

**PLANNING CERTIFICATE UNDER
SECTION 10.7 (2) & (5) ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

Enquiries Planning
Contact 02 6549 3700
Receipt no. 1577611
Your reference Lot 28 Bowman Street
Muswellbrook

Date: 27 February 2024

Assessment: 127498

Cert No: 23751

**Planning Pty Ltd
Unit 33
129 Spit Road
MOSMAN NSW 2088**

Owner (as recorded by Council)

The Brentwood Hospital

Property Description: Bowman Street MUSWELLBROOK 2333
LOT: 28 DP: 752484 REF: HOSPITAL

Land to which the certificate relates

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.

This certificate provides information on how the relevant parcel of land may be developed, including the planning policies that may apply to development of the land, on the date the certificate is issued.

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

1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

STATE ENVIRONMENTAL PLANNING POLICIES

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

SEPP (Biodiversity and Conservation) 2021 – This policy contains:

- Planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.
- The land use planning and assessment framework for koala habitat (Chapter 4).

SEPP (Exempt and Complying Development Codes) 2008 – The policy provides exempt and complying codes that have State-wide application, identifying types of development that are of minimal environmental impact that may proceed without development consent, but may require a complying development certificate.

SEPP No. 65 (Design Quality of Residential Apartment Development) – This policy aims to raise the design quality of residential flat development through the application of a series of design principles.

SEPP (Housing) 2021 - This policy supports the development of diverse housing types, including affordable housing and purpose-built rental housing, reinforce the importance of designing housing for climate, hazards and to reflect the locality it is being built in, and to mitigate the loss of affordable rental housing.

SEPP (Industry and Employment) 2021 – This policy contains planning provisions for advertising signage in NSW.

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Fax 02 65 49 3701 Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

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SEPP (Planning Systems) 2021 – This policy:

- Identifies State or Regionally significant development, State significant infrastructure, and critical State significant infrastructure (Chapter 2).
- Provides consideration of development delivery plans by local Aboriginal land councils (Chapter 3).
- Allows the Planning Secretary to elect to be the concurrence authority for certain development (Chapter 4).

SEPP (Precincts - Regional) 2021 – This policy contains planning provisions for precinct planning for a specified geographic area. The precincts in this SEPP are located outside the Greater Sydney Region Plan.

SEPP (Primary Production) 2021 – This policy contains planning provisions:

- To manage primary production and rural development including supporting sustainable agriculture.
- For the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.

SEPP (Resilience and Hazards) 2021 – This policy contains planning provisions:

- To manage hazardous and offensive development (Chapter 3).
- To provide a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm (Chapter 4).

SEPP (Resources and Energy) 2021 – This policy contains planning provisions:

- For mining, petroleum production and extractive material resource proposals in NSW.
- The locations where open cut mining and coal seam gas projects are prohibited.
- To facilitate the development of extractive resources in proximity to the population of the Sydney.

SEPP (Sustainable Buildings) 2022 – This policy contains planning provisions:

- To encourage the design and delivery of sustainable buildings.
- To minimise the consumption of energy.
- To reduce greenhouse gas emissions.
- To minimise the consumption of mains-supplied potable water.

The provisions apply to residential development (Chapter 2) and non-residential development (Chapter 3).

SEPP (Transport and Infrastructure) 2021 – This policy contains planning provisions:

- For infrastructure, such as hospitals, roads, railways, emergency services, water supply and electricity delivery (Chapter 2).
- For child-care centres, schools, TAFEs and Universities (Chapter 3).

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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 2041
Upper Hunter Strategic Land Use Regional Plan 2012

LOCAL PLANNING INSTRUMENTS

The provisions of Muswellbrook Local Environmental Plan 2009 apply to this land.

Employment Zones Reform

On 26 April 2023, Business and Industrial zones were replaced by Employment zones within standard instrument local environmental plans.

A two-year transitional arrangement exists to continue land use permissibility where the translation to employment zones altered the land use permissibility. Until 26 April 2025, a land use that was permissible with consent under a former zone (for instance, the B2 Local Centre zone) that will not be permissible under the translated zone, will continue to be permissible through the transitional provision.

DEVELOPMENT CONTROL PLANS

The provisions of Muswellbrook Development Control Plan 2009 apply to this land.

2. ZONING AND LAND USE

LOCAL ENVIRONMENTAL PLANS

PLANNING INSTRUMENT	Muswellbrook Local Environmental Plan 2009
LAND USE ZONING	SP2 Infrastructure

PERMITTED WITHOUT CONSENT

Nil

PERMITTED WITH CONSENT

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads

PROHIBITED

Any development not specified above.

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: E1, E2, E3, E4, SP2, RE1, RE2, RU3, C1, W1 is PROHIBITED, with the exception of dwelling houses permitted under 'existing use' provisions of the EP&A Act 1979. A

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person seeking to rely on existing use provisions should obtain advice from a planning consultant or planning law expert.

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 within 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.

3. CONTRIBUTION 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.

The land is not within a special contributions area under the EP&A Act, Division 7.1.

4. COMPLYING DEVELOPMENT

Complying development may be carried out on the land under each of the following codes for complying development, to the extent stated, because of the provisions of clauses 1.17A(1)(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.

INFORMATION SET OUT IN CLAUSE 4 OF SCHEDULE 2 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

Not applicable to the land to which this certificate relates.

Part 4 Housing Alterations Code

Not applicable to the land to which this certificate relates.

Part 4A General Development Code

Not applicable to the land to which this certificate relates.

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Part 5 Commercial and Industrial Alterations Code

YES. Complying development specified in the Commercial and Industrial 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 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.

5. EXEMPT DEVELOPMENT

The land is land on which exempt development may be carried out under the exempt development codes under SEPP (Exempt and Complying Development Codes) 2008.

6. 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.

7. LAND RESERVED FOR ACQUISITION

There are NO 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.

8. 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.

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9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

The land is not categorised as Flood Prone land under an adopted flood study. Development on the land or part of the land may still be subject to flood related development controls if there is a waterway on the land. See Section 13 of Muswellbrook DCP 2009 for more information.

10. 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 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). Muswellbrook DCP 2009 contains requirements for new development to consider the issues of potentially contaminated land, and land use buffers to premises that may emit odours.

11. BUSH FIRE PRONE LAND

The land IS NOT bush fire prone land.

12. 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*.

13. MINE SUBSIDENCE

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. The Department of Mineral Resources has identified the lands may be subject to coal mining (either open cut mining or underground mining). Further enquiries should be directed to the Department of Mineral Resources.

14. PAPER SUBDIVISION INFORMATION

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

15. 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.

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16. BIODIVERSITY STEWARDSHIP SITES

Council has NOT been notified that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016.

17. BIODIVERSITY CERTIFIED LAND

The land IS NOT biodiversity certified under the Biodiversity Conservation Act 2016.

18. 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.

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

The Coastal Management Act 2016 DOES NOT apply to this council area.

20. WESTERN SYDNEY AEROTROPOLIS

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 DOES NOT apply to this council area.

21. DEVELOPMENT CONSENT 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.

22. 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 39 of State Environmental Planning Policy (Housing) 2021 in respect of proposed development on the land.

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.

D Finnigan
General Manager

Per:

