

# Contract for the sale and purchase of land 2019 edition

<b>TERM</b>	<b>MEANING OF TERM</b>	<b>NSW DAN:</b>
vendor's agent	McGrath Orange 191a Lords Place, Orange, NSW 2800	Phone: 7903 0753 Ref: Scott Petersen
co-agent		
vendor	Elizabeth Gai Kerle and Thomas Cooper Lyons	
vendor's solicitor	Baldock Stacy & Niven 64 McNamara Street, Orange NSW 2800 DX 3010 Orange	Phone: (02) 6362 2022 Email: michael@bsnlaw.com.au Fax: 02 6363 1760 Ref: MN:CG:501110
date for completion land (address, plan details and title reference)	42 <sup>nd</sup> day after the date of the contract date "Womera" 755 Eadevale Road, Euchareena, New South Wales 2866 Registered Plan: See annexure for title particulars Folio Identifier: See annexure for title particulars	(clause 15)
improvements	<input checked="" type="checkbox"/> VACANT POSSESSION <input type="checkbox"/> subject to existing tenancies <input checked="" type="checkbox"/> HOUSE <input checked="" type="checkbox"/> garage <input type="checkbox"/> carport <input type="checkbox"/> home unit <input type="checkbox"/> carspace <input type="checkbox"/> storage space <input type="checkbox"/> none <input checked="" type="checkbox"/> other: separate 2 x car garage, bore	
attached copies	<input type="checkbox"/> documents in the List of Documents as marked or as numbered: <input type="checkbox"/> other documents:	

**A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.**

inclusions	<input checked="" type="checkbox"/> blinds <input checked="" type="checkbox"/> dishwasher <input checked="" type="checkbox"/> light fittings <input checked="" type="checkbox"/> stove <input checked="" type="checkbox"/> built-in wardrobes <input checked="" type="checkbox"/> fixed floor coverings <input checked="" type="checkbox"/> range hood <input type="checkbox"/> pool equipment <input checked="" type="checkbox"/> clothes line <input checked="" type="checkbox"/> insect screens <input type="checkbox"/> solar panels <input type="checkbox"/> TV antenna <input checked="" type="checkbox"/> curtains <input checked="" type="checkbox"/> other: ceiling fans, air conditioner, garage remote/s
exclusions	
purchaser	
purchaser's solicitor	
price	
deposit	(10% of the price, unless otherwise stated)
balance	
contract date	(if not stated, the date this contract was made)

buyer's agent

vendor

**GST AMOUNT (optional)**

The price includes  
GST of: \$

witness

purchaser

☐ JOINT TENANTS    ☐ tenants in common    ☐ in unequal shares

witness

## Choices

Vendor agrees to accept a **deposit-bond** (clause 3) ☒ NO ☐ yes

Nominated **Electronic Lodgment Network (ELN)** (clause 30) Pexa

**Electronic transaction** (clause 30)

☐ no ☒ YES

(if no, vendor must provide further details, such as the proposed applicable waiver, in the space below, or serve *within* 14 days of the contract date):

## Tax information (the parties promise this is correct as far as each party is aware)

Land tax is adjustable ☐ NO ☐ yes

GST: Taxable supply ☐ NO ☐ yes in full ☐ yes to an extent

Margin scheme will be used in making the taxable supply ☐ NO ☐ yes

This sale is not a taxable supply because (one or more of the following may apply) the sale is:

- ☐ not made in the course or furtherance of an enterprise that the vendor carries on (section 9-5(b))
- ☒ by a vendor who is neither registered nor required to be registered for GST (section 9-5(d))
- ☐ GST-free because the sale is the supply of a going concern under section 38-325
- ☐ GST-free because the sale is subdivided farm land or farm land supplied for farming under Subdivision 38-O
- ☐ input taxed because the sale is of eligible residential premises (sections 40-65, 40-75(2) and 195-1)

Purchaser must make an **GSTRW payment** (GST residential withholding payment) ☐ NO ☐ yes (if yes, vendor must provide further details)

If the further details below are not fully completed at the contract date, the vendor must provide all these details in a separate notice *within* 14 days of the contract date.

**GSTRW payment (GST residential withholding payment) – further details**

Frequently the supplier will be the vendor. However, sometimes further information will be required as to which entity is liable for GST, for example, if the supplier is a partnership, a trust, part of a GST group or a participant in a GST joint venture.

Supplier's name:

Supplier's ABN:

Supplier's GST branch number (if applicable):

Supplier's business address:

Supplier's email address:

Supplier's phone number:

Supplier's proportion of **GSTRW payment**:

**If more than one supplier, provide the above details for each supplier.**

Amount purchaser must pay – price multiplied by the **GSTRW rate** (residential withholding rate):

Amount must be paid: ☐ AT COMPLETION ☐ at another time (specify):

Is any of the consideration not expressed as an amount in money? ☐ NO ☐ yes

If "yes", the GST inclusive market value of the non-monetary consideration: \$

Other details (including those required by regulation or the ATO forms):

## List of Documents

<p><b>General</b></p> <p><input checked="" type="checkbox"/> 1 property certificate for the land</p> <p><input checked="" type="checkbox"/> 2 plan of the land</p> <p><input type="checkbox"/> 3 unregistered plan of the land</p> <p><input type="checkbox"/> 4 plan of land to be subdivided</p> <p><input type="checkbox"/> 5 document that is to be lodged with a relevant plan</p> <p><input checked="" type="checkbox"/> 6 section 10.7(2) planning certificate under Environmental Planning and Assessment Act 1979</p> <p><input type="checkbox"/> 7 additional information included in that certificate under section 10.7(5)</p> <p><input type="checkbox"/> 8 sewerage infrastructure location diagram (service location diagram)</p> <p><input type="checkbox"/> 9 sewer lines location diagram (sewerage service diagram)</p> <p><input checked="" type="checkbox"/> 10 document that created or may have created an easement, profit à prendre, restriction on use or positive covenant disclosed in this contract</p> <p><input type="checkbox"/> 11 <i>planning agreement</i></p> <p><input type="checkbox"/> 12 section 88G certificate (positive covenant)</p> <p><input type="checkbox"/> 13 survey report</p> <p><input type="checkbox"/> 14 building information certificate or building certificate given under <i>legislation</i></p> <p><input type="checkbox"/> 15 lease (with every relevant memorandum or variation)</p> <p><input type="checkbox"/> 16 other document relevant to tenancies</p> <p><input type="checkbox"/> 17 licence benefiting the land</p> <p><input type="checkbox"/> 18 old system document</p> <p><input type="checkbox"/> 19 Crown purchase statement of account</p> <p><input type="checkbox"/> 20 building management statement</p> <p><input checked="" type="checkbox"/> 21 form of requisitions</p> <p><input type="checkbox"/> 22 <i>clearance certificate</i></p> <p><input type="checkbox"/> 23 land tax certificate</p> <p><b>Home Building Act 1989</b></p> <p><input type="checkbox"/> 24 insurance certificate</p> <p><input type="checkbox"/> 25 brochure or warning</p> <p><input type="checkbox"/> 26 evidence of alternative indemnity cover</p> <p><b>Swimming Pools Act 1992</b></p> <p><input type="checkbox"/> 27 certificate of compliance</p> <p><input type="checkbox"/> 28 evidence of registration</p> <p><input type="checkbox"/> 29 relevant occupation certificate</p> <p><input type="checkbox"/> 30 certificate of non-compliance</p> <p><input type="checkbox"/> 31 detailed reasons of non-compliance</p>	<p><b>Strata or community title (clause 23 of the contract)</b></p> <p><input type="checkbox"/> 32 property certificate for strata common property</p> <p><input type="checkbox"/> 33 plan creating strata common property</p> <p><input type="checkbox"/> 34 strata by-laws</p> <p><input type="checkbox"/> 35 strata development contract or statement</p> <p><input type="checkbox"/> 36 strata management statement</p> <p><input type="checkbox"/> 37 strata renewal proposal</p> <p><input type="checkbox"/> 38 strata renewal plan</p> <p><input type="checkbox"/> 39 leasehold strata - lease of lot and common property</p> <p><input type="checkbox"/> 40 property certificate for neighbourhood property</p> <p><input type="checkbox"/> 41 plan creating neighbourhood property</p> <p><input type="checkbox"/> 42 neighbourhood development contract</p> <p><input type="checkbox"/> 43 neighbourhood management statement</p> <p><input type="checkbox"/> 44 property certificate for precinct property</p> <p><input type="checkbox"/> 45 plan creating precinct property</p> <p><input type="checkbox"/> 46 precinct development contract</p> <p><input type="checkbox"/> 47 precinct management statement</p> <p><input type="checkbox"/> 48 property certificate for community property</p> <p><input type="checkbox"/> 49 plan creating community property</p> <p><input type="checkbox"/> 50 community development contract</p> <p><input type="checkbox"/> 51 community management statement</p> <p><input type="checkbox"/> 52 document disclosing a change of by-laws</p> <p><input type="checkbox"/> 53 document disclosing a change in a development or management contract or statement</p> <p><input type="checkbox"/> 54 document disclosing a change in boundaries</p> <p><input type="checkbox"/> 55 information certificate under Strata Schemes Management Act 2015</p> <p><input type="checkbox"/> 56 information certificate under Community Land Management Act 1989</p> <p><input type="checkbox"/> 57 disclosure statement - off the plan contract</p> <p><input type="checkbox"/> 58 other document relevant to the off the plan contract</p> <p><b>Other</b></p> <p><input type="checkbox"/> 59</p>
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**HOLDER OF STRATA OR COMMUNITY TITLE RECORDS – Name, address, email address and telephone number**

**IMPORTANT NOTICE TO VENDORS AND PURCHASERS**

Before signing this contract you should ensure that you understand your rights and obligations, some of which are not written in this contract but are implied by law.

**WARNING—SMOKE ALARMS**

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the *Environmental Planning and Assessment Act 1979*. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

**WARNING—LOOSE-FILL ASBESTOS INSULATION**

Before purchasing land that includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) built before 1985, a purchaser is strongly advised to consider the possibility that the premises may contain loose-fill asbestos insulation (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*). In particular, a purchaser should:

- (a) search the Register required to be maintained under Division 1A of Part 8 of the *Home Building Act 1989*, and
- (b) ask the relevant local council whether it holds any records showing that the residential premises contain loose-fill asbestos insulation.

For further information about loose-fill asbestos insulation (including areas in which residential premises have been identified as containing loose-fill asbestos insulation), contact NSW Fair Trading.



### **COOLING OFF PERIOD (PURCHASER'S RIGHTS)**

1. This is the statement required by section 66X of the *Conveyancing Act 1919* and applies to a contract for the sale of residential property.
2. **EXCEPT** in the circumstances listed in paragraph 3, the purchaser may rescind the contract at any time before 5 pm on—
  - (a) the tenth business day after the day on which the contract was made—in the case of an off the plan contract, or
  - (b) the fifth business day after the day on which the contract was made—in any other case.
3. There is **NO COOLING OFF PERIOD**:
  - (a) if, at or before the time the contract is made, the purchaser gives to the vendor (or the vendor's solicitor or agent) a certificate that complies with section 66W of the Act, or
  - (b) if the property is sold by public auction, or
  - (c) if the contract is made on the same day as the property was offered for sale by public auction but passed in, or
  - (d) if the contract is made in consequence of the exercise of an option to purchase the property, other than an option that is void under section 66ZG of the Act.
4. A purchaser exercising the right to cool off by rescinding the contract will forfeit to the vendor 0.25% of the purchase price of the property. The vendor is entitled to recover the amount forfeited from any amount paid by the purchaser as a deposit under the contract and the purchaser is entitled to a refund of any balance.

### **DISPUTES**

If you get into a dispute with the other party, the Law Society and Real Estate Institute encourage you to use informal procedures such as negotiation, independent expert appraisal, the Law Society Conveyancing Dispute Resolution Scheme or mediation (for example mediation under the Law Society Mediation Program).

### **AUCTIONS**

Regulations made under the Property, Stock and Business Agents Act 2002 prescribe a number of conditions applying to sales by auction.

**WARNINGS**

1. Various Acts of Parliament and other matters can affect the rights of the parties to this contract. Some important matters are actions, claims, decisions, licences, notices, orders, proposals or rights of way involving:
 

<b>APA Group</b> <b>Australian Taxation Office</b> <b>Council</b> <b>County Council</b> <b>Department of Planning, Industry and Environment</b> <b>Department of Primary Industries</b> <b>Electricity and gas</b> <b>Land &amp; Housing Corporation</b> <b>Local Land Services</b>	<b>NSW Department of Education</b> <b>NSW Fair Trading</b> <b>Owner of adjoining land</b> <b>Privacy</b> <b>Public Works Advisory</b> <b>Subsidence Advisory NSW</b> <b>Telecommunications</b> <b>Transport for NSW</b> <b>Water, sewerage or drainage authority</b>
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If you think that any of these matters affects the property, tell your solicitor.
2. A lease may be affected by the Agricultural Tenancies Act 1990, the Residential Tenancies Act 2010 or the Retail Leases Act 1994.
3. If any purchase money is owing to the Crown, it will become payable before obtaining consent, or if no consent is needed, when the transfer is registered.
4. If a consent to transfer is required under legislation, see clause 27 as to the obligations of the parties.
5. The vendor should continue the vendor's insurance until completion. If the vendor wants to give the purchaser possession before completion, the vendor should first ask the insurer to confirm this will not affect the insurance.
6. The purchaser will usually have to pay transfer duty (and sometimes surcharge purchaser duty) on this contract. If duty is not paid on time, a purchaser may incur penalties.
7. If the purchaser agrees to the release of deposit, the purchaser's right to recover the deposit may stand behind the rights of others (for example the vendor's mortgagee).
8. The purchaser should arrange insurance as appropriate.
9. Some transactions involving personal property may be affected by the Personal Property Securities Act 2009.
10. A purchaser should be satisfied that finance will be available at the time of completing the purchase.
11. Where the market value of the property is at or above a legislated amount, the purchaser may have to comply with a foreign resident capital gains withholding payment obligation (even if the vendor is not a foreign resident). If so, this will affect the amount available to the vendor on completion.
12. Purchasers of some residential properties may have to withhold part of the purchase price to be credited towards the GST liability of the vendor. If so, this will also affect the amount available to the vendor. More information is available from the ATO.

The vendor sells and the purchaser buys the *property* for the price under these provisions instead of Schedule 3 Conveyancing Act 1919, subject to any *legislation* that cannot be excluded.

## 1 Definitions (a term in *italics* is a defined term)

In this contract, these terms (in any form) mean –

<i>adjustment date</i>	the earlier of the giving of possession to the purchaser or completion;
<i>bank</i>	the Reserve Bank of Australia or an authorised deposit-taking institution which is a bank, a building society or a credit union;
<i>business day</i>	any day except a bank or public holiday throughout NSW or a Saturday or Sunday;
<i>cheque</i>	a cheque that is not postdated or stale;
<i>clearance certificate</i>	a certificate within the meaning of s14-220 of Schedule 1 to the <i>TA Act</i> , that covers one or more days falling within the period from and including the contract date to completion;
<i>deposit-bond</i>	a deposit bond or guarantee from an issuer, with an expiry date and for an amount each approved by the vendor;
<i>depositholder</i>	vendor's agent (or if no vendor's agent is named in this contract, the vendor's <i>solicitor</i> , or if no vendor's <i>solicitor</i> is named in this contract, the buyer's agent);
<i>document of title</i>	document relevant to the title or the passing of title;
<i>FRCGW percentage</i>	the percentage mentioned in s14-200(3)(a) of Schedule 1 to the <i>TA Act</i> (12.5% as at 1 July 2017);
<i>FRCGW remittance</i>	a remittance which the purchaser must make under s14-200 of Schedule 1 to the <i>TA Act</i> , being the lesser of the <i>FRCGW percentage</i> of the price (inclusive of GST, if any) and the amount specified in a <i>variation served</i> by a <i>party</i> ;
<i>GST Act</i>	A New Tax System (Goods and Services Tax) Act 1999;
<i>GST rate</i>	the rate mentioned in s4 of A New Tax System (Goods and Services Tax Imposition - General) Act 1999 (10% as at 1 July 2000);
<i>GSTRW payment</i>	a payment which the purchaser must make under s14-250 of Schedule 1 to the <i>TA Act</i> (the price multiplied by the <i>GSTRW rate</i> );
<i>GSTRW rate</i>	the rate determined under ss14-250(6), (8) or (9) of Schedule 1 to the <i>TA Act</i> (as at 1 July 2018, usually 7% of the price if the margin scheme applies, 1/11 <sup>th</sup> if not);
<i>legislation</i>	an Act or a by-law, ordinance, regulation or rule made under an Act;
<i>normally</i>	subject to any other provision of this contract;
<i>party</i>	each of the vendor and the purchaser;
<i>property</i>	the land, the improvements, all fixtures and the inclusions, but not the exclusions;
<i>planning agreement</i>	a valid voluntary agreement within the meaning of s7.4 of the Environmental Planning and Assessment Act 1979 entered into in relation to the <i>property</i> ;
<i>requisition</i>	an objection, question or requisition (but the term does not include a claim);
<i>rescind</i>	rescind this contract from the beginning;
<i>serve</i>	serve in writing on the other <i>party</i> ;
<i>settlement cheque</i>	an unendorsed <i>cheque</i> made payable to the person to be paid and – <ul style="list-style-type: none"> <li>• issued by a <i>bank</i> and drawn on itself; or</li> <li>• if authorised in writing by the vendor or the vendor's <i>solicitor</i>, some other <i>cheque</i>;</li> </ul>
<i>solicitor</i>	in relation to a <i>party</i> , the <i>party's</i> solicitor or licensed conveyancer named in this contract or in a notice <i>served</i> by the <i>party</i> ;
<i>TA Act</i>	Taxation Administration Act 1953;
<i>terminate</i>	terminate this contract for breach;
<i>variation</i>	a variation made under s14-235 of Schedule 1 to the <i>TA Act</i> ;
<i>within</i>	in relation to a period, at any time before or during the period; and
<i>work order</i>	a valid direction, notice or order that requires work to be done or money to be spent on or in relation to the <i>property</i> or any adjoining footpath or road (but the term does not include a notice under s22E of the Swimming Pools Act 1992 or clause 22 of the Swimming Pools Regulation 2018).

## 2 Deposit and other payments before completion

- 2.1 The purchaser must pay the deposit to the *depositholder* as stakeholder.
- 2.2 *Normally*, the purchaser must pay the deposit on the making of this contract, and this time is essential.
- 2.3 If this contract requires the purchaser to pay any of the deposit by a later time, that time is also essential.
- 2.4 The purchaser can pay any of the deposit by giving cash (up to \$2,000) or by unconditionally giving a *cheque* to the *depositholder* or to the vendor, vendor's agent or vendor's *solicitor* for sending to the *depositholder* or by payment by electronic funds transfer to the *depositholder*.
- 2.5 If any of the deposit is not paid on time or a *cheque* for any of the deposit is not honoured on presentation, the vendor can *terminate*. This right to *terminate* is lost as soon as the deposit is paid in full.
- 2.6 If the vendor accepts a bond or guarantee for the deposit, clauses 2.1 to 2.5 do not apply.

- 2.7 If the vendor accepts a bond or guarantee for part of the deposit, clauses 2.1 to 2.5 apply only to the balance.
- 2.8 If any of the deposit or of the balance of the price is paid before completion to the vendor or as the vendor directs, it is a charge on the land in favour of the purchaser until *termination* by the vendor or completion, subject to any existing right.
- 2.9 If each *party* tells the *depositholder* that the deposit is to be invested, the *depositholder* is to invest the deposit (at the risk of the *party* who becomes entitled to it) with a *bank*, in an interest-bearing account in NSW, payable at call, with interest to be reinvested, and pay the interest to the *parties* equally, after deduction of all proper government taxes and financial institution charges and other charges.

### 3 Deposit-bond

- 3.1 This clause applies only if this contract says the vendor has agreed to accept a *deposit-bond* for the deposit (or part of it).
- 3.2 The purchaser must provide the original *deposit-bond* to the vendor's *solicitor* (or if no *solicitor* the *depositholder*) at or before the making of this contract and this time is essential.
- 3.3 If the *deposit-bond* has an expiry date and completion does not occur by the date which is 14 days before the expiry date, the purchaser must serve a replacement *deposit-bond* at least 7 days before the expiry date. The time for service is essential.
- 3.4 The vendor must approve a replacement *deposit-bond* if –
- 3.4.1 it is from the same issuer and for the same amount as the earlier *deposit-bond*; and
  - 3.4.2 it has an expiry date at least three months after its date of issue.
- 3.5 A breach of clauses 3.2 or 3.3 entitles the vendor to *terminate*. The right to *terminate* is lost as soon as –
- 3.5.1 the purchaser serves a replacement *deposit-bond*; or
  - 3.5.2 the deposit is paid in full under clause 2.
- 3.6 Clauses 3.3 and 3.4 can operate more than once.
- 3.7 If the purchaser serves a replacement *deposit-bond*, the vendor must serve the earlier *deposit-bond*.
- 3.8 The amount of any *deposit-bond* does not form part of the price for the purposes of clause 16.7.
- 3.9 The vendor must give the purchaser the *deposit-bond* –
- 3.9.1 on completion; or
  - 3.9.2 if this contract is *rescinded*.
- 3.10 If this contract is *terminated* by the vendor –
- 3.10.1 *normally*, the vendor can immediately demand payment from the issuer of the *deposit-bond*; or
  - 3.10.2 if the purchaser serves prior to *termination* a notice disputing the vendor's right to *terminate*, the vendor must forward the *deposit-bond* (or its proceeds if called up) to the *depositholder* as stakeholder.
- 3.11 If this contract is *terminated* by the purchaser –
- 3.11.1 *normally*, the vendor must give the purchaser the *deposit-bond*; or
  - 3.11.2 if the vendor serves prior to *termination* a notice disputing the purchaser's right to *terminate*, the vendor must forward the *deposit-bond* (or its proceeds if called up) to the *depositholder* as stakeholder.

### 4 Transfer

- 4.1 *Normally*, the purchaser must serve at least 14 days before the date for completion –
- 4.1.1 the form of transfer; and
  - 4.1.2 particulars required to register any mortgage or other dealing to be lodged with the transfer by the purchaser or the purchaser's mortgagee.
- 4.2 If any information needed for the form of transfer is not disclosed in this contract, the vendor must serve it.
- 4.3 If the purchaser serves a form of transfer and the transferee is not the purchaser, the purchaser must give the vendor a direction signed by the purchaser personally for this form of transfer.
- 4.4 The vendor can require the purchaser to include a form of covenant or easement in the transfer only if this contract contains the wording of the proposed covenant or easement, and a description of the land benefited.

### 5 Requisitions

- 5.1 If a form of *requisitions* is attached to this contract, the purchaser is taken to have made those *requisitions*.
- 5.2 If the purchaser is or becomes entitled to make any other *requisition*, the purchaser can make it only by serving it –
- 5.2.1 if it arises out of this contract or it is a general question about the *property* or title - *within* 21 days after the contract date;
  - 5.2.2 if it arises out of anything served by the vendor - *within* 21 days after the later of the contract date and that service; and
  - 5.2.3 in any other case - *within* a reasonable time.

### 6 Error or misdescription

- 6.1 *Normally*, the purchaser can (but only before completion) claim compensation for an error or misdescription in this contract (as to the *property*, the title or anything else and whether substantial or not).
- 6.2 This clause applies even if the purchaser did not take notice of or rely on anything in this contract containing or giving rise to the error or misdescription.
- 6.3 However, this clause does not apply to the extent the purchaser knows the true position.

## 7 Claims by purchaser

Normally, the purchaser can make a claim (including a claim under clause 6) before completion only by *serving* it with a statement of the amount claimed, and if the purchaser makes one or more claims before completion –

- 7.1 the vendor can *rescind* if in the case of claims that are not claims for delay –
  - 7.1.1 the total amount claimed exceeds 5% of the price;
  - 7.1.2 the vendor *serves* notice of intention to *rescind*; and
  - 7.1.3 the purchaser does not *serve* notice waiving the claims *within* 14 days after that *service*; and
- 7.2 if the vendor does not *rescind*, the *parties* must complete and if this contract is completed –
  - 7.2.1 the lesser of the total amount claimed and 10% of the price must be paid out of the price to and held by the *depositholder* until the claims are finalised or lapse;
  - 7.2.2 the amount held is to be invested in accordance with clause 2.9;
  - 7.2.3 the claims must be finalised by an arbitrator appointed by the *parties* or, if an appointment is not made *within* 1 month of completion, by an arbitrator appointed by the President of the Law Society at the request of a *party* (in the latter case the *parties* are bound by the terms of the Conveyancing Arbitration Rules approved by the Law Society as at the date of the appointment);
  - 7.2.4 the purchaser is not entitled, in respect of the claims, to more than the total amount claimed and the costs of the purchaser;
  - 7.2.5 net interest on the amount held must be paid to the *parties* in the same proportion as the amount held is paid; and
  - 7.2.6 if the *parties* do not appoint an arbitrator and neither *party* requests the President to appoint an arbitrator *within* 3 months after completion, the claims lapse and the amount belongs to the vendor.

## 8 Vendor's rights and obligations

- 8.1 The vendor can *rescind* if –
  - 8.1.1 the vendor is, on reasonable grounds, unable or unwilling to comply with a *requisition*;
  - 8.1.2 the vendor *serves* a notice of intention to *rescind* that specifies the *requisition* and those grounds; and
  - 8.1.3 the purchaser does not *serve* a notice waiving the *requisition* *within* 14 days after that *service*.
- 8.2 If the vendor does not comply with this contract (or a notice under or relating to it) in an essential respect, the purchaser can *terminate* by *serving* a notice. After the *termination* –
  - 8.2.1 the purchaser can recover the deposit and any other money paid by the purchaser under this contract;
  - 8.2.2 the purchaser can sue the vendor to recover damages for breach of contract; and
  - 8.2.3 if the purchaser has been in possession a *party* can claim for a reasonable adjustment.

