

# APPENDIX A

## S149 PLANNING CERTIFICATES

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

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

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

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

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

**Owner (as recorded by Council)**  
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 Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) 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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

Per: Carolyn HT

## **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.

## **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

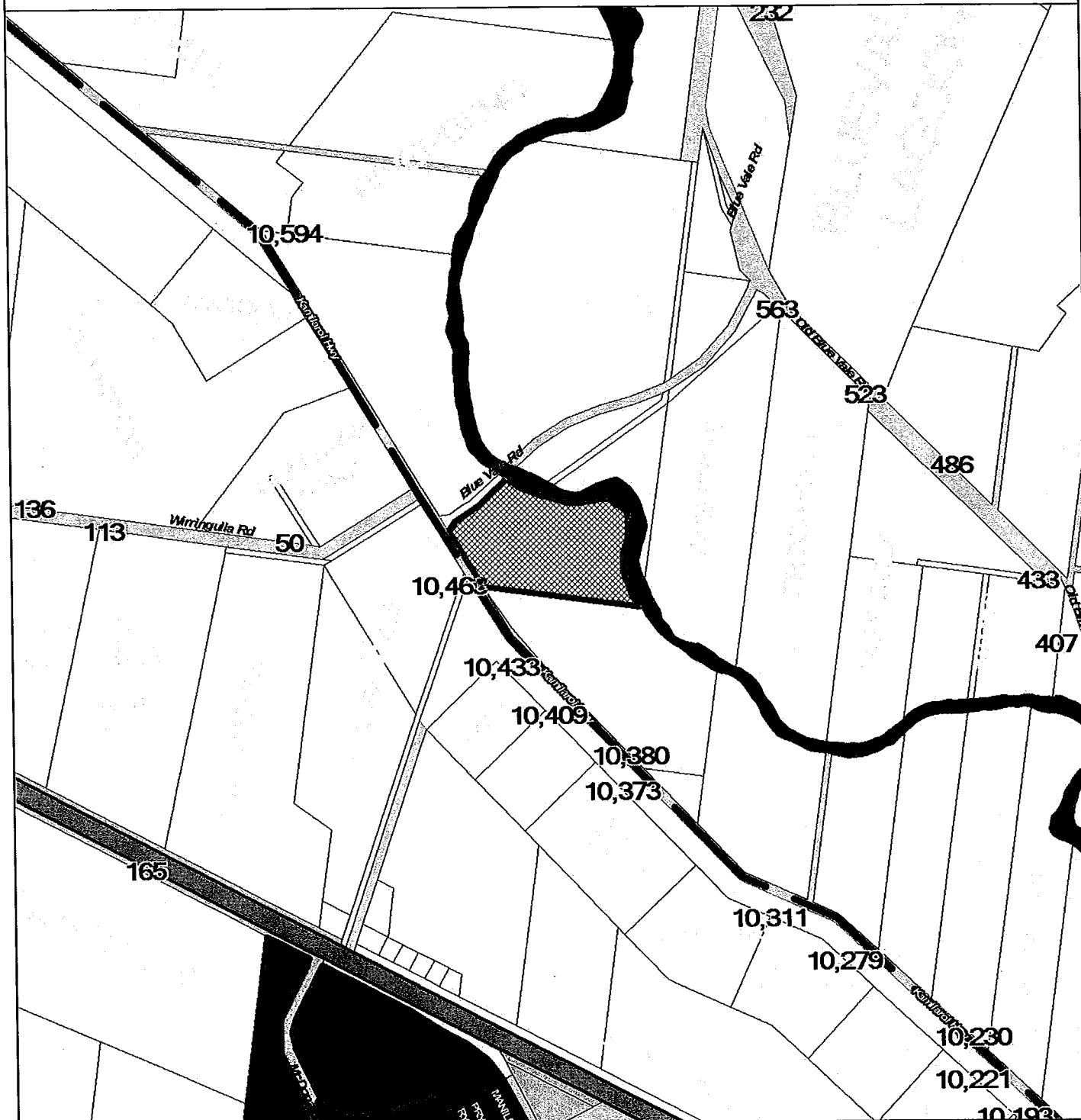
Zone RU3 Forestry

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 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



<b>Owner:</b>		Land and Property Management Authority			Cadastral data is the property of NSW Dept of Lands – Last modified Property data is the property of Gunnedah Shire Council – Last updated 29/03/2010 12:00:00 AM
<b>Property Address:</b>		0 Kamilaroi GUNNEDAH 2340			
<b>Property Details:</b>					
Lot	Section	PlanNo	Parish	County	<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
7052		1119794	GUNNEDAH	POTTINGER	
<b>Zoning:</b> 1(a) Rural					
Date: 24/02/2012		Scale:		Projection: GDA94 Zone 56	



**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

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

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

**Owner (as recorded by Council)**  
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*
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- *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
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- \* Subdivision Code
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### **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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

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

*Carolyn #4*

## **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.

## **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

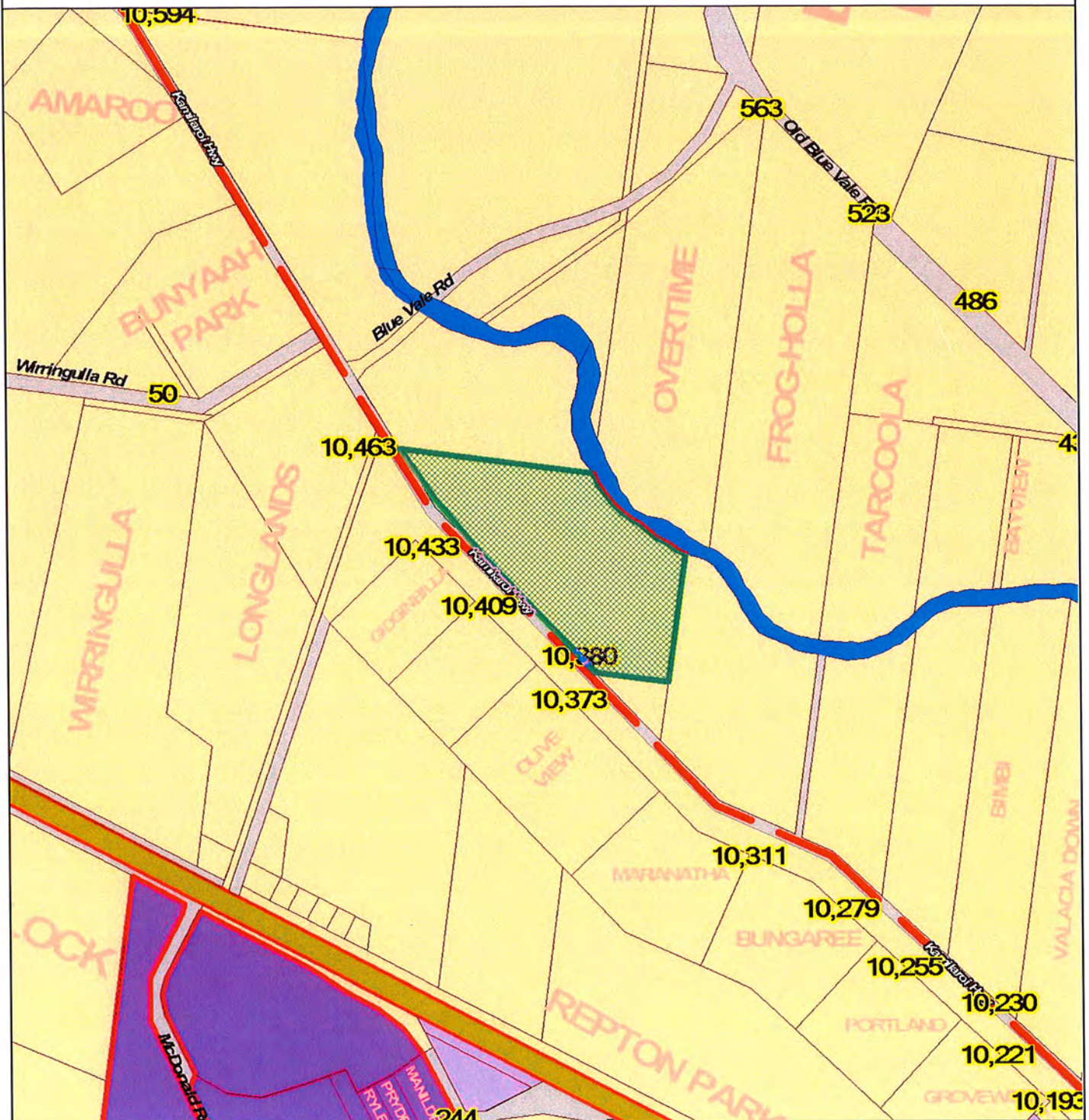
Zone RU6 Transition

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 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



<b>Owner:</b> Mrs PJ Hedges		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 07/04/2010 12:00:00 AM
<b>Property Address:</b>  10380 Kamilaroi GUNNEDAH 2330		
<b>Property Details:</b>  Lot    Section    PlanNo    Parish    County 1                    1034511    GUNNEDAH    POTTINGER		<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
<b>Zoning:</b> 1(a) Rural		
Date: 21/02/2012	Scale:	



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

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

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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

