

**PLANNING CERTIFICATE UNDER
SECTION 10.7 ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

Enquiries Planning
Contact 02 6549 3700
Receipt no. 1346301
Your reference

Date: 17 August 2021

Assessment: 75838

Cert No: 22669

**DFP Planning
PO Box 230
Pennant Hills NSW 1715**

Owner (as recorded by Council)
Pacific Brook Christian School Ltd

Property Description: 72-74 Maitland Street MUSWELLBROOK 2333
LOT: 100 DP: 1261496

Land to which the certificate relates

The land to which this certificate relates, being the lot or lots described on the application form, is shown in the Council's records as being situated at the street address described above. The information contained in this certificate relates only to the lot or lots described on this certificate. Separate planning certificates can be obtained upon application for the other lots, those certificates may contain different information than is contained in this certificate.

CERTIFICATE UNDER SECTION 10.7(2) ENVIRONMENTAL PLANNING & ASSESSMENT ACT

LOCAL ENVIRONMENTAL PLANS

PLANNING INSTRUMENT Muswellbrook Local Environmental Plan 2009

LAND USE ZONING RU3 Forestry

***Council has requested a Gateway
Determination for a Planning Proposal to
rezone the site to R1 General Residential***

PERMITTED WITHOUT CONSENT

Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013; Roads.

PERMITTED WITH CONSENT

Aquaculture Environmental facilities; Environmental protection works; Flood mitigation works; Intensive plant agriculture; Research stations

PROHIBITED

Any development not specified above.

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MINIMUM LAND DIMENSIONS FOR THE ERECTION OF A DWELLING

Under the provisions of the Muswellbrook Local Environmental Plan, 2009 the erection of a dwelling house on the land within zones: B2, B5, IN1, IN2, SP2, RE1, RE2, RU3, E1, W1 is PROHIBITED. Please refer to Muswellbrook Local Environmental Plan 2009 - Lot Size maps.

Under the provisions of the Muswellbrook Local Environmental Plan 2009, the minimum subdivision lot size IS NOT TO BE LESS than 600m².

WHETHER THE LAND INCLUDES OR COMPRISES CRITICAL HABITAT

The subject land has not been declared as critical habitat.

WHETHER THE LAND IS IN A CONSERVATION AREA

The subject land is not known to be in a conservation area.

WHETHER AN ITEM OF ENVIRONMENTAL HERITAGE IS SITUATED ON THE LAND

The land is NOT affected by any known or listed heritage item.

STATE ENVIRONMENTAL PLANNING POLICIES (EXEMPT & COMPLYING DEVELOPMENT CODES 2008)

CERTIFICATE UNDER SECTION 10.7(2) IDENTIFYING THE INFORMATION SET OUT IN CLAUSE 3 OF SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATIONS

Part 3 General Housing Code

Not applicable to the land to which this certificate relates.

Part 3A Rural Housing Code

YES. Complying development specified in the Rural Housing Code may be carried out on this land in certain circumstances pursuant to Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Part 4 Housing Alterations Code

YES. Complying development specified in the Housing Alterations Code may be carried out on this land in certain circumstances pursuant to Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Part 4A General Development Code

Not applicable to the land to which this certificate relates.

Part 5 Commercial and Industrial Alterations Code

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Part 5A Commercial and Industrial (New Buildings and Additions) Code

Not applicable to the land to which this certificate relates.

Part 6 Subdivision Code

YES. Complying development specified in the Subdivision Code may be carried out on this land in certain circumstances pursuant to Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Part 7 Demolition Code

YES. Complying development specified in the Demolition Code may be carried out on this land in certain circumstances pursuant to Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Part 8 Fire Safety Code

YES. Complying development specified in the Fire Safety Code may be carried out on this land in certain circumstances pursuant to Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

STATE ENVIRONMENTAL PLANNING POLICIES

The following State Environmental Planning Policies apply to land within the Muswellbrook Shire LGA:-

No. 21. Caravan Parks - Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks.

No. 33. Hazardous and Offensive Development - Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).

No. 36. Manufactured Home Estates - Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development.

No. 44. Koala Habitat Protection - Encourages the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

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No. 55. Remediation of Land - Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

No. 64. Advertising and Signage - Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. SEPP No. 64 offers the comprehensive provisions and consistent approach needed. SEPP 64 – Advertising and Signage: Explanatory Information should be read in conjunction with the policy.

No. 65. Design Quality of Residential Flat Development - Raises the design quality of residential flat development across the state through the application of a series of design principles. The policy provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

SEPP (Housing for Seniors or People with a Disability) 2004 - Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 - This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. The SEPP supports the transfer of the regulation of places of public entertainment and temporary structures (such as tents, marquees and booths) from the Local Government Act 1993 to the Environmental Planning and Assessment Act 1979.

SEPP (Exempt and Complying Development Codes) 2008 – This policy streamlines assessment processes for development that complies with specified development standards. The policy provides exempt codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent.