## 9 Purchaser's default

If the purchaser does not comply with this contract (or a notice under or relating to it) in an essential respect, the vendor can *terminate* by *serving* a notice. After the *termination* the vendor can –

- 9.1 keep or recover the deposit (to a maximum of 10% of the price);
- 9.2 hold any other money paid by the purchaser under this contract as security for anything recoverable under this clause –
  - 9.2.1 for 12 months after the *termination*; or
  - 9.2.2 if the vendor commences proceedings under this clause *within* 12 months, until those proceedings are concluded; and
- 9.3 sue the purchaser either –
  - 9.3.1 where the vendor has resold the *property* under a contract made *within* 12 months after the *termination*, to recover –
    - the deficiency on resale (with credit for any of the deposit kept or recovered and after allowance for any capital gains tax or goods and services tax payable on anything recovered under this clause); and
    - the reasonable costs and expenses arising out of the purchaser's non-compliance with this contract or the notice and of resale and any attempted resale; or
  - 9.3.2 to recover damages for breach of contract.

## 10 Restrictions on rights of purchaser

The purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of –

- 10.1.1 the ownership or location of any fence as defined in the Dividing Fences Act 1991;
- 10.1.2 a service for the *property* being a joint service or passing through another property, or any service for another property passing through the *property* ('service' includes air, communication, drainage, electricity, garbage, gas, oil, radio, sewerage, telephone, television or water service);
- 10.1.3 a wall being or not being a party wall in any sense of that term or the *property* being affected by an easement for support or not having the benefit of an easement for support;
- 10.1.4 any change in the *property* due to fair wear and tear before completion;
- 10.1.5 a promise, representation or statement about this contract, the *property* or the title, not set out or referred to in this contract;
- 10.1.6 a condition, exception, reservation or restriction in a Crown grant;

- 10.1.7 the existence of any authority or licence to explore or prospect for gas, minerals or petroleum;
- 10.1.8 any easement or restriction on use the substance of either of which is disclosed in this contract or any non-compliance with the easement or restriction on use; or
- 10.1.9 anything the substance of which is disclosed in this contract (except a caveat, charge, mortgage, priority notice or writ).
- 10.2 The purchaser cannot *rescind* or *terminate* only because of a defect in title to or quality of the inclusions.
- 10.3 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* or require the vendor to change the nature of the title disclosed in this contract (for example, to remove a caution evidencing qualified title, or to lodge a plan of survey as regards limited title).
- 11 Compliance with work orders**
- 11.1 *Normally*, the vendor must by completion comply with a *work order* made on or before the contract date and if this contract is completed the purchaser must comply with any other *work order*.
- 11.2 If the purchaser complies with a *work order*, and this contract is *rescinded* or *terminated*, the vendor must pay the expense of compliance to the purchaser.
- 12 Certificates and inspections**
- The vendor must do everything reasonable to enable the purchaser, subject to the rights of any tenant –
- 12.1 to have the *property* inspected to obtain any certificate or report reasonably required;
- 12.2 to apply (if necessary in the name of the vendor) for –
- 12.2.1 any certificate that can be given in respect of the *property* under *legislation*; or
- 12.2.2 a copy of any approval, certificate, consent, direction, notice or order in respect of the *property* given under *legislation*, even if given after the contract date; and
- 12.3 to make 1 inspection of the *property* in the 3 days before a time appointed for completion.
- 13 Goods and services tax (GST)**
- 13.1 Terms used in this clause which are not defined elsewhere in this contract and have a defined meaning in the *GST Act* have the same meaning in this clause.
- 13.2 *Normally*, if a *party* must pay the price or any other amount to the other *party* under this contract, GST is not to be added to the price or amount.
- 13.3 If under this contract a *party* must make an adjustment or payment for an expense of another party or pay an expense payable by or to a third party (for example, under clauses 14 or 20.7) –
- 13.3.1 the *party* must adjust or pay on completion any GST added to or included in the expense; but
- 13.3.2 the amount of the expense must be reduced to the extent the party receiving the adjustment or payment (or the representative member of a GST group of which that party is a member) is entitled to an input tax credit for the expense; and
- 13.3.3 if the adjustment or payment under this contract is consideration for a taxable supply, an amount for GST must be added at the *GST rate*.
- 13.4 If this contract says this sale is the supply of a going concern –
- 13.4.1 the *parties* agree the supply of the *property* is a supply of a going concern;
- 13.4.2 the vendor must, between the contract date and completion, carry on the enterprise conducted on the land in a proper and business-like way;
- 13.4.3 if the purchaser is not registered by the date for completion, the *parties* must complete and the purchaser must pay on completion, in addition to the price, an amount being the price multiplied by the *GST rate* ("the retention sum"). The retention sum is to be held by the *depositholder* and dealt with as follows:–
- if *within* 3 months of completion the purchaser serves a letter from the Australian Taxation Office stating the purchaser is registered with a date of effect of registration on or before completion, the *depositholder* is to pay the retention sum to the purchaser; but
  - if the purchaser does not serve that letter *within* 3 months of completion, the *depositholder* is to pay the retention sum to the vendor; and
- 13.4.4 if the vendor, despite clause 13.4.1, serves a letter from the Australian Taxation Office stating the vendor has to pay GST on the supply, the purchaser must pay to the vendor on demand the amount of GST assessed.
- 13.5 *Normally*, the vendor promises the margin scheme will not apply to the supply of the *property*.
- 13.6 If this contract says the margin scheme is to apply in making the taxable supply, the *parties* agree that the margin scheme is to apply to the sale of the *property*.
- 13.7 If this contract says the sale is not a taxable supply –
- 13.7.1 the purchaser promises that the *property* will not be used and represents that the purchaser does not intend the *property* (or any part of the *property*) to be used in a way that could make the sale a taxable supply to any extent; and
- 13.7.2 the purchaser must pay the vendor on completion in addition to the price an amount calculated by multiplying the price by the *GST rate* if this sale is a taxable supply to any extent because of –
- a breach of clause 13.7.1; or
  - something else known to the purchaser but not the vendor.
- 13.8 If this contract says this sale is a taxable supply in full and does not say the margin scheme applies to the *property*, the vendor must pay the purchaser on completion an amount of one-eleventh of the price if –

- 13.8.1 this sale is not a taxable supply in full; or
- 13.8.2 the margin scheme applies to the *property* (or any part of the *property*).
- 13.9 If this contract says this sale is a taxable supply to an extent –
- 13.9.1 clause 13.7.1 does not apply to any part of the *property* which is identified as being a taxable supply; and
- 13.9.2 the payments mentioned in clauses 13.7 and 13.8 are to be recalculated by multiplying the relevant payment by the proportion of the price which represents the value of that part of the *property* to which the clause applies (the proportion to be expressed as a number between 0 and 1). Any evidence of value must be obtained at the expense of the vendor.
- 13.10 *Normally*, on completion the vendor must give the recipient of the supply a tax invoice for any taxable supply by the vendor by or under this contract.
- 13.11 The vendor does not have to give the purchaser a tax invoice if the margin scheme applies to a taxable supply.
- 13.12 If the vendor is liable for GST on rents or profits due to issuing an invoice or receiving consideration before completion, any adjustment of those amounts must exclude an amount equal to the vendor's GST liability.
- 13.13 If the purchaser must make a *GSTRW payment* the purchaser must –
- 13.13.1 at least 5 days before the date for completion, serve evidence of submission of a *GSTRW payment* notification form to the Australian Taxation Office by the purchaser or, if a direction under clause 4.3 has been served, by the transferee named in the transfer served with that direction;
- 13.13.2 produce on completion a *settlement cheque* for the *GSTRW payment* payable to the Deputy Commissioner of Taxation;
- 13.13.3 forward the *settlement cheque* to the payee immediately after completion; and
- 13.13.4 serve evidence of receipt of payment of the *GSTRW payment* and a copy of the settlement date confirmation form submitted to the Australian Taxation Office.

## 14 Adjustments

- 14.1 *Normally*, the vendor is entitled to the rents and profits and will be liable for all rates, water, sewerage and drainage service and usage charges, land tax, levies and all other periodic outgoings up to and including the *adjustment date* after which the purchaser will be entitled and liable.
- 14.2 The *parties* must make any necessary adjustment on completion.
- 14.3 If an amount that is adjustable under this contract has been reduced under *legislation*, the *parties* must on completion adjust the reduced amount.
- 14.4 The *parties* must not adjust surcharge land tax (as defined in the Land Tax Act 1956) but must adjust any other land tax for the year current at the *adjustment date* –
- 14.4.1 only if land tax has been paid or is payable for the year (whether by the vendor or by a predecessor in title) and this contract says that land tax is adjustable;
- 14.4.2 by adjusting the amount that would have been payable if at the start of the year –
- the person who owned the land owned no other land;
  - the land was not subject to a special trust or owned by a non-concessional company; and
  - if the land (or part of it) had no separate taxable value, by calculating its separate taxable value on a proportional area basis.
- 14.5 If any other amount that is adjustable under this contract relates partly to the land and partly to other land, the *parties* must adjust it on a proportional area basis.
- 14.6 *Normally*, the vendor can direct the purchaser to produce a *settlement cheque* on completion to pay an amount adjustable under this contract and if so –
- 14.6.1 the amount is to be treated as if it were paid; and
- 14.6.2 the *cheque* must be forwarded to the payee immediately after completion (by the purchaser if the *cheque* relates only to the *property* or by the vendor in any other case).
- 14.7 If on completion the last bill for a water, sewerage or drainage usage charge is for a period ending before the *adjustment date*, the vendor is liable for an amount calculated by dividing the bill by the number of days in the period then multiplying by the number of unbilled days up to and including the *adjustment date*.
- 14.8 The vendor is liable for any amount recoverable for work started on or before the contract date on the *property* or any adjoining footpath or road.

## 15 Date for completion

The *parties* must complete by the date for completion and, if they do not, a *party* can serve a notice to complete if that *party* is otherwise entitled to do so.

## 16 Completion

### • Vendor

- 16.1 On completion the vendor must give the purchaser any *document of title* that relates only to the *property*.
- 16.2 If on completion the vendor has possession or control of a *document of title* that relates also to other property, the vendor must produce it as and where necessary.
- 16.3 *Normally*, on completion the vendor must cause the legal title to the *property* (being an estate in fee simple) to pass to the purchaser free of any mortgage or other interest, subject to any necessary registration.
- 16.4 The legal title to the *property* does not pass before completion.

- 16.5 If the vendor gives the purchaser a document (other than the transfer) that needs to be lodged for registration, the vendor must pay the lodgment fee to the purchaser.
- 16.6 If a *party serves* a land tax certificate showing a charge on any of the land, by completion the vendor must do all things and pay all money required so that the charge is no longer effective against the land.
- **Purchaser**
- 16.7 On completion the purchaser must pay to the vendor, by cash (up to \$2,000) or *settlement cheque* –
- 16.7.1 the price less any:
- deposit paid;
  - *FRCGW remittance* payable;
  - *GSTRW payment*; and
  - amount payable by the vendor to the purchaser under this contract; and
- 16.7.2 any other amount payable by the purchaser under this contract.
- 16.8 If the vendor requires more than 5 *settlement cheques*, the vendor must pay \$10 for each extra *cheque*.
- 16.9 If any of the deposit is not covered by a bond or guarantee, on completion the purchaser must give the vendor an order signed by the purchaser authorising the *depositholder* to account to the vendor for the deposit.
- 16.10 On completion the deposit belongs to the vendor.
- **Place for completion**
- 16.11 *Normally*, the *parties* must complete at the completion address, which is –
- 16.11.1 if a special completion address is stated in this contract - that address; or
- 16.11.2 if none is stated, but a first mortgagee is disclosed in this contract and the mortgagee would usually discharge the mortgage at a particular place - that place; or
- 16.11.3 in any other case - the vendor's *solicitor's* address stated in this contract.
- 16.12 The vendor by reasonable notice can require completion at another place, if it is in NSW, but the vendor must pay the purchaser's additional expenses, including any agency or mortgagee fee.
- 16.13 If the purchaser requests completion at a place that is not the completion address, and the vendor agrees, the purchaser must pay the vendor's additional expenses, including any agency or mortgagee fee.
- 17 Possession**
- 17.1 *Normally*, the vendor must give the purchaser vacant possession of the *property* on completion.
- 17.2 The vendor does not have to give vacant possession if –
- 17.2.1 this contract says that the sale is subject to existing tenancies; and
- 17.2.2 the contract discloses the provisions of the tenancy (for example, by attaching a copy of the lease and any relevant memorandum or variation).
- 17.3 *Normally*, the purchaser can claim compensation (before or after completion) or *rescind* if any of the land is affected by a protected tenancy (a tenancy affected by Schedule 2, Part 7 of the Residential Tenancies Act 2010).
- 18 Possession before completion**
- 18.1 This clause applies only if the vendor gives the purchaser possession of the *property* before completion.
- 18.2 The purchaser must not before completion –
- 18.2.1 let or part with possession of any of the *property*;
- 18.2.2 make any change or structural alteration or addition to the *property*; or
- 18.2.3 contravene any agreement between the *parties* or any direction, document, *legislation*, notice or order affecting the *property*.
- 18.3 The purchaser must until completion –
- 18.3.1 keep the *property* in good condition and repair having regard to its condition at the giving of possession; and
- 18.3.2 allow the vendor or the vendor's authorised representative to enter and inspect it at all reasonable times.
- 18.4 The risk as to damage to the *property* passes to the purchaser immediately after the purchaser enters into possession.
- 18.5 If the purchaser does not comply with this clause, then without affecting any other right of the vendor –
- 18.5.1 the vendor can before completion, without notice, remedy the non-compliance; and
- 18.5.2 if the vendor pays the expense of doing this, the purchaser must pay it to the vendor with interest at the rate prescribed under s101 Civil Procedure Act 2005.
- 18.6 If this contract is *rescinded* or *terminated* the purchaser must immediately vacate the *property*.
- 18.7 If the *parties* or their *solicitors* on their behalf do not agree in writing to a fee or rent, none is payable.
- 19 Rescission of contract**
- 19.1 If this contract expressly gives a *party* a right to *rescind*, the *party* can exercise the right –
- 19.1.1 only by *serving* a notice before completion; and
- 19.1.2 in spite of any making of a claim or *requisition*, any attempt to satisfy a claim or *requisition*, any arbitration, litigation, mediation or negotiation or any giving or taking of possession.
- 19.2 *Normally*, if a *party* exercises a right to *rescind* expressly given by this contract or any *legislation* –
- 19.2.1 the deposit and any other money paid by the purchaser under this contract must be refunded;
- 19.2.2 a *party* can claim for a reasonable adjustment if the purchaser has been in possession;
- 19.2.3 a *party* can claim for damages, costs or expenses arising out of a breach of this contract; and
- 19.2.4 a *party* will not otherwise be liable to pay the other *party* any damages, costs or expenses.



**20 Miscellaneous**

- 20.1 The *parties* acknowledge that anything stated in this contract to be attached was attached to this contract by the vendor before the purchaser signed it and is part of this contract.
- 20.2 Anything attached to this contract is part of this contract.
- 20.3 An area, bearing or dimension in this contract is only approximate.
- 20.4 If a *party* consists of 2 or more persons, this contract benefits and binds them separately and together.
- 20.5 A *party's solicitor* can receive any amount payable to the *party* under this contract or direct in writing that it is to be paid to another person.
- 20.6 A document under or relating to this contract is –
- 20.6.1 signed by a *party* if it is signed by the *party* or the *party's solicitor* (apart from a direction under clause 4.3);
  - 20.6.2 served if it is served by the *party* or the *party's solicitor*;
  - 20.6.3 served if it is served on the *party's solicitor*, even if the *party* has died or any of them has died;
  - 20.6.4 served if it is served in any manner provided in s170 of the Conveyancing Act 1919;
  - 20.6.5 served if it is sent by email or fax to the *party's solicitor*, unless in either case it is not received;
  - 20.6.6 served on a person if it (or a copy of it) comes into the possession of the person; and
  - 20.6.7 served at the earliest time it is served, if it is served more than once.
- 20.7 An obligation to pay an expense of another *party* of doing something is an obligation to pay –
- 20.7.1 if the *party* does the thing personally - the reasonable cost of getting someone else to do it; or
  - 20.7.2 if the *party* pays someone else to do the thing - the amount paid, to the extent it is reasonable.
- 20.8 Rights under clauses 11, 13, 14, 17, 24, 30 and 31 continue after completion, whether or not other rights continue.
- 20.9 The vendor does not promise, represent or state that the purchaser has any cooling off rights.
- 20.10 The vendor does not promise, represent or state that any attached survey report is accurate or current.
- 20.11 A reference to any *legislation* (including any percentage or rate specified in *legislation*) is also a reference to any corresponding later *legislation*.
- 20.12 Each *party* must do whatever is necessary after completion to carry out the *party's* obligations under this contract.
- 20.13 Neither taking possession nor *serving* a transfer of itself implies acceptance of the *property* or the title.
- 20.14 The details and information provided in this contract (for example, on pages 1 - 3) are, to the extent of each *party's* knowledge, true, and are part of this contract.
- 20.15 Where this contract provides for choices, a choice in BLOCK CAPITALS applies unless a different choice is marked.

**21 Time limits in these provisions**

- 21.1 If the time for something to be done or to happen is not stated in these provisions, it is a reasonable time.
- 21.2 If there are conflicting times for something to be done or to happen, the latest of those times applies.
- 21.3 The time for one thing to be done or to happen does not extend the time for another thing to be done or to happen.
- 21.4 If the time for something to be done or to happen is the 29th, 30th or 31st day of a month, and the day does not exist, the time is instead the last day of the month.
- 21.5 If the time for something to be done or to happen is a day that is not a *business day*, the time is extended to the next *business day*, except in the case of clauses 2 and 3.2.
- 21.6 *Normally*, the time by which something must be done is fixed but not essential.

**22 Foreign Acquisitions and Takeovers Act 1975**

- 22.1 The purchaser promises that the Commonwealth Treasurer cannot prohibit and has not prohibited the transfer under the Foreign Acquisitions and Takeovers Act 1975.
- 22.2 This promise is essential and a breach of it entitles the vendor to *terminate*.

**23 Strata or community title****• Definitions and modifications**

- 23.1 This clause applies only if the land (or part of it) is a lot in a strata, neighbourhood, precinct or community scheme (or on completion is to be a lot in a scheme of that kind).
- 23.2 In this contract –
- 23.2.1 'change', in relation to a scheme, means –
    - a registered or registrable change from by-laws set out in this contract;
    - a change from a development or management contract or statement set out in this contract; or
    - a change in the boundaries of common property;
  - 23.2.2 'common property' includes association property for the scheme or any higher scheme;
  - 23.2.3 'contribution' includes an amount payable under a by-law;
  - 23.2.4 'information certificate' includes a certificate under s184 Strata Schemes Management Act 2015 and s26 Community Land Management Act 1989;
  - 23.2.5 'information notice' includes a strata information notice under s22 Strata Schemes Management Act 2015 and a notice under s47 Community Land Management Act 1989;

- 23.2.6 'normal expenses', in relation to an owners corporation for a scheme, means normal operating expenses usually payable from the administrative fund of an owners corporation for a scheme of the same kind;
- 23.2.7 'owners corporation' means the owners corporation or the association for the scheme or any higher scheme;
- 23.2.8 'the *property*' includes any interest in common property for the scheme associated with the lot; and
- 23.2.9 'special expenses', in relation to an owners corporation, means its actual, contingent or expected expenses, except to the extent they are –
- normal expenses;
  - due to fair wear and tear;
  - disclosed in this contract; or
  - covered by moneys held in the capital works fund.
- 23.3 Clauses 11, 14.8 and 18.4 do not apply to an obligation of the owners corporation, or to property insurable by it.
- 23.4 Clauses 14.4.2 and 14.5 apply but on a unit entitlement basis instead of an area basis.
- **Adjustments and liability for expenses**
- 23.5 The *parties* must adjust under clause 14.1 –
- 23.5.1 a regular periodic contribution;
- 23.5.2 a contribution which is not a regular periodic contribution but is disclosed in this contract; and
- 23.5.3 on a unit entitlement basis, any amount paid by the vendor for a normal expense of the owners corporation to the extent the owners corporation has not paid the amount to the vendor.
- 23.6 If a contribution is not a regular periodic contribution and is not disclosed in this contract –
- 23.6.1 the vendor is liable for it if it was determined on or before the contract date, even if it is payable by instalments; and
- 23.6.2 the purchaser is liable for all contributions determined after the contract date.
- 23.7 The vendor must pay or allow to the purchaser on completion the amount of any unpaid contributions for which the vendor is liable under clause 23.6.1.
- 23.8 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of –
- 23.8.1 an existing or future actual, contingent or expected expense of the owners corporation;
- 23.8.2 a proportional unit entitlement of the lot or a relevant lot or former lot, apart from a claim under clause 6; or
- 23.8.3 a past or future change in the scheme or a higher scheme.
- 23.9 However, the purchaser can *rescind* if –
- 23.9.1 the special expenses of the owners corporation at the later of the contract date and the creation of the owners corporation when calculated on a unit entitlement basis (and, if more than one lot or a higher scheme is involved, added together), less any contribution paid by the vendor, are more than 1% of the price;
- 23.9.2 in the case of the lot or a relevant lot or former lot in a higher scheme, a proportional unit entitlement for the lot is disclosed in this contract but the lot has a different proportional unit entitlement at the contract date or at any time before completion;
- 23.9.3 a change before the contract date or before completion in the scheme or a higher scheme materially prejudices the purchaser and is not disclosed in this contract; or
- 23.9.4 a resolution is passed by the owners corporation before the contract date or before completion to give to the owners in the scheme for their consideration a strata renewal plan that has not lapsed at the contract date and there is not attached to this contract a strata renewal proposal or the strata renewal plan.
- **Notices, certificates and inspections**
- 23.10 The purchaser must give the vendor 2 copies of an information notice addressed to the owners corporation and signed by the purchaser.
- 23.11 The vendor must complete and sign 1 copy of the notice and give it to the purchaser on completion.
- 23.12 Each *party* can sign and give the notice as agent for the other.
- 23.13 The vendor must serve an information certificate issued after the contract date in relation to the lot, the scheme or any higher scheme at least 7 days before the date for completion.
- 23.14 The purchaser does not have to complete earlier than 7 days after *service* of the certificate and clause 21.3 does not apply to this provision. On completion the purchaser must pay the vendor the prescribed fee for the certificate.
- 23.15 The vendor authorises the purchaser to apply for the purchaser's own certificate.
- 23.16 The vendor authorises the purchaser to apply for and make an inspection of any record or other document in the custody or control of the owners corporation or relating to the scheme or any higher scheme.
- **Meetings of the owners corporation**
- 23.17 If a general meeting of the owners corporation is convened before completion –
- 23.17.1 if the vendor receives notice of it, the vendor must immediately notify the purchaser of it; and
- 23.17.2 after the expiry of any cooling off period, the purchaser can require the vendor to appoint the purchaser (or the purchaser's nominee) to exercise any voting rights of the vendor in respect of the lot at the meeting.

**24 Tenancies**

- 24.1 If a tenant has not made a payment for a period preceding or current at the *adjustment date* –
- 24.1.1 for the purposes of clause 14.2, the amount is to be treated as if it were paid; and
- 24.1.2 the purchaser assigns the debt to the vendor on completion and will if required give a further assignment at the vendor's expense.
- 24.2 If a tenant has paid in advance of the *adjustment date* any periodic payment in addition to rent, it must be adjusted as if it were rent for the period to which it relates.
- 24.3 If the *property* is to be subject to a tenancy on completion or is subject to a tenancy on completion –
- 24.3.1 the vendor authorises the purchaser to have any accounting records relating to the tenancy inspected and audited and to have any other document relating to the tenancy inspected;
- 24.3.2 the vendor must serve any information about the tenancy reasonably requested by the purchaser before or after completion; and
- 24.3.3 *normally*, the purchaser can claim compensation (before or after completion) if –
- a disclosure statement required by the Retail Leases Act 1994 was not given when required;
  - such a statement contained information that was materially false or misleading;
  - a provision of the lease is not enforceable because of a non-disclosure in such a statement; or
  - the lease was entered into in contravention of the Retail Leases Act 1994.
- 24.4 If the *property* is subject to a tenancy on completion –
- 24.4.1 the vendor must allow or transfer –
- any remaining bond money or any other security against the tenant's default (to the extent the security is transferable);
  - any money in a fund established under the lease for a purpose and compensation for any money in the fund or interest earned by the fund that has been applied for any other purpose; and
  - any money paid by the tenant for a purpose that has not been applied for that purpose and compensation for any of the money that has been applied for any other purpose;
- 24.4.2 if the security is not transferable, each *party* must do everything reasonable to cause a replacement security to issue for the benefit of the purchaser and the vendor must hold the original security on trust for the benefit of the purchaser until the replacement security issues;
- 24.4.3 the vendor must give to the purchaser –
- a proper notice of the transfer (an attornment notice) addressed to the tenant;
  - any certificate given under the Retail Leases Act 1994 in relation to the tenancy;
  - a copy of any disclosure statement given under the Retail Leases Act 1994;
  - a copy of any document served on the tenant under the lease and written details of its service, if the document concerns the rights of the landlord or the tenant after completion; and
  - any document served by the tenant under the lease and written details of its service, if the document concerns the rights of the landlord or the tenant after completion;
- 24.4.4 the vendor must comply with any obligation to the tenant under the lease, to the extent it is to be complied with by completion; and
- 24.4.5 the purchaser must comply with any obligation to the tenant under the lease, to the extent that the obligation is disclosed in this contract and is to be complied with after completion.

**25 Qualified title, limited title and old system title**

- 25.1 This clause applies only if the land (or part of it) –
- 25.1.1 is under qualified, limited or old system title; or
- 25.1.2 on completion is to be under one of those titles.
- 25.2 The vendor must serve a proper abstract of title *within* 7 days after the contract date.
- 25.3 If an abstract of title or part of an abstract of title is attached to this contract or has been lent by the vendor to the purchaser before the contract date, the abstract or part is *served* on the contract date.
- 25.4 An abstract of title can be or include a list of documents, events and facts arranged (apart from a will or codicil) in date order, if the list in respect of each document –
- 25.4.1 shows its date, general nature, names of parties and any registration number; and
- 25.4.2 has attached a legible photocopy of it or of an official or registration copy of it.
- 25.5 An abstract of title –
- 25.5.1 must start with a good root of title (if the good root of title must be at least 30 years old, this means 30 years old at the contract date);
- 25.5.2 in the case of a leasehold interest, must include an abstract of the lease and any higher lease;
- 25.5.3 *normally*, need not include a Crown grant; and
- 25.5.4 need not include anything evidenced by the Register kept under the Real Property Act 1900.
- 25.6 In the case of land under old system title –
- 25.6.1 in this contract 'transfer' means conveyance;
- 25.6.2 the purchaser does not have to serve the form of transfer until after the vendor has *served* a proper abstract of title; and
- 25.6.3 each vendor must give proper covenants for title as regards that vendor's interest.
- 25.7 In the case of land under limited title but not under qualified title –

- 25.7.1 normally, the abstract of title need not include any document which does not show the location, area or dimensions of the land (for example, by including a metes and bounds description or a plan of the land);
- 25.7.2 clause 25.7.1 does not apply to a document which is the good root of title; and
- 25.7.3 the vendor does not have to provide an abstract if this contract contains a delimitation plan (whether in registrable form or not).
- 25.8 The vendor must give a proper covenant to produce where relevant.
- 25.9 The vendor does not have to produce or covenant to produce a document that is not in the possession of the vendor or a mortgagee.
- 25.10 If the vendor is unable to produce an original document in the chain of title, the purchaser will accept a photocopy from the Registrar-General of the registration copy of that document.
- 26 Crown purchase money**
- 26.1 This clause applies only if purchase money is payable to the Crown, whether or not due for payment.
- 26.2 The vendor is liable for the money, except to the extent this contract says the purchaser is liable for it.
- 26.3 To the extent the vendor is liable for it, the vendor is liable for any interest until completion.
- 26.4 To the extent the purchaser is liable for it, the *parties* must adjust any interest under clause 14.1.
- 27 Consent to transfer**
- 27.1 This clause applies only if the land (or part of it) cannot be transferred without consent under *legislation* or a *planning agreement*.
- 27.2 The purchaser must properly complete and then *serve* the purchaser's part of an application for consent to transfer of the land (or part of it) *within 7 days* after the contract date.
- 27.3 The vendor must apply for consent *within 7 days* after *service* of the purchaser's part.
- 27.4 If consent is refused, either *party* can *rescind*.
- 27.5 If consent is given subject to one or more conditions that will substantially disadvantage a *party*, then that *party* can *rescind within 7 days* after receipt by or *service* upon the *party* of written notice of the conditions.
- 27.6 If consent is not given or refused –
- 27.6.1 *within 42 days* after the purchaser *serves* the purchaser's part of the application, the purchaser can *rescind*; or
- 27.6.2 *within 30 days* after the application is made, either *party* can *rescind*.
- 27.7 Each period in clause 27.6 becomes 90 days if the land (or part of it) is –
- 27.7.1 under a *planning agreement*; or
- 27.7.2 in the Western Division.
- 27.8 If the land (or part of it) is described as a lot in an unregistered plan, each time in clause 27.6 becomes the later of the time and 35 days after creation of a separate folio for the lot.
- 27.9 The date for completion becomes the later of the date for completion and 14 days after *service* of the notice granting consent to transfer.
- 28 Unregistered plan**
- 28.1 This clause applies only if some of the land is described as a lot in an unregistered plan.
- 28.2 The vendor must do everything reasonable to have the plan registered *within 6 months* after the contract date, with or without any minor alteration to the plan or any document to be lodged with the plan validly required or made under *legislation*.
- 28.3 If the plan is not registered *within* that time and in that manner –
- 28.3.1 the purchaser can *rescind*; and
- 28.3.2 the vendor can *rescind*, but only if the vendor has complied with clause 28.2 and with any *legislation* governing the rescission.
- 28.4 Either *party* can *serve* notice of the registration of the plan and every relevant lot and plan number.
- 28.5 The date for completion becomes the later of the date for completion and 21 days after *service* of the notice.
- 28.6 Clauses 28.2 and 28.3 apply to another plan that is to be registered before the plan is registered.
- 29 Conditional contract**
- 29.1 This clause applies only if a provision says this contract or completion is conditional on an event.
- 29.2 If the time for the event to happen is not stated, the time is 42 days after the contract date.
- 29.3 If this contract says the provision is for the benefit of a *party*, then it benefits only that *party*.
- 29.4 If anything is necessary to make the event happen, each *party* must do whatever is reasonably necessary to cause the event to happen.
- 29.5 A *party* can *rescind* under this clause only if the *party* has substantially complied with clause 29.4.
- 29.6 If the event involves an approval and the approval is given subject to a condition that will substantially disadvantage a *party* who has the benefit of the provision, the *party* can *rescind within 7 days* after either *party* *serves* notice of the condition.
- 29.7 If the *parties* can lawfully complete without the event happening –
- 29.7.1 if the event does not happen *within* the time for it to happen, a *party* who has the benefit of the provision can *rescind within 7 days* after the end of that time;
- 29.7.2 if the event involves an approval and an application for the approval is refused, a *party* who has the benefit of the provision can *rescind within 7 days* after either *party* *serves* notice of the refusal; and

- 29.7.3 the date for completion becomes the later of the date for completion and 21 days after the earliest of –
- either *party serving* notice of the event happening;
  - every *party* who has the benefit of the provision *serving* notice waiving the provision; or
  - the end of the time for the event to happen.
- 29.8 If the *parties* cannot lawfully complete without the event happening –
- 29.8.1 if the event does not happen *within* the time for it to happen, either *party* can *rescind*;
- 29.8.2 if the event involves an approval and an application for the approval is refused, either *party* can *rescind*;
- 29.8.3 the date for completion becomes the later of the date for completion and 21 days after either *party* serves notice of the event happening.
- 29.9 A *party* cannot *rescind* under clauses 29.7 or 29.8 after the event happens.
- 30 Electronic transaction**
- 30.1 This *Conveyancing Transaction* is to be conducted as an *electronic transaction* if –
- 30.1.1 this contract says that it is an *electronic transaction*;
- 30.1.2 the *parties* otherwise agree that it is to be conducted as an *electronic transaction*; or
- 30.1.3 the *conveyancing rules* require it to be conducted as an *electronic transaction*.
- 30.2 However, this *Conveyancing Transaction* is not to be conducted as an *electronic transaction* –
- 30.2.1 if the land is not *electronically tradeable* or the transfer is not eligible to be lodged electronically; or
- 30.2.2 if, at any time after the *effective date*, but at least 14 days before the date for completion, a *party* serves a notice stating a valid reason why it cannot be conducted as an *electronic transaction*.
- 30.3 If, because of clause 30.2.2, this *Conveyancing Transaction* is not to be conducted as an *electronic transaction* –
- 30.3.1 each *party* must –
- bear equally any disbursements or fees; and
  - otherwise bear that *party's* own costs;
- incurred because this *Conveyancing Transaction* was to be conducted as an *electronic transaction*; and
- 30.3.2 if a *party* has paid all of a disbursement or fee which, by reason of this clause, is to be borne equally by the *parties*, that amount must be adjusted under clause 14.2.
- 30.4 If this *Conveyancing Transaction* is to be conducted as an *electronic transaction* –
- 30.4.1 to the extent that any other provision of this contract is inconsistent with this clause, the provisions of this clause prevail;
- 30.4.2 *normally*, words and phrases used in this clause 30 (italicised and in Title Case, such as *Electronic Workspace* and *Lodgment Case*) have the same meaning which they have in the *participation rules*;
- 30.4.3 the *parties* must conduct the *electronic transaction* –
- in accordance with the *participation rules* and the *ECNL*; and
  - using the nominated *ELN*, unless the *parties* otherwise agree;
- 30.4.4 a *party* must pay the fees and charges payable by that *party* to the *ELNO* and the *Land Registry* as a result of this transaction being an *electronic transaction*;
- 30.4.5 any communication from one *party* to another *party* in the *Electronic Workspace* made –
- after the *effective date*; and
  - before the receipt of a notice given under clause 30.2.2;
- is taken to have been received by that *party* at the time determined by s13A of the *Electronic Transactions Act 2000*; and
- 30.4.6 a document which is an *electronic document* is served as soon as it is first *Digitally Signed* in the *Electronic Workspace* on behalf of the *party* required to serve it.
- 30.5 *Normally*, the vendor must *within 7 days* of the *effective date* –
- 30.5.1 create an *Electronic Workspace*;
- 30.5.2 *populate* the *Electronic Workspace* with *title data*, the date for completion and, if applicable, *mortgagee details*; and
- 30.5.3 invite the purchaser and any *discharging mortgagee* to the *Electronic Workspace*.
- 30.6 If the vendor has not created an *Electronic Workspace* in accordance with clause 30.5, the purchaser may create an *Electronic Workspace*. If the purchaser creates the *Electronic Workspace* the purchaser must –
- 30.6.1 *populate* the *Electronic Workspace* with *title data*;
- 30.6.2 create and *populate* an *electronic transfer*;
- 30.6.3 *populate* the *Electronic Workspace* with the date for completion and a nominated *completion time*; and
- 30.6.4 invite the vendor and any *incoming mortgagee* to join the *Electronic Workspace*.
- 30.7 *Normally*, *within 7 days* of receiving an invitation from the vendor to join the *Electronic Workspace*, the purchaser must –
- 30.7.1 join the *Electronic Workspace*;
- 30.7.2 create and *populate* an *electronic transfer*;
- 30.7.3 invite any *incoming mortgagee* to join the *Electronic Workspace*; and
- 30.7.4 *populate* the *Electronic Workspace* with a nominated *completion time*.

- 30.8 If the purchaser has created the *Electronic Workspace* the vendor must *within 7 days* of being invited to the *Electronic Workspace* –
- 30.8.1 join the *Electronic Workspace*;
  - 30.8.2 *populate* the *Electronic Workspace* with *mortgagee details*, if applicable; and
  - 30.8.3 invite any *discharging mortgagee* to join the *Electronic Workspace*.
- 30.9 To complete the financial settlement schedule in the *Electronic Workspace* –
- 30.9.1 the purchaser must provide the vendor with *adjustment figures* at least *2 business days* before the date for completion;
  - 30.9.2 the vendor must confirm the *adjustment figures* at least *1 business day* before the date for completion; and
  - 30.9.3 if the purchaser must make a *GSTRW payment* or an *FRCGW remittance*, the purchaser must *populate* the *Electronic Workspace* with the payment details for the *GSTRW payment* or *FRCGW remittance* payable to the Deputy Commissioner of Taxation at least *2 business days* before the date for completion.
- 30.10 Before completion, the *parties* must ensure that –
- 30.10.1 all *electronic documents* which a *party* must *Digitally Sign* to complete the *electronic transaction* are *populated* and *Digitally Signed*;
  - 30.10.2 all certifications required by the *ECNL* are properly given; and
  - 30.10.3 they do everything else in the *Electronic Workspace* which that *party* must do to enable the *electronic transaction* to proceed to completion.
- 30.11 If completion takes place in the *Electronic Workspace* –
- 30.11.1 payment electronically on completion of the price in accordance with clause 16.7 is taken to be payment by a single *settlement cheque*;
  - 30.11.2 the completion address in clause 16.11 is the *Electronic Workspace*; and
  - 30.11.3 clauses 13.13.2 to 13.13.4, 16.8, 16.12, 16.13 and 31.2.2 to 31.2.4 do not apply.
- 30.12 If the computer systems of any of the *Land Registry*, the *ELNO* or the Reserve Bank of Australia are inoperative for any reason at the *completion time* agreed by the *parties*, a failure to complete this contract for that reason is not a default under this contract on the part of either *party*.
- 30.13 If the computer systems of the *Land Registry* are inoperative for any reason at the *completion time* agreed by the *parties*, and the *parties* choose that financial settlement is to occur despite this, then on financial settlement occurring –
- 30.13.1 all *electronic documents Digitally Signed* by the vendor, the *certificate of title* and any discharge of mortgage, withdrawal of caveat or other *electronic document* forming part of the *Lodgment Case* for the *electronic transaction* shall be taken to have been unconditionally and irrevocably delivered to the purchaser or the purchaser's mortgagee at the time of financial settlement together with the right to deal with the land comprised in the *certificate of title*; and
  - 30.13.2 the vendor shall be taken to have no legal or equitable interest in the *property*.
- 30.14 A *party* who holds a *certificate of title* must act in accordance with any *Prescribed Requirement* in relation to the *certificate of title* but if there is no *Prescribed Requirement*, the vendor must serve the *certificate of title* after completion.
- 30.15 If the *parties* do not agree about the delivery before completion of one or more documents or things that cannot be delivered through the *Electronic Workspace*, the *party* required to deliver the documents or things –
- 30.15.1 holds them on completion in escrow for the benefit of; and
  - 30.15.2 must immediately after completion deliver the documents or things to, or as directed by; the *party* entitled to them.
- 30.16 In this clause 30, these terms (in any form) mean –
- adjustment figures* details of the adjustments to be made to the price under clause 14;
  - certificate of title* the paper duplicate of the folio of the register for the land which exists immediately prior to completion and, if more than one, refers to each such paper duplicate;
  - completion time* the time of day on the date for completion when the *electronic transaction* is to be settled;
  - conveyancing rules* the rules made under s12E of the Real Property Act 1900;
  - discharging mortgagee* any discharging mortgagee, chargee, covenant chargee or caveator whose provision of a *Digitally Signed* discharge of mortgage, discharge of charge or withdrawal of caveat is required in order for unencumbered title to the *property* to be transferred to the purchaser;
  - ECNL* the Electronic Conveyancing National Law (NSW);
  - effective date* the date on which the *Conveyancing Transaction* is agreed to be an *electronic transaction* under clause 30.1.2 or, if clauses 30.1.1 or 30.1.3 apply, the contract date;
  - electronic document* a dealing as defined in the Real Property Act 1900 which may be created and *Digitally Signed* in an *Electronic Workspace*;
  - electronic transfer* a transfer of land under the Real Property Act 1900 for the *property* to be prepared and *Digitally Signed* in the *Electronic Workspace* established for the purposes of the *parties' Conveyancing Transaction*;

<i>electronic transaction</i>	a <i>Conveyancing Transaction</i> to be conducted for the <i>parties</i> by their legal representatives as <i>Subscribers</i> using an <i>ELN</i> and in accordance with the <i>ECNL</i> and the <i>participation rules</i> ;
<i>electronically tradeable</i>	a land title that is Electronically Tradeable as that term is defined in the <i>conveyancing rules</i> ;
<i>incoming mortgagee</i>	any mortgagee who is to provide finance to the purchaser on the security of the <i>property</i> and to enable the purchaser to pay the whole or part of the price;
<i>mortgagee details</i>	the details which a <i>party</i> to the <i>electronic transaction</i> must provide about any <i>discharging mortgagee</i> of the <i>property</i> as at completion;
<i>participation rules</i>	the participation rules as determined by the <i>ECNL</i> ;
<i>populate</i>	to complete data fields in the <i>Electronic Workspace</i> ; and
<i>title data</i>	the details of the title to the <i>property</i> made available to the <i>Electronic Workspace</i> by the <i>Land Registry</i> .

### 31 Foreign Resident Capital Gains Withholding

- 31.1 This clause applies only if –
- 31.1.1 the sale is not an excluded transaction within the meaning of s14-215 of Schedule 1 to the *TA Act*; and
- 31.1.2 a *clearance certificate* in respect of every vendor is not attached to this contract.
- 31.2 The purchaser must –
- 31.2.1 at least 5 days before the date for completion, serve evidence of submission of a purchaser payment notification to the Australian Taxation Office by the purchaser or, if a direction under clause 4.3 has been *served*, by the transferee named in the transfer *served* with that direction;
- 31.2.2 produce on completion a *settlement cheque* for the *FRCGW remittance* payable to the Deputy Commissioner of Taxation;
- 31.2.3 forward the *settlement cheque* to the payee immediately after completion; and
- 31.2.4 serve evidence of receipt of payment of the *FRCGW remittance*.
- 31.3 The vendor cannot refuse to complete if the purchaser complies with clauses 31.2.1 and 31.2.2.
- 31.4 If the vendor *serves* any *clearance certificate* or *variation*, the purchaser does not have to complete earlier than 7 days after that *service* and clause 21.3 does not apply to this provision.
- 31.5 If the vendor *serves* in respect of every vendor either a *clearance certificate* or a *variation* to 0.00 percent, clauses 31.2 and 31.3 do not apply.

### 32 Residential off the plan contract

- 32.1 This clause applies if this contract is an off the plan contract within the meaning of Division 10 of Part 4 of the *Conveyancing Act 1919* (the *Division*).
- 32.2 No provision of this contract has the effect of excluding, modifying or restricting the operation of the *Division*.
- 32.3 If the purchaser makes a claim for compensation under the terms prescribed by clause 6A of the *Conveyancing (Sale of Land) Regulation 2017* –
- 32.3.1 the purchaser cannot make a claim under this contract about the same subject matter, including a claim under clauses 6 or 7; and
- 32.3.2 the claim for compensation is not a claim under this contract.
- 32.4 This clause does not apply to a contract made before the commencement of the amendments to the *Division* under the *Conveyancing Legislation Amendment Act 2018*.

## **THIS IS THE ANNEXURE CONTAINING ADDITIONAL CLAUSES TO THE CONTRACT FOR SALE OF LAND**

**VENDOR:** Elizabeth Gai Kerle and Thomas Cooper Lyons

**PROPERTY:** 755 Eadevale Road, Euchareena NSW 2866

- 
1. The contract is amended as follows:
    - (a) Clause 7.1.1 is deleted.
    - (b) Clause 8.1.1 delete the words "on reasonable grounds".
    - (c) Clause 8.1.2 delete the words "and those grounds".
    - (d) Clause 25 is deleted.
  2. The purchasers acknowledge that they have inspected the property (and any improvements erected thereon and any furnishings and chattels included in the sale price) and that in entering into this contract he has not relied on any statement representation or warranty made by or on behalf of the vendors other than those set out in this contract and that the property, all improvements and furnishings and chattels are sold by the vendor and shall be accepted by the purchasers in the condition and state of repair thereof at the date of this contract subject to all latent and patent faults and defects and neither the purchasers nor their solicitor shall make or deliver to the vendors or their solicitor any objection, requisition or claim for compensation in relation to all or any of the matters aforesaid.
  3. If completion does not occur on or before the completion date, either party is entitled to serve a notice to complete requiring completion to take place not less than 14 days after service of the notice, in which respect time is of the essence.

Service of a notice to complete may be effected if it is transmitted by email to the email address stated in this contract for the purchaser or the purchasers representative. Provided the email is sent before 3.00pm on any business day then service by email is taken to have been received on the date of receipt.

The party serving a notice to complete reserves the rights to:



- (i) withdraw the notice, and;
- (ii) issue further notices to complete.

It is hereby expressly agreed that should the purchaser not complete this purchase by the completion date, without default by the Vendor, the purchaser shall:

- (a) pay to the vendor on completion, in addition to the balance purchase money, an amount calculated as eight per cent (8%) interest per annum on the balance purchase money, computed at a daily rate from the day immediately after the completion date to the day on which this sale shall be completed. It is agreed that this amount is a genuine pre-estimate of the vendor's loss of interest for the purchase money and liability for rates and outgoings, and
- (b) pay the Vendor the sum of three hundred and thirty dollars (\$330.00) to cover legal costs and other expenses incurred as a consequence of the delay, as a genuine pre-estimate of those additional expenses, to be allowed by the Purchaser as an additional adjustment on completion.

4. The purchaser warrants to the vendor that:

- (a) The purchaser does not require finance to purchase the property: or
- (b) The purchaser has obtained approval for finance to purchase this property on terms reasonable to the purchaser;

AND the purchaser acknowledges that as a result of making this disclosure the purchaser cannot terminate this contract pursuant to sections 134, 135 and 137 of the National Credit Code, being Schedule 1 of the National Consumer Credit Protection Act 2009 (Cth).

- 5. For the purpose of preparation of the Transfer or other assurance of title the purchaser accepts that the particulars of title are as stated in the contract.
- 6. Without in any manner negating limiting or restricting any rights or remedies which would have been available to the vendor at law or in equity had this clause not been included should the purchaser or if more than one any of them prior to completion:-
  - (a) Die or become mentally ill, then either party may rescind this contract by notice in writing forwarded to the solicitor named as the other party's solicitor in this contract and thereupon the provisions of clause 19 shall apply.

- (b) Being a company resolve to go into liquidation or have a petition for the winding up of the purchaser presented or enter into any scheme of arrangement with its creditors under Part VIII of the Companies (New South Wales) Code or should any liquidator receiver or official manager be appointed in respect of the purchaser then the purchaser shall be deemed to be in default.
- 7. The purchaser warrants that he was not introduced to the property by a real estate agent other than the agent shown as the "Vendor's agent" on the front page of this contract and should any other real estate agent make a successful claim for commission against the vendor arising from a breach of the purchaser's warranty in respect of this matter then the purchaser shall indemnify the vendor in respect of such commission and in respect of all costs of and incidental to such claim for commission incurred by the vendor. This Clause shall not merge on completion.
- 8.
  - (a) The purchaser must within 7 days of discovering a breach by the vendor of any warranty implied by the Conveyancing (Sale of Land) Regulation, 2017 ("the Regulation"), give written notice to the vendor of that breach.
  - (b) If the vendor breaches any warranty implied by the Regulation, the vendor may, before completion, serve a notice specifying the breach and the vendor may then rescind this contract if the purchaser does not serve a notice irrevocably waiving the breach ("waiver notice") within 14 days. If the purchaser serves a waiver notice before the vendor rescinds the contract under this clause, the vendor is no longer entitled to rescind the contract.
  - (c) The purchaser has no claim against the vendor for breach of any warranty implied by the Regulation, other than the right of rescission conferred by the Regulation.
- 9. The Purchaser acknowledges that the Requisitions on Title annexed and marked "A" are deemed to be the Requisitions on Title raised by the Purchaser.
- 10. No requisition or objection shall be made or taken or compensation claimed if it should be found that:-
  - (a) there are any roads or reservations of roads traversing the property and/or there are any gates erected across a road or roads traversing the property and/or the Vendors

do not hold any permits or authorities to enclose roads within the boundary of the property.

- (b) any of the fences are not actually on the correct boundary lines and/or are the subject of any arrangement agreements or order of any Land Board or Court or other competent authority relating to give-and-take fences or that any boundary is unfenced;
  - (c) the existence within the boundaries of the property of any land to which the Vendors have no title or the severance of any part of the property;
  - (d) any telephone or electricity lines pipes co-axial cables or water channels traverse the property whether above or below the ground or that any other persons have right to use or benefit thereof;
  - (e) any dam has been constructed on any creek or water course passing through the property without authority or that there is any other contravention of the Water Act or regulations thereunder and the Vendors warrant that they have not received notice of any such contravention;
  - (f) any application lease licence authority to enter or authority to prospect has been made granted or is pending in relation to the property sold under the provisions of the Mining Act or under any other Act relating to mining or exploration for minerals petroleum or other products.
  - (g) the property is affected by any Notices relating to noxious weeds or animals and the Vendors shall not be called upon or required to take any steps to eradicate the same;
11. The Vendors agree with the Purchasers that the Vendors shall not prior to completion without the consent of the Purchasers depasture or allow to be depastured on the property more livestock than that presently depastured and the progeny thereof.
12. In so far as any plant, structural improvements, fixtures, fencing, water conservation or other items upon which the Vendor has claimed depreciation are included in the sale the consideration receivable in respect of each item shall, for the purposes of the Income Tax Assessment Act, 1936 as amended, be the depreciated value thereof in the hands of the Vendor as determined in accordance with the said Act as at the date of completion of this Agreement and in respect of any items not depreciated in the hands of the Vendor the consideration receivable in respect of any

consideration receivable in respect of any such items shall, for the purpose of the Income Tax Assessment Act, 1936 (as amended), be deemed to be nil.

13. On completion the Vendor shall cause to be transferred to the Purchasers any Road Permit which attaches to the property. The rent thereof shall be treated as an outgoing for the purposes of Clause 14 hereof and adjusted on completion and the Purchaser shall be responsible for payment to the Department of Lands of the fee payable on the transfer thereof.
14. The parties agree that:-
  - (a) This contract may be executed in any number of counterparts. Each counterpart is an original but the counterparts together are one and the same contract;
  - (b) Exchange of contracts may be effected by serving by facsimile or email transmission, a full copy of the original executed counterpart of the contract; and
  - (c) If applicable, the parties shall use their best endeavours to serve on each party the originally signed counterparts of the contract as soon as practicable after exchange of contracts pursuant to subclause (b) but failure to do so for any reason does not affect the fact that the contract is validly made on the date that the exchange of counterparts is effected pursuant to subclause (b).

## RURAL LAND REQUISITIONS

Vendor:  
Purchaser:  
Property:  
Dated:

**Note:** *If the answer to any of these questions is 'yes', please supply full details and a copy of all relevant documentation at least seven days prior to completion, unless otherwise specified.*

### 1. Capacity

- (a) Is the vendor under any legal incapacity?  
*Such as:*
- *Minority.*
  - *Bankruptcy or entering a debt agreement under Part IX or an arrangement under Part X of the Bankruptcy Act 1966 (Cth).*
  - *If the vendor is a company, any notice, application or order received by the vendor or made at Court for its winding up, or for the appointment of a receiver, an administrator or a controller.*
- (b) If the vendor is a trustee, please provide evidence to establish the trustee's power of sale (*such as a copy of the trust deed, under which the trustee was appointed*).
- (c) If any document to be handed over on completion (excluding a discharge of mortgage) is executed under a power of attorney, please provide a certified copy of the registered power of attorney.

### 2. Notices and Orders

- (a) Is the vendor aware of or has the vendor received any notice or order or requirement of any authority or any adjoining owner affecting the property?  
*Such as:*
- *Orders under either section 121B of the Environmental Planning and Assessment Act 1979 (NSW) or section 124 of the Local Government Act 1993 (NSW).*
  - *Notices or orders from Local Land Services about pests or eradication.*
  - *Notices from a local council about noxious weeds.*
  - *Notices or orders issued under the Environmentally Hazardous Chemicals Act 1985 (NSW).*
  - *Notices or orders under section 142 of the Mining Act 1992 (NSW).*
- (b) Has any work been done by any authority which might give rise to a notice, order or liability? (*Such as road works done by local council.*)
- (c) Has the vendor received any notice (whether oral or written) of proposed orders from Local Land Services or any local council or government authority concerning any proposed action that could affect the property in any way? If so, please provide particulars including any copies of any relevant correspondence.

### 3. Title

- (a) Subject to the Contract, on completion the vendor should be registered as proprietor in fee simple of the property free from all encumbrances.
- (b) On or before completion, any mortgage or caveat or priority notice or writ (other than a caveat or priority notice lodged by or on behalf of the purchaser) must be discharged, withdrawn or cancelled as the case may be or, in the case of a mortgage, priority notice or caveat, an executed discharge or withdrawal handed over on completion.
- (c) Are there any proceedings pending or concluded that could result in the recording of any writ on the title to the property or in the General Register of Deeds? If so, full details should be provided at least 14 days prior to completion.
- (d) When and where may the title documents be inspected?

### 4. Adjustments

- (a) All outgoings referred to in clause 14 of the Contract must be paid up to and including the date of completion.
- (b) Is the vendor liable to pay land tax (including surcharge land tax) or is the property otherwise charged or liable to be charged with land tax? If so:
- (i) To what year has a return been made?

- (ii) What is the taxable value of the property for land tax purposes for the current year?

5. **Unregistered Rights**

Is the vendor aware of any unregistered rights over the property, such as an easement, right of way, or any right of use or occupation?

6. **Personal Property Securities Act 2009 (Cth) ("PPS Act")**

- (a) Are there any interests recorded against the vendor on the Personal Property Securities Register? If yes:
  - (i) Do such registrations relate to any personal property included in this sale?
  - (ii) In relation to all registrations in respect of the vendor or any personal property included in the sale (including the property and any inclusions), the vendor must provide on or prior to completion:
    - (A) a release from each secured party, in respect of the personal property together with a written undertaking from each secured party to register a financing change statement which reflects that release in the case of serial numbered goods and personal property specifically described; or
    - (B) a statement by each secured party in accordance with section 275(1)(b) of the PPS Act confirming that no debt or obligation is secured by the registration; or
    - (C) a written approval or correction in accordance with section 275(1)(c) of the PPS Act confirming that the personal property is not or will not be as at completion personal property in respect of which the registration is granted.
- (b) Please provide:
  - (i) Full names (including any former names) and dates of birth of all vendors.
  - (ii) ABNs and ACNs of all vendor companies, partnerships and trusts.
  - (iii) Full names (including any former names) and dates of birth of all directors of the vendor companies.

7. **Tenancies**

- (a) Vacant possession of the property must be given on completion unless the Contract provides otherwise.
- (b) Are there any agreements or arrangements which would create a "tenancy" as defined in section 4 of the *Agricultural Tenancies Act 1990* (NSW), (such as farming, grazing, share farming or agistment agreements), or a residential tenancy agreement as defined in section 13 of the *Residential Tenancies Act 2010* (NSW)?  
If yes please provide:
  - (i) Particulars of the nature of the tenancy.
  - (ii) The date of any termination of the tenancy.
  - (iii) Particulars of any written instrument (please supply a copy at least 14 days prior to completion).
  - (iv) Particulars of any oral agreement.
  - (v) Particulars of any bond or security.
- (c) Where there is a tenancy:
  - (i) Has the tenant carried out any improvements on the property, with or without the vendor's consent, for which the tenant is entitled to compensation from the vendor?
  - (ii) Has the vendor carried out any improvement on the property for which the tenant is liable to compensate the vendor?
  - (iii) Are there any unresolved disputes between the vendor and a tenant pursuant to an agreement which creates an interest in the land?
  - (iv) Are there any fixtures on the property which the tenant may have right to access or removal?
  - (v) Are there any details/documents that record the condition of the property at the commencement of the tenancy? If yes, please provide copies.

8. **Buildings**

- (a) Are there any structures on the property which require approval for their current use, but do not have such approval?
- (b) Are there any structures on the property that are required to have the approval of the local council but do not?
- (c) Have the provisions of the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW) been complied with?

- (d) Is there any matter that could justify the making of an upgrading or demolition order in respect of any building or structure?
- (e) Has the vendor a survey? If so, please provide a copy.
- (f) Has the vendor a Building Certificate and/or Final Occupation Certificate which relates to any current buildings or structures? If so, it should be handed over on completion. Please provide a copy.
- (g) In respect of any residential building work carried out in the last ten years:
  - (i) Please identify the building work carried out.
  - (ii) When was the building work completed?
  - (iii) Please state the builder's name and licence number (or provide a copy of any owner-builder permit relating to the work.
  - (iv) Please provide details of any insurance under the *Home Building Act 1989* (NSW).
- (h) Has there been any complaint or insurance claim made, or any circumstances known to the vendor which may warrant a complaint or insurance claim due to the non-completion, defective work or otherwise from a breach of the statutory warranties under the *Home Building Act 1989* (NSW) related to residential building work carried out on the property? If so, full details should be provided.
- (i) Do any structures on the property contain loose-fill asbestos insulation? If so:
  - (i) which structures?
  - (ii) is the property listed on the loose-fill asbestos insulation register?
- (j) Have the structures on the property been tested for loose-fill asbestos insulation?

9. **Swimming pools**

If there is a swimming pool:

- (a) Has the pool been approved by the local council?
- (b) Is it subject to the requirements of the *Swimming Pools Act 1992* (NSW)? If not, why not?
- (c) Does it comply with all the requirements of the *Swimming Pools Act 1992* (NSW) and regulations made under that Act?
- (d) Has a fence and signage been erected around the swimming pool?
- (e) Has the vendor obtained a certificate of non-compliance pursuant to clause 18BA of the *Swimming Pools Regulation 2008* (NSW)? If so, and the certificate is not attached to the contract, please provide a copy of the certificate and the details of the non-compliance.
- (f) Have any notices, directions or orders issued under the *Swimming Pools Act 1992* (NSW) and/or regulations made under that Act?
- (g) Has the vendor obtained a certificate of compliance pursuant to section 22D of the *Swimming Pools Act 1992* (NSW)? If so, and the certificate is not attached to the contract, please provide a copy.
- (h) If a certificate of compliance is not attached to the Contract, please provide evidence of registration, eg. certificate of registration of the swimming pool pursuant to section 30C of the *Swimming Pools Act 1992* (NSW), and a relevant occupation certificate within the meaning of the *Swimming Pools Act 1992* (NSW).
- (i) Any original certificate of non-compliance, certificate of compliance and relevant occupation certificate held must be handed over at completion.
- (j) Where a certificate of compliance includes a reference to an exemption, please provide the details of the exemption granted by council.
- (k) Has the vendor received any notification of the cancellation of a certificate of compliance? If so, please provide a copy.

10. **Solar Panels**

- (a) Do any of the improvements erected at the property have solar panels?
- (b) Is there any energy buy back arrangement in place? If so, can it be assigned to the purchaser?
- (c) Please provide a copy of the supply agreement for the solar panels including particulars of the Contract price.
- (d) Does the supply agreement provide for assignment to a new owner of the property?
- (e) Does the rate per kW of power generated in dollar terms remain constant during the term of the supply agreement?
- (f) Is there a net meter for any solar panels?
- (g) Are there any arrangements in relation to a voluntary feed in tariff?
- (h) Is there a battery storage system? If so, please advise details of the system.

11. **Rates**

- (a) What government, local government or statutory authorities levy rates on the property? (Such as local council or Local Land Services.)

- (b) Has the property been declared "farmland" for rating purposes under the *Local Government Act 1993* (NSW)?
  - (c) Are there any deferred rates attaching to the property? Please provide particulars.
12. **Boundary fences**
- (a) Are there any boundary or give and take fences on the property? If so, where are they located?
  - (b) Are there any boundaries along watercourses and, if so, how are they fenced?
  - (c) Are there any notices from neighbours or statutory authorities about the erection or repair of any boundary fence or give and take fence?
  - (d) Is there any agreement, written or oral, with any neighbour about the erection or repair of a boundary fence?
13. **Soil Conservation**
- (a)
    - (i) Are there any agreements about soil conservation affecting the property?
    - (ii) Please provide copies of any licences or agreements.
    - (iii) Are there any monies outstanding under any licence or agreement?
  - (b) Is the land or any part of it within an area of erosion hazard under the *Soil Conservation Act 1938* (NSW)?
  - (c) Is there any charge or any other outstanding liability affecting the land under section 22(5) of the *Soil Conservation Act 1938* (NSW)?
  - (d) Are there any circumstances known to the vendor that could give rise to soil conservation liabilities in the future?
14. **Timber**
- (a) Are there any agreements with any authority or anyone else about the felling or removal of timber from the property? If so:
    - (i) Please provide copies of any licences or agreements.
    - (ii) Are there any monies outstanding under any licence or agreement?
 Please provide details and copies of any relevant documents as soon as possible, and in any event not later than 14 days before completion.
  - (b) Is the vendor aware of any of the following being granted to or held by the vendor or any other person under the *Forestry Act 2012* (NSW) in respect of the property:
    - (i) Forest lease or licence;
    - (ii) Forest products licence;
    - (iii) Clearing licence;
    - (iv) Profit-a-prendre; or
    - (v) Any other lease, licence, permit, right or interest?
 Please provide details and copies of any relevant documents as soon as possible, and in any event not later than 14 days before completion.
15. **Water**
- (a) Is the vendor entitled to have water supplied to the property by any authority? If so, please supply details and if any meter or works are situated on lands other than the property please advise what rights or agreements exist
  - (b) Is any water available to the property:
    - (i) From any well, bore or dam that is not wholly on the property and if so, where?
    - (ii) Under any private water agreement? If so, what rights exist in respect to any private water agreement and please supply copies of any agreement.
  - (c) Is the land in a water sharing plan area under the *Water Management Act 2000* (NSW)?
  - (d) Does the vendor hold any water rights or licence, permit or authority under the *Water Act 1912* (NSW) or the *Water Management Act 2000* (NSW), or, the benefit of any applications under either Act not yet dealt with? Please supply copies of all licences, permits, authorities, applications or correspondence in respect of such applications.
  - (e) Is the vendor liable to any authority, or to any other person, to pay for water or for water rights?
  - (f)
    - (i) Have any dams or other earthworks been constructed on any water course on the property?
    - (ii) If so, was any permission for the construction sought or given by any relevant authority?
  - (g) Are there any bore trusts that affect the property? If so, please provide:
    - (i) The name and contact details of the secretary or relevant office bearer of the trust;
    - (ii) Details of licences or permits in respect of the bore;
    - (iii) If water is conveyed from the bore to the property through other properties please supply details of owners of those properties and copies of any easements or agreements.



- (h) If there is a dam on the property which exceeds the maximum harvestable right dam capacity which is used for irrigation or which is used for watering a commercial crop or an intensive livestock industry:
    - (i) Has the dam been approved by and registered with NSW Office of Water?
    - (ii) Has a licence issued for the dam? If so, please provide a copy of the licence.
    - (iii) Did the dam require the approval of local council? If so, please provide a copy of such approval.
  - (i) Are there any points of supply of water not wholly located within the boundaries of the land? If so, are appropriate easements in place?
  - (j) Are there any levee banks on the property? If so, was a licence obtained and are they constructed in accordance with the licence?
  - (k) Have all earthworks requiring development consent on the property been fully approved?
16. **Electricity**
- (a) Which electricity authority supplies electricity to the property?
  - (b) Is there any money owing to that authority for capital works? If so, please furnish full particulars.
17. **Access, roads and enclosure permits**
- (a) Is access to the property at any point over any land other than a main or public road? (*Such as a right of way or access over Local Land Services property.*)
  - (b) Are there any rights of way or other easements over the property?
  - (c) Is the vendor aware of any proposal to close, or any application or pending application to close or any proposal to purchase any road adjacent to the property?
  - (d) Is the vendor aware of any proposed realignment of any road adjacent to the property?
  - (e) Is there any main road, public road, Crown road or travelling stock route through the property at any point?
  - (f) Is there any enclosure permit that attaches to the property? If so, please furnish full particulars.
  - (g) Has the vendor or a predecessor in title made an application to close or to purchase a road within the property or any other road which provides access to the property? If so, please advise the status of the application.
18. **Rural workers accommodation**
- (a) Is there any building situated on the land for the accommodation of rural workers?
  - (b) If so:
    - (i) Have the requirements of the *Rural Workers Accommodation Act 1969* (NSW) and *Work Health and Safety Act 2011* (NSW) been complied with?
    - (ii) Is the vendor aware of any notice, prosecution or proceedings including enforcement proceedings, under the *Rural Workers Accommodation Act 1969* (NSW) and *Work Health and Safety Act 2011* (NSW) that have been instituted or threatened against the vendor or any previous owner of the property?
    - (iii) Does the vendor have planning approval for rural workers accommodation?
19. **Stock diseases**
- (a) Are there any quarantine or other notices or orders or undertakings relating to stock on the property including stock on agistment or stock not owned by the vendor? (*Such as notices or orders made about anthrax, lice, brucellosis or footrot, Ovine Johnes Disease (OJD) or Bovine Johnes Disease (BJD).*)
  - (b) Has any order been made under section 62 of the *Biosecurity Act 2015* (NSW)?
20. **Pollution**
- (a) Are there any sheep or other stock dips, whether used or disused, on the property? If so, where on the property are they located?
  - (b) Are there any outstanding notices or orders under the *Environmentally Hazardous Chemicals Act 1985* (NSW)?
  - (c) Has the vendor or any tenant, share farmer or previous owner used any chemicals on the property which could give rise to any problems with chemical residues under the *Environmentally Hazardous Chemicals Act 1985* (NSW) or the *Contaminated Land Management Act 1997* (NSW)?
  - (d) Has any Preliminary Investigation Order been made under section 10 or a Management Order been made under section 14 of the *Contaminated Land Management Act 1997* (NSW)? If so, has the land been declared to be significantly contaminated land within the meaning of section 11 of the *Contaminated Land Management Act 1997* (NSW)?

- (e) Is there, or has there ever been, any underground fuel tank on the property? If so:
    - (i) Where is/was it?
    - (ii) Is it still in use? If not, has it been emptied of fuel and decommissioned?
  - (f) Is there or has there been any fuel tank which may have leaked, causing soil pollution? If so, please supply full information about where it is, or was, situated.
21. **Effluent Disposal Systems**
- (a) Is there a septic sewage disposal system on the property? If so, please supply evidence of registration of it with the local council.
  - (b) If there is no septic sewage disposal system and there is a house on the property, please supply details of the effluent disposal system used and evidence of registration with the local council.
  - (c) Has the local council inspected the septic sewage disposal system? If so, when?
  - (d) Please provide copies of any correspondence from the local council in relation to effluent disposal, including as to any septic sewage disposal system on the property.
22. **Resumptions**
- Is the vendor aware of any resumption, proposed resumption, proposed purchase or proposed occupation of the property by any public authority? If so, please furnish full particulars at least 14 days prior to completion.
23. **Fixtures**
- (a) Are the fixtures or inclusions in the sale free of encumbrances?
  - (b) Any chattels not owned by the vendor, or owned by the vendor or any other person and not included in this sale, must be removed prior to completion.
24. **Crown land**
- (a) Are there any amounts owing to the Crown for rent or for balance of purchase moneys? If so, please supply full details.
  - (b) Is there any application or pending application to the Crown for conversion or purchase from the Crown? If so, please advise the status of the application or pending application.
25. **Pipelines**
- Is the vendor aware of any licence, permit or easement for any pipeline over the property, either under the *Pipelines Act 1967* (NSW) or otherwise? If so:
- (a) Please provide copies any licences, permits or easements.
  - (b) Are there any monies outstanding under any licences or permits?
  - (c) Please advise the location of any licences, permits or easements.
26. **Mining**
- (a) Has the vendor any rights or entitlements, or received any notices, under the:
    - (i) Mining Act 1992 (NSW); or
    - (ii) Petroleum (Onshore) Act 1991 (NSW)?
 If so, please provide details and provide a copy of any relevant documentation.
  - (b) Is the property within a mine subsidence district? If so:
    - (i) Has the erection or alteration of any improvement required approval? Please provide a copy.
    - (ii) Was the improvement erected or altered in accordance with the terms of the approval?
27. **National Parks and Wildlife**
- (a) Is there any interim protection order in force over any part of the property under section 91B of the *National Parks and Wildlife Act 1974* (NSW)?
  - (b) Is there a conservation agreement affecting the property, or any part of it, under section 69B of the *National Parks and Wildlife Act 1974* (NSW)?
  - (c) Is there a Wildlife Refuge Agreement in place in respect of the property under section 68 of *National Parks and Wildlife Act 1974* (NSW)?
- If so, please provide details and provide a copy of any relevant documentation.
28. **Native Vegetation**
- (a) Is the property subject to a Property Vegetation Plan as defined in the *Native Vegetation Act 2003* (NSW) (now repealed) or a private native forestry plan under Part 5C of Schedule 11 to the *Biodiversity Conservation Act 2016* (NSW)? If so, please provide details and provide a copy of any relevant documentation.
  - (b) Has the vendor carried out, or caused to be carried out, on the property any clearing of native vegetation? If so:

- (i) Was clearing carried out pursuant to a development consent?
- (ii) If so, was clearing carried out in accordance with the terms and conditions of that consent or plan?
- (iii) Was clearing carried out pursuant to a Property Vegetation Plan approved under the *Native Vegetation Act 2003* (NSW) (now repealed)?
- (iv) If not, was clearing carried out in accordance with Part 5A of the *Local Land Services Act 2013* (NSW)?
- (v) Has the permitted clearing been completed?
- (vi) If not, what is the extent of the clearing yet to be completed?
- (vii) Please provide a copy of any mandatory code compliance certificate that has issued under the *Local Land Services Act 2013* (NSW).
- (viii) Is any part of the property a set-aside area under the provisions of Part 5C of Schedule 11 to the *Biodiversity Conservation Act 2016* (NSW)? If so, please provide details, including any details entered in a public register.
- (c) Has the Director General made any 'stop work' order under section 37 or given directions for remedial work under section 38 of the *Native Vegetation Act 2003* (NSW) (now repealed) or the *Biodiversity Conservation Act 2016* (NSW) in respect of the property?
- (d) Has the vendor, or any previous owner, ever been prosecuted for clearing native vegetation illegally from the property? If so, please provide full details including a copy of any written outcome of such proceedings.

29. **Threatened Species**

- (a) Is the vendor aware of any endangered species, endangered populations, endangered ecological communities, vulnerable species or vulnerable ecological communities as defined in the *Threatened Species Conservation Act 1995* (NSW) (now repealed) or threatened species or threatened ecological communities as defined in the *Biodiversity Conservation Act 2016* (NSW) on the property?
- (b) In reference to the *Threatened Species Conservation Act 1995* (NSW) (now repealed) are there, or has there ever been, as far as the vendor is aware, any of the following relating to the property:
  - (i) Critical habitat declared under section 47 and notified on the Register kept by the Director General of the National Parks and Wildlife Service under section 55?
  - (ii) Any recovery plan published under section 67?
  - (iii) Any draft threat abatement plan published under section 84?
  - (iv) Any licence to harm or pick threatened species population or ecological communities or damage habitat, granted under section 91?
- (c) Has there been any species impact statement prepared either for the purposes of the *Threatened Species Conservation Act 1995* (NSW) (now repealed) in accordance with section 110 or for the purposes of the *Environmental Planning and Assessment Act 1979* (NSW)?
- (d) Has there been any stop work order made by the Director General under section 91AA or any interim protection order made under Part 6A of the *National Parks and Wildlife Act 1974* (NSW)?
- (e) Has any part of the property been declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* (NSW)?

If the answer is yes to any of the questions above please supply full details.

30. **Native Title**

- (a) Is the vendor aware of any Native Title claim lodged under the *Native Title Act 1993* (Cth), or acts validated under the *Native Title (New South Wales) Act 1994* (NSW)?
- (b) If so, has the vendor filed an interest to be involved in the determination of such claim under either the Commonwealth or NSW legislation?
- (c) If the land is a lease from the Crown, has the use purpose of the lease been altered since 1 January 1994 or is it in the process of being altered? If so, please provide a copy of the undertaking from the Crown not to seek from the lessee any reimbursement of compensation payable by the Crown to Native Title holders.

31. **Aboriginal Sites**

- (a) Has the vendor or any predecessor in title entered into a voluntary or compulsory conservation agreement concerning Aboriginal sites or relics? If so, please provide a copy of that agreement/s.
- (b) Is the vendor aware of any Aboriginal places, objects, artefacts or relics on any part of the property? If so, where are they located?

32. **Environment**

- (a) Has the vendor undertaken any activity that constitutes a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)? If so, please provide details.
- (b) Has the vendor received any order or direction, or given any undertaking, under the *Biosecurity Act 2015* (NSW)? If so, please provide details.
- (c) Are there any registered or unregistered conservation agreements under the *Biodiversity Conservation Act 2016* (NSW) affecting the property (such as Biodiversity Stewardship Agreements, Conservation Agreements and Wildlife Refuge Agreements)?
- (d) Are there any registered or unregistered conservation agreements not covered by the *Biodiversity Conservation Act 2016* (NSW)?

33. **Foreign resident capital gains withholding measure**

- (a) Is the transaction an excluded transaction within the meaning of section 14-215 of Schedule 1 to the *Taxation Administration Act 1953* (Cth) ("TA Act")?
- (b) If not attached to the contract, does the vendor hold or has the vendor applied for a clearance certificate within the meaning of section 14-220 of Schedule 1 to the TA Act?
- (c) If not attached to the contract, does the vendor hold or has the vendor applied for a variation made under section 14-235 of Schedule 1 to the TA Act?

34. **Agreements or disagreements affecting the property**

- (a) Has the vendor or any predecessor in title entered into any agreements not otherwise referred to in these requisitions, with anyone else affecting the property? If so, please provide details and provide a copy of any relevant documentation.
- (b) Are there any legal proceedings threatened, pending or not concluded that involve the property in any way?

35. **Completion**

- (a) If the vendor has or is entitled to have possession of the title deeds, any Certificate Authentication Code must be provided seven days prior to completion.
- (b) Please list any documents to be handed over on completion in addition to the certificate of title, transfer and any discharge of mortgage.
- (c) If applicable, has the vendor submitted a Request for CoRD Holder consent to the outgoing mortgagee?
- (d) Unless we are advised by you to the contrary prior to completion, it will be assumed that your replies to these requisitions remain unchanged as at the completion date.

## Title Particulars

Lot	Plan
1	66385
1	554771
2	554771
1	1181792
1	182650
21	735093
22	735093
1	176821
13	1166439
14	1166439
15	1166439
16	1166439
17	1166439
18	1166439
23	1166439
16	756898
41	756898
49	756898
54	756898
55	756898
85	756898



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/66385

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	1	14/7/2022

### LAND

LOT 1 IN DEPOSITED PLAN 66385  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP66385

### FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

### SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES THE 55 ACRES SHOWN IN THE TITLE DIAGRAM

### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*







K<sup>2</sup>60

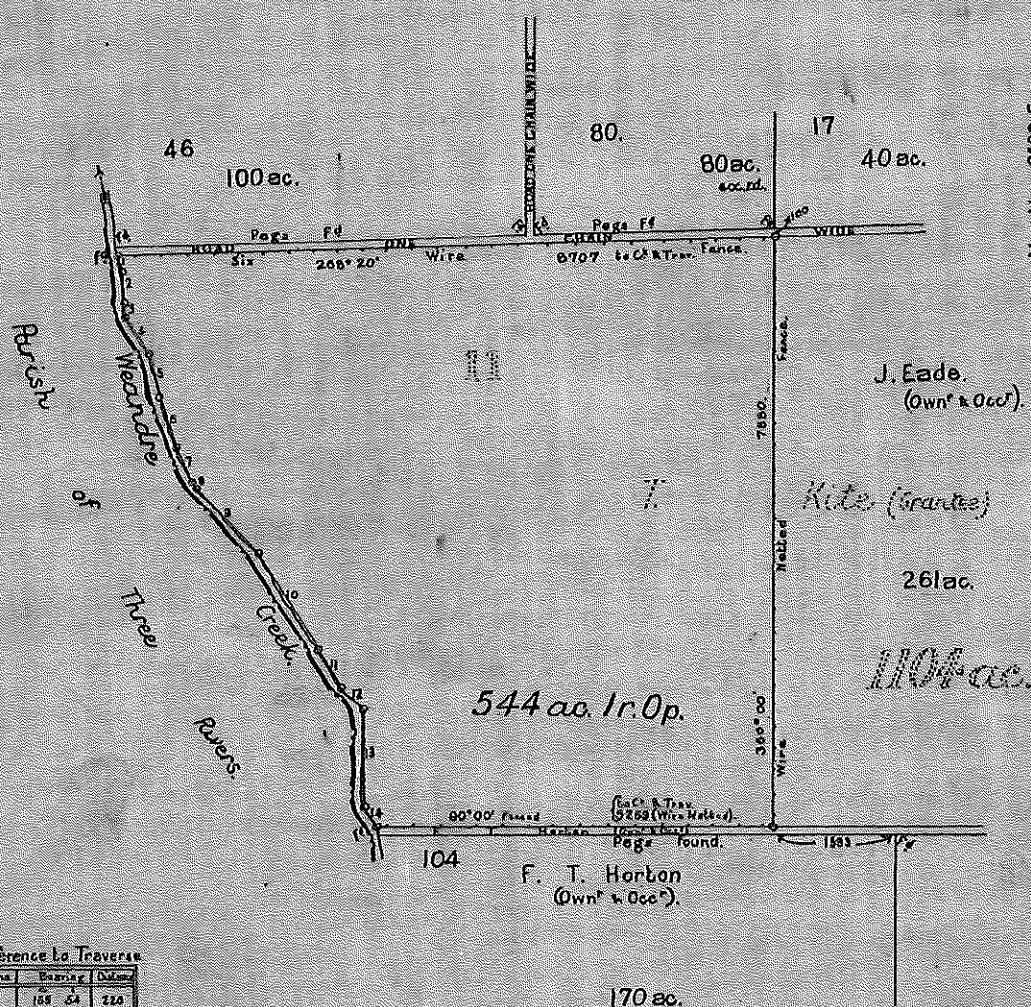
D. P 66385 (6)

Land included in Application 16385 edged red.

Shire of Macquarie

= Parish of Nubrigyn = County of Wellington =

Scale 20 Ch<sup>ns</sup> to an inch.



Note Lengths are in Links

(S<sup>g</sup>) G.B. Carter L.S.

Surveyed September 1909.

B.M.T. 3-11-10

Ed 24 8/11/10



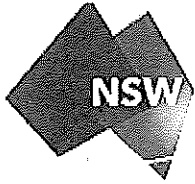


CONVERSION TABLE ADDED IN  
 REGISTRAR GENERAL'S DEPARTMENT

DP 66385

LINKS	METRES
1	0.201
100	20.117
200	40.234
226	45.464
329	66.184
395	79.461
400	80.467
500	100.584
600	120.701
700	140.818
788	158.520
1200	241.402
1296	260.714
1500	301.752
1593	320.461
2569	516.801
5269	1059.954
7880	1585.204
8707	1751.570

AC	RD	P	HA
40	-	-	16.19
80	-	-	32.37
100	-	-	40.47
170	-	-	68.8
261	-	-	105.6
544	1	-	220.2
1104	-	-	446.8



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/554771

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	1	14/7/2022

### LAND

LOT 1 IN DEPOSITED PLAN 554771  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP554771

### FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

### SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/554771

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	1	14/7/2022

### LAND

LOT 2 IN DEPOSITED PLAN 554771

AT EUCHAREENA

LOCAL GOVERNMENT AREA CABONNE, DUBBO REGIONAL

PARISH OF NUBRIGYN COUNTY OF WELLINGTON

PARISH OF THREE RIVERS COUNTY OF WELLINGTON

TITLE DIAGRAM DP554771

### FIRST SCHEDULE

ELIZABETH GAI KERLE

THOMAS COOPER LYONS

AS JOINT TENANTS

(AE AS305234)

### SECOND SCHEDULE (1 NOTIFICATION)

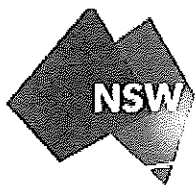
1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*





LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1181792

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	2	14/7/2022

LAND

LOT 1 IN DEPOSITED PLAN 1181792  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1181792

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

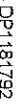
SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



Title System : CROWN LAND

**Purpose : ROAD CLOSURE AND FIRST TITLE CREATION**

PLAN OF FIRST TITLE CREATION FOR  
ROAD CLOSING UNDER THE ROADS ACT, 1993

**Lengths are in metres. Reduction Ratio - NTS**

~~Sheet of sheets~~

**L.G.A.: WELLINGTON**

**LOCALITY: EUCHARIENA**

PARISH : NUBRIGYN

COUNTY: WELLINGTON

**CROWN LANDS NSW APPROVAL**

File : W 382862

This plan is exempt from Subdivision Certificate under Section 23G (b) of the Conveyancing ACT, 1919

IT IS INTENDED TO CLOSE THE ROAD  
SHOWN AS LOT 1

Full dimensions and/or area(s) may not be available for all lots. Any division of the lands herein may necessitate the lodgment of a plan of survey.

## PLAN FORM 6

ePlan

## CERTIFICATES, SIGNATURES AND SEALS

Sheet 1 of 1

PLAN OF FIRST TITLE CREATION AND  
ROAD CLOSING UNDER THE ROADS ACT, 1993

DP1181792

Registered:



21.12.2012

## Surveying Regulation, 2001

I, .....  
of .....  
a surveyor registered under the *Surveying Act, 2002*, certify that the  
survey represented in this plan is accurate, has been made in  
accordance with the *Surveying Regulation, 2001* and was completed  
on:.....

The survey relates to

.....  
(specify the land actually surveyed or specify any land shown in the  
plan that is not the subject of the survey)

Signature ..... Dated: .....  
Surveyor registered under the *Surveying Act, 2002*

Datum Line:.....  
Type: Urban/Rural

## Crown Lands NSW/Western Lands Office Approval

I Julie Kneebone in approving this plan certify  
(Authorised Officer)  
that all necessary approvals in regard to the allocation of the land  
shown herein have been given

Signature:.....  
Date: 20 November 2012  
W Number: W382862  
File Number:09/19064  
Office: Roads Business Centre, Dubbo

## Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning  
and Assessment Act 1979 have been satisfied in relation to:

the proposed..... set out herein  
(insert 'subdivision' or 'new road')

\* Authorised Person/General Manager/Accredited Certifier

Consent Authority: .....  
Date of Endorsement: .....  
Accreditation no: .....  
Subdivision Certificate no: .....  
File no: .....

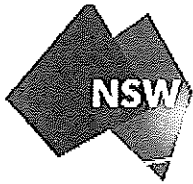
\* Delete whichever is inapplicable.

**SIGNATURES, SEALS and STATEMENTS of intention  
to dedicate public roads or to create public reserves  
and drainage reserves.**

Use PLAN FORM 6A for additional  
certificates, signatures and seals

SURVEYOR'S REFERENCE:

\* OFFICE USE ONLY



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/182650

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	2	14/7/2022

LAND

LOT 1 IN DEPOSITED PLAN 182650  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP182650

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



B876289

F.P. 182650

Plan Form H56 (for transfers, leases etc)

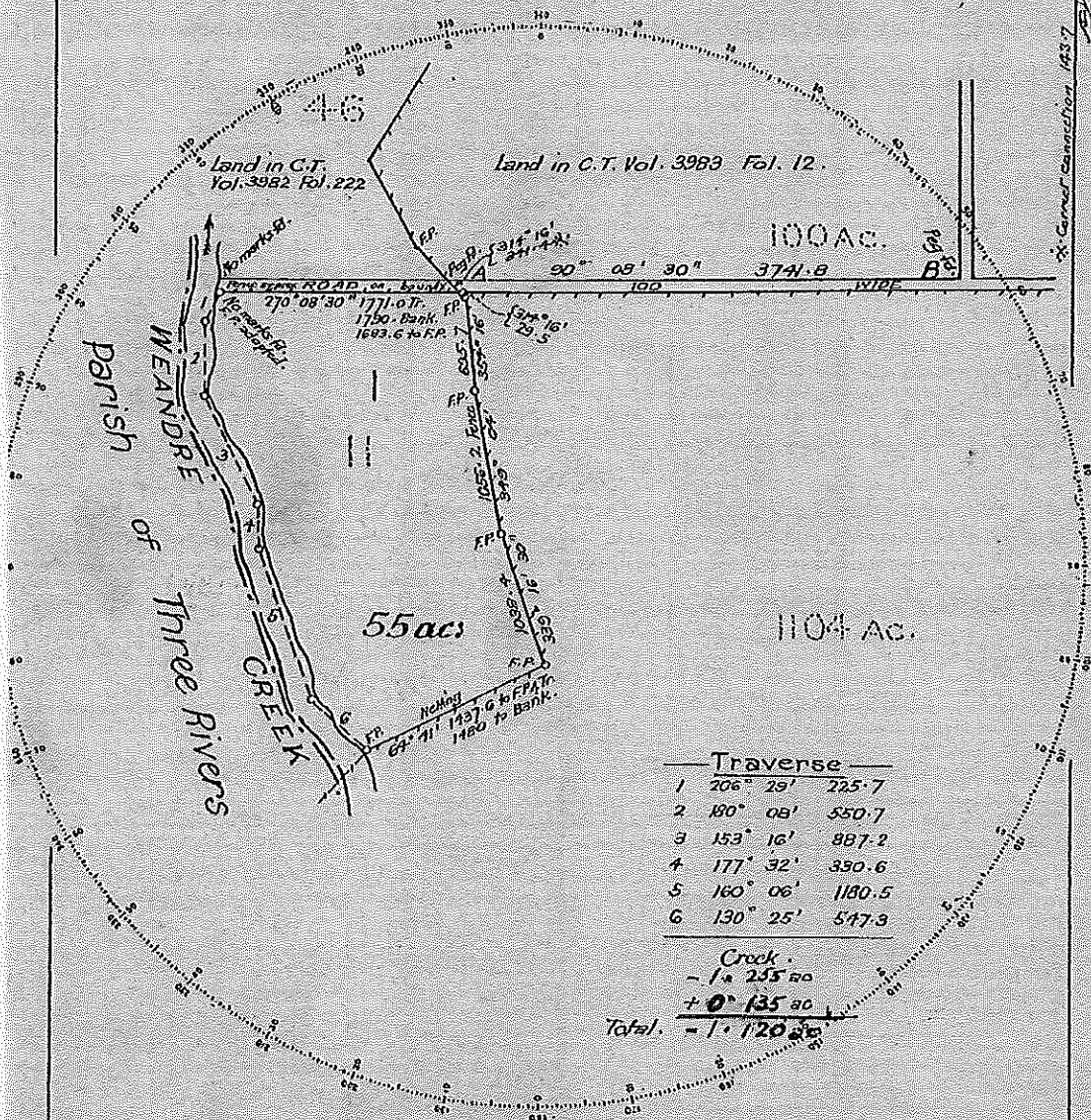
Municipality of  
Shire of Macquarie

PLAN

of part of land in C.T. Vol. 2151, Folio 124.

Parish of Nubrigyn County of Wellington

Scale 10 chains to an Inch



Approved and covered by Council Clerks Certificate

No. \_\_\_\_\_ of \_\_\_\_\_

Council Clerk

I Hector Kenneth West Mackenzie of Orange  
 Licensed Surveyor specially licensed under the Real Property Act, 1900, do hereby  
 solemnly and sincerely declare (a) that all boundaries and measurements shown on  
 this plan are correct, (b) that all survey marks found and relevant physical objects on  
 or adjacent to the boundaries are correctly represented, (c) that all physical objects  
 indicated actually exist in the positions shown, (d) that the whole of the material facts  
 in relation to the land are correctly represented, (e) that the survey has been made  
 under my immediate supervision, and I make this solemn declaration conscientiously  
 believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and declared before me at Orange  
 this 4<sup>th</sup> day of June A.D. 1929

Datum line of Azimuth A.B.

*H. K. West Mackenzie*

*H. K. West Mackenzie* Licensed Surveyor  
 Date of Survey May 1929.

Here add *hence* or *under my immediate supervision* as the case may be

55 OCT 1974

This is the plan marked "A" referred to in the memorial Memorandum of Survey  
 Dated 11<sup>th</sup> day of July 1929. Witness to both signatures  
*George Lyons*  
 Signatures of parties to be made in this margin.  
*George Lyons*  
 for land owned by their Sonady

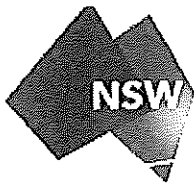


CONVERSION TABLE ADDED IN  
DEPARTMENT OF LANDS

DP 182650

LINKS	METRES
29.5	5.934
100	20.117
225.7	45.404
330.6	66.506
341.4	68.679
547.3	110.099
550.7	110.783
695.7	139.953
887.2	178.476
1038.4	208.893
1056.2	212.474
1180.5	237.479
1437.6	289.199
1480	297.729
1683.6	338.686
1771	356.269
1790	360.091
3741.8	752.730

AC	RD	P	HA
55	-	-	22.26
100	-	-	40.47
1104	-	-	446.8



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 21/735093

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	8	14/7/2022

LAND

LOT 21 IN DEPOSITED PLAN 735093  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP735093

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS (AE AS305234)

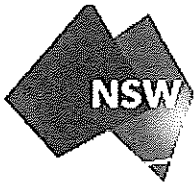
SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS WITHIN PORTION 27 AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN-SEE CROWN GRANT
- 2 DP735093 RIGHT OF CARRIAGEWAY 20 WIDE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 22/735093

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	4	14/7/2022

LAND

LOT 22 IN DEPOSITED PLAN 735093  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP735093

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM - SEE CROWN GRANTS (PORS 27 & 59)
- 2 DP735093 RIGHT OF CARRIAGEWAY 20 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

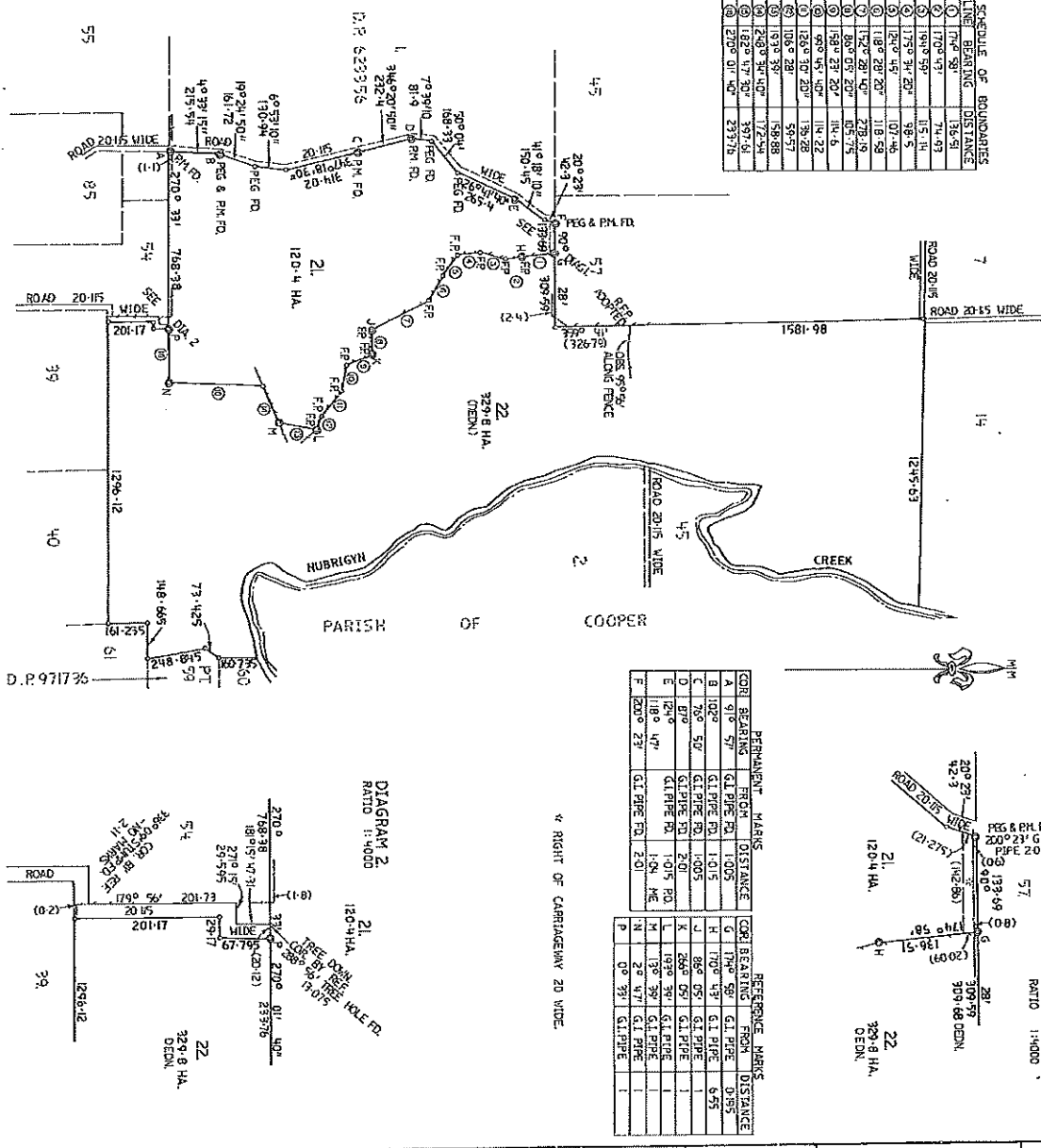
PLAN FORM 2

Signature and seal only.

*Belknap*  
M. Belknap

SCHEDULE OF BOUNDARIES

LINE	BEARING	DISTANCE
1	170° 43'	136.91
2	190° 59'	74.43
3	175° 34' 20"	115.14
4	124° 45'	98.5
5	118° 28' 20"	107.46
6	142° 28' 40"	273.19
7	158° 23' 20"	118.58
8	180° 05' 20"	105.75
9	158° 23' 20"	114.6
10	90° 45' 40"	114.22
11	125° 10' 20"	136.28
12	90° 45' 40"	56.57
13	106° 35'	158.88
14	193° 35'	158.88
15	125° 34'	172.54
16	182° 47' 30"	397.61
17	270° 01' 40"	237.75



PERMANENT MARKS

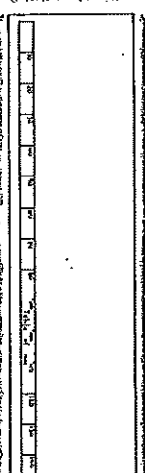
CON	BEARING	FROM	DISTANCE
A	91° 57'	GL PIPE RD	1.005
B	102° 43'	GL PIPE RD	1.015
C	76° 50'	GL PIPE RD	1.005
D	170° 43'	GL PIPE RD	1.015
E	124° 45'	GL PIPE RD	1.015
F	118° 28'	GL PIPE RD	1.015

REFERENCE MARKS

CON	BEARING	FROM	DISTANCE
G	170° 43'	GL PIPE	0.955
H	86° 05'	GL PIPE	6.95
J	260° 05'	GL PIPE	1
K	193° 35'	GL PIPE	1
L	130° 35'	GL PIPE	1
M	2° 47'	GL PIPE	1
N	0° 33'	GL PIPE	1

MPD

WARNING: ORGANS OR FOLDING WILL LEAD TO REJECTION



This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

31st July, 1986

OFFICE USE ONLY

DP 735093

Fieldwork 1-8-1986

C.A. C.C. B-86 OF 2-7-1986

The system TORRENS

Topographic SUBDIVISION

Ref. Map: PARISH #

Last Plan: D.P. 623356

PLAN OF SUBDIVISION OF  
LAND COMPRISED IN C.T.  
VOL. 14731 FOL. 173

Production Plan: 1:12,500  
Lengths in m. meters

Aboriginal WELLINGTON

Locality: EUGARENA

Produce: MURKIN

County: WELLINGTON

This is plan 1 of 12,500

ALAN CHARLES RAYMOND

of 12,500, LARSEN PLACE, DUNEDIN

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

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30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

30th MAY 1986

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER  
INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

Lengths are in metres.

(Sheet 1 of 1 Sheet)

PART 1

Plan:

DP735093

Plan of Subdivision of Lot 2 in D.P.  
623356 being land comprised in  
Certificate of Title Volume 14734 Folio  
173 covered by Council Clerk's  
Certificate No. C.C. 8-86 of 2nd July  
1986.

Reference to title: Certificate of  
Title Volume 14734 Folio 173.

Full name and address of  
proprietor of the land:

Barry Robert Peterson and Marlene  
Adelheid Ann Peterson both of 25  
Kearneys Drive Orange.

1. Identity of Easement or  
restriction referred to in  
abovementioned plan:

Right of Carriageway 20 wide

Schedule of Lots etc. affected

Lot Burdened

Lot Benefited

Lot 21

Lot 22

SIGNED in my presence by BARRY ROBERT  
PETERSON who is personally known to me:

)  
)

*B. Peterson*  
Barry Robert Peterson

*J. Hayter*  
Signature of Witness

JOHN HAYTER  
Name of Witness

19.5 Anson Street Orange, N.S.W.  
Address & Occupation of Witness

SIGNED in my presence by MARLENE  
ADELHEID ANN PETERSON who is personally  
known to me:

)  
)

*M. Peterson*  
Marlene Adelheid Ann Peterson

*J. Hayter*  
Signature of Witness

JOHN HAYTER  
Name of Witness

19.5 Anson Street Orange, N.S.W. DP 735093  
Address & Occupation of Witness

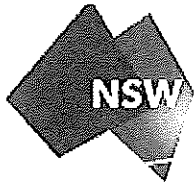
REGISTERED 1-8-1986

This negative is a photograph made as a permanent  
record of a document in the custody of the  
Registrar General this day.



31st July, 1986





LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/176821

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	1	14/7/2022

LAND

LOT 1 IN DEPOSITED PLAN 176821  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP176821

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

B175930

~~3175920~~

FP176821

Plan Form No. 1 (for compilations)

Municipality of  
Shire of Macquarie



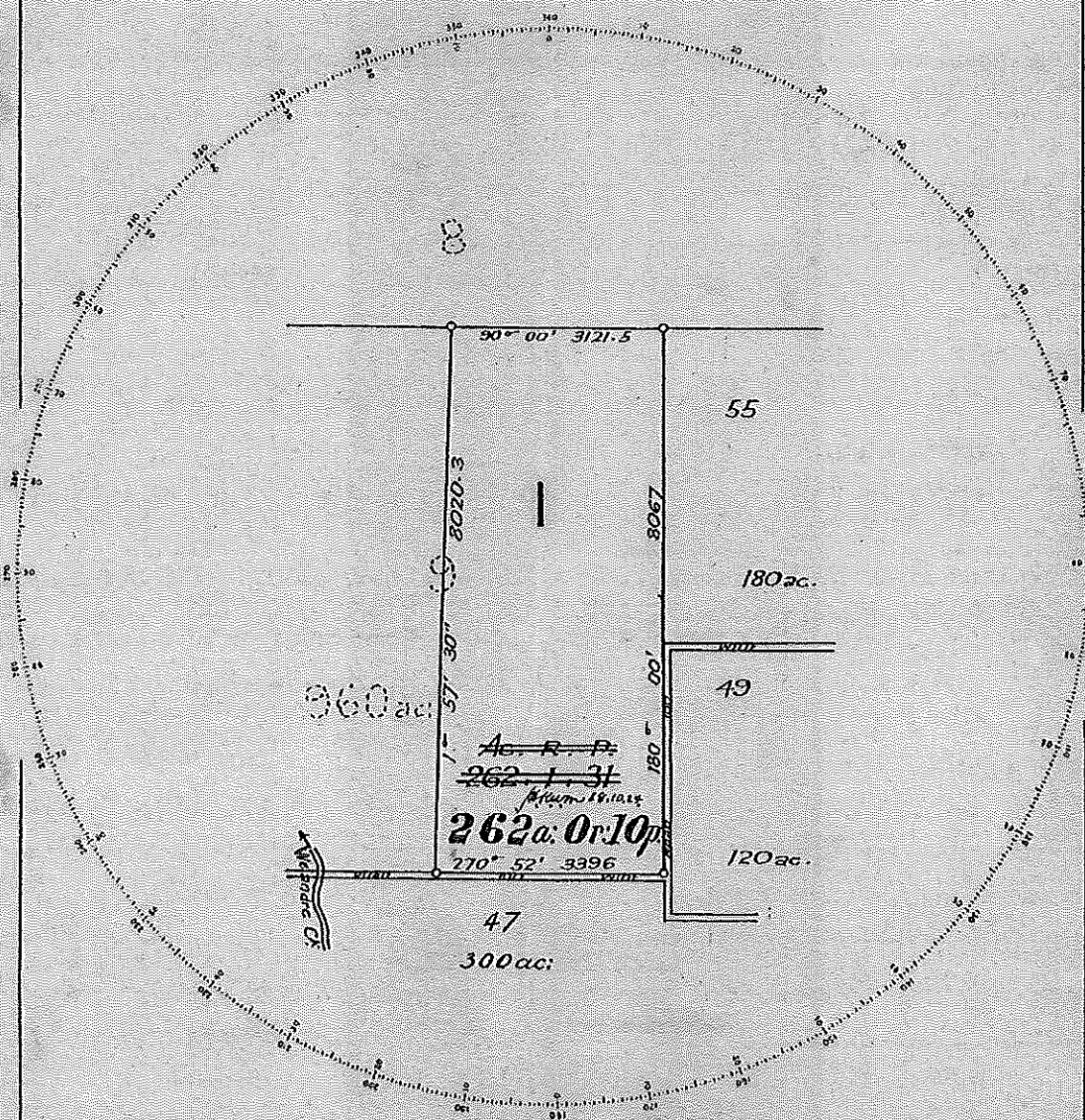
PLAN

of part of Portion 9.

Parish of Nubrigyn County of Wellington

Scale 20 chains to an Inch

his margin to be left free from notation



I certify that this plan has been compiled from the information shown on  
 Plan in R.P. Application No 11243 and is correct for the purposes of  
 the Real Property Act.

