

**PLANNING CERTIFICATE**

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

**Certificate Number:** 7252  
**Date:** 19/07/2022  
**Receipt Number:** 769388  
**Application Reference:** Gunnedah Hospital (GEO4184)  
**Application Number:** 12403

**Applicant:**

Geolink  
Level 1 64 Ballina Street  
LENNOX HEAD NSW 2478

**Owner (as recorded by Council)**

Health Administration Corporation  
C/- Hunter New England Local Health  
Gunnedah Hospital, PO Box 243  
GUNNEDAH NSW

**Property:** 35-45 Marquis Street GUNNEDAH 2380, 26-30 Anzac Parade GUNNEDAH 2380, 10 Anzac Parade GUNNEDAH 2380

**Description:** Lot: 1 DP: 792209, Lot: 2 DP: 792209, Lot: 3 DP: 792209

**Parcel No:** 8597, 8598, 8600

**INFORMATION PROVIDED PURSUANT TO SECTION 10.7(2) OF THE ACT**

**1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS**

At the date of this certificate, the following matters apply to the subject land:

(1)(a) State Environmental Planning Policies and Draft State Environmental Planning Policy/s:

- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*
- *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 (Biodiversity and Conversation) 2021*
- *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 (Resources and Energy) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

(1)(b) Local Environmental Plan and deemed Environmental Planning Instrument:

*Gunnedah Local Environmental Plan, 2012*

(1)(c) Development Control Plan/s that has been prepared by the Council:

*Gunnedah Development Control Plan 2012*

(2) Draft Local Environmental Plan and Development Control Plan that has been placed on exhibition:

No Draft Gunnedah Local Environmental Plan or Development Control Plan has been placed on exhibition.

## 2. ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS

- (a) R2 Low Density Residential  
*Gunnedah Local Environmental Plan, 2012*
- (b) The extract from the relevant Local Environmental Plan is the development control table for the zone. It sets out the zone objectives and development which is allowed without development consent; development only allowed with development consent; and development which is prohibited; as it relates to the land the subject of this certificate.
- (c) The land is not subject to additional permissible uses under Schedule 1 of the *Gunnedah Local Environmental Plan 2012*.
- (d) The erection of a dwelling-house is not prohibited by a development standard relating to the minimum area of land.
- (e) The land is not identified as an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.
- (f) The land is not identified in the *Gunnedah Local Environmental Plan, 2012* as being located in a conservation area.
- (g) The land does not contain an item of environmental heritage, as listed in Schedule 5 of the *Gunnedah Local Environmental Plan, 2012*.

## 3. CONTRIBUTION PLANS

The following contributions plans apply to the land:

Gunnedah Shire Council Section 94A Contributions Plan 2013 under Section 7.12 of the *Environmental Planning and Assessment Act, 1979*

## 4. COMPLYING DEVELOPMENT

Complying Development may be carried out on the land under the following codes contained within the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*:

- Part 3B - Low Rise Housing Diversity Code
- Part 3D - Inland Code
- Part 4 - Housing Alterations Code
- Part 4A - General Development Code
- Part 5 - Industrial and Business Alterations Code
- Part 5A - Industrial and Business Buildings Code
- Part 5B - Container Recycling Facilities Code
- Part 6 - Subdivisions Code
- Part 7 - Demolition Code
- Part 8 - Fire Safety Code

## 5. EXEMPT DEVELOPMENT

Exempt Development may be carried out on the land under the following codes contained within Part 2 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*:

- Division 1 - General Exempt Development Code
- Division 2 - Advertising and Signage Exempt Development Code
- Division 3 - Temporary Uses and Structures Exempt Development Code

**6. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS**

- (1)(a) There is no affected building notice of which the Council is aware that is in force in respect of the land.
- (1)(b) 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
- (1)(c) There is 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.
- (2) 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*.

**7. LAND RESERVED FOR ACQUISITION**

The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in Section 3.15 of the Act.

**8. ROAD WIDENING AND ROAD REALIGNMENT**

The subject land is not affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

**9. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

- (1) Development on the subject land or part of the subject land is not subject to flood related development controls for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (but not including development for the purposes of group homes or seniors housing).
- (2) The subject land or part of the subject land IS NOT subject to the flood related development controls for any other purpose.