Per:                     Candlyn H



## **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.

## **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

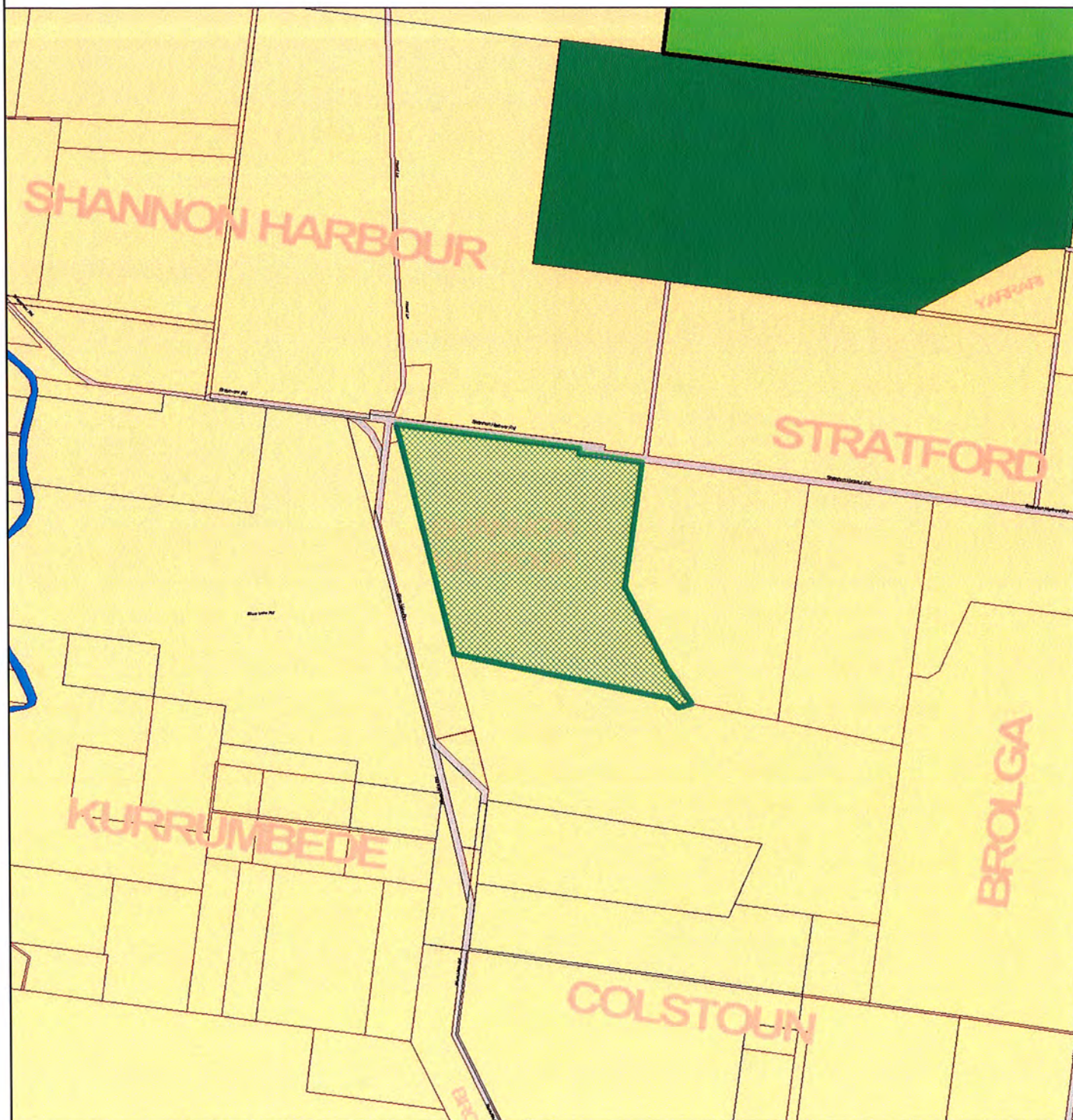
Zone RU4 Rural Small Holdings

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 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



<b>Owner:</b> Whitehaven Coal Mining Pty Ltd		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
<b>Property Address:</b>	SHANNON HARBOUR 84 Braymont BLUE VALE 2330	
<b>Property Details:</b>		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
Lot	Section	
1	219923	
Parish	County	
BRENTY	NANDEWAR	
<b>Zoning:</b> 1(a) Rural		
Date: 21/02/2012	Scale:	
		Projection: GDA94 Zone 56

**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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

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

*Caelyn 44*

## **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.

## **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 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



<b>Owner:</b> Whitehaven Coal Mining Pty Ltd		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
<b>Property Address:</b>	SHANNON HARBOUR 84 Braymont BLUE VALE 2330	
<b>Property Details:</b>		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
Lot	Section	
7	1018347	
<b>Zoning:</b> 1(a) Rural		
<b>Date:</b> 22/02/2012	<b>Scale:</b>	
<b>Projection:</b> GDA94 Zone 56		

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

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

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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 H*



## **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.

## **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

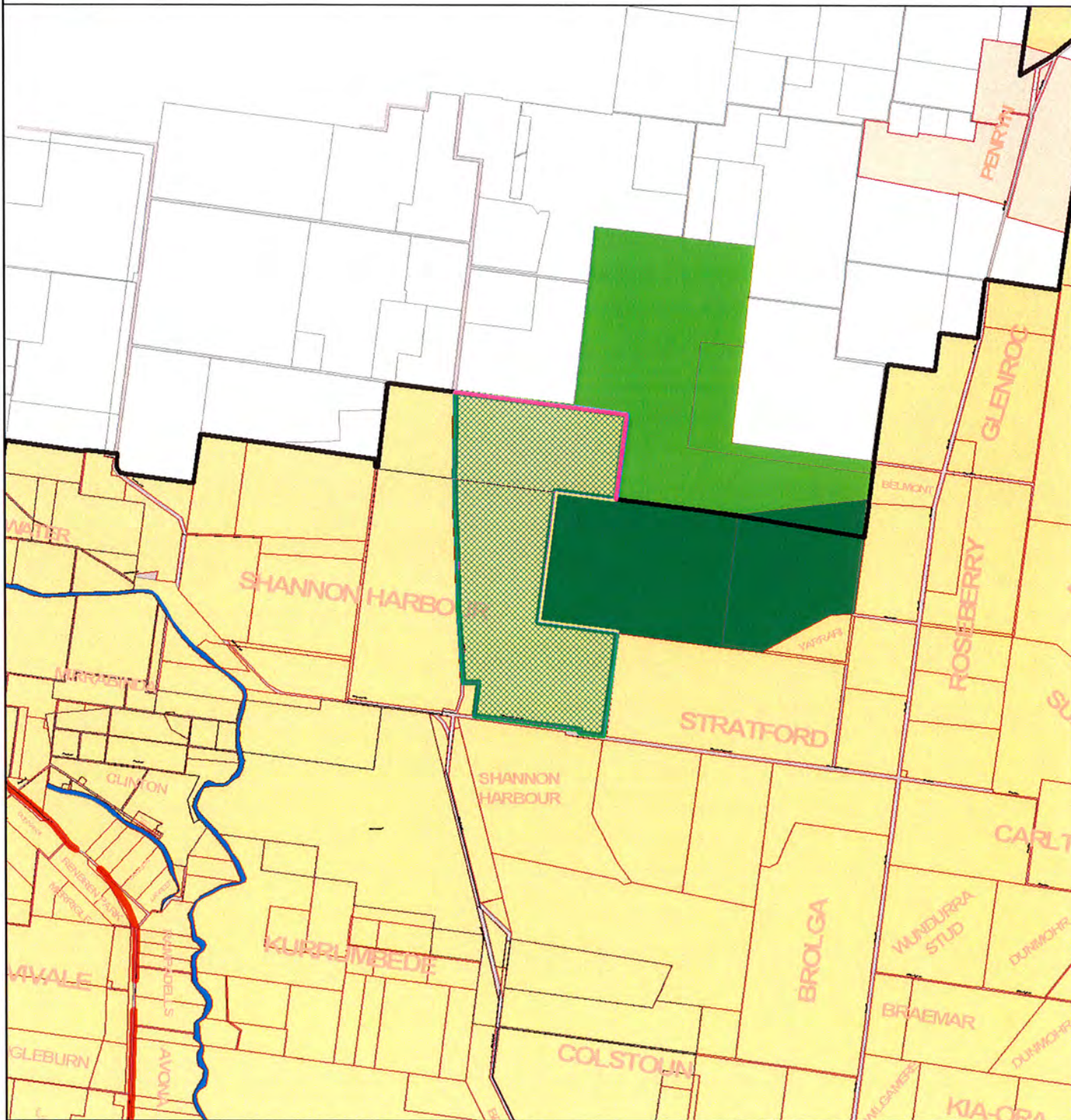
Zone RU6 Transition

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 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:** SHANNON HARBOUR  
84 Braymont  
BLUE VALE 2330

Cadastral data is the property of NSW Dept of Lands – Last modified 10/11/2006 12:00:00 AM  
Property data is the property of Gunnedah Shire Council – Last updated 10/07/2010 12:00:00 AM

