MID-WESTERN REGIONAL COUNCIL
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Planning Certificate

Under Section 10.7 of the Environmental Planning and Assessment Act 1979

APPLICANT:

Infotrack
GPO Box 4029
SYDNEY NSW 2001

PROPERTY DETAILS

Certificate Number	PC0096/2024		
Applicant Reference	BGYK6-KM	Receipt No	PLANCERT2037
Property No	2031	Issue Date	31 July 2023
Property address	Clarendon 6 Mulgoa Way MUDGEE NSW 2850		
Property description	Lot 17 DP 230349		

In accordance with Section 10.7(2) of the Environmental Planning and Assessment Act 1979, it is certified that at the date of this certificate the following prescribed matters relate to the land:

1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPS

The following Local Environment Plan applies to the land:

Mid-Western Regional Local Environmental Plan 2012

The following State Environmental Planning Policies apply to the land:

State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts—Regional) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021

The following Development Control Plan applies to the land:

Mid-Western Regional Development Control Plan 2013

The following Proposed Planning Instruments apply to the land:

General Amendment Tourist and Visitor Accommodation has been public exhibited and applies to this land.

2. ZONING AND LAND USE UNDER RELEVANT LEPS

Currently the land is zoned:

R1 General Residential

Land use zoning table:

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; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; 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.

Minimum lot size:

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.

Area of outstanding biodiversity:

The land is **not** in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.

Heritage:

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.

3. CONTRIBUTION PLANS

The following Contributions Plan applies to the land:

Mid-Western Regional Contributions Plan 2019

4. COMPLYING DEVELOPMENT

The following information only addresses 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 (1)(c) - (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is not a statement that complying development is permissible on the land.

Housing Code
Yes, under the Housing Code complying development may be carried out on the land.

Rural Housing Code
Yes, under the Rural Housing Code complying development may be carried out on the land.

Low Rise Housing Diversity Code
Yes, under the Low Rise Housing Diversity Code complying development may be carried out on the land.

Inland Code
Yes, under the Inland Code complying development may be carried out on the land.

Housing Alterations Code
Yes, under the Housing Alterations Code complying development may be carried out on the land.

General Development Code
Yes, under the General Development Code complying development may be carried out on the land.

Industrial and Business Alterations Code
Yes, under the Commercial and Industrial Alterations Code complying development may be carried out on the land.

Industrial and Business Building Code
Yes, under the Commercial and Industrial (New Buildings and Additions) Code complying development may be carried out on the land.

Container Recycling Facilities Code
Yes, under the Container Recycling Facilities Code complying development may be carried out on the land.

Subdivisions Code
Yes, under the Subdivisions Code complying development may be carried out on the land.

Demolition Code
Yes, under the Demolition Code complying development may be carried out on the land.

Fire Safety Code
Yes, under the Fire Safety Code complying development may be carried out on the land.

5. EXEMPT DEVELOPMENT

The following information only addresses whether or not the land is land on which exempt development may be carried out under each of the codes for exempt development because of the provisions of clauses 1.16(1)(b1)-(d) or 1.16A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It is not a statement that exempt development is permissible on the land.

General Exempt Development Code
Yes, under the General Exempt Development Code exempt development may be carried out on the land.

Advertising and Signage Exempt Development Code
Yes, under the Advertising and Signage Exempt Development Code exempt development may be carried out on the land.

Temporary Uses and Structures Exempt Development Code
Yes, under the Temporary Uses and Structures Exempt Development Code exempt development may be carried out on the land.

6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

Council is **not** aware of any affected building notice that is in force in respect of the land.

Council is **not** aware of any building product rectification order that is in force in respect of the land and has not been fully complied with, and

Council is **not** aware of any notice of intention to make a building product rectification order that has been given in respect of the land and is outstanding.

7. LAND RESERVED FOR ACQUISITION

No part of the land has been identified for acquisition by an authority of the State under an environmental planning instrument, or proposed environmental planning instrument.

8. ROAD WIDENING AND ROAD REALIGNMENT

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) Part 3 Division 2 of the Roads Act, 1993;

2) Any Environmental Planning Instrument

3) Any resolution of Council.

9. FLOOD RELATED DEVELOPMENT CONTROLS

Flood related development controls

The subject land, or part of the subject land, is below the Probable Maximum Flood (PMF), as identified in the Mid-Western Regional Council - Mudgee Flood Study, February 2021, and may be subject to flood related development controls.

10. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

Council has **not** by resolution or been notified by any public authority that they have adopted a policy to restrict development of the subject land because of the likelihood of landslip, bushfire, subsidence, acid sulphate soils or any other risk from hazards.

11. BUSH FIRE PRONE LAND

The subject land is **not** bush fire prone land.

12. 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, by NSW Fair Trading.

13. MINE SUBSIDENCE

The land is **not** within a Mine Subsidence District declared under section 20 of the *Coal Mine Subsidence Compensation Act 2017.*

14. PAPER SUBDIVISION INFORMATION

Council has **not** received notice of any development plan adopted by a relevant authority regarding paper subdivisions that apply to the land.

15. PROPERTY VEGETATION PLANS

Council has **not** been notified that the land is the subject of a Property Vegetation Plan (PVP) under Part 4 of the *Native Vegetation Act 2003* (and continues in force).

16. BIODIVERSITY STEWARDSHIP SITES

Council has **not** been notified that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016.*

17. BIODIVERSITY CERTIFIED LAND

Council has **not** been notified that the land is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016.*

18. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

Council has **not** received notification of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 - COASTAL PROTECTION SERVICES

Not applicable to Mid-Western Regional Council Local Government Area.

20. WESTERN SYDNEY AEROTROPOLIS

Not applicable to Mid-Western Regional Council Local Government Area.

21. DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

Council is **not** aware of any conditions of a development consent granted after 11 October 2007, that applies to the land, that are of a kind set out under *State Environmental Planning Policy (Housing) 2021,* section 88(2).

22. SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING

Council is **not** aware of a current site compatibility certificate issued under *State Environmental Planning Policy (Housing) 2021,* or a former site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009,* that applies to development on the land.

Council is **not** aware of any conditions of a development consent granted, under State *Environmental Planning Policy (Affordable Rental Housing) 2009, or of a kind* set out under *State Environmental Planning Policy (Housing) 2021*, that apply to the land.

MATTERS PRESCRIBED BY THE CONTAMINATED LAND MANAGEMENT ACT 1997

Council has **not** received notice under the *Contaminated Land Management Act 1997*:

(a) that the land is significantly contaminated land within the meaning of that Act
(b) that the land is subject to a management order within the meaning of that Act
(c) that the land is the subject of an approved voluntary management proposal within the meaning of that Act
(d) that the land is subject to an ongoing maintenance order within the meaning of that Act
(e) that the land is the subject of a site audit statement within the meaning of that Act.

Additional information pursuant to 10.7 (5)

As at the date of this certificate, the following additional information, provided in good faith pursuant to section 10.7 (5) of the Act, relate to the abovementioned land. Council has selected these matters as those most likely to be of concern but they do not comprise an exhaustive list of matters likely to affect the land.

When information pursuant to section 10.7 (5) is requested, the Council is under no obligation to furnish any of the information supplied herein pursuant to that section. Council draws you attention to section 10.7 (6) which states that a council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5). The absence of any reference to any matter affecting the land shall not imply that the land is not affected by any matter referred to in this certificate.

A. DEVELOPMENT CONSENTS

Council's records indicate that Development Consent with respect to the land the subject of this certificate has **not** been granted within the last five years

B. ABORIGINAL HERITAGE

All development within the Local Government Area is subject to the Aboriginal Heritage requirements of the National Parks and Wildlife Act 1974. To determine if an Aboriginal Site affects your property, it is recommended that an Aboriginal Heritage Information Management System (AHIMS) search be undertaken by contacting the AHIM'S Administrator on (02) 9995 5000.

C. LOOSE-FILL ASBESTOS

Council recommends you make your own enquiries as to the age of the buildings on the land (if any) to which this certificate relates and, if it contains a building constructed prior to 1980, the Council also strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.

Contact NSW Fair Trading for further information.

D. BUSHFIRE

In accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Clause 1.19A any complying development (except under the Housing Alteration Code) may only be carried out on the lot if the development will not be carried out on any part of the lot that in the bush fire attack level-40 (BAL- 40) or flame zone (BAL-FZ). In addition, for development specified for the Rural Housing Code any associated access way to the development must be on land that is not in the BAL- 40 or BAL-FZ.

E. OTHER INFORMATION

Height of Buildings

Any building on the land, subject of this Certificate, is not to exceed a maximum building height of **8.5m**. Refer to Clause 4.3 of Mid-Western Regional Local Environmental Plan 2012, Height of buildings, for further information.

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 Council's Planning Department.

K Crean

Signatory