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

Council has adopted a policy that may restrict the development of Contaminated or Potentially Contaminated Land. This policy is implemented when zoning, development, or land use changes are proposed. Council does not hold sufficient information about previous use of the land to determine whether the land is contaminated. Consideration of Council's adopted Policy and applicable LEP, and the application of provisions under relevant State legislation is recommended.

The land is not affected by any other policy adopted by Council or by any other public authority and notified to the Council, that restricts the development of the land because of the likelihood of land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding), except as noted above.

**11. BUSH FIRE PRONE LAND**

The land is not identified as "bushfire prone land" on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 22nd September, 2003. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**12. LOOSE-FILL ASBESTOS INSULATION**

Council is not aware of any residential premises on the land (within the meaning of Division 1A of Part 8 of the *Home Building Act, 1986*) that are listed on the register that is maintained under Division 1A of Part 8 of the *Home Building Act, 1986*.

**13. MINE SUBSIDENCE**

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

**14. PAPER SUBDIVISION INFORMATION**

- a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.
- b) There is no subdivision order that applies to the land.

**15. PROPERTY VEGETATION PLANS**

Council has not been advised that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the subject land.

**16. BIODIVERSITY STEWARDSHIP SITES**

Council has not been advised by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act, 2016*.

**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*.

**17. BIODIVERSITY CERTIFIED LAND**

The land is not biodiversity certified land within the meaning of 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*.

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

No 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).

**19. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

Not applicable to the subject land.

**20. WESTERN SYDNEY AEROTROPOLIS**

Not applicable to the subject land.

**21. DEVELOPMENT CONSENT CONDITIONS FOR SENIOR HOUSING**

Council is not aware of any current site compatibility certificate that has been issued under Clause 79 of State Environmental Planning Policy (Housing) 2021 in respect of proposed development on the land.

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

Council is not aware of any valid site compatibility certificate being issued under Part 2 of *State Environmental Planning Policy (Housing) 2021* or any former site compatibility certificate being issued under Clause 37 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, in respect of development on the land.

**ADDITIONAL INFORMATION PROVIDED PURSUANT TO SECTION 10.7(5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**23. DEVELOPMENT CONSENT ISSUED BY COUNCIL WITHIN THE PREVIOUS FIVE YEARS**

There have been no development applications determined by Council pertaining to the land within the last five (5) years.

**24. PRIVATE NATIVE FOREST PLANS**

Council has not been advised that any Private Native Forest Plans under Part 5B of the Local Land Services Act 2013 apply to the subject land.

**25. CRITICAL HABITAT**

The land is not identified in the Gunnedah Local Environmental Plan, 2012 as including or comprising of critical habitat.

**26. NATIVE VEGETATION CLEARING SET ASIDES**

Council has not been notified by Local Land Services, and it is not registered in the public register, that a set aside area is contained within the land, under the Section 60ZC of the Local Land Services Act, 2013.

**27. SITE VERIFICATION CERTIFICATES**

Council is not aware of any current verification certificate that applies to this land.

Eric Groth

GENERAL MANAGER

Per:  .....

### ZONE R2 - LOW DENSITY RESIDENTIAL

#### 1. Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for low density housing while maintaining environmental or scenic landscape qualities of land that would not be sustainable with higher densities of development.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