### Property Details:

Lot	Section	PlanNo	Parish	County
2		1102940	BRENTY	NANDEWAR

**Zoning:** 1(a) Rural

Date: 24/02/2012

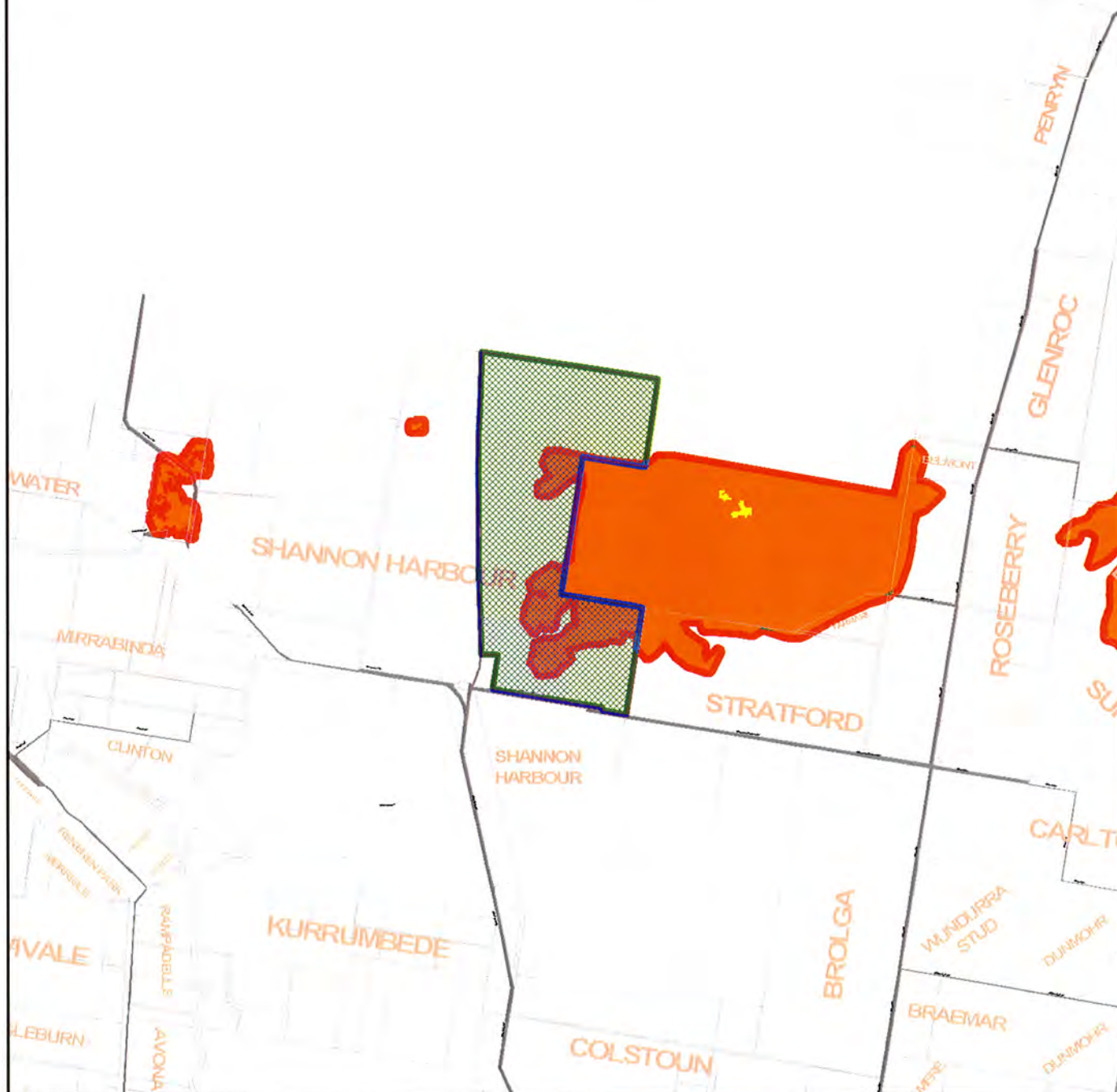
Scale:

Projection: GDA94 Zone 56

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**SHANNON HARBOUR**  
84 Braymont  
BLUE VALE 2330

**Legend**

-  Waterways
-  Cadastre
-  State Forest

**Bushfire Prone Legend**

-  Category 2 - Forests, woodlands, heaths & wetlands < 1 ha & within 100m of Category 1 or within 30m of Category 2 rainforests & grasslands.
-  Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.
-  Buffer zone - 100m on Category 1 & 30m on Category 2

**Property Details**

Lot Section PlanNo  
2 1102940

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Date: 24/02/2012

**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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 HA*

## **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.

## **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

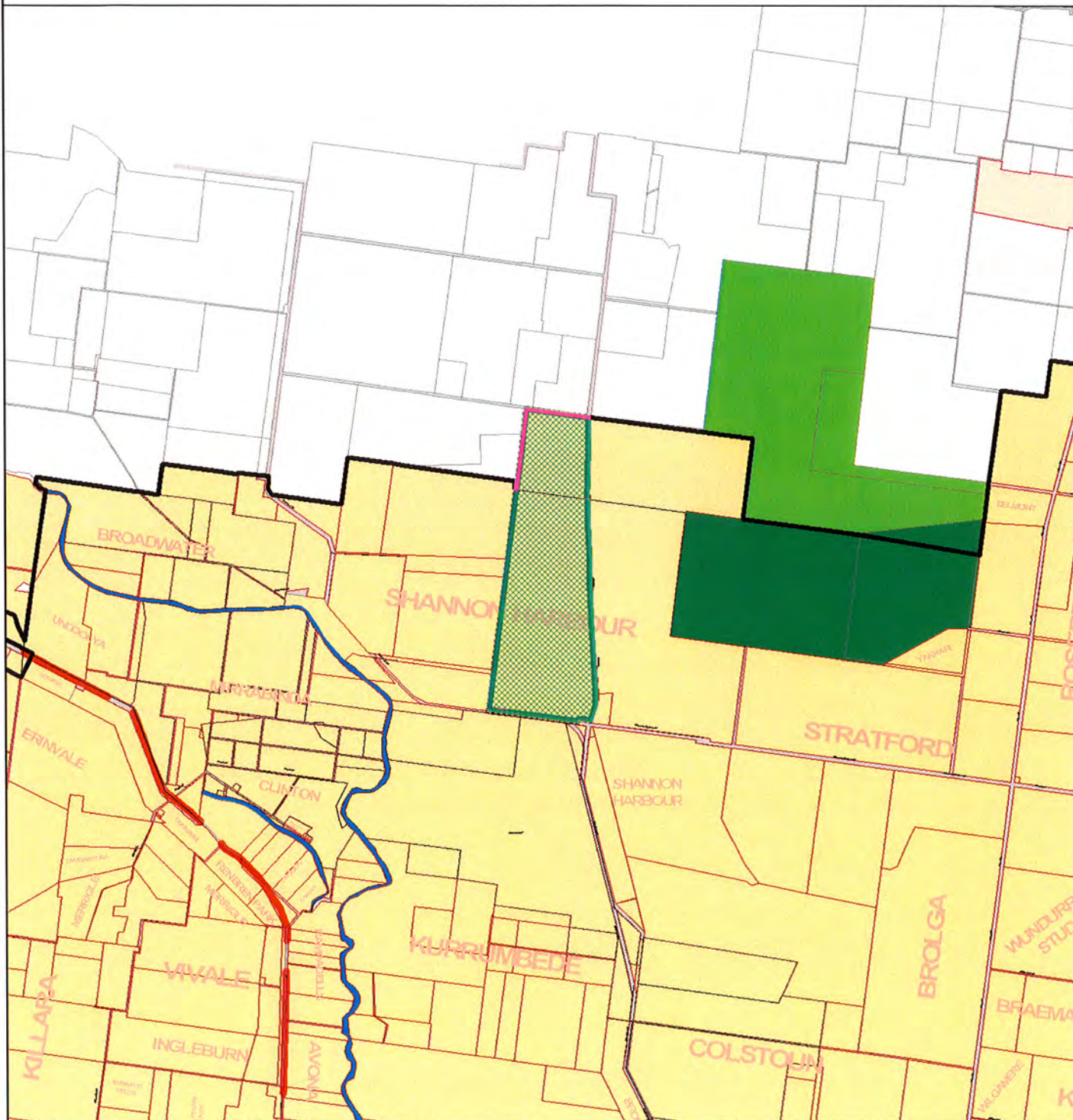
Zone RU6 Transition

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 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:** 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

### Property Details:

Lot	Section	PlanNo	Parish	County
5		1018347	BRENTY	NANDEWAR

**Zoning:** 1(a) Rural

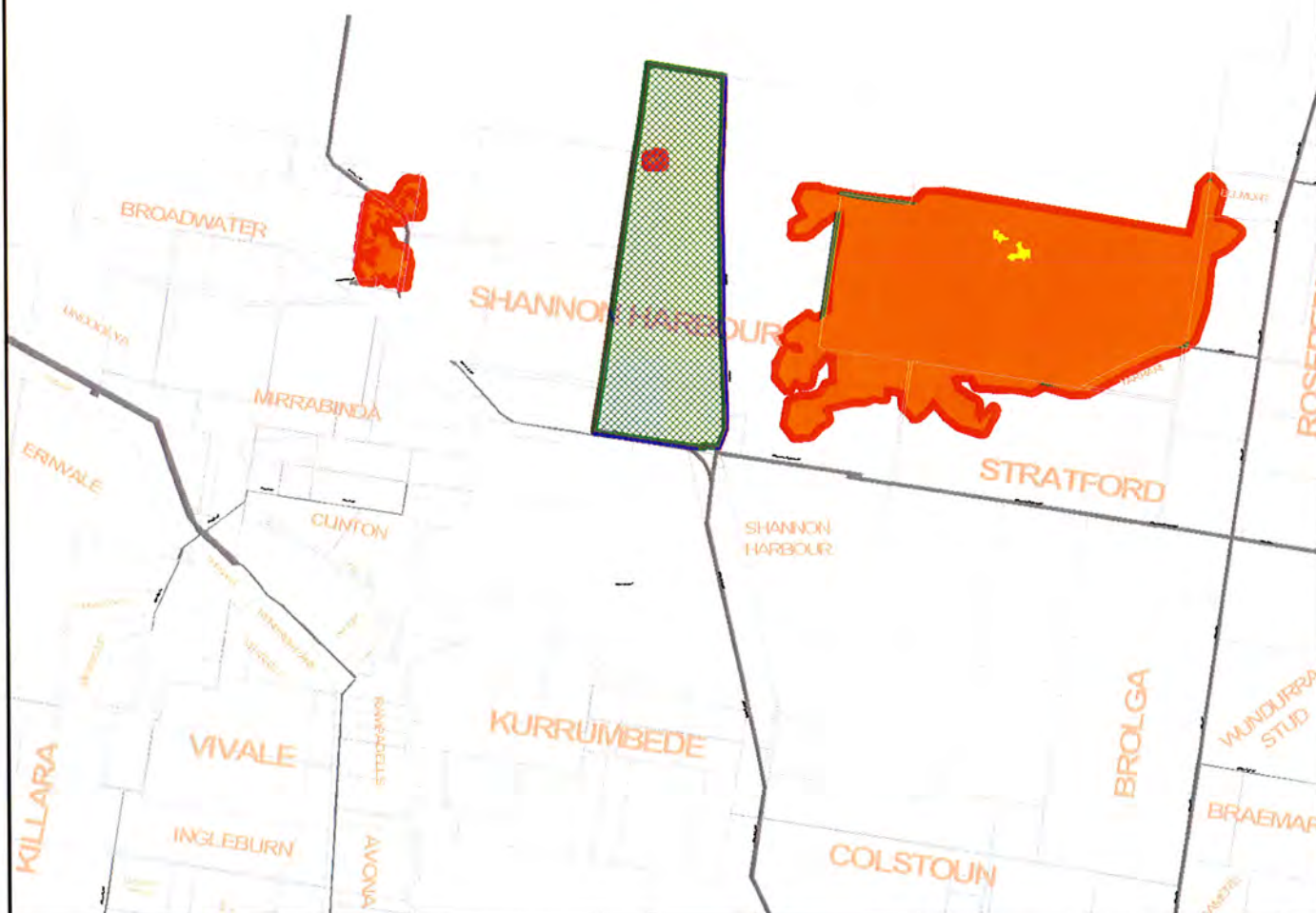
Date: 24/02/2012

Scale:

Projection: GDA94 Zone 56

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**SHANNON HARBOUR**  
84 Braymont  
BLUE VALE 2330

**Legend**



**Bushfire Prone Legend**

- Category 2 - Forests, woodlands, heaths & wetlands < 1 ha & within 100m of Category 1 or within 30m of Category 2 rainforests & grasslands.
- Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.
- Buffer zone - 100m on Category 1 & 30m on Category 2

**Property Details**

Lot Section PlanNo  
5 1018347

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Date: 24/02/2012



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

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

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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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 Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
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- *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)(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 H A



## **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.



## **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:

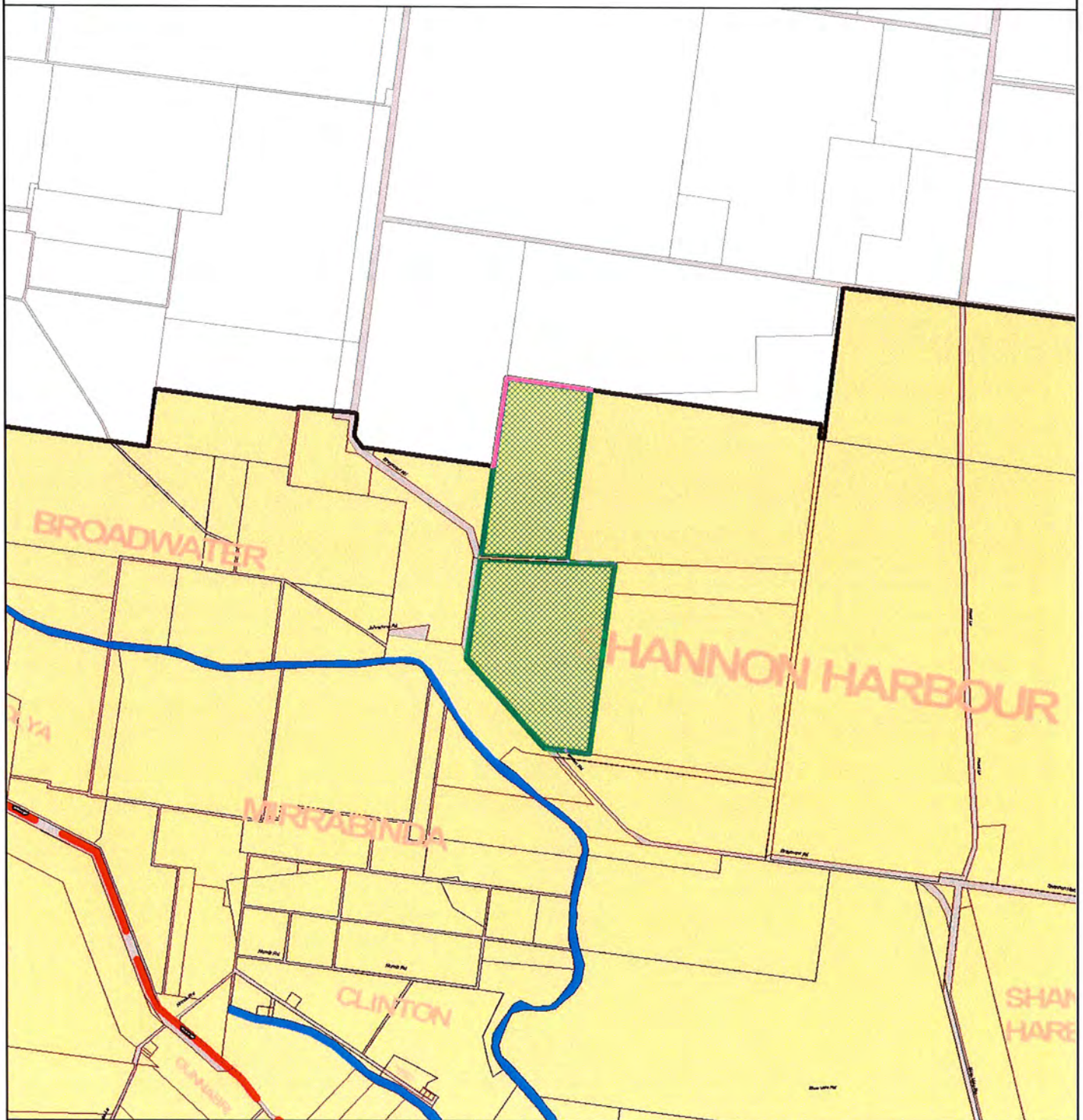
Zone RU1 Primary Production

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 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 10/07/2010 12:00:00 AM

**Property Details:**

Lot	Section	PlanNo	Parish	County
39		754929	BRENTY	NANDEWAR

**Zoning:** 1(a) Rural

Date: 24/02/2012

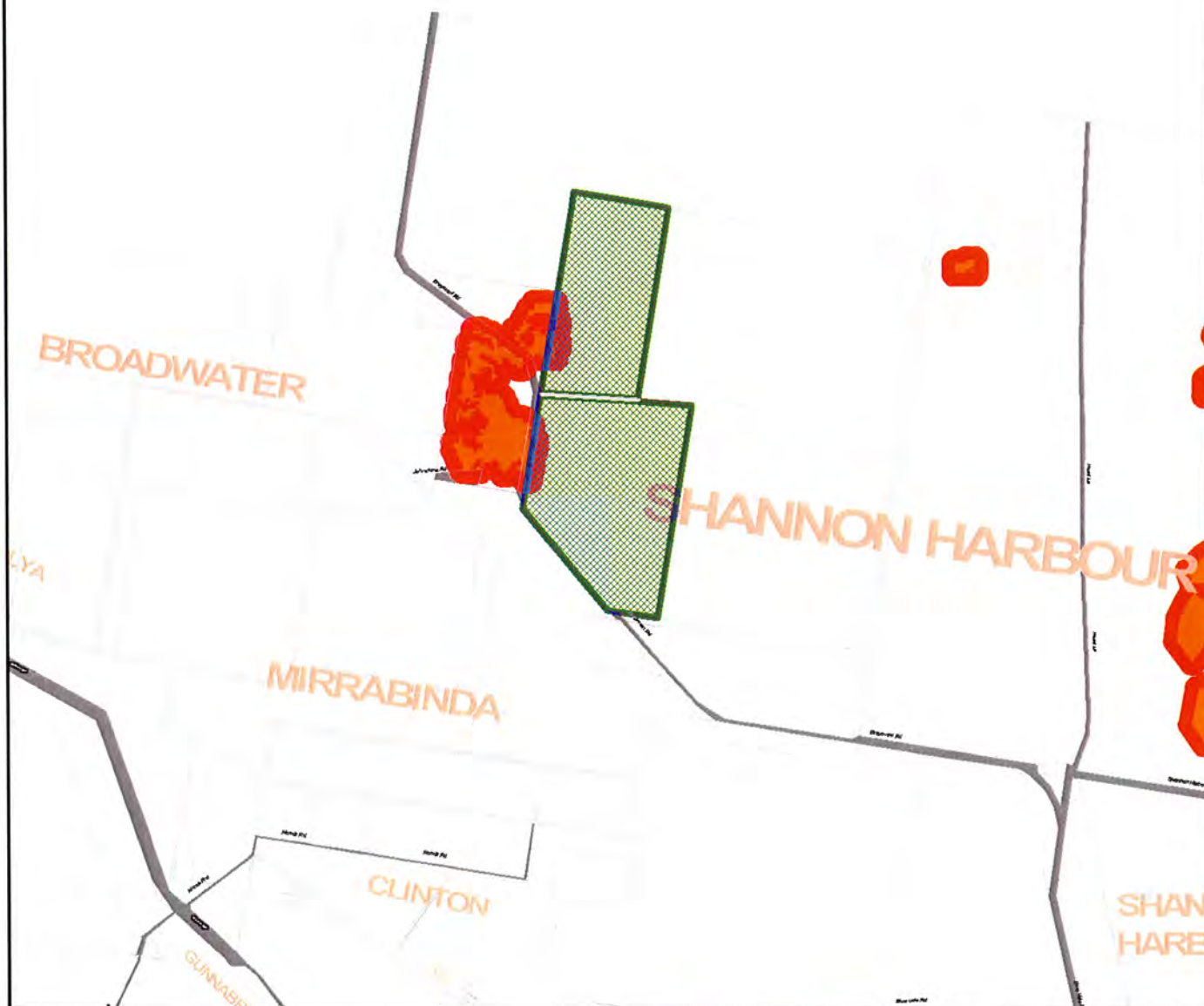
Scale:

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.





**SHANNON HARBOUR**  
84 Braymont  
BLUE VALE 2330

**Legend**



Waterways

Cadastre

State Forest

**Bushfire Prone Legend**

Category 2 - Forests, woodlands, heaths & wetlands  
< 1 ha & within 100m of Category 1 or within 30m of  
Category 2 rainforests & grasslands.

Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.

Buffer zone - 100m on Category 1 & 30m on Category 2

**Property Details**

Lot	Section	PlanNo
39		754929

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Date: 24/02/2012

**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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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: Caelyn #4



## **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.



## **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

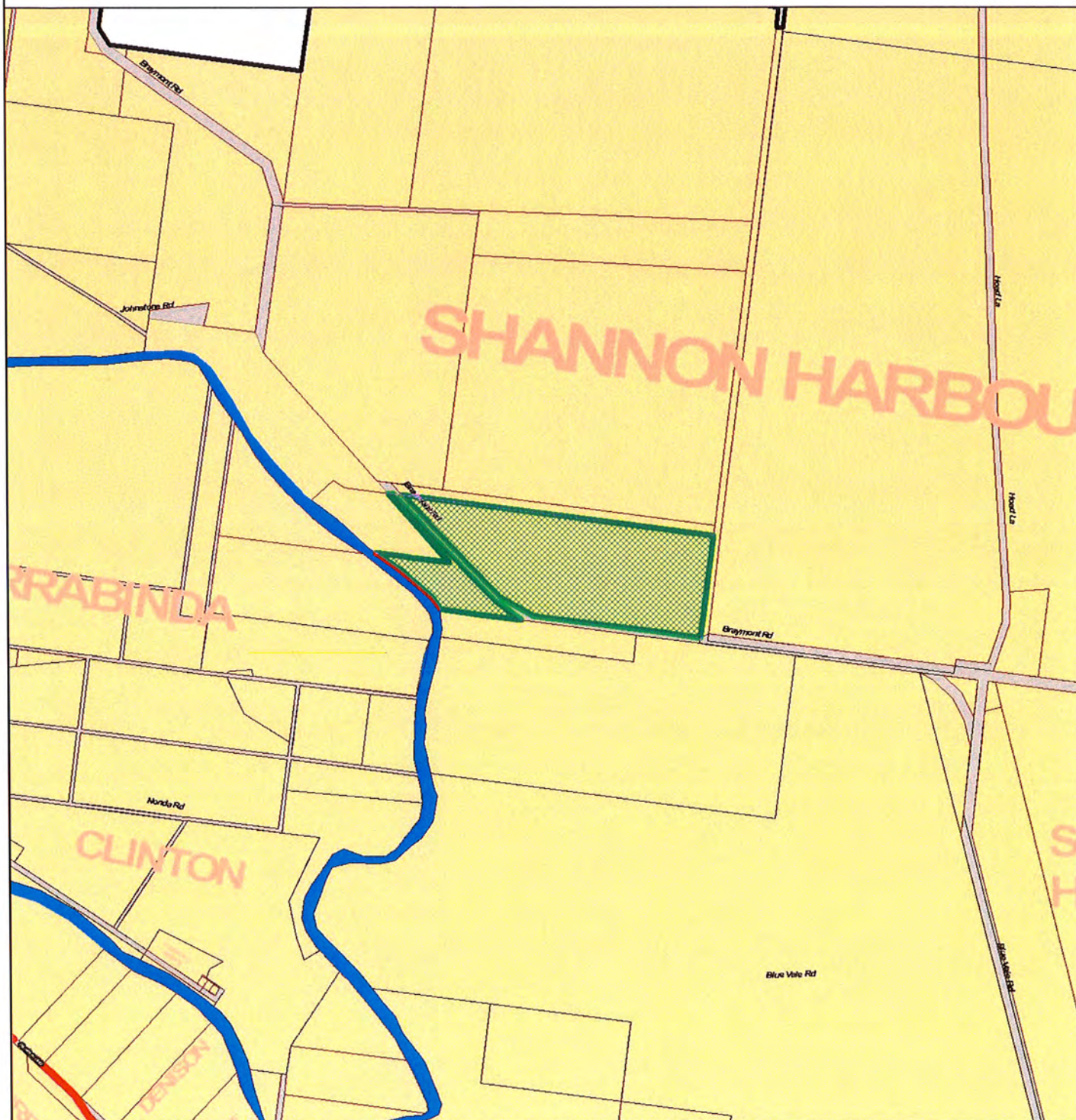
Zone RU6 Transition

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 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



<b>Owner:</b>	Whitehaven Coal Mining Pty Ltd				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
<b>Property Address:</b>	SHANNON HARBOUR 84 Braymont BLUE VALE 2330				
<b>Property Details:</b>					
Lot	Section	PlanNo	Parish	County	<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
1		1018347	BRENTY	NANDEWAR	
<b>Zoning:</b> 1(a) Rural					
Date: 24/02/2012		Scale:		Projection: GDA94 Zone 56	

