

PLANNING CERTIFICATE

Issued under Section 10.7(2)
Environmental Planning and Assessment Act 1979

Applicant

School Infrastructure NSW
Level 8/259 George Street
SYDNEY NSW 2000

Applicant Reference:

Administration

Amount Paid: \$133
Receipt No: 210691
Receipt Date: 19 October 2021
Certificate Number: PC2022/0170

Description of Land

77-85 Mitchell Street WEE WAA NSW 2388
Lot 2 DP 550633, Lot 1 DP 577294, Lot 124 DP
757125, Lot 125 DP 757125

Assessment Number: 03599-00000000-000

Owner

Department of Education and Communities

NOTE: The following information is provided pursuant to Section 10.7(2) of the *Environmental Assessment Act 1979* as prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* and is applicable to the subject land as of the date of this certificate.

1 Names of relevant planning instruments and DCPs

- a. *The name of each environmental planning instrument that applies to the carrying out of development on the land:*

Local Environmental Plan (LEP)

Narrabri Local Environmental Plan 2012

State Environmental Planning Policy (SEPP)

- ***SEPP No 1—Development Standards***
- ***SEPP No 19—Bushland in Urban Areas***
- ***SEPP No 21—Caravan Parks***

- **SEPP No 33—Hazardous and Offensive Development**
- **SEPP No 36—Manufactured Home Estates**
- **SEPP No 47—Moore Park Showground**
- **SEPP No 50—Canal Estate Development**
- **SEPP No 55—Remediation of Land**
- **SEPP No 64—Advertising and Signage**
- **SEPP No 65—Design Quality of Residential Apartment Development**
- **SEPP No 70—Affordable Housing (Revised Schemes)**
- **SEPP (Aboriginal Land) 2019**
- **SEPP (Affordable Rental Housing) 2009**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- **SEPP (Coastal Management) 2018**
- **SEPP (Concurrences) 2018**
- **SEPP (Educational Establishments and Child Care Facilities) 2017**
- **SEPP (Exempt and Complying Development Codes) 2008**
- **SEPP (Gosford City Centre) 2018**
- **SEPP (Housing for Seniors or People with a Disability) 2004**
- **SEPP (Infrastructure) 2007**
- **SEPP (Koala Habitat Protection) 2020**
- **SEPP (Kosciuszko National Park—Alpine Resorts) 2007**
- **SEPP (Kurnell Peninsula) 1989**
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
- **SEPP (Miscellaneous Consent Provisions) 2007**
- **SEPP (Penrith Lakes Scheme) 1989**
- **SEPP (Primary Production and Rural Development) 2019**
- **SEPP (State and Regional Development) 2011**
- **SEPP (State Significant Precincts) 2005**
- **SEPP (Sydney Drinking Water Catchment) 2011**
- **SEPP (Sydney Region Growth Centres) 2006**
- **SEPP (Three Ports) 2013**
- **SEPP (Urban Renewal) 2010**
- **SEPP (Vegetation in Non-Rural Areas) 2017**
- **SEPP (Western Sydney Employment Area) 2009**
- **SEPP (Western Sydney Parklands) 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 Landfill Development**
- **DCP Notification Policy**
- **DCP Outdoor Advertising**
- **DCP Parking Code**
- **DCP Subdivision Code**
- **DCP Transportable Homes**
- **DCP Water Supply to Buildings**
- **DCP Drainage to Buildings**
- **DCP Building Line**

- **DCP Encroachment onto Public Roads**
- **DCP Building near Sewer and Stormwater mains**

Note: In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) *the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1"),*

R1 General Residential

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

Environmental protection works; Home occupations; Roads

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

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Child care centres; Community facilities; Dwelling houses; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tourist and visitor accommodation

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

Farm stay accommodation; Rural workers' dwellings; Any other development not specified in item 2 (b) or (c)

- (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,*

550m2

- (f) *whether the land includes or comprises critical habitat,*

The land does not include or comprise a critical habitat.

- (g) *whether the land is in a conservation area (however described),*

The land is not within a conservation area.

- (h) *whether an item of environmental heritage (however described) is situated on the land.*

There Isn't an item of environmental heritage situated on the land.

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

Not applicable.

3 Complying Development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Yes

If **yes** complying development may be carried out under the following Codes:

- **General Housing Code**
- **Rural Housing Code**
- **Housing Alterations Code**
- **General Development Code**
- **Commercial and Industrial Alterations Code**
- **Commercial and Industrial (New Buildings and Additions) Code**
- **Subdivision Code**
- **Demolition Code**
- **Fire Safety Code**

Note: The opportunity for complying development to be carried out under each of these Codes may be restricted where the land is a flood control lot, within a bushfire prone area or subject to other site or zoning constraints. For more information about complying development visit the Electronic Housing Code website at www.ehc.nsw.gov.au

*If **no** complying development may not be carried out on the land because of the provisions of clauses 1.17A (c) and (d) and 1.19 of the SEPP, the reasons why it may not be carried out under that clause are:*

- ***Not Applicable***

4 (Repealed)

4A (Repealed)

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

Not applicable.