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SEPP (Affordable Rental Housing) 2009 – The aims of this policy are to provide a consistent planning regime for the provision of affordable rental housing; facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanding zoning permissibility, floor space ratio bonuses and non-discretionary development standards; facilitate the retention and mitigate the loss of existing affordable rental housing; employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing; facilitate an expanding role for not-for-profit-providers of affordable rental housing; support local business centres by providing affordable rental housing for workers close to places of work; and facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

SEPP (State and Regional Development) 2011 – The aims of this policy are to identify development that is State significant development; identify development that is State significant infrastructure and critical State significant infrastructure; and confer functions on joint regional planning panels to determine development applications.

SEPP (Educational Establishments and Child Care Facilities) 2017 - The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by, regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas.

SEPP(Vegetation in Non-Rural Areas) 2017 - The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

SEPP (Concurrences) 2018 – Outlines the roles of the Planning Secretary acting as concurrence authority.

SEPP (Primary Production and Rural Development) 2019 - The aims of this Policy are to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, to encourage sustainable agriculture, including sustainable aquaculture, to require consideration of the effects of all proposed development in the State on oyster aquaculture, to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Further details regarding these State Environmental Planning Policies and the circumstances in which they may apply to the subject and can be found on the Department of Planning's website.

REGIONAL PLANNING INSTRUMENTS

Hunter Regional Plan 2036
Upper Hunter Strategic Land Use Regional 2012

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DEVELOPMENT CONTROL PLANS

This land is affected by the following Development Control Plans:
Muswellbrook Shire Development Control Plan 2009

COASTAL PROTECTION

The land IS NOT affected by the operations of Sections 38 and 39 of the *Coastal Protection Act 1979*.

MINE SUBSIDENCE

The land IS NOT WITHIN a Mine Subsidence District proclaimed under section 15 of the Mine Subsidence Compensation Act, 1961.

ROAD WIDENING AND ROAD REALIGNMENT

The subject land IS NOT 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.

COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

The land IS NOT affected by a policy adopted by the council, or 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).

FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

The land is identified as being affected by flooding. Development on the land is subject to flood related development controls.

LAND RESERVED FOR ACQUISITION

There are NOT any environmental planning instruments; deemed environmental planning instruments or draft environmental planning instruments applying to the land that provide for the acquisition of the land by a public authority, as referred to in section 27 of the Environmental Planning and Assessment Act 1979.

CONTRIBUTIONS PLANS

The Muswellbrook Section 94 Contributions Plan 2001 and Muswellbrook Section 94A Contributions Plan 2009 apply to all land within the Muswellbrook Shire Local Government Area.

BIODIVERSITY CERTIFIED LAND

The land IS NOT biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)

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BIOBANKING AGREEMENTS

The land IS NOT affected by a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*.

NATIVE VEGETATION CLEARING SET ASIDES

The land IS NOT affected by a set aside area under Section 60ZC of the *Local Land Services Act 2013*.

MATTERS RELATING TO THE MANAGEMENT OF CONTAMINATED LAND

- (a) The land to which this certificate relates is NOT within land declared to be significantly contaminated land under the Contaminated Land Management Act 2008 at the date when the certificate is issued.
- (b) The land to which this certificate relates is NOT subject to a management order under the Contaminated Land Management Act 2008 at the date when the certificate is issued.
- (c) The land to which this certificate relates is NOT the subject of approved voluntary management proposal the subject of the Environment Protection Authority's agreement under the Contaminated Land Management Act 2008 at the date when the certificate is issued.
- (d) The land to which this certificate relates is NOT the subject to an ongoing maintenance order under the Contaminated Land Management Act 2008 at the date when the certificate is issued.
- (e) The land to which this certificate relates has NOT been the subject of a site audit statement provided to Muswellbrook Shire Council.

BUSH FIRE PRONE LAND

The land IS NOT bushfire prone land.

PROPERTY VEGETATION PLANS

Council has NOT been notified of the existence of such a plan or if the land is land to which a property vegetation plan under the Native Vegetation Act 2003 applies.

ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

Council has NOT been notified of any order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

DIRECTIONS UNDER PART 3A

There is NOT a direction by the Minister in force under section 75P (2) (c1) of the Act in relation to prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act.

SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

There is NOT a 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.

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SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

There is NOT a 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.

SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

There is NOT a current site compatibility certificate for affordable rental housing (of which the council is aware), issued under clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2007 in respect of proposed development on the land.

PAPER SUBDIVISION INFORMATION

There is NOT an adopted development plan or subdivision order that applies to the land.

SITE VERIFICATION CERTIFICATE

There is NOT a current site verification certificate (of which the council is aware), issued under clause 17C of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, in relation to the land.

LOOSE-FILL ASBESTOS INSULATION

There are NO residential premises located on this land that are listed on the register that are required to be maintained under Division 1A of Part 8 of the *Home Building Act 1989*.

AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (a) There are NO building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (b) There are NO notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

The accuracy and currency of the details provided by agencies external to Council have not be verified by Muswellbrook Shire Council and should be verified by the applicant.

ADDITIONAL INFORMATION PURSUANT TO SECTION 10.7(5) OF THE ACT

Council is unaware of any other relevant matters that may affect the land.

For further information, please contact
Planning, Environment & Regulatory Services
on (02) 6549 3700.

F Plesman
General Manager

Per: _____