**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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

Per: Carelyn HA

## **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.

## **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

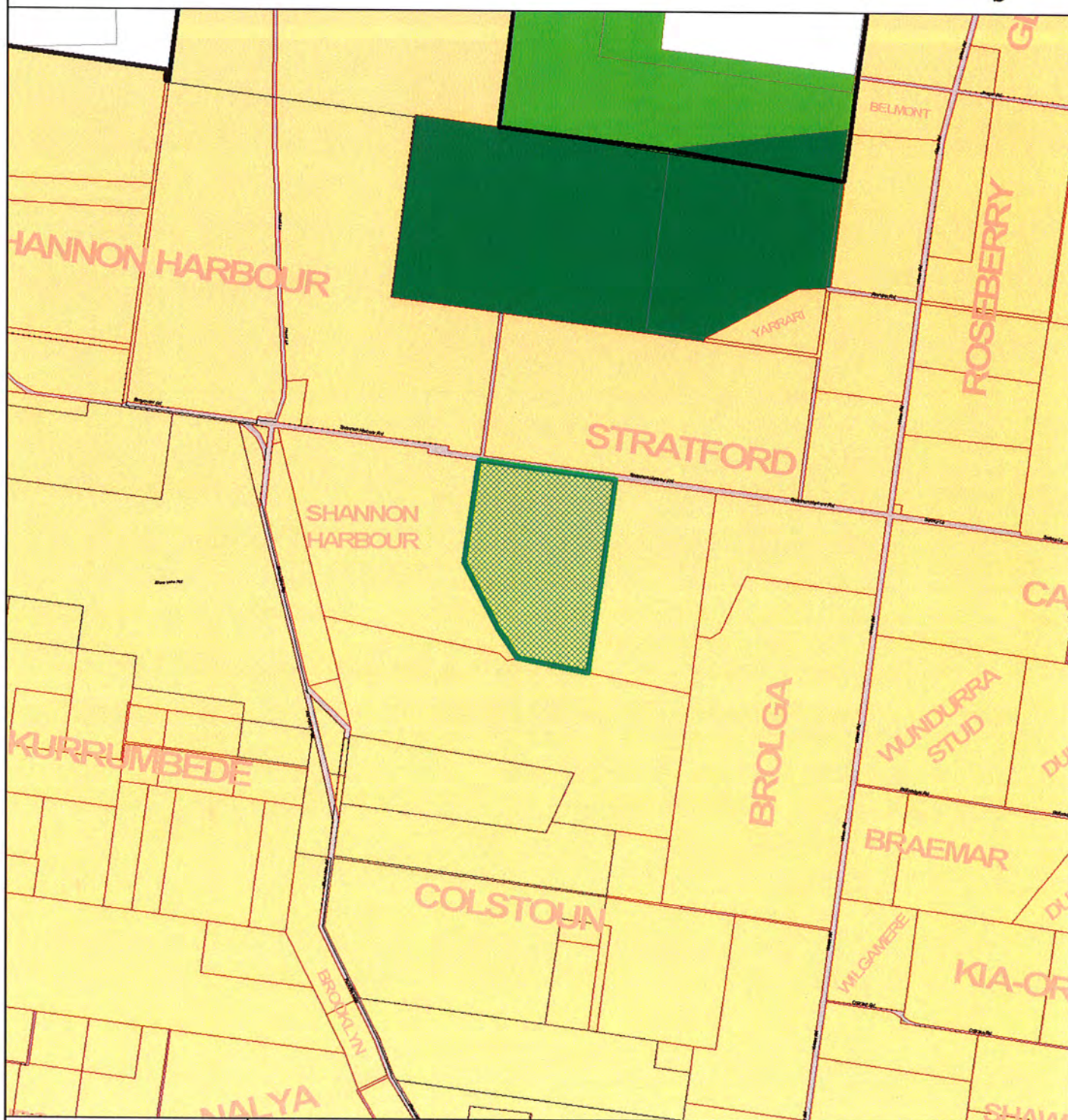
Zone RU6 Transition

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 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



<b>Owner:</b> Whitehaven Coal Mining Pty Ltd		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			
<b>Property Address:</b>	STRATFORD 2061 Wean WEAN 2380				
<b>Property Details:</b>		<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.			
Lot	Section		PlanNo	Parish	County
2			219923	BRENTY	NANDEWAR
<b>Zoning:</b> 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**

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

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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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 Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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: \_\_\_\_\_

*Cashy H*

## **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.

## **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

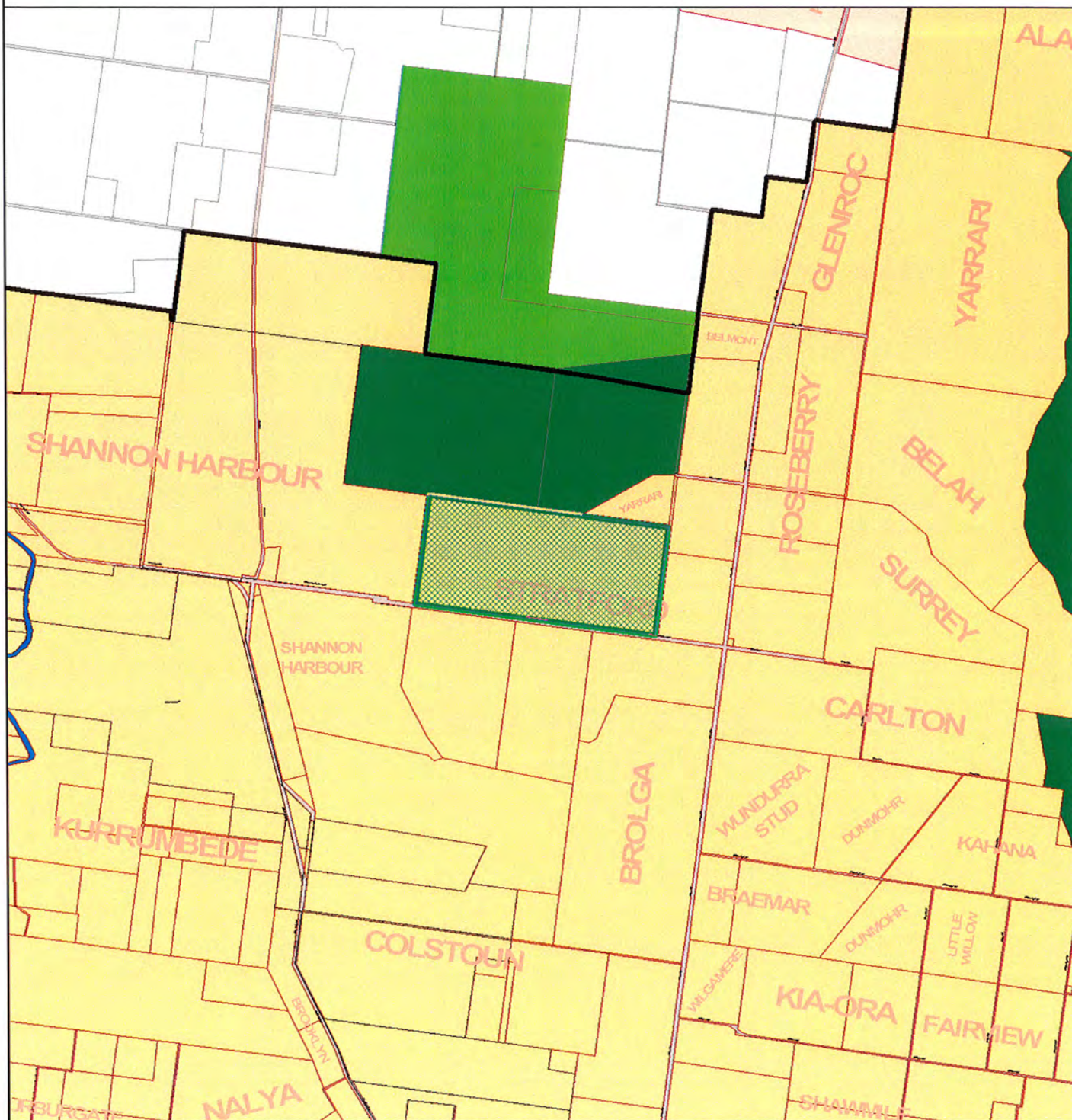
Zone RU3 Forestry

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 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	Section	PlanNo	Parish	County
23		754929	BRENTY	NANDEWAR

**Zoning:** 1(a) Rural

Date: 24/02/2012

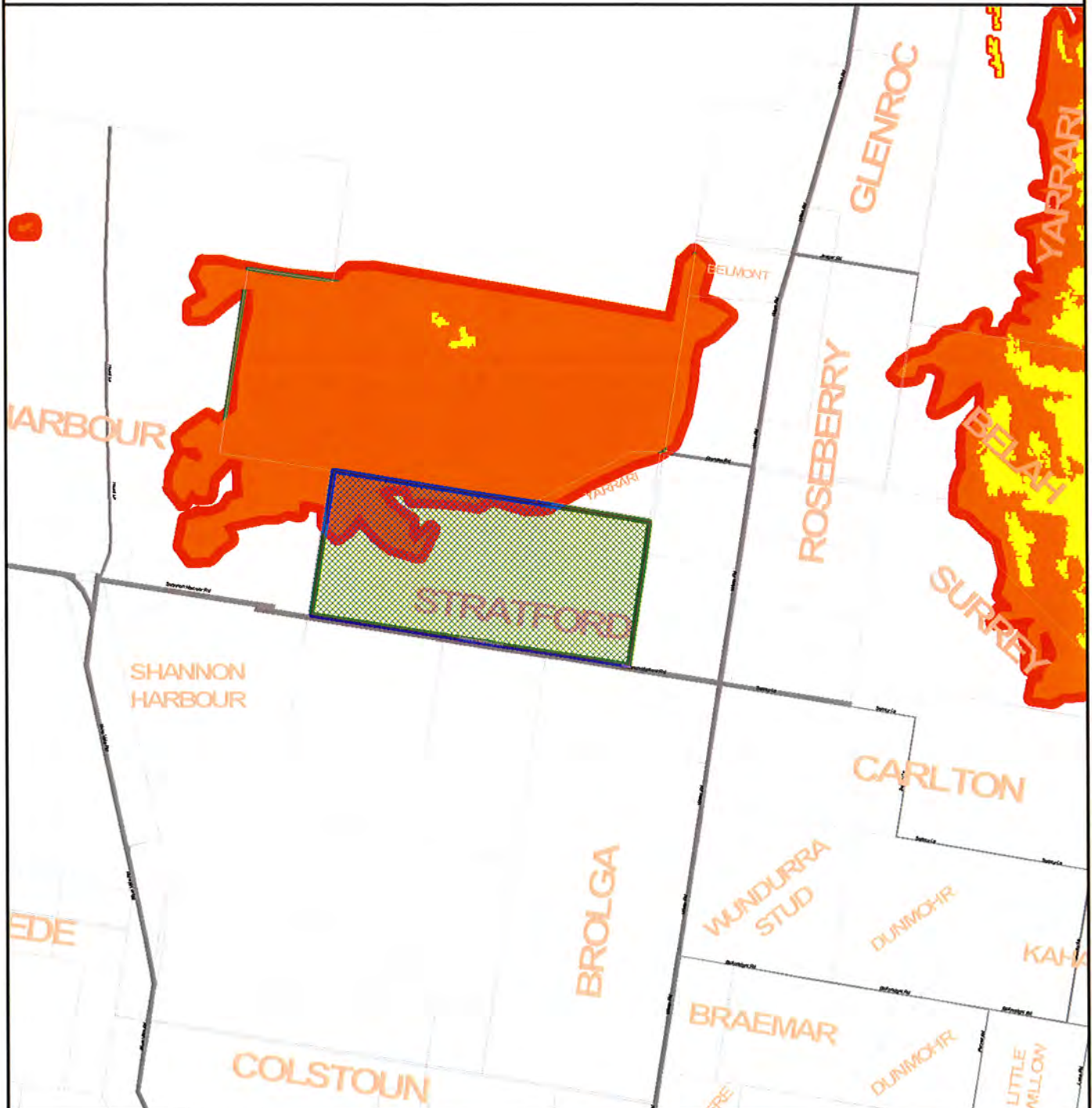
Scale:

Projection: GDA94 Zone 56

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**STRATFORD**  
2061 Wean  
WEAN 2380

**Legend**



Waterways  
Cadastre  
State Forest

**Bushfire Prone Legend**

- Category 2 - Forests, woodlands, heaths & wetlands < 1 ha & within 100m of Category 1 or within 30m of Category 2 rainforests & grasslands.
- Category 1 - Forests, woodlands, heaths & wetlands > 1 ha.
- Buffer zone - 100m on Category 1 & 30m on Category 2

**Property Details**

Lot	Section	PlanNo
23		754929

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Date: 24/02/2012

**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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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)  
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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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009*.

**Robert E Campbell**  
**GENERAL MANAGER**

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

*Caroleyn HA*

## **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

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  - (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**

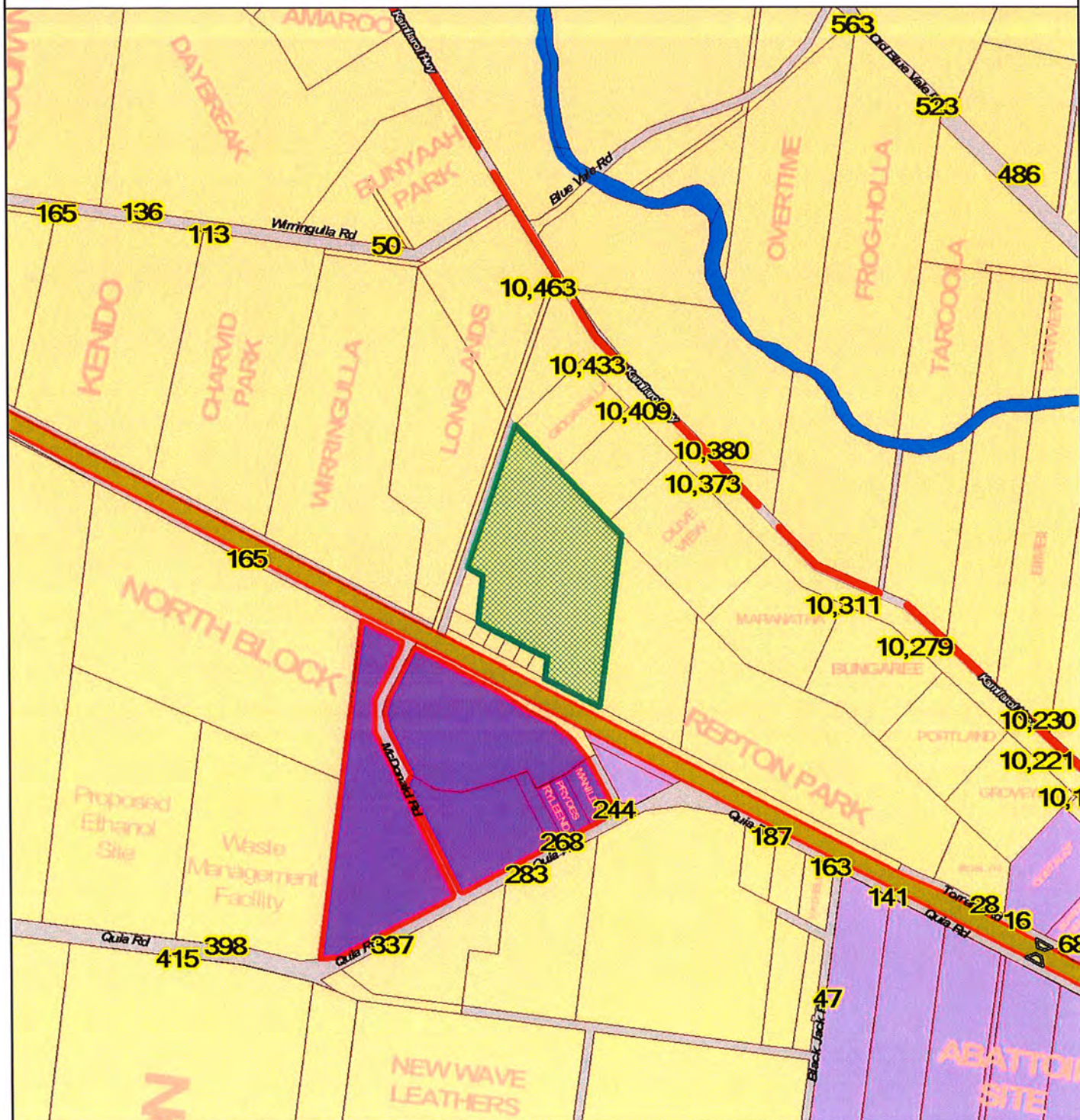
### **4.2A Erection of a dwelling house in rural and environmental zones [local]**

- (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 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:
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  - (b) the dwelling house will replace a lawfully erected dwelling house that was either:
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# Gunnedah Shire Council

## 149(2) Certificate



<b>Owner:</b> Whitehaven Coal Mining Pty Ltd		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			
<b>Property Address:</b>	REPTON PARK 10409 Kamilaroi GUNNEDAH 2380				
<b>Property Details:</b>					
Lot	Section	PlanNo	Parish	County	<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
111		755503	GUNNEDAH	POTTINGER	
<b>Zoning:</b> 1(a) Rural					
Date: 24/02/2012		Scale:		Projection: GDA94 Zone 56	

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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

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

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

**Owner (as recorded by Council)**  
Whitehaven Coal Mining 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:

- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009*.

**Robert E Campbell**  
**GENERAL MANAGER**

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

*Carly H*

## **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.

## **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

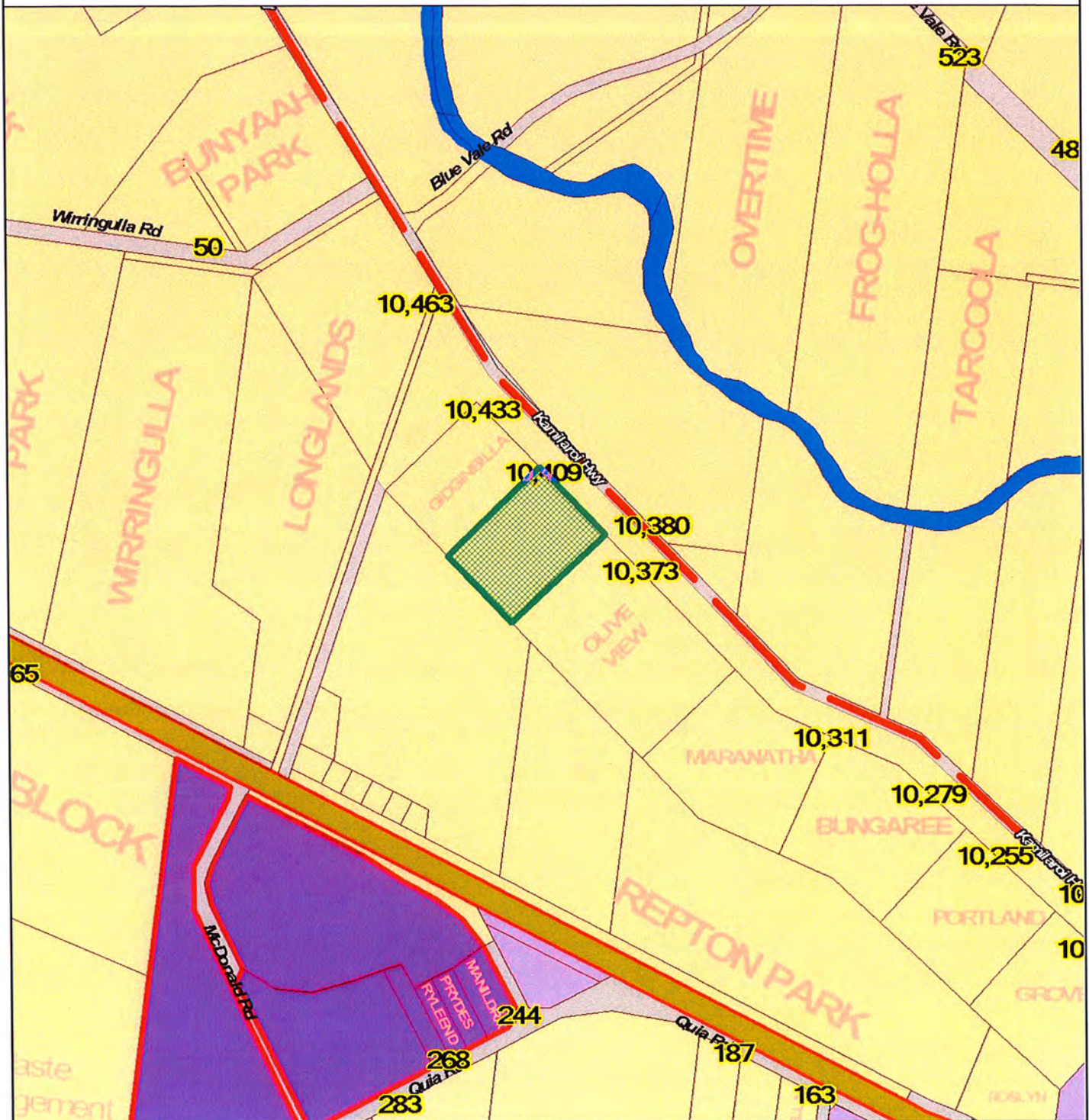
Zone RU4 Rural Small Holdings

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 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