#### 2. Permitted without consent

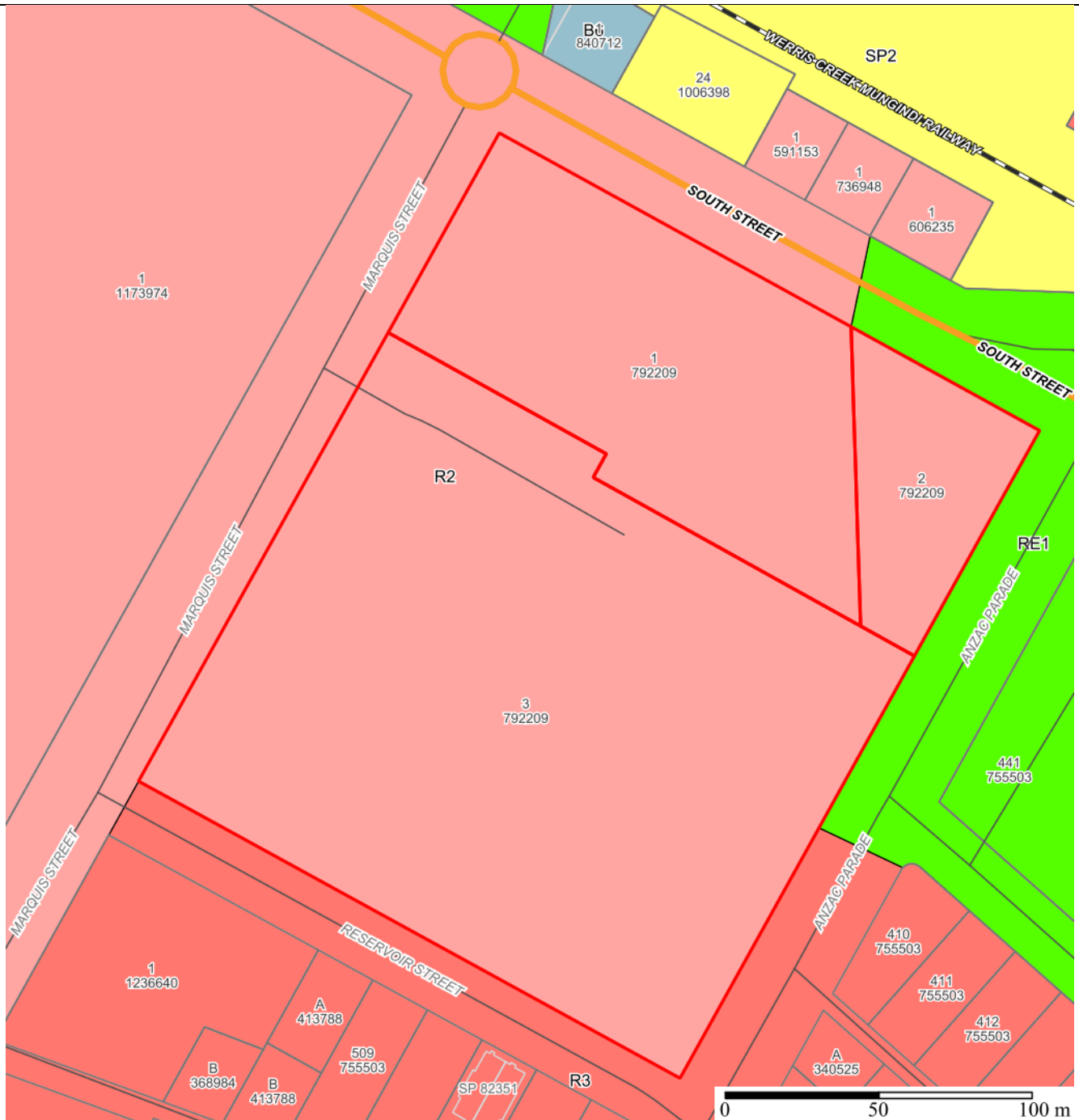
Environmental protection works; Home-based child care; Home occupations; Roads

#### 3. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Dwelling houses; Group homes; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### 4. Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies



**OWNER:**

Health Administration Corporation

**PROPERTY ADDRESS:**

35-45 Marquis Street, GUNNEDAH, 26-30 Anzac Parade, GUNNEDAH  
& 10 Anzac Parade, GUNNEDAH

**PROPERTY DETAILS:**

Lot/Section/Plan	Parish	County
Lot: 1 DP: 792209	GUNNEDAH	POTTINGER
Lot: 2 DP: 792209		
Lot: 3 DP: 792209		

**ZONE:** R2

**DATE:**

19/07/2022

**SCALE:**

As shown on map

**PROJECTION:**

GDA94 / MGA Z55

**DISCLAIMER:**

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