



Planning Certificate

made under Section 149 Environmental Planning and Assessment Act 1979

APPLICANT

Oliver Klein
33/129 Spit Road
MOSMAN NSW 2088

OWNER (as recorded by Council):

Roman Catholic Church Diocese Of Bathurst
C/- The Parish Priest
PO Box 14
MUDGEE NSW 2850

Certificate No:	PC0903/2019
Receipt No:	420023
Date:	03 April 2019
Property No:	21097
Customer Ref:	Catholic Education Diocese Bathurst
Property Address:	48 Broadhead Road SPRING FLAT NSW 2850
Property Description:	Lot 40 DP 756894

The Environmental Planning and Assessment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional Regulation 1998).

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

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

This planning instrument was published 10 August 2012 on the NSW Legislation website and applies to all the land within Mid-Western Region Local Government Area.

AMENDMENTS TO MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

Amendment No.1 - Temporary Workers' Accommodation - Published 10 August 2012 on the NSW Legislation website

Currently the land is zoned:

R1 General Residential
RU4 Primary Production Small Lots

Note: where two or more zones appear the property is affected in part by each zone.

Land use Zoning Table:

The following land use zoning table(s) apply to the land the subject of this Certificate.

Zone R1 General Residential

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Rural workers' dwellings; Water reticulation systems.

3 Permitted with consent

Attached dwellings; Boarding houses; Caravan parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Funeral homes; Group homes; Health services facilities; 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; Signage; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities.

4 Prohibited

Advertising structures; Farm stay accommodation; Any other development not specified in item 2 or 3.

Zone RU4 Primary Production Small Lots

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems.

3 Permitted with consent

Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls; Any other development not specified in item 2 or 4.

4 Prohibited

Air transport facilities; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Crematoria; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Sawmill or log processing works; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Stock and sale yards; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Wholesale supplies.

SECTION B: OTHER PRESCRIBED INFORMATION PURSUANT TO SECTION 149(2) OF THE ACT:

As at the date of this Certificate the following State Environmental Planning Policies, Development Control Plans, Directions under Environmental Planning and Assessment Act and other Special Provisions apply.

State Environmental Planning Policy (Affordable Rental Housing) 2009

This policy aims to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

State Environmental Planning Policy BASIX 2004

The purpose of the SEPP is to encourage sustainable residential development. An application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The aim of this policy is to provide streamlined development processes for development that complies with specific development standards.

It identifies exempt and complying development codes that have state wide application including the General Exempt Development Code, the General Housing Code, Housing Internal Alterations Code and General Commercial and Industrial Code.

State Environmental Planning Policy (Infrastructure) 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across the state and repeals a number of other previous SEPP's.

It provides development controls related to air transport, correctional centres, educational establishments, electricity generating works, electricity transmission and distribution, flood mitigation, forestry, emergency services facilities, gas transmission or distribution, health services facilities, housing and group homes and many other facilities.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

This policy is to ensure that suitable provision is made for ensuring safety of persons using temporary structures and encourage the protection of the environment at such locations.

State Environmental Planning Policy (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

It identifies rural planning principles and rural subdivision principles, will implement measures designed to reduce land use conflict, identifies state significant agricultural land and amends provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The SEPP consolidates and updates many existing planning provisions related to mining, petroleum production and extractive industries as well as introducing new provisions to ensure that potential environmental and social impacts are adequately addressed during the assessment and determination of development proposals.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

This policy aims to increase availability and to provide a wider choice of residential accommodation for seniors or people with a disability. The policy establishes development standards and requirements for support services.

SEPP No 15 - 9 April 1998 - Rural Landsharing Communities

This Policy aims to encourage and facilitate development of rural landsharing communities to collectively manage land in an environmentally sensitive and sustainable manner and to provide for low cost housing. The Policy establishes criteria for rural landsharing community development, matters for Council consideration, environmental considerations, site analysis and management requirements for development proposed under the Policy.

SEPP No 21 - Caravan Parks

This Policy outlines requirements for development consent principally in relation to long term use of sites in caravan parks and for subdivision by long leases.

Development Consent is not required for installation or placement of moveable dwellings on sites in lawfully operating caravan parks.

SEPP No 30 - 8 December 1989, Amended 28 August 1993, 24 February 1995 and 11 June 1999 - Intensive Agriculture

This Policy requires development consent for cattle feedlots having a capacity of 50 or more head of cattle, piggeries having a capacity of 200 or more pigs or 20 or more breeding sows. This Policy also aims to extend the definition of the term "rural industry" where used in environmental planning instruments so as to include within the meaning of that term composting facilities and works, including facilities and works for the production of mushroom substrate.

SEPP No 32 - 19 November 1991 - Urban Consolidation (Redevelopment of Urban Land)

This policy ensures that urban land no longer required for the purpose for which it is currently zoned, is made available for redevelopment of multi-unit housing and related development.

SEPP No 33 - 13 March 1992 - Hazardous and Offensive Development

This Policy redefines hazardous and offensive developments and specifies that such proposals be advertised, be well documented and that Council consider any measures taken to mitigate their impact.

SEPP No 36 - 16 July 1993 - Manufactured Homes Estates

This Policy aims to facilitate the establishment of well designed and properly serviced manufactured home estates in suitable locations as an alternative to traditional housing.