<b>Owner:</b> Whitehaven Coal Mining Pty Ltd		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
<b>Property Address:</b>	REPTON PARK 10409 Kamilaroi GUNNEDAH 2380	
<b>Property Details:</b>		<b>DISCLAIMER</b> Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
Lot	Section	
678	705086	
<b>Zoning:</b> 1(a) Rural		
<b>Date:</b> 24/02/2012	<b>Scale:</b>	
		<b>Projection:</b> GDA94 Zone 56



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

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

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

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

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

**Owner (as recorded by Council)**  
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 Re-development of Urban Land*
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- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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.

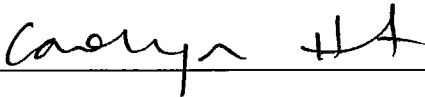
**17. Site compatibility certificates and conditions for affordable rental housing**

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 Nation 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.

## **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 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



<b>Owner:</b> Land and Property Management Authority		Cadastral data is the property of NSW Dept of Lands – Last modified {Cadastral Update} Property data is the property of Gunnedah Shire Council – Last updated {Rates/Property Update}			
<b>Property Address:</b> Kamilaroi Hwy Gunnedah NSW 2380					
<b>Property Details:</b>		<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.			
Lot	Section		PlanNo	Parish	County
7010			1074926	GUNNEDAH	POTTINGER
<b>Zoning:</b> 1 (a) Rural (Agricultural Protection)					
Date: 24/02/2012			Scale:		Projection: GDA94 Zone 56

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

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

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

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

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

**Owner (as recorded by Council)**  
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:



- *State Environmental Planning Policy No. 1 - Development Standards*
- *State Environmental Planning Policy No. 4 - Development without consent and Miscellaneous Exempt and Complying Development*
- *State Environmental Planning Policy No.6 – Number of Storeys in a Building*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 – Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No.32 - Urban Consolidation Re-development of Urban Land*
- *State Environmental Planning Policy No. 33 - Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy No. 62 – Sustainable Agriculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No 65 – Design Quality of Residential/Flat Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing For Seniors and People With A Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Major Developments) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*

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

- (a) *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 Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

**Robert E Campbell**  
**GENERAL MANAGER**

Per:                     *Caelyn HI*



## **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.



## **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

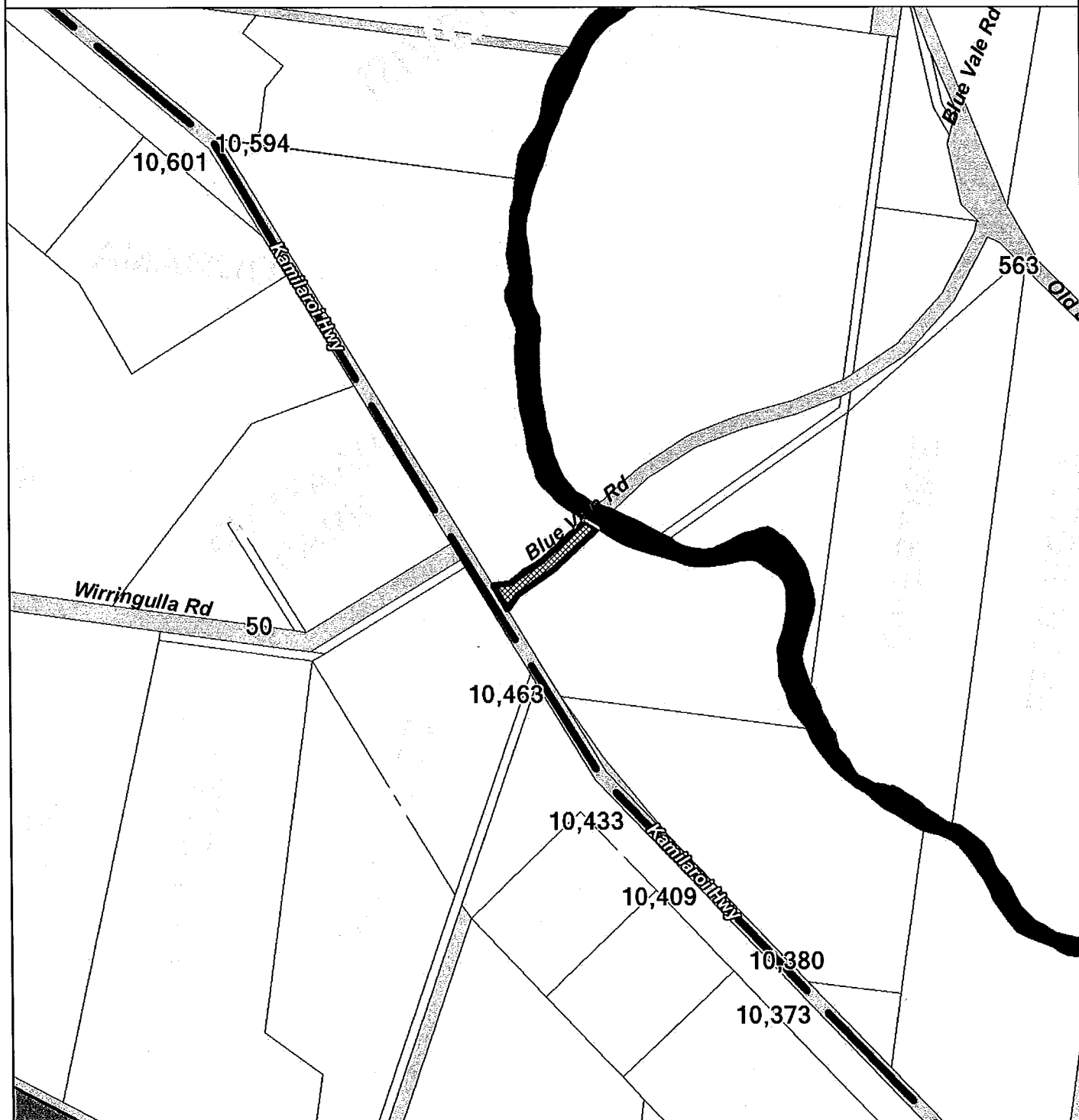
Zone RU3 Forestry

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 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.

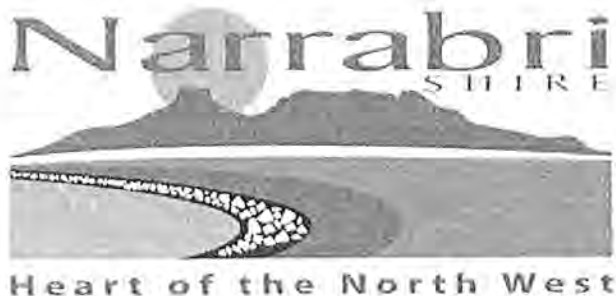
# Gunnedah Shire Council 149(2) Certificate



<b>Owner:</b> Gunnedah Shire Council		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			
<b>Property Address:</b>	0 Blue Vale BLUE VALE 2380				
<b>Property Details:</b>					
Lot	Section	PlanNo	Parish	County	<b>DISCLAIMER</b>  Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.
2		1034511	GUNNEDAH	POTTINGER	
<b>Zoning:</b>					
Date: 13/03/2012		Scale:	Projection: GDA94 Zone 56		

## DISCLAIMER

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PO Box 261  
NARRABRI NSW 2390

Telephone: 02 67996866  
Facsimile: 02 67996888  
Email: council@narrabri.nsw.gov.au  
Website: www.narrabri.nsw.gov.au

## PLANNING CERTIFICATE

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

### Applicant

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

Applicant Reference: Danielle Wallace

### Administration

Amount Paid: \$53  
Receipt No.: 177128  
Receipt Date: 6 February 2012  
(DD/NA)

Certificate Number: **334/2012**

### 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

### 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 on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

Nil

- c. The name of each development control plan that applies to the carrying out of development on the land:

- **DCP 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 isnt 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 occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

**No**

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

**No**

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

## **8 Land reserved for acquisition**

*Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.*

**Nil**

## **9 Contributions plans**

*The name of each contributions plan applying to the land.*

**Narrabri Section 94 Contributions Plan**

## **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 isnt 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