*A.H. Mackenzie*  
 Licensed Surveyor.

*650.37  
 17.6.25 J.M.P.*

*This is the plan marked "A" referred to in the amended Transfer from George James Bruty to George Lyons  
 Dated 31 December 1976  
 Signature of parties to be made in this margin  
*George Lyons*  
*George James Bruty*  
*Witness C. J. B. Bruty*  
*Witness C. J. B. Bruty*  
*Witness C. J. B. Bruty**



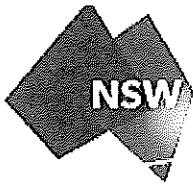


CONVERSION TABLE ADDED IN  
DEPARTMENT OF LANDS

DP 176821

LINKS	METRES
100	20.117
3121.5	627.946
3396	683.167
8020.3	1613.428
8067	1622.822

AC	RD	P	HA
120	-	-	48.56
180	-	-	72.84
262	-	10	106.1
300	-	-	121.4
960	-	-	388.5



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 13/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	4	14/7/2022

LAND

LOT 13 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 14/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	4	14/7/2022

LAND

LOT 14 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

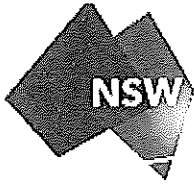
SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 15/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	4	14/7/2022

### LAND

LOT 15 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

### FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS (AE AS305234)

### SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 16/1166439

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SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
15/7/2022	9:21 AM	4	14/7/2022

LAND

-----

LOT 16 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

-----

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

-----

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 17/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	2	14/7/2022

LAND

LOT 17 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

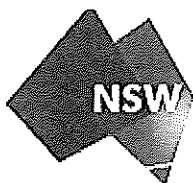
SECOND SCHEDULE (1 NOTIFICATION)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 18/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	2	14/7/2022

LAND

LOT 18 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS (AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 23/1166439

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	2	14/7/2022

LAND

LOT 23 IN DEPOSITED PLAN 1166439  
AT EUCHAREENA  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM DP1166439

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (2 NOTIFICATIONS)

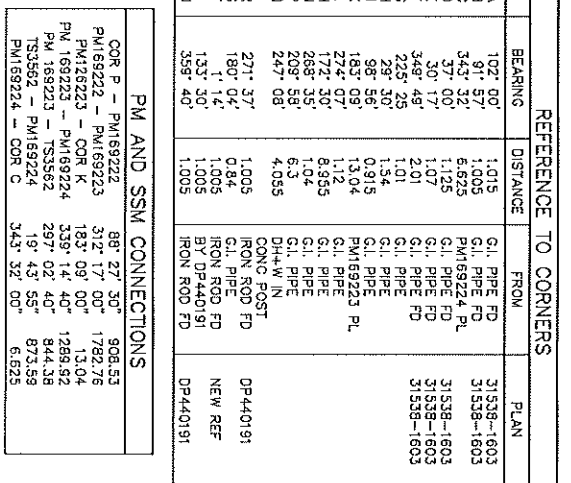
- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*





SURVEYING REGULATION 2006 : CLAUSE 35(1)(b) & 61 (2)						
MARK	MGA CO-ORDINATES		CLASS	ORDER	CSF	ORIGIN
	EASTING	NORTHING				
PM169222	666500	5355939	N/A	N/A	-	PLACED
PM169223	665422	6357262	N/A	N/A	-	PLACED
PM169224	665183	6358636	N/A	N/A	-	PLACED
TS3562	664783	6357864	U	U	0.999928	SOMES

SOURCE: MGA CO-ORDINATES ADOPTED FROM SOMES ON 8TH MARCH 2006

ZONE: 55

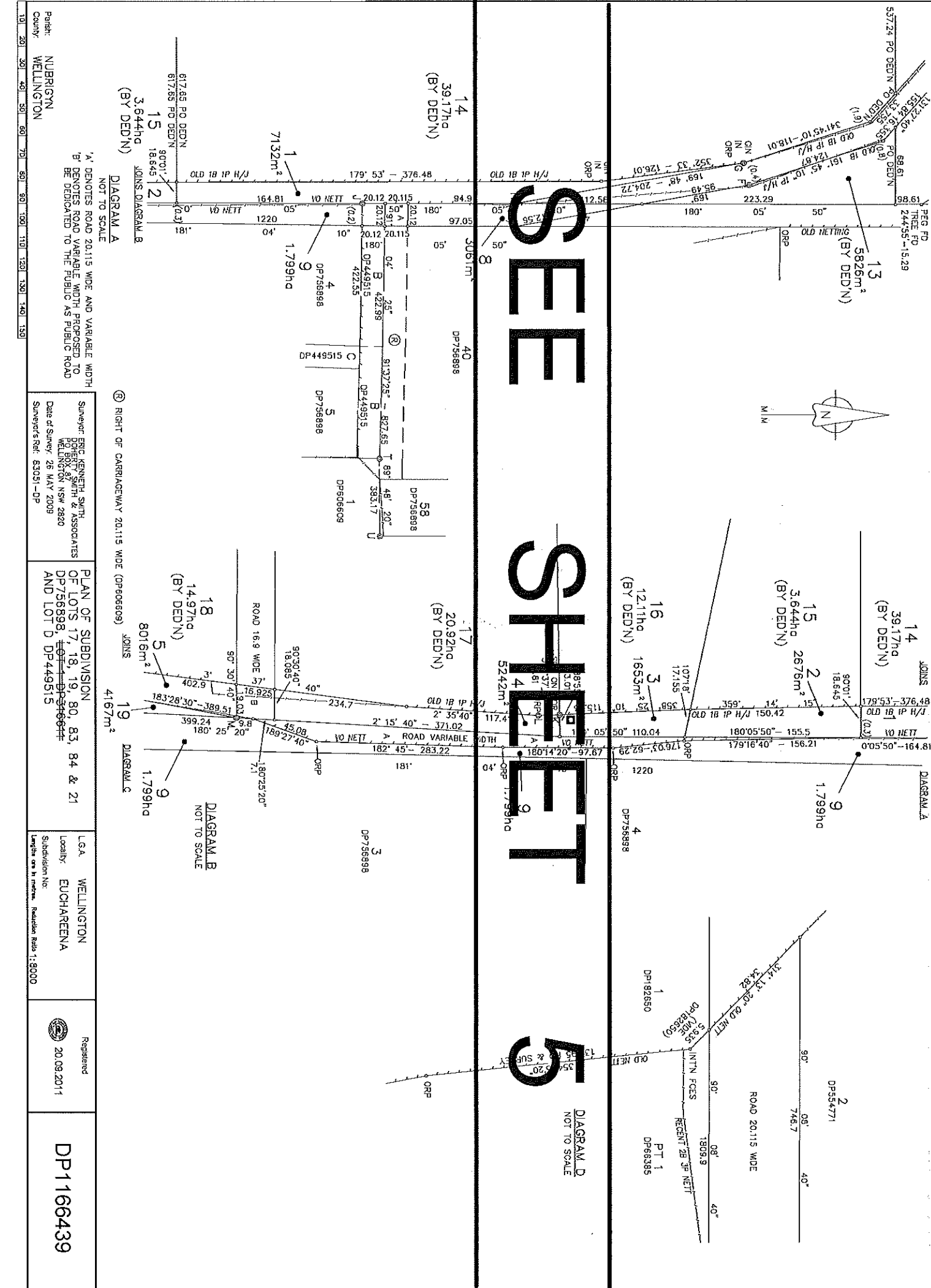
REFERENCE TO CORNERS			
BEARING	DISTANCE	FROM	PLAN
A 102° 00'	1,015	C1, PIPE FD	31538--1603
B 91° 57'	1,603	C1, PIPE FD	31538--1603
C 343° 32'	5,025	PM56224 PL	31538--1603
D 37° 00'	1,125	C1, PIPE FD	31538--1603
E 30° 17'	1,07	C1, PIPE FD	31538--1603
F 349° 46'	2,01	C1, PIPE FD	31538--1603
G 225° 25'	1,501	C1, PIPE	
H 29° 30'	1,54	C1, PIPE	
I 98° 56'	0,915	C1, PIPE	
J 183° 08'	13,04	PM56223 PL	
K 274° 07'	1,12	C1, PIPE	
L 1721° 30'	8,955	C1, PIPE	
M 268° 35'	1,04	C1, PIPE	
N 208° 58'	6,3	C1, PIPE	
P 247° 08'	4,035	CONC POST DH+LW IN	
Q			
R 271° 37'	1,005	IRON ROD FD	DP440191
S 180° 04'	0,84	C1, PIPE	
T 1° 14'	1,005	IRON ROD FD	NEW REF
U 133° 30'	1,005	BY DP440191	
V 358° 40'	1,005	IRON ROD FD	DP440191

PM AND SSM CONNECTIONS		
COR P - PM169222	89° 32' 30"	906.53
PM169222 - PM169223	312° 17' 00"	1782.76
PM169223 - COR K	183° 09' 00"	1.04
PM169223 - PM169224	339° 14' 40"	1266.92
PM169225 - TS3562	297° 02' 40"	844.38
TS3562 - PM169224	19° 43' 55"	873.59
PM169224 - COR C	343° 32' 00"	6.625

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Plan Sheet 2 of 2 sheets



Surveyor: ERIC KENNETH SMITH  
 DOHERTY SMITH & ASSOCIATES  
 WELLINGTON, NSW 2820  
 Date of Survey: 26 MAY 2009  
 Surveyor's Ref: 63051-DP

PLAN OF SUBDIVISION  
 OF LOTS 17, 18, 19, 80, 83, 84 & 21  
 OF DP756898, DP756898, DP756898  
 AND LOT D DP449515

L.G.A. WELLINGTON  
 Locality: EUCHARRENA  
 Subdivision No: DP1166439

Registered  
 20.09.2011

DP1166439



22  
20.07ha  
(BY DED'N)

DP1166439



Parcel:  
County:  
WELLINGTON

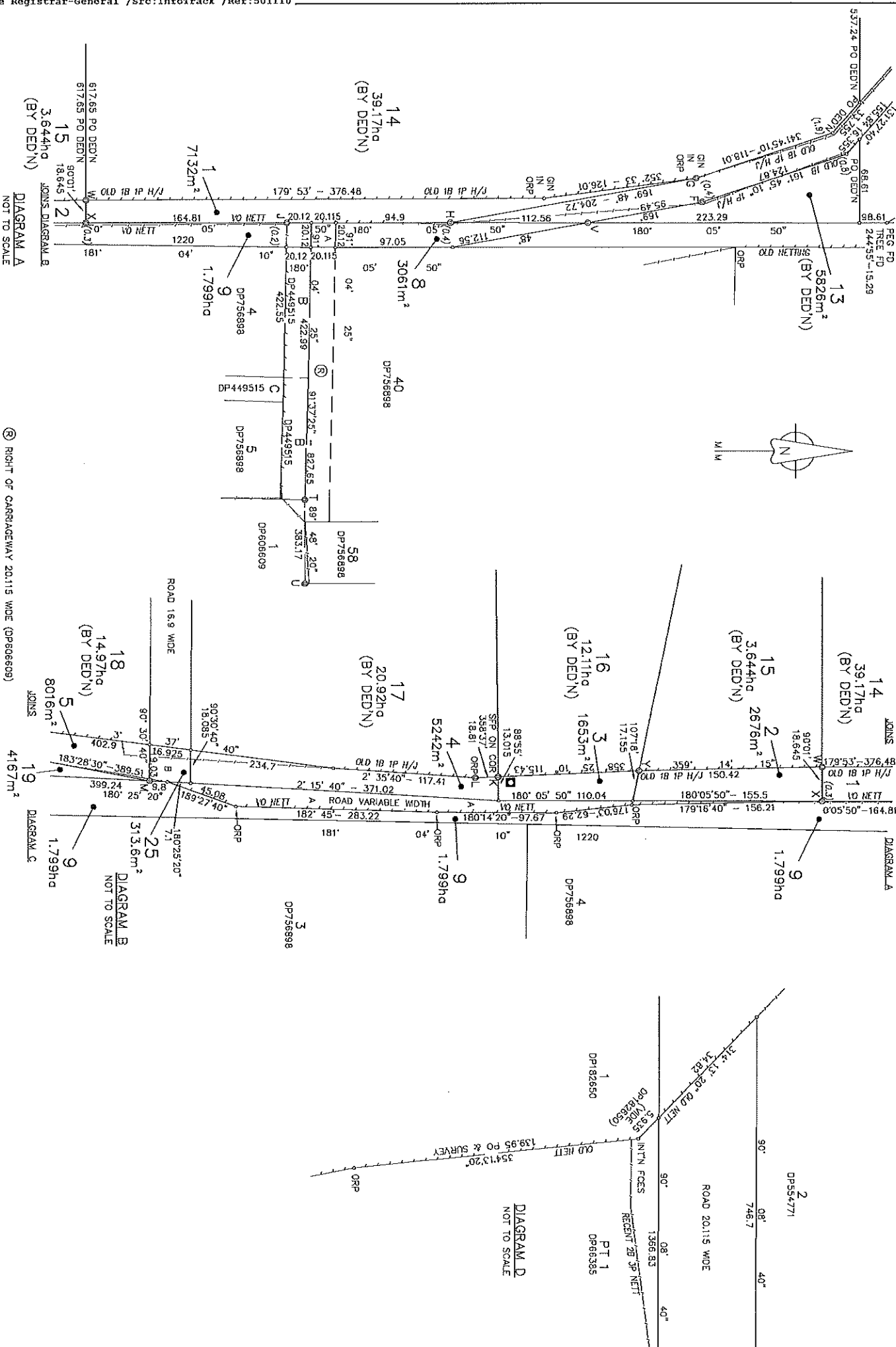
Surveyor:  
Date of Survey:  
Surveyor's Ref:

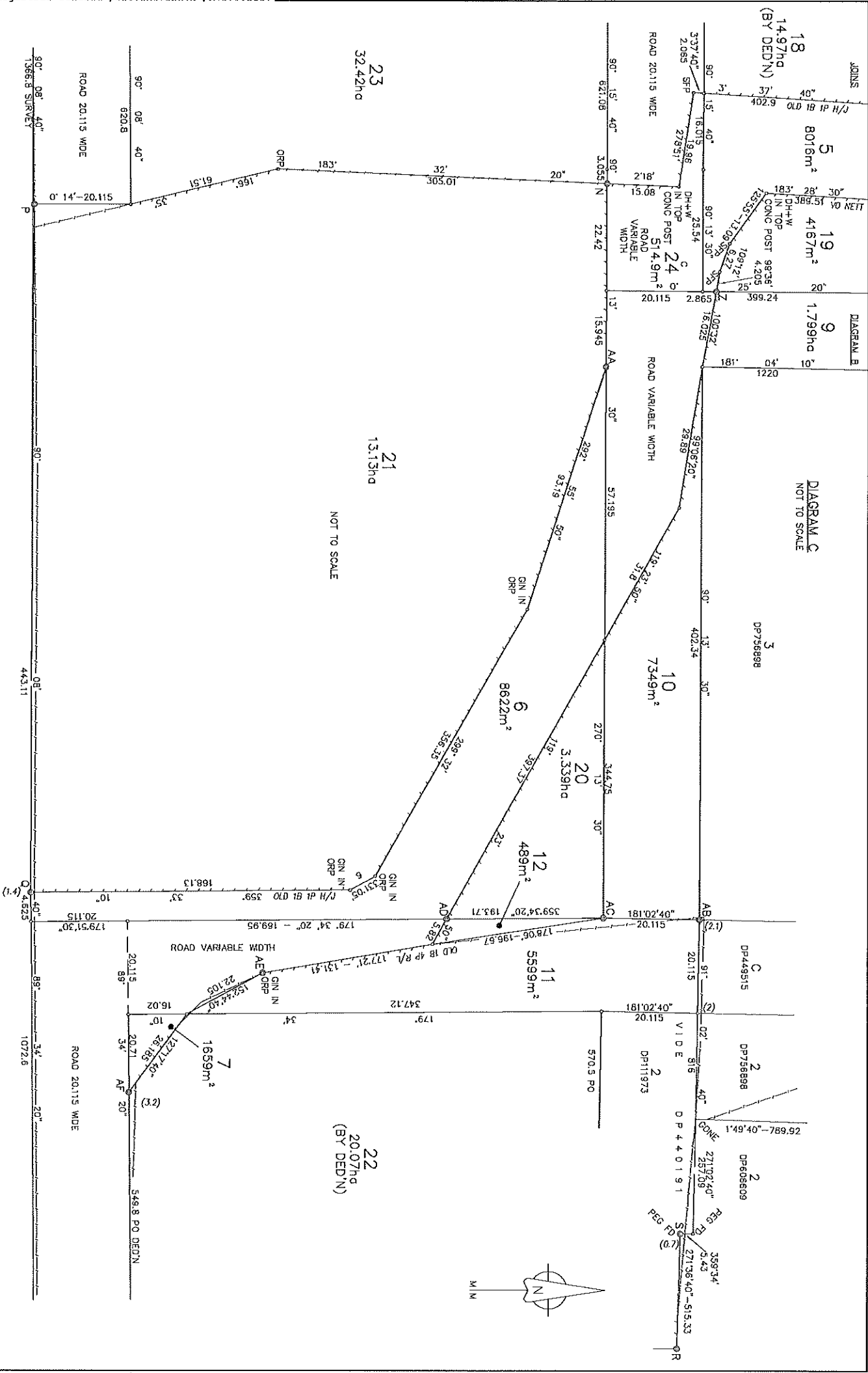
PLAN OF SUBDIVISION  
OF LOTS 17, 18, 19, 80, 83, 84 & 21  
DP756898, DP449515, DP60609  
AND LOT D DP449515 FIRST TIME CREATION  
AND ROAD CLOSING UNDER THE ROADS ACT 1993

L.G.A.  
Locality:  
Subdivision No:

Registered  
20.9.2011

DP1166439





Parish: NUBRIGYN County: WELLINGTON		C DENOTES ROAD VARIABLE WIDTH PROPOSED TO BE DEDICATED TO THE PUBLIC AS PUBLIC ROAD (LOT 24)		Surveyor: ERIC KEENE, SOUTH & ASSOCIATES PO BOX 87 WELLINGTON NSW 2820 Date of Survey: 28 MAY 2009 Surveyors Ref: B3051-DP Report		PLAN OF SUBDIVISION OR LOTS 17, 18, 19, 80, 83, 84 & 21 DP756898, <del>DP756898</del> AND LOT D DP449515, FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT 1993		L.G.A. WELLINGTON Locality: EUCAREENA Subdivision No: 20.92011 Registered 20.9.2011		DP1166439	
--	--	--	--	---	--	--	--	---	--	-----------	--

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

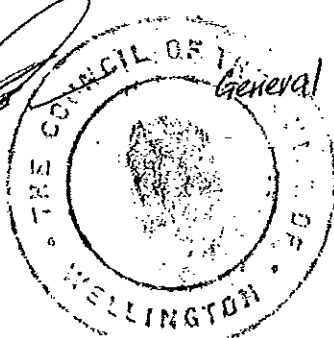
ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants

IT IS INTENDED TO DEDICATE LOTS  
1-7 TO THE PUBLIC AS PUBLIC ROAD  
IT IS INTENDED TO CLOSE LOTS 8-12

*James* Mayor  
*[Signature]* General Manager  


LOTS 24 AND 25 ARE PROPOSED TO BE  
DEDICATED TO THE PUBLIC AS PUBLIC ROAD

Use PLAN FORM 6A  
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

*ANTHONY PILON*  
(Authorised Officer)

that all necessary approvals in regard to the allocation of the land  
shown hereon have been given.

Signature: *[Signature]*

Date: 30 JUNE 2011

File Number: 10/05348

Office: CROWN LANDS DUBBO

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and  
Assessment Act 1979 have been satisfied in relation to:

the proposed *subdivision* set out herein  
(insert 'subdivision' or 'new road')

\* Authorised Person/General Manager/Accredited Certifier

Consent Authority: *Wellington Council*

Date of endorsement: 31.3.2010

Accreditation no: CC 05/2010

Subdivision Certificate no: CC 05/2010

File no:

\* Delete whichever is inapplicable.

DP1166439

(E)

Registered:  20.09.2011

Title System: TORRENS & OLD SYSTEM

Purpose: SUBDIVISION

PLAN OF SUBDIVISION

OF LOTS 17, 18, 19, 80, 83, 84 +2/

DP756898, ~~LOT 1 DP316611~~

AND LOT D DP449515, FIRST TITLE CREATION  
AND ROAD CLOSING UNDER THE ROADS  
Act 1993

L.G.A. WELLINGTON

Locality: EUCHAREENA

Parish: NUBRIGYN

County: WELLINGTON

Surveying Regulation, 2006

I, ERIC KENNETH SMITH  
of DOHERTY SMITH & ASSOCIATES  
PO BOX 87  
WELLINGTON NSW 2820

a surveyor registered under the Surveying Act, 2002, certify that the  
survey represented in this plan is accurate, has been made in  
accordance with the Surveying Regulation, 2006 and was completed  
on 26 MAY 2009.

The survey relates to LOTS 1-12, 19-21, 24 AND 25

~~LOTS 1-7 AND CONNECTIONS ONLY~~  
LOTS 13-18 AND 22 COMPLIED

(specify the land actually surveyed or specify any land shown in the  
plan that is not the subject of the survey)

Signature: *[Signature]* Dated: 10/12/2009  
Surveyor registered under the Surveying Act, 2002

Datum Line: A - B (31538-1603)

Type: Urban/Rural

Plans used in preparation of survey/compilation.

197-2091	2390-2091
589-2091	31538-1603
590-2091	DP182650
614-2091	DP316650
910-2091	DP440191
1228-2091	DP606609
1247-2091	
1505-2091	
1821-2091	

(if insufficient space use plan form 6A annexure sheet)

SURVEYOR'S REFERENCE: 83051-DP

\*OFFICE USE ONLY

25.5.2012  
SURVEYOR'S CERTIFICATE AMENDED VIDE 2012-443



# DEPOSITED PLAN ADMINISTRATION SHEET

Sheet <sup>2</sup>/<sub>3</sub> of <sup>3</sup>/<sub>4</sub> sheet(s)

## PLAN OF SUBDIVISION

OF LOTS 17, 18, 19, 80, 83, 84 ~ 2/  
 DP756898, ~~LOT 1 DP316611~~  
 AND LOT D DP449515, FIRST TITLE CREATION  
 AND ROADS CLOSING UNDER THE ROADS  
 ACT 1993

# DP1166439

Registered:



20.09.2011

Subdivision Certificate No: CC 05/2010

Date Of Endorsement: 31-3-2010

MR LYONS TO SIGN  
 X Roland D Lyons

Mortgagee under Mortgage No. V227012

Signed at Sydney this 12<sup>th</sup> day of

April 2010 for National

Australia Bank Limited ABN 12 004 044 937

by Jennifer De Silva

its duly appointed Attorney under Power of

Attorney No. 39 Book 4512

Level 3 Attorney

S. Alexander

Witness/Bank Officer Scott Alexander  
 255 George Street, Sydney NSW

SURVEYOR'S REFERENCE: 83051-DP

\*OFFICE USE ONLY

PLAN FORM 6A (Annexure Sheet) **WARNING: Creasing or folding will lead to rejection**

ePlan

# DEPOSITED PLAN ADMINISTRATION SHEET

Sheet **1** of **3** sheet(s)  
30F3

## PLAN OF SUBDIVISION

OF LOTS 17, 18, 19, 80, 83, 84 & 21

DP756898, ~~LOT 1 DP316611~~

AND LOT D DP449515, FIRST TITLE CREATION

AND ROAD CLOSING UNDER THE ROADS  
ACT 1993

# DP1166439

Registered:



20.09.2011

Subdivision Certificate No: CC 05/2010

Date Of Endorsement: 31-3-2010

*R C mtrhe*

X WJ BRAZIER

X CC BRAZIER

*WJ Brazier*

X CBA

August 2011 For Commonwealth  
Bank of Australia ABN 48 123 123 124 by its  
duly appointed Attorney under Power of  
Attorney Book 4297 No 297

Witness

*[Signature]*

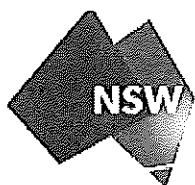
Avikash Kumar

*[Signature]*

Rosa Gillespie

SURVEYOR'S REFERENCE: 83051-DP

\*OFFICE USE ONLY



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 16/756898

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	1	14/7/2022

LAND

LOT 16 IN DEPOSITED PLAN 756898  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
(FORMERLY KNOWN AS PORTION 16)  
TITLE DIAGRAM CROWN PLAN 588.2091

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS (AE AS305234)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

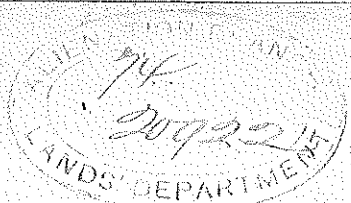
NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

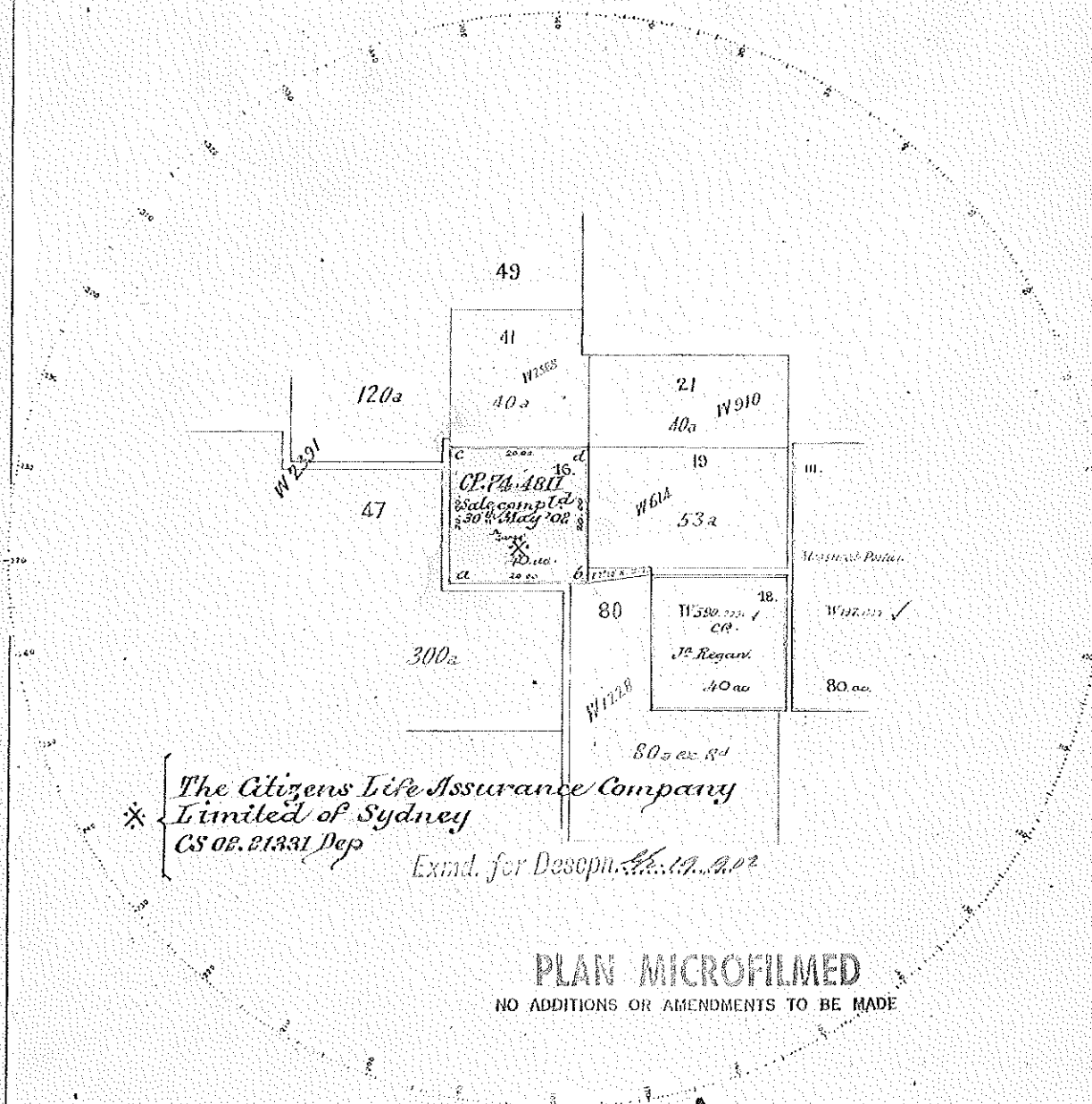
501110

PRINTED ON 15/7/2022



**PLAN**  
 of a portion of 40 acres.  
 Parish of Murrumbidgee  
 COUNTY OF WELLINGTON

Applied for under the 13<sup>th</sup> clause of the Crown Lands Alienation Act of 1861 by Charles Braddy



\* The Citizens Life Assurance Company  
 Limited of Sydney  
 CS 02.21331 Dep  
 Exmd. for Decepn. 4th. 12. 1874

**PLAN MICROFILMED**  
 NO ADDITIONS OR AMENDMENTS TO BE MADE

Reference to Corners

Corner	Bearing	Dist.	Link	1/2 on 1/2
A.	306°	100	15	16
B.	324°	100	41	16
C.	210 1/2°	100	15	16
D.	93°	100	20	16

Reference to Traverse

Line	Bearing	Distance

Scale 20 Chains to an Inch

Marked in accordance with regulations  
 Instrument used in Survey Theodolite  
 Date of Survey 13<sup>th</sup> Aug 1874  
 Value of Improvements Nil  
 Situated in the

Plan accepted  
 16 April 1875

588. 2091

Transmitted to the Surveyor General with my Vote of the 15<sup>th</sup> Sept 1874

M. Simpson  
 Licensed Surveyor



FOLIO: AUTO CONSOL 7106-11

SEARCH DATE	TIME	EDITION NO	DATE
15/7/2022	9:21 AM	4	14/7/2022

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS  
LOCAL GOVERNMENT AREA DUBBO REGIONAL  
PARISH OF NUBRIGYN COUNTY OF WELLINGTON  
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

ELIZABETH GAI KERLE  
THOMAS COOPER LYONS  
AS JOINT TENANTS

(AE AS305234)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES THE ROAD(S) WITHIN LOTS 54, 55 & 85 SHOWN IN CROWN  
PLAN 31538.1603

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

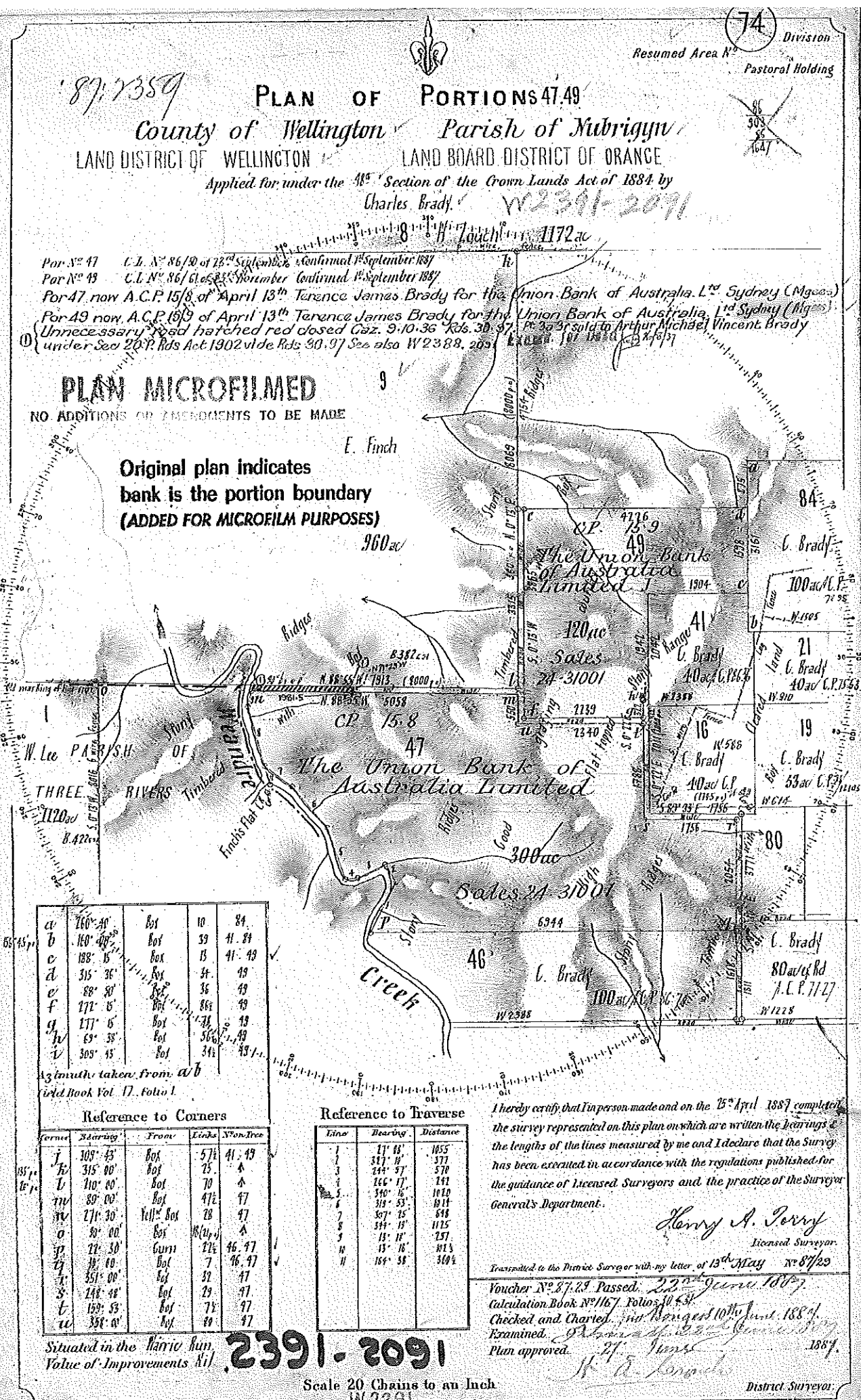
LOT 41 IN DP756898  
LOT 49 IN DP756898  
LOT 54 IN DP756898  
LOT 55 IN DP756898  
LOT 85 IN DP756898

TITLE DIAGRAM

CROWN PLAN 2388.2091  
CROWN PLAN 2391.2091  
CROWN PLAN 2654.2091  
CROWN PLAN 2655.2091  
CROWN PLAN 1505.2091.

\*\*\* END OF SEARCH \*\*\*





87/2359

# PLAN OF PORTIONS 47.49

County of Wellington Parish of Nubrigyn

LAND DISTRICT OF WELLINGTON LAND BOARD DISTRICT OF ORANGE

Applied for under the 48<sup>th</sup> Section of the Crown Lands Act of 1884 by  
 Charles Brady W2391-2091

Por. N<sup>o</sup> 47 C.L. N<sup>o</sup> 86/10 of 23<sup>rd</sup> September 1887 confirmed 1<sup>st</sup> September 1887  
 Por. N<sup>o</sup> 49 C.L. N<sup>o</sup> 86/10 of 23<sup>rd</sup> September 1887 confirmed 1<sup>st</sup> September 1887  
 Por. 47 now A.C.P. 15/8 of April 13<sup>th</sup> Terence James Brady for the Union Bank of Australia L<sup>td</sup> Sydney (M<sup>g</sup>ss)  
 Por. 49 now A.C.P. 16/8 of April 13<sup>th</sup> Terence James Brady for the Union Bank of Australia L<sup>td</sup> Sydney (M<sup>g</sup>ss)  
 (Unnecessary road hatched red closed Gaz. 9.10.36 Rds. 30.37 R. 30.37 sold to Arthur Michael Vincent Brady  
 under Sec 20 P. Rds Act 1902 vide Rds 30.97 See also W2388, 2091

PLAN MICROFILMED

NO ADDITIONS OR AMENDMENTS TO BE MADE

Original plan indicates  
 bank is the portion boundary  
 (ADDED FOR MICROFILM PURPOSES)

a	760° 44'	Box	10	84
b	160° 40'	Box	39	41.84
c	188° 15'	Box	13	41.49
d	315° 36'	Box	34	49
e	88° 30'	Box	36	49
f	171° 5'	Box	86	49
g	171° 5'	Box	74	49
h	63° 38'	Box	56	49
i	309° 45'	Box	34	49

Azimuth taken from a/b  
 Field Book Vol. 17. Folio 1

Corner	Bearing	From	Links	Notes
J	109° 43'	Box	57 1/2	41.49
K	315° 00'	Box	75	4
L	110° 00'	Box	70	4
M	89° 00'	Box	47 1/2	47
N	271° 30'	Well Box	28	47
O	50° 00'	Box	8 (U.P.)	4
P	21° 30'	Curri	22 1/2	46.47
Q	19° 10'	Box	7	46.47
R	351° 00'	Box	32	47
S	248° 48'	Box	29	47
T	159° 53'	Box	78	47
U	358° 00'	Box	49	47

## Reference to Traverse

Line	Bearing	Distance
1	17° 48'	1855
2	317° 18'	577
3	244° 57'	570
4	166° 17'	242
5	340° 16'	1010
6	318° 53'	1011
7	507° 25'	618
8	344° 18'	1125
9	13° 11'	257
10	13° 16'	813
11	164° 58'	360 1/2

I hereby certify that I in person made and on the 13<sup>th</sup> April 1887 completed the survey represented on this plan on which are written the bearings & the lengths of the lines measured by me and I declare that the Survey has been executed in accordance with the regulations published for the guidance of Licensed Surveyors and the practice of the Surveyor General's Department.

Harry A. Perry  
 Licensed Surveyor

Transmitted to the District Surveyor with my letter of 13<sup>th</sup> May N<sup>o</sup> 87/23

Voucher N<sup>o</sup> 87/23 Passed 22<sup>nd</sup> June 1887  
 Calculation Book N<sup>o</sup> 167 Folios 40, 43  
 Checked and Certified by Valuers 10<sup>th</sup> June 1887  
 Examined by Valuers 10<sup>th</sup> June 1887  
 Plan approved 27<sup>th</sup> June 1887

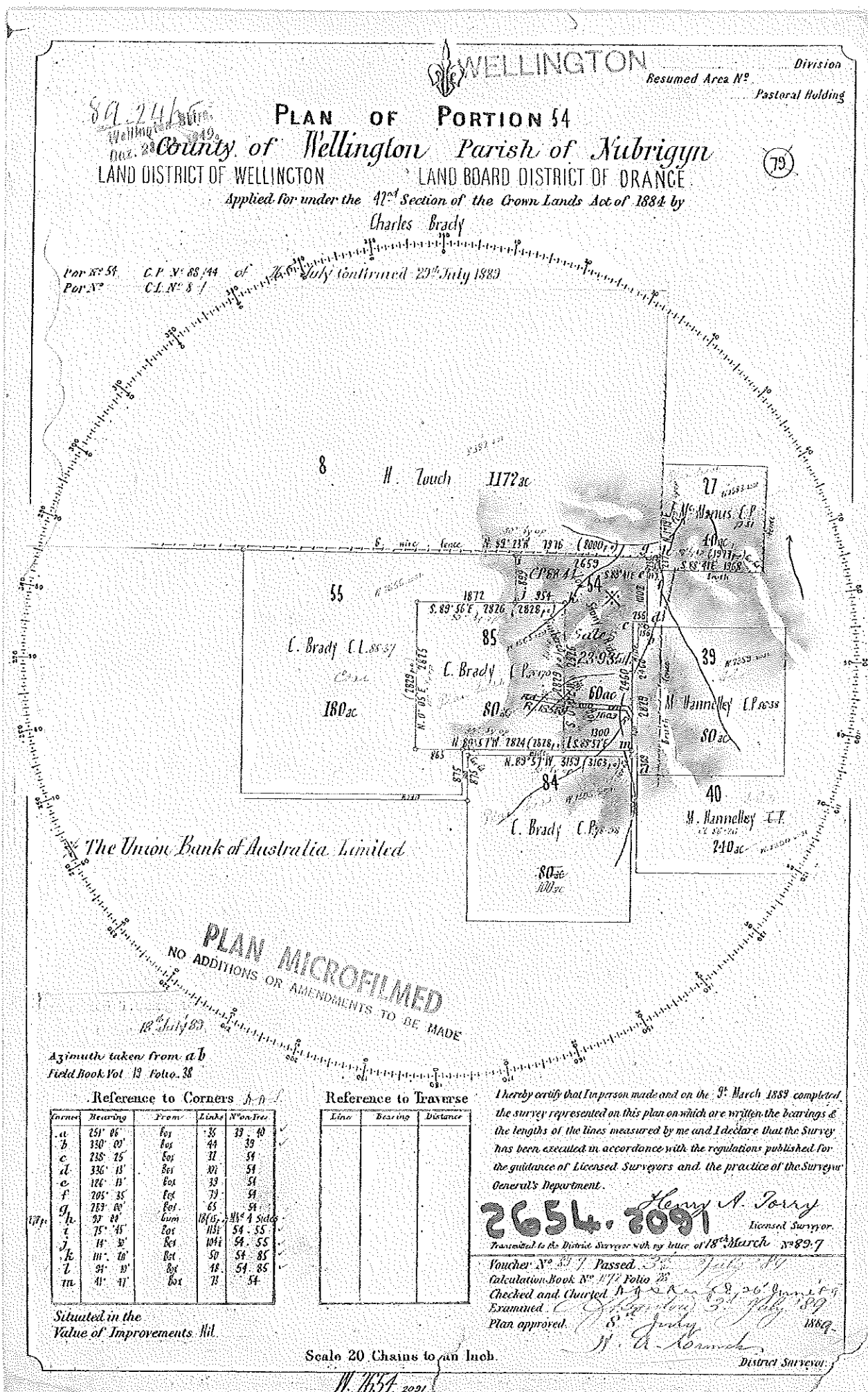
Situated in the Harrie Run  
 Value of Improvements Nil

2391-2091

Scale 20 Chains to an Inch

District Surveyor







Resumed Area No. \_\_\_\_\_  
Division \_\_\_\_\_  
Pastoral Holding \_\_\_\_\_

Charles Brady

Por N<sup>o</sup> 55 C.P. N<sup>o</sup> 8 /  
 Por N<sup>o</sup> 55 C.L. N<sup>o</sup> 88/37 26<sup>th</sup> July Confirmed 29<sup>th</sup> July 1889.  
 Por 55 now ACP 17 of March 10<sup>th</sup> by Terence James Brady for The Union Bank of Australia Limited (Mortgage)

18<sup>th</sup> July 89  
 Azimuth taken from a/c  
 field book Vol. 19 Folio 38

PLAN MICROFILMED  
 NO ADDITIONS OR AMENDMENTS TO BE MADE

PLAN UNO COPIED

NO ADDITIONS OR AMENDMENTS TO BE MADE

### Reference to Corners

Letter	Bearing	From	Links	No. of Trees
a	315° 35'	Box	34	43
b	308° 43'	Box	33	55
c	38° 50'	Box	35	49
d	141° 45'	Box	22	55
e	305° 14'	Box	25	55
f	75° 45'	Box	113	54, 55
g	14° 39'	Box	141	54, 55
h	243° 49'	Box	201	55, 85
i	178° 25'	Box	53 (60)	55, 85
j	22° 57'	Box	24	55

### Reference to Traverse

[illegible]

I hereby certify that the person made and on the 25<sup>th</sup> March 1883 completed the survey represented on this plan on which are written the bearings & the lengths of the lines measured by me and I declare that the Survey has been executed in accordance with the regulations published for the guidance of Licensed Surveyors and the practice of the Surveyor General's Department.

Henry A. Torry

Licensed Surveyor

Transmitted to the District Surveyor with my letter of 18<sup>th</sup> March No 89.8

Voucher No. 108 Passed: 3rd Dec 1889

Calculation Book N<sup>o</sup> 1197 Folio 28

Checked and Charted R.H. Cray 25 June 59

Examined, *[Signature]* 1882  
Blas approved *[Signature]* 1882

*Situated in the  
Value of Improvements Nil*

2655-209

Scale 20 Chains to an Inch

District Surveyor

W. 7655. 2091.



Certificate No: 1902  
Applicant Ref: 501110  
Receipt No: 81142167

06/07/2022

Baldock Stacy and Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

Parcel No: 46621  
Property description: Lot: 1 DP: 66385, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: CHIEF EXECUTIVE OFFICER

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

(1) The objectives of this clause are:

- (a) to minimise unplanned rural residential development, and
- (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone C3 Environmental Management.

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:

- (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day,
- or

- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4. Housing Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4A. General Development Code:*

No - does not apply to bed and breakfast accommodation as the land is bushfire-prone land.

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5. Industrial and Business Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 7. Demolition Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 8. Fire Safety Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'biodiversity' according to the Terrestrial Biodiversity map of the Dubbo Regional Local Environment Plan 2022, Clause 7.1. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

The subject land is in whole/part classified as 'Natural Resource - Riparian Land and Waterways and Groundwater Vulnerability' pursuant to the Dubbo Regional Local Environment Plan 2022, Clauses 7.3 and 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.



**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

Part of the subject land is identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). As a consequence, Sections 4.14 and 4.46 of the EP&A Act apply and may affect any future development on such land. The subject certified Bush Fire Prone Land Map is available for public inspection during normal office hours at the Civic Administration Building of Council. For further information, please contact the Council's Development and Environment Division on (02) 6801 4000.

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;
- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1782  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46628  
**Property description:** Lot: 1 DP: 554771, 755 Eadevale Road EUCHAREENA

**SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or

- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4. Housing Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4A. General Development Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5. Industrial and Business Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 7. Demolition Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 8. Fire Safety Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'biodiversity' according to the Terrestrial Biodiversity map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.1. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

The subject land is in whole/part classified as 'Natural Resource - Riparian Land and Waterways and Groundwater Vulnerability' pursuant to the Dubbo Regional Local Environment Plan 2022, Clauses 7.3 and 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.



**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;
- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment



## PLANNING CERTIFICATE

### Section 10.7(2)

Environmental Planning and Assessment Act 1979 (as amended)

<b>Applicant:</b>	<b>InfoTrack Pty Ltd GPO Box 4029 SYDNEY NSW 2001</b>	<b>Certificate No: 2022/482</b>
		<b>Date: 30 June 2022</b>
<b>Reference:</b>	<b>501110</b>	<b>Receipt No: 87507 \$53</b>
<b>Doc Id:</b>	<b>1408483</b>	

<b>Address of Property:</b>	<b>Three Rivers Parish, Molong NSW 2866</b>
<b>Owner:</b>	<b>Estate Late RD Lyons</b>
<b>Land Description:</b>	<b>Part Lot 2 DP 554771</b>
<b>Council Assessment No:</b>	<b>A59914</b>
<b>Parish:</b>	<b>Three Rivers</b>
<b>Area:</b>	<b>103.3Ha</b>

CABONNE COUNCIL  
PO Box 17  
Molong NSW 2866  
Phone: 6392 3265  
Fax: 6392 3260  
Email: [council@cabonne.nsw.gov.au](mailto:council@cabonne.nsw.gov.au)

*Pursuant to section 10.7(2) of the Environmental Planning & Assessment Act 1979, the council certifies that at the date of this certificate the matters prescribed below apply to the subject land.*

**1. NAMES OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS THAT APPLY TO THE CARRYING OUT OF DEVELOPMENT UPON THE SUBJECT LAND**

(a) What Local Environmental Plans apply to the land?

Cabonne Local Environmental Plan 2012.

(b) What draft Local Environmental Plans apply to the land?

Nil

(c) What Development Control Plans apply to the land?

- Development Control Plan No 5 - General Rural Zones
- Development Control Plan No 15 - Relocatable and Transportable Homes

(d) What State Environmental Planning Policies apply to the land?

State Environmental Planning Policy No. 1 – Development Standards  
State Environmental Planning Policy No. 30 – Intensive Agriculture  
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development  
State Environmental Planning Policy No. 55 – Remediation of Land  
State Environmental Planning Policy No. 62 – Sustainable Aquaculture  
State Environmental Planning Policy No. 64 – Advertising and Signage  
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 (Infrastructure) 2007  
State Environmental Planning Policy (Koala Habitat Protection) 2020  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (Rural Lands) 2008

**2. ZONING AND LAND USE UNDER RELEVANT LEP**

**Cabonne Local Environmental Plan 2012**

(a) Identity of Zone

Zone RU1 - Primary Production

(b) In Zone RU1 the following is permissible without development consent

Development for the purpose of:

Building identification signs, environmental protection works, extensive agriculture, home occupations, viticulture

(c) In Zone RU1 the following is permissible only with development consent

Subdivision

Development for the purpose of:

Air transport facilities, airstrips, animal boarding or training establishments, aquaculture, bed and breakfast accommodation, boat launching ramps, boat sheds, business identification signs, camping grounds, cellar door premises, cemeteries, community facilities, correctional centres, depots, dual occupancies, dwelling houses, eco-tourist facilities, environmental facilities, extractive industries, farm buildings, farm stay accommodation, flood mitigation works, forestry, function centres, helipads, home-based child care, home businesses, home industries, home occupations (sex services), industrial training facilities, information and education facilities, intensive livestock agriculture, intensive plant agriculture, jetties, landscaping material supplies, moorings, open cut mining, plant nurseries, recreation areas, recreation facilities (major), recreation facilities (outdoor), research stations, restaurants or cafes, roads, roadside stalls, rural industries, truck depots, veterinary hospitals, water recreation structures, water storage facilities

(d) In Zone RU1 the following is prohibited

Development for the purpose of:

Stock and sale yards, any other development not specified in items (b) or (c) above

(e) Development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house.

There are minimum development standards applying to the land that fix the minimum land dimensions for the erection of a dwelling house on the land. The minimum land dimension is 100 hectares. Refer to Clause 4.2A of the Cabonne Local Environmental Plan 2012 for further information.

(f) Critical habitat

The land does not include or comprise critical habitat

(g) Heritage conservation

The subject land is not within a heritage conservation area, and is not a heritage item under clause 5.10 and schedule 5 of Cabonne Local Environmental Plan 2012

**2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

To the extent that the land is within any zone under:

(a) Part 3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP), or

(b) a Precinct Plan (within the meaning of the 2006 SEPP), or

(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act

Not Applicable

### 3. COMPLYING DEVELOPMENT

Can complying development be carried out on the land under each of the codes for complying development because of the provisions of clauses 1.17A and 1.19 in SEPP (Exempt and Complying Development Codes) 2008, and if no complying development may be carried out on that land, the reasons why.

(a) **Housing Code**

Can Complying Development under the Housing Code be carried out on the land?

No - Not permissible in RU1 zone

(b) **Rural Housing Code**

Can Complying Development under the Rural Housing Code be carried out on the land?

Yes

(c) **Low Rise Medium Density Housing Code**

Can Complying Development under the Low Rise Medium Density Housing Code be carried out on the land?

No - Not permissible in RU1 zone

(d) **Greenfield Housing Code**

Can Complying Development under the Greenfield Housing Code be carried out on the land?

No - Not Applicable to Cabonne Council

(e) **Inland Code**

Can Complying Development under the Inland Code be carried out on the land?

Yes

(f) **Housing Alterations Code**

Can Complying Development under the Housing Alterations Code be carried out on the land?

Yes

(g) **General Development Code**

Can Complying Development under the General Development Code be carried out on the land?