SEPP No 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

The Policy applies to all land with an area of more than one hectare to which a Development Application has been made.

SEPP No 55 - Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The Policy applies to the whole state, to ensure that remediation is permissible development and is always carried out to a high standard. It specifies when consent is required for remediation and lists considerations that are relevant when rezoning land and determining development applications.

SEPP No 62 - Sustainable Aquaculture

The aims and objectives of this Policy are to encourage sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced.

SEPP No 64 - Advertising Signage

This Policy provides controls which will improve the quality of outdoor advertising and our environment.

SEPP No 65 - 26 July 2002 - Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat developments in New South Wales.

State Environmental Planning Policy (State and Regional Development) 2011

The purpose of the SEPP is to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure. It also confers functions on joint regional planning panels to determine development applications.

State Environmental Planning Policy (Major Development) 2005

The purpose of the SEPP is to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State.

Section 94 Development Contributions Plan

Council's Section 94 Plan applies to future commercial/ retail/ industrial development within the Mudgee Town Centre and subdivision within the Mid-Western Regional Council Local Government Area. Contact Council's Planning Department for any queries regarding this matter.

Section 94A Development Contributions Plan

Council's Section 94A Plan applies to future commercial/ retail/ industrial/ tourism development outside of the Mudgee Town Centre and Residential Development within the Mid-Western Regional Council Local Government Area. Contact Council's Planning Department for any queries regarding this matter.

The Land is Not Subject to Road Widening

Council's records indicate that the land the subject of this Certificate is NOT affected by any road widening or road re-alignment under:

- 1) Division 2 of the Roads Act, 1993;
- 2) Section 262 of the former Local Government Act, 1919;
- 3) Any Environmental Planning Instrument
- 4) Any resolution of Council.

Coastal Protection

Council has not been notified, by the Department of Public Works, that the land the subject of this Certificate is affected by the operation of Section 38 or 39 of the Coastal Protection Act, 1979.

Risk of Land Slip or Subsidence

No information available re land slip or subsidence. Land is not within a Proclaimed Mine Subsidence District.

Identified Critical Habitat

The land the subject of this Certificate does not contain any identified critical habitats.

No Acquisition by Public Authority

The land the subject of this certificate is NOT subject to acquisition by a public authority under a planning scheme or a draft planning instrument.

State Significant Development - Land is not Subject

The land the subject of this Certificate is not the subject of an order by the Minister for Planning and Infrastructure regarding State Significant development pursuant to Section 89C(3).

SEPP (Exempt & Complying Development Codes) 2008

Complying Development may be carried out on this land under the State Environmental Planning Policy SEPP (Exempt and Complying Development Codes) 2008.

Note: For land that is bushfire prone or a flood control lot MUST satisfy additional requirements of the SEPP (Exempt & Complying Development Codes) 2008. Please contact Council to discuss these requirements.

Land Not Within Conservation Area

The land the subject of this Certificate is not within a Heritage Conservation Area as identified in the Mid-Western Regional LEP 2012.

Not an Item of Environmental Heritage

The land the subject of this certificate is **not** identified in Schedule 5 of the Mid-Western Regional LEP 2012 as an item of Environmental Heritage.

Land May be Subject to Flood Management Plan

The land the subject of this certificate is not within the Flood Risk Precincts identified by the Mudgee Floodplain Management Study. The provisions of the Floodplain Management Plan may also apply to land that is affected by localised flooding.

Dwelling Houses - RU4 Primary Production Small Lots Zone

Mid-Western Regional Local Environmental Plan 2012 specifies a minimum lot size of 20 hectares for the erection of a dwelling in this zone. Please note that there may be other provisions in the LEP that may apply if the land does not meet the minimum allotment size.

Approval must be obtained either through the Development Application or Complying Development Certificate process prior to the erection of a dwelling on this land.

Dwelling Houses - All Other Zones

Mid-Western Regional Local Environmental Plan 2012 does not specify a minimum lot size for the erection of a dwelling in this zone. Approval must be obtained either through the Development Application or Complying Development Certificate process prior to the erection of a dwelling on this land.

Mid-Western Regional Development Control Plan 2013

This plan provides guidelines for all types of development within the Mid-Western Regional Council Local Government Area. It replaces all of the separate Development Control Plans and includes standards for Residential, industrial, commercial, wind farm, temporary workers accommodation, signage and other forms of development.

Land is Not Bushfire Prone

The land the subject of this certificate has not been identified as being bush fire prone in accordance with the Environmental Planning and Assessment Act 1979 and Mid-Western Regional LGA Bush Fire Prone Land map.

SECTION C: ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5) OF THE ACT:

Development Consent Has Been Granted

Council's records indicate that Development Consent with respect to the land the subject of this Certificate may have been granted within the previous five years. To determine the validity of this consent, you are advised to direct any enquiries to Council's Planning Section.

Tree Preservation Order

The land the subject of this Certificate may be affected by a Tree Preservation Order. An application is required from Council for removal of trees that are listed on Council's significant tree register.

For further information please contact
Planning & Development Section


CUSTOMER SERVICE OFFICER

Certificate No. 1495 1306363