 Primary Production**
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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)(c) 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.

**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.

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Robert E Campbell  
GENERAL MANAGER

Per: [Signature]

Page 5 of 5
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
ligh industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine
or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:

(a) in the case of land within:

(i) Zone No 1 (a) has an area of not less than 200 hectares, or

(ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or

(b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or

(c) is a lot in a subdivision for which consent was granted by the Council, or

(d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:

(i) there will be adequate vehicular access to the dwelling house, and

(ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and

(iii) adequate public utility services are or can be provided to the existing holding, and

(iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste, and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:

(a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and

(b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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) a lot 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.
Gunnedah Shire Council
149(2) Certificate

Owner: Whitehaven Coal Mining Pty Ltd
Property Address: REPTON PARK
10409 Kamilaroi
GUNNEDAH 2380

Cadastral data is the property of NSW Dept of Lands – Last modified 11/10/2006
12:00:00 AM
Property data is the property of Gunnedah Shire Council – Last updated 01/07/2009
12:00:00 AM

Property Details:
Lot 678  Section 705088  PlanNo GUNNEDAH  Parish POTTINGER

Zoning: 1(a) Rural
Date: 24/02/2012
Scale:
Projection: GDA94 Zone 56

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

Certificate No: 1590
Date: 13/03/2012
Receipt No: 110514
Applicant Reference: 34991
Application No: 2774

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

Owner (as recorded by Council): Livestock Health & Pest Authority
161 Kite St
Orange NSW 2800

Property: Kamilaroi Highway GUNNEDAH 2380
Description: Lot 7010 DP 1074926
Parcel No: 1001233

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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 Redevelopment 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) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001*
*Gunnedah Shire Council Section 94A Contributions Plan, 2007*

10. **(Repealed)**

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)(c) 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.

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.

Robert E Campbell
GENERAL MANAGER

Per: [Signature]
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine
or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:
   (a) in the case of land within:
      (i) Zone No 1 (a) has an area of not less than 200 hectares, or
      (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or
   (b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or
   (c) is a lot in a subdivision for which consent was granted by the Council, or
   (d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:
      (i) there will be adequate vehicular access to the dwelling house, and
      (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
      (iii) adequate public utility services are or can be provided to the existing holding, and
      (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

   and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:
   (a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and
   (b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
**Gunnedah Shire Council**
**149(2) Certificate**

**Owner:** Land and Property Management Authority

**Property Address:** Kamilaroi Hwy
Gunnedah NSW 2380

**Property Details:**
<table>
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<tr>
<th>Lot</th>
<th>Section</th>
<th>PlanNo</th>
<th>Parish</th>
<th>County</th>
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<td>1074926</td>
<td></td>
<td>GUNNEDAH POTTINGER</td>
</tr>
</tbody>
</table>

**Zoning:** 1 (a) Rural (Agricultural Protection)

**Date:** 24/02/2012

**Cadastral data is the property of NSW Dept of Lands – Last modified (Cadastre Update)**
**Property data is the property of Gunnedah Shire Council – Last updated (Rates/Property Update)**

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

Certificate No: 1591
Date: 13/03/2012
Receipt No: 110514
Applicant Reference: Application No: 2775

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

Owner (as recorded by Council)
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW

Property: Blue Vale Road BLUE VALE 2380
Description: Lot 2 DP 1034511
Parcel No: 1001234

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) Local Environmental Plan and deemed Environmental Planning Instrument:

Gunnedah Local Environmental Plan, 1998 (as amended)

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

Draft Gunnedah Local Environmental Plan 2011 has been placed on exhibition

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

Development Control Plan – Principles of Development

(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:
2. Zoning and land use under relevant LEPs

(a) 1(a) Rural (Agricultural Protection)
Gunnedah Local Environmental Plan 1998, (as amended).

RU1 Primary Production
Draft Gunnedah Local Environmental Plan 2011

(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, 1998 (as amended) as including or comprising of critical habitat.

(g) The land is not identified in the Gunnedah Local Environmental Plan, 1998 (as amended) as being located in a conservation area.

(h) The land does not contain an item of environmental heritage, as listed in Schedule 1 of the Gunnedah Local Environmental Plan, 1998 (as amended).

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.

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 1998.

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 Contributions and Development Services Plan, 2001
Gunnedah Shire Council Section 94A Contributions Plan, 2007

10. (Repealed)

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.

**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.*

Robert E Campbell  
GENERAL MANAGER  
Per: [Signature]

Page 5 of 5
Zone No 1 (a) Rural (Agricultural Protection) Zone

1 Objectives of the zone

The objectives are as follows:

(a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls,

(b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area,

(c) to avoid further fragmentation and alienation of useable rural land,

(d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services,

(e) to provide for the requirements of the rural community,

(f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow,

(g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

2 Development allowed without development consent

Development for the purpose of:

- agriculture (other than a form of agriculture, or use of any building or place, specifically defined in clause 6),
- bushfire hazard reduction,
- exempt development
- forestry,
- home occupations,
- public utility undertakings,
- utility installations.

3 Development allowed only with development consent

Any development not included in item 2 or 4.