Yes

(h) **Commercial and Industrial Alterations Code**

Can Complying Development under the Commercial and Industrial Alterations Code be carried out on the land?

Yes

(i) **Commercial and Industrial (New Buildings and Additions) Code**

Can Complying Development under the Commercial and Industrial (New Buildings and Additions) Code be carried out on the land?

No - Not applicable to RU1 zone

(j) **Container Recycling Facilities Code**

Can Complying Development under the Container Recycling Facilities Code be carried out on the land?

No - Not applicable to RU1 zone

(k) **Subdivisions Code**

Can Complying Development under the Subdivisions Code be carried out on the land?

Yes

(l) **Demolition Code**

Can Complying Development under the Demolition Code be carried out on the land?

Yes

(m) **Fire Safety Code**

Can Complying Development under the Fire Safety Code be carried out on the land?

Yes

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 NSW Planning Portal website at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)

#### **4. COASTAL PROTECTION**

Is the land affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*. But only to the extent that Council has been notified by the Department of Public Works.

No

##### **4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

Not applicable

##### **4B. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORK**

Not applicable

#### **5. MINE SUBSIDENCE**

Is the land proclaimed to be a mine subsidence district within the meaning of s15 of the Mine Subsidence Compensation Act 1961?

No

**6. ROAD WIDENING AND ROAD REALIGNMENT**

Is the land affected by any road widening or realignment under;

- Division 2 of Part 3 of the Roads Act 1993, or
- Any Environmental Planning Instrument, or
- Any resolution of Council.

No

**7. COUNCIL & OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Is the land affected by a policy either;

- adopted by the Council, or
- 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, that restricts the development of the land due to the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

Yes

- The subject land is identified as being "bushfire prone land" on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service.

**7A FLOOD RELATED DEVELOPMENT CONTROL INFORMATION**

- (1) If the land or part of the land is within the flood planning area and subject to flood related development controls.

No

- (2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

No

- (3) In this clause—

***flood planning area*** has the same meaning as in the Floodplain Development Manual.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

***probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

**8. LAND RESERVED FOR ACQUISITION**

Is the land reserved for acquisition pursuant to 3.15 of the Act under any Environmental Planning Instrument or draft Environmental Planning Instrument?

No



## **9. CONTRIBUTION PLANS**

What are the names of contribution plans applicable to the land?

- Road Contributions Plan for the Rural Zones adopted by Council 16 April 2007 and effective from 21 April 2007
- Bushfire Services Contributions Plan approved by Council 15 February 1993 and effective 22 February 1993

## **9A. BIODIVERSITY CERTIFIED LAND**

Is the land biodiversity certified land?

No

## **10. BIODIVERSITY STEWARDSHIP SITES**

Is the land a biodiversity stewardship site under a biodiversity stewardship agreement, including a biodiversity agreement?

No

## **10A. NATIVE VEGETATION CLEARING SET ASIDES**

Does the land set aside area under Section 60ZC of the Local Land Service Act 2013?

No

## **11. BUSHFIRE PRONE LAND**

Is the land bush fire prone?

Yes - All of the land is identified as bushfire prone.

## **12. PROPERTY VEGETATION PLANS**

Is the land subject to a property vegetation plan under the Native Vegetation Act 2003.

No

## **13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS ACT 2006**

Has an Order been made to carry out work in relation to a tree order on the land?

No

## **14. DIRECTIONS UNDER PART 3A**

Is there a direction by the Minister in force prohibiting or restricting the carrying out of a project on the land?

No

**15. CONDITIONS FOR SENIORS HOUSING**

The land is not land to which State Environmental Planning Policy (Housing) 2021 applies with regards to seniors housing.

Council is not aware whether any terms issued under clause 88(2) of that Policy have been imposed as a condition of development consent granted after 11 October 2007 in relation to the land.

**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS**

Does a current site compatibility certificate issued under SEPP (Infrastructure) 2007 or State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 apply in respect of proposed development on the land?

No

**17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

Does a current Site Compatibility Certificate (Affordable Rental Housing) apply in respect of proposed development on the land?

No

**18. PAPER SUBDIVISION INFORMATION**

Is the land subject to a paper subdivision?

No

**19. SITE VERIFICATION CERTIFICATES**

Is there a Site Verification Certificate for the land?

No

**20. LOOSE FILL ASBESTOS INSULATION**

Are there any residential premises on the land registered on the NSW Fair Trading Loose Fill Asbestos Register?

No

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

Is the land subjected to an Affected Building Notice?

No

Is the land subjected to a Building Product Rectification Order that has not been fully complied with?

No

Is there a notice of intention to make a Building Product Rectification Order that is outstanding for the subject land?

No

Note: The following matters are prescribed by Section 59(2) of the Contaminated Land Management Amendment Act as additions matters to be specified in a Planning Certificate.

**CONTAMINATED LAND MANAGEMENT AMENDMENT ACT 2008**

(a) Is the land significantly contaminated within the meaning of the Contaminated Land Management Amendment Act 2008?

No

(b) Is the land the subject of a management order within the meaning of the Contaminated Land Management Amendment Act 2008?

No

(c) Is the land the subject of an approved voluntary management proposal in within the meaning of the Contaminated Land Management Amendment Act 2008?

No

(d) Is the land subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Amendment Act 2008?

No

(e) Is the land the subject of a site audit statement within the meaning of the Contaminated Land Management Amendment Act 2008.

No



30/06/2022

\_\_\_\_\_  
Kelly Walker  
Senior Town Planner – Development Services

\_\_\_\_\_  
Date

Any request for further information should be directed to council's Development Services Department on (02) 6392 3265, during office hours of 9:00am to 5:00pm.

The above information has been taken from council's records, but council cannot accept responsibility for any omission or inaccuracy. (s.10.7(6) Environmental Planning and Assessment Act 1979)



## **'Right to Farm' Policy**

**Policy readopted by Council 22 May 2018**

### **Policy objective**

Cabonne Shire Council is predominantly a rural shire and much of its local economy relates to its rural and agricultural industries that operate within the shire. On this basis the policy below outlines council's position on the 'right to farm', and issues associated with the management of farm land that may impact upon residential expansion or resident's expectations.

### **Related Legislation**

The Environmental Planning & Assessment Act and its associated regulations provide the framework for land use planning. The Cabonne Local Environmental Plan 2012 establishes land use zones and land use permissibility across the Local Government area.

The Protection of the Environment Operations Act provides the legislative framework to manage activities and generated noise, odour &/or pollution.

### **Policy Statement**

Cabonne Council supports the right of individuals to undertake genuine agricultural based activities and practices upon rural land.

Cabonne Council does not support any action to interfere with legitimate rural and agricultural land use where the activity is in accordance legislative requirements.

When conflict arises between landowners undertaking genuine agricultural pursuits and rural/residential occupants, council's position on the 'right to farm' shall be considered when dealing with issues and conveyed to complainants.

When an inquiry is made to council by a potential rural land purchaser, the purchaser is to be advised that legitimate rural and agricultural uses of land in the district may include:

- Logging and milling of timber
- Livestock feed lots
- Piggeries and poultry farms
- Dairies
- Orchard and vineyard activity including use of mechanical bird scaring devices
- Construction of hail net canopies over orchard and vineyard areas
- Clearing and cultivating of land
- Bushfire hazard reduction burning
- Use of machinery including tractors, harvesters, chainsaws and motor bikes
- Weedicide, herbicide and pesticide spraying
- Pest control, including laying of 1080 bait

- Aerial spraying
- Animal husbandry practises including animal castration, weaning, dehorning
- Movement of livestock on roadways
- Extractive industries
- Barking dogs
- Noise from cattle and other livestock
- Driving livestock along roads, between farms as well as droving along designated travelling stock reserves
- Burning of stubble
- Construction of dams and contour banks
- Growing of crops that may produce detectable aromas or pollens eg canola and lucerne
- Construction of internal access roads and tracks
- Heavy vehicle movements eg livestock transport trucks and grain freight trucks
- An increase of seasonal traffic on rural unsealed roads
- Planting of woodlots and ecological offsets
- Short term on-farm accommodation for seasonal workers
- Rural industries and lawful associated activity,

noting that these activities are likely to cause nuisance in regard to odour, noise, dust, smoke, spray drift, blasting and vibration, etc, and make occur at any time including early morning and late evening.

When considering the above, it is suggested that those intending purchasers of rural land who may experience difficulty in residing in close proximity to any of these activities, should give serious consideration to their decision.

Certificate No: 1781  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

Parcel No: 46627  
Property description: Lot: 1 DP: 182650, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: CHIEF EXECUTIVE OFFICER

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

T {02} 6801 4000 F {02} 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4. Housing Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4A. General Development Code:*

No - does not apply to bed and breakfast accommodation as the land is bushfire-prone land.

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5. Industrial and Business Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 7. Demolition Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 8. Fire Safety Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'biodiversity' according to the Terrestrial Biodiversity map of the Dubbo Regional Local Environment Plan 2022, Clause 7.1. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

The subject land is in whole/part classified as 'Natural Resource - Riparian Land and Waterways and Groundwater Vulnerability' pursuant to the Dubbo Regional Local Environment Plan 2022, Clauses 7.3 and 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

Part of the subject land is identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). As a consequence, Sections 4.14 and 4.46 of the EP&A Act apply and may affect any future development on such land. The subject certified Bush Fire Prone Land Map is available for public inspection during normal office hours at the Civic Administration Building of Council. For further information, please contact the Council's Development and Environment Division on (02) 6801 4000.

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;
- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1779  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46594  
**Property description:** Lot: 21 DP: 735093, 1034 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1788  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46626  
**Property description:** Lot: 22 DP: 735093, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4. Housing Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 4A. General Development Code:*

No - does not apply to bed and breakfast accommodation as the land is bushfire-prone land.

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5. Industrial and Business Alterations Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 7. Demolition Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

*Part 8. Fire Safety Code:*

No - does not apply to the land. The subject land is identified as Biodiversity on Council's Terrestrial Biodiversity Map.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'biodiversity' according to the Terrestrial Biodiversity map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.1. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

The subject land is identified as 'karst' according to the Natural Resource – Karst map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.4. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

The subject land is in whole/part classified as 'Natural Resource - Riparian Land and Waterways and Groundwater Vulnerability' pursuant to the Dubbo Regional Local Environment Plan 2022, Clauses 7.3 and 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

Part of the subject land is identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). As a consequence, Sections 4.14 and 4.46 of the EP&A Act apply and may affect any future development on such land. The subject certified Bush Fire Prone Land Map is available for public inspection during normal office hours at the Civic Administration Building of Council. For further information, please contact the Council's Development and Environment Division on (02) 6801 4000.

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;
- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*

Director Planning and Environment

Certificate No: 1780  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46620  
**Property description:** Lot: 1 DP: 176821, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: CHIEF EXECUTIVE OFFICER

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

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W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

(1) The objectives of this clause are:

- (a) to minimise unplanned rural residential development, and
- (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone C3 Environmental Management.

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:

- (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
- (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008.
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1783  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59404  
**Property description:** Lot: 13 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \*\* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1784  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59405  
**Property description:** Lot: 14 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

- Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

- Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1785  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59406  
**Property description:** Lot: 15 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

- Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

- Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1786  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59407  
**Property description:** Lot: 16 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1787  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59408  
**Property description:** Lot: 17 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1796  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59409  
**Property description:** Lot: 18 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1789  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 59414  
**Property description:** Lot: 23 DP: 1166439, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: CHIEF EXECUTIVE OFFICER

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

- Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1795  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46604  
**Property description:** Lot: 16 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

- Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

- Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1790  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46610  
**Property description:** Lot: 41 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

(1) The objectives of this clause are:

- (a) to minimise unplanned rural residential development, and
- (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone C3 Environmental Management.

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:

- (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
- (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1791  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46611  
**Property description:** Lot: 49 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1792  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46622  
**Property description:** Lot: 54 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

- Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

- Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
    - (a) land that was a holding on 26 June 1987,
    - (b) land that is a holding at the time an application for development consent is lodged.
  - holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1793  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46623  
**Property description:** Lot: 55 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

Certificate No: 1794  
Applicant Ref: 501110 Lyons  
Receipt No: 81136869

27/06/2022

Baldock Stacy & Niven  
64 McNamara Street  
ORANGE NSW 2800



## PLANNING CERTIFICATE

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

**Parcel No:** 46625  
**Property description:** Lot: 85 DP: 756898, 755 Eadevale Road EUCHAREENA

### SECTION 10.7 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

At the date of the Certificate, the following LEPs, DCPs and SEPPs apply to the subject land:

**Local Environmental Plan (LEP):**

Dubbo Regional Local Environmental Plan 2022, applies to the subject land.

**State Environmental Planning Policies (SEPP):**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, applies to the State.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, applies to the State.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, applies to the State.

State Environmental Planning Policy (Housing) 2021, applies to the State.

State Environmental Planning Policy (Biodiversity and Conservation) 2021, applies to the State.

State Environmental Planning Policy (Industry and Employment) 2021, applies to the State.

State Environmental Planning Policy (Primary Production) 2021, applies to the State.

All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

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Civic Administration Building Church St Dubbo NSW 2830

W [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)



State Environmental Planning Policy (Resilience and Hazards) 2021, applies to the State.

State Environmental Planning Policy (Resources and Energy) 2021, applies to the State.

State Environmental Planning Policy (Transport and Infrastructure) 2021, applies to the State.

State Environmental Planning Policy (Planning Systems) 2021, applies to the State.

State Environmental Planning Policy (Precincts - Regional) 2021, applies to the State.

**Draft Local Environmental Planning Instrument:**

There are no Draft Local Environmental Plan affecting the subject land.

**Development Control Plan (DCP):**

Wellington Development Control Plan 2013, applies to the subject land.

**The subject land is zoned:**

Zone RU1 Primary Production

**(1) Objectives of zone**

- \* To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- \* To encourage diversity in primary industry enterprises and systems appropriate for the area.
- \* To minimise the fragmentation and alienation of resource lands.
- \* To minimise conflict between land uses within this zone and land uses within adjoining zones.
- \* To enable uses of an appropriate scale to facilitate the economic sustainability of primary production.
- \* To provide for a range of tourist-related uses that support the agricultural industry or are compatible with agricultural uses.

**(2) Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads.

**(3) Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home

industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.

(4) Prohibited

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

Notwithstanding the above land use permissibility information indicating development 'permitted without consent'; development 'permitted with consent'; and development 'prohibited', the Dubbo Regional Local Environmental Plan 2022 provides in some circumstances additional use provisions and other relevant land use permissibility/prohibition provisions.

It is recommended that consultation of the Dubbo Regional Local Environmental Plan 2022 be undertaken to ascertain precisely the types of land uses permissible or prohibited on the land the subject of this Certificate.

**Development Standards – Dwelling House:**

The minimum subdivision lot size for the subject property for the purpose of a dwelling is 400 hectares.

**4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are:
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land:
  - (a) is a lot that is at least the minimum size shown on the Lot Size Map, or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or



- (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)-(d) had it not been affected by:
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.
- (5) In this clause:
- existing holding means the following land in the part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987:
- (a) land that was a holding on 26 June 1987,
  - (b) land that is a holding at the time an application for development consent is lodged.
- holding means all adjoining land, even if separated by a road or railway, held by the same person.

**Critical habitat:**

The land does not include or comprise 'critical habitat' under Dubbo Regional Local Environmental Plan 2022.

**Conservation area:**

The land is not in a conservation area under Dubbo Regional Local Environmental Plan 2022.

**Heritage:**

A heritage item is not situated on the land under Dubbo Regional Local Environmental Plan 2022.

**Complying development:**

- (1) The extent to which 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) to (e), (2), (3), and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes, 2008).
- (2) The extent to which complying development may not be carried out on the land

because of the provision of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the Policy and the reasons why it may not be carried out under those clauses.

- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

*Part 3B. Low Rise Medium Density Housing Code:*

No - does not apply to the land.

*Part 3C. Greenfield Housing Code:*

No - does not apply to the land.

*Part 3D. Inland Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4. Housing Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 4A. General Development Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5. Industrial and Business Alterations Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 5A. and 5B. Industrial and Business Buildings Code and the Container Recycling Facilities Code:*

No - does not apply to the land.

*Part 6. Subdivision Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 7. Demolition Code:*

Complying Development can be undertaken on the land under this code, as applicable.

*Part 8. Fire Safety Code:*

Complying Development can be undertaken on the land under this code, as applicable.

**Coastal Protection:**

The subject land is not affected by the operation of Section 5 of the Coastal Management Act, 2016.

**Mine Subsidence:**

The subject land is not within a proclaimed mine subsidence district as defined by Section 20 of the Coal Mine Subsidence Compensation Act, 2017.

**Road Widening and Road Realignment:**

The 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.

**Council and Other Public Authority Policies on Hazard Risk Restrictions:**

The land the subject of this Certificate is not affected by any policy adopted by the Council that restricts the use of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is not affected by a policy 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, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

The subject land is identified as 'groundwater vulnerability' according to the Natural Resource - Groundwater Vulnerability map of the Dubbo Regional Local Environmental Plan 2022, Clause 7.5. For further information, please contact Council's Development and Environment Division on (02) 6801 4000.

**Flood-related Development Control Information:**

The subject land is not subject to any policy adopted by Council that restricts the use of the land because of the likelihood of flooding.

**Land Reserved for Acquisition:**

There is no environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the subject land that provides for the acquisition of the land by a public authority as referred to in Section 3.15 of the Environmental Planning and Assessment Act, 1979.

**Contribution Plans:**

Wellington Section 94A Contribution Plan 2012, applies to the subject land.

**Biodiversity Certified Land:**

Council is unaware of any biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Biodiversity Stewardship Sites:**

Council is unaware that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

**Native Vegetation Clearing Set Asides:**

Council is unaware that the land contains a set aside area under Section 60ZC of the Local Lands Services Act 2013.

**Bushfire Prone Land:**

The subject land is not identified as Bush Fire Prone Land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service under Section 10.3 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979).

**Property Vegetation Plans:**

Council has not been notified of the existence of a property vegetation plan approved under Part 4 the Native Vegetation Act 2003 (and that continues in force) applying to the land.

**Orders under Trees (Disputes Between Neighbours) Act, 2006:**

Council is not aware of any order made under the Trees (Dispute Between Neighbours) Act, 2006 applying to the subject land.

**Directions under Part 3A:**

This section of the Act has been repealed.

**Site Compatibility Certificates and Conditions of Seniors Housing:**

Council is not aware of any current Site Compatibility Certificate (Seniors Housing) or occupancy restrictions applying to the subject land.

**Site Compatibility Certificates for Infrastructure, Schools or TAFE Establishments:**

Council is not aware of any current Site Compatibility Certificate (Infrastructure) applying to the subject land.

**Site Compatibility Certificates and Conditions for Affordable Rental Housing:**

Council is not aware of any current Site Compatibility Certificate (Affordable Rental Housing) or management/operational restrictions pertaining to affordable housing on the subject land.

**Paper Subdivision Information:**

Council is not aware of any development plan applying to the subject land.

**Site Verification Certificates:**

Council is not aware of any current Site Verification Certificate (Biophysical Strategic Agricultural Land or Critical Industry Cluster Land) applying to the subject land.

**Loose-fill Asbestos Insulation:**

Council is not aware of any current loose-fill asbestos insulation applying to the subject land.

**Affected Building Notices and Building Product Rectification Orders:**

Council is not aware of any current affected building notices and building product rectification orders applying to the subject land.

**Matters arising under the Contaminated Land Management Act, 1997**

Pursuant to Section 59(2) of the Contaminated Land Management Act 1997, the subject land is:

- (a) Not within land declared to be significantly contaminated land under Part 3 of that Act;
- (b) Not subject to a Management Order in the meaning of that Act;

- (c) Not the subject of an approved Voluntary Management Proposal of the Environment Protection Authority's agreement under Section 17 of that Act;
- (d) Not subject to an ongoing Maintenance Order under Part 3 of that Act;
- (e) Not the subject of a Site Audit Statement within the meaning of Part 4 of that Act.

For further enquires, please contact Council's Customer Service Centre on 6801 4000.



*Stephen Wallace*  
Director Planning and Environment

## Information about a water licence or approval

Use this tool to search for information about water licences and approvals issued under the *Water Act 1912* or *Water Management Act 2000*.

Select the type of licence or approval and enter the licence or approval number:

- **Water access licence (WAL):** a WAL number starts with the letters 'WAL' followed by several numbers; a WAL also has a reference number that starts with a two digit number, followed by 'AL' and then several numbers.
- **1912 water licence:** a water licence number starts with a two digit number, followed by a two letter code and then several numbers. Note: a PT reference number cannot be entered.
- **Approval:** an approval number starts with a two digit number, followed by a two letter code (WA, UA, CA or FW) and then several numbers.

Search for information about either a:

- ☐ [Water access licence \(WAL\) issued under the \*Water Management Act 2000\*](#)
- ☐ [Water Act 1912 Licences and Authorities](#)

### ☒ [Approval issued under the \*Water Management Act 2000\*](#)

Approval Number

80 ▼

WA ▼

714783

**Notes:** The search results will list the conditions imposed on the approval and also list the number/s of any water access licence/s that nominate the water supply works associated with the approval.

This search tool does not include information about [controlled activity approvals](#). Information publicly available from a register of controlled activity approvals is available at our [local offices](#).

Find out if a *Water Act 1912* licence has been converted

- ☐ [Water licence conversion status](#)

« Previous Search

Print Export

## Search Results

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Basic Rights	16-JAN-2012		80WA714783	Current	Lachlan Fold Belt Mdb Groundwater Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Work ID	ESID
Extraction Works Gw	Bore	Not specified	Active	1	Lot 19, DP 756898	1000177007	102846

- Conditions

**Plan Conditions**

Water  
sharing  
plan

NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020

**Water management works**

MW7040-  
00001

The approval holder must ensure that the water supply work is constructed in such a way that ensures the following:

- A. the water supply work is situated in the location specified in the application for the water supply work,
- B. water is able to be taken through the water supply work only from the groundwater source specified in the share component of the access licence that nominates the water supply work,
- C. the water supply work is sealed off from all other water sources,
- D. construction of the water supply work complies with the construction standards for that type of bore prescribed in the Minimum Construction Requirements for Water Bores in Australia,
- E. construction and use of the water supply work prevents contamination of the aquifer and between aquifers, and
- F. construction and use of the water supply work prevents the flow of saline water between aquifers.

MA7627-  
00001

The water supply work authorised by this approval must only be used to take water for basic landholder rights.

MW7053-  
00001

The approval holder must ensure:

- A. the construction of the water supply work is completed within three years of the approval being granted, and
- B. the water supply work is not used unless construction is completed within three years of the approval being granted.

MW7043-  
00001

If contaminated water is encountered during the construction of the water supply work, the approval holder must do the following:

- A. notify the Minister within 48 hours of becoming aware of the contaminated water,
- B. take all reasonable steps to minimise contamination and environmental harm,
- C. ensure that the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work,
- D. place an impermeable seal in the borehole annulus when and as directed by the Minister, and
- E. comply with any other written requirements specified by the Minister, which may include a requirement to provide a report in a specified form detailing the quality of any water obtained using the water supply work.

This condition does not apply to a water supply work constructed for the purpose of monitoring or remediating contaminated water.

**Reporting**

MW3858-  
00002

A. When a water supply work authorised by this approval is no longer to be used permanently, the approval holder must:

- i. notify the relevant licensor in writing of their intention to decommission the work at least 60 days before the start of decommissioning, and
- ii. include a work plan for decommissioning in accordance with the Minimum Construction Requirements for Water Bores in Australia 2020, as amended or replaced from time to time, and
- iii. decommission the work in accordance with the submitted work plan unless the approval holder receives notice in writing from the Minister within 60 days of notifying the relevant licensor, requiring that the work is either not to be decommissioned or be decommissioned in accordance with requirements other than those set in the work plan.

B. Within 60 days of the work being decommissioned, the approval holder must notify the relevant licensor in writing:

- i confirming that the work has been decommissioned, and
- ii. providing the name of the driller who decommissioned the work.

MW7052-  
00001

The approval holder must submit a completed Form A to the relevant licensor within 60 days:

- A. of completion of the construction of the water supply work, or
- B. after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work.



- MW7042-00001 If directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work, within the timeframe (if any) specified in the written notice.
- MW6983-00004 A. Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable.  
B. If the initial notification was not in writing, written notice must be provided within seven days of becoming aware of the breach by emailing:  
nrar.enquiries@nrar.nsw.gov.au

### Other Conditions

#### Water management works

- DK1198-00001 The approval holder must allow the relevant licensor or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.
- DK1199-00001 (A) The approval holder must notify the relevant licensor if a flowing supply of water is obtained. The bore must then be lined with casing and cemented and a suitable closing gear must be attached to the borehead as specified by the relevant licensor.  
(B) If a flowing supply of water is obtained from the work, the approval holder must only distribute water from the bore head by a system of pipe lines and must not distribute it in drains, natural or artificial channels or depressions.
- DK1208-00001 The approval holder must not construct or install works used for the purpose of conveying, distributing or storing water from the works authorised by this approval, that obstruct the reasonable passage of floodwaters flowing in, to, or from a river or lake.

#### Additional conditions

- DK1207-00001 The approval holder must not allow any tailwater/ drainage to discharge into or onto:
- any adjoining public or crown road;
  - any other persons land;
  - any crown land;
  - any river, creek or watercourse;
  - any native vegetation as described under the Native Vegetation Conservation Act 1997 or Native Vegetation Act 2003;
  - any wetlands of environmental significance.

**Disclaimer:** WaterNSW is making the information available on the understanding that it does not warrant that the information is suitable for any intended use. In using the information supplied, the user acknowledges that they are responsible for any deductions or conclusions arrived at from interpretation of the data.

**Privacy:** The information provided is limited to meet the requirements of section 57 of the *Privacy and Personal Information Act 1998*.

**Exporting and printing:** Search results show a maximum of 50 rows per page. Search results can only be