5 Mine subsidence

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

The land isn't proclaimed to be in a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

6 Road widening and road realignment

The land isn't affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*, or
- (b) any environmental planning instrument, or
- (c) any resolution of the council.

7 Council and other public authority policies on hazard risk restrictions

The land **isn't** affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

7A Flood related development controls information

Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

Unknown

The Council does not know whether or not development on the land, or part of the land is subject to flood related development controls.

The township of Wee Waa in which the land is located was previously understood to be protected from the 1% ARI flood by the levee. Accordingly, the land is not identified as in the Flood Planning area on the Flood Planning map under Narrabri Local Environmental Plan 2012.

However, it has more recently been identified that the levee does not so protect the township. Council has, however, not completed mapping of the area of land at or below the 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard within the township.

The specified land may therefore be the subject of flood related development controls set out in clause 6.2 of Narrabri Local Environmental Plan 2012.

Prior to the completion of the mapping, the Council will require that applications for new development in this location be accompanied by information necessary for determining whether the land is at or below the flood planning level and recommends that all necessary enquiries should be made.

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*.

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

Unknown

The Council does not know whether or not development on the land, or part of the land, is subject to flood related development controls. This is because the Council has not completed mapping of the area of land between the flood planning area and the probable maximum flood in this location in order to determine this.

The specified land may be the subject of flood related development controls set out in clause 6.2 of Narrabri Local Environmental Plan 2012.

Prior to the completion of mapping in this area Council will require that applications for new development be accompanied by information necessary for determining the flood affection of the land between the flood planning area and the probable maximum flood and recommends that all necessary enquiries should be made.

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 3.15 of the Act.

Nil

9 Contributions plans

The name of each contributions plan applying to the land.

- **Narrabri Shire Section 7.11 Contributions Plan**
- **Narrabri Shire Section 7.12 Fixed Development Consent Levies Contributions Plan**

Note: Both contribution plans apply to the zone, but the imposition of each Plan is dependent upon the type of development proposed.

Note: There are also Developer Servicing Plans that may be applicable for water and sewer contributions which may apply to the land.

9A Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016. (Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.)

Council has no records that the land is biodiversity certified land.

10 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

Note. Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

Council has not been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.

10A Native vegetation clearing set asides

If the land contains a set aside area under section 60ZC of the Local Land Services Act 2013 (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

Council has not been notified of the existence of any set aside by Local Land Services and no set aside has been registered in the public register under that section.

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 approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applies (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

There Isn't a property vegetation plan under the *Native Vegetation Act 2002* applicable to the land.

Note: This advice is based on information provided by the relevant Catchment Management Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

An order has not been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land

Note: This advice is based on information provided to the Council.

14 Directions under Part 3A

There have 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, schools or TAFE establishments

There is no valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land

17 Site compatibility certificates and conditions for affordable rental housing

There is no current site compatibility certificate (affordable rental housing) of which the council is aware, in respect of proposed development on the land.

There has been no development consent granted by Council for affordable rental housing on the land.

18 Paper subdivision information

The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot – N/A

The date of any subdivision order that applies to the land – Not Applicable

Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

19 Site verification certificates

There is no current site verification certificate, of which the council is aware, in respect of the land

20 Loose-fill asbestos insulation

The land does not include any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division.

21 Affected building notices and building product rectification orders

(1) There is no affected building notice, of which the council is aware, that is in force in respect of the land.

(2) (a) There is 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 is no notice of intention to make a building product rectification order, of which the council is aware, been given in respect of the land and is outstanding.

(3) In this clause:

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

building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

- (a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

Council has no record that the land is significantly contaminated land at the date or the issue of this certificate.

- (b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

Council has no record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.

- (c) *that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

Council has no record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.

- (d) *that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

Council has no record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.

- (e) *that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

Council has no record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.

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

Note. Section 26 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 provides that a planning certificate must include advice about any exemption under section 23 or authorisation under section 24 of that Act if the council is provided with a copy of the exemption or authorisation by the Co-ordinator General under that Act.

Council is not aware of any exemption under section 23 or authorization under section 24 of the Act.

Section 10.7(5) Additional Information

The following information is provided in accordance with Section 10.7(5) of the *Environmental Planning and Assessment Act 1979*:

Tree Preservation Order

Is the land affected by a Tree Preservation Order? No

Private Native Forestry Plan

Council has not been notified of any Private Native Forestry Plan (PNF Plan) by Local Land Services on land subject to this planning certificate.

Obstacle Limitation Surface Map

The subject lot **isn't** on land shown on the Obstacle Limitation Surface Map for Narrabri Airport within the meaning of Section 6.3 of the Narrabri Local Environmental Plan 2012.

Offset Conservation Agreement

The land **isn't** subject to an offset conservation agreement entered under *Part 5.20 of the Biodiversity Conservation Act 2016* **or** *Part 4.12 of the National Parks and Wildlife Act 1974*.

Note: For further information about the registered dealing on title please contact NSW Land Registry Services.

Development Consents

Has any Development Consent being granted with respect to the land within previous two (2) years?
N/A

Note: Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5)



Paul Sio
ASSISTANT DEVELOPMENT PLANNER

Date of Certificate: 21 October 2021