4 Development that is prohibited

Development for the purpose of:

- automotive businesses,
- bulk stores,
- bus stations,
- car repair stations,
- clubs,
commercial premises,
drive-in take-away food shops,
exhibition homes,
hotels,
housing for aged or disabled persons,
industries (other than rural, home, offensive or hazardous industries),
junk yards,
light industries,
liquid fuel depots,
manufactured home estates,
medical centres,
motels,
motor showrooms,
places of public worship,
professional consulting rooms,
recreation facilities,
refreshment rooms,
residential flat buildings (other than those used in conjunction with a coal mine or public utility undertaking),
road transport terminals,
service stations,
shops,
take-away food shops,
urban entertainment facilities,
warehouses.
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 occupations; Intensive plant agriculture; Moorings; Roads

3 Permitted with consent

Bed & 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 worker’s dwellings; Any development not specified in item 2 or 4

4 Prohibited

Amusement centres; Camping grounds; Caravan parks; Commercial premises; Childcare centres; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Industries; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Mortuaries; 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
15 Are dwelling houses permitted within Zone No 1 (a), 1 (b), 1 (d) or 7 (d)?

(1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 7 (d).

(2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies, but only if the land:
   (a) in the case of land within:
      (i) Zone No 1 (a) has an area of not less than 200 hectares, or
      (ii) Zone No 1 (b), 1 (d) or 7 (d) has an area of not less than 40 hectares, or
   (b) comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after the appointed day for which the consent of the Council was not required), or
   (c) is a lot in a subdivision for which consent was granted by the Council, or
   (d) comprises the residue of an existing holding following excision of a lot or lots by a subdivision for which consent was granted by the Council on or before the appointed day, and the Council is satisfied that:
      (i) there will be adequate vehicular access to the dwelling house, and
      (ii) the erection of the dwelling house will not create or increase ribbon development along a classified road, and
      (iii) adequate public utility services are or can be provided to the existing holding, and
      (iv) a water supply satisfactory to the Council is or will be provided and the land is of sufficient size and soils are of appropriate quality for the effective on-site disposal of domestic waste,

   and no other dwelling house is erected on the land.

(3) Dwelling houses, additional to the one allowed by subclause (2) may, with the consent of the Council, be erected on land to which this clause applies if the Council is satisfied that:
   (a) each additional dwelling house will be used or occupied by a person engaged by the owner of that land in the pursuit of agriculture on that land or on adjoining land, and
   (b) the scale of the agricultural enterprise is sufficient to justify, on economic grounds, an additional employee.

(4) A dwelling house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling house is erected if one dwelling house is intended to wholly replace the other dwelling house.

(5) The Council must not consent to the erection of a dwelling house on a lot created by a subdivision for which consent has been granted pursuant to clause 13 or 14 unless the Council is satisfied that the land use, for the purpose of which the subdivision was granted consent, has substantially commenced.
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 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.
**Gunnedah Shire Council**

**149(2) Certificate**

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<th>Gunnedah Shire Council</th>
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| Property Address: | 0 Blue Vale  
                  | BLUE VALE 2380 |
| Cadastral data is the property of NSW Dept of Lands – Last modified 13/03/2012 12:00:00 AM |
| Property data is the property of Gunnedah Shire Council – Last updated 13/03/2012 12:00:00 AM |

**Property Details:**

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<th>County</th>
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<td>POTTINGER</td>
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**Zoning:**

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<th>Scale:</th>
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</thead>
<tbody>
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</tbody>
</table>

**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.
PLANNING CERTIFICATE

Issued under Section 149(2)
Environmental Planning and Assessment Act 1979

Applicant
Whitehaven Coal Pty Ltd
C/- Resource Strategies Pty Ltd
PO Box 1842
MILTON QLD 4064

Applicant Reference: Danielle Wallace

Description of Land
475 and 999 Hoad Lane, Boggabri
Lot 1, 2 and 3 DP 1038308 Lot 4 DP
1145592 and Lot 1 DP 1015797
Assessment Number: 00343-40000000-000
and 00343-21000000-000

Administration
Amount Paid: $53
Receipt No.: 177128
Receipt Date: 6 February 2012

Certificate Number: 334/2012

Owner
Whitehaven Coal Mining Limited and
Whitehaven Coal Mining Pty Ltd

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 1992

Regional Environmental Plan (REP)

Nil
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

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 an 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 Exempt and Complying Development
- 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 No 2 (a)");

1 (a) (General Rural) Zone.

(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments); forestry (other than ancillary dwellings and pine plantations); rural levees.

(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,

Any purpose other than a purpose included in item 2 or 4.

(d) the purposes for which the instrument provides that development is prohibited within the zone,

Motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

(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 hectares or more (Clause 17 of the LEP).

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 isn't an item of environmental heritage situated on the land.
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 in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Yes

If complying development may not be carried out on that land because of one or more of the requirements under clause 1.19 of that Policy, why it may not be carried out.

- 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 Public 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 occupations, 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

10  (Repealed)

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 isn’t 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.

**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.

Nicholas Wilton  
Manager Planning and Development Services

Date of Certificate: 8 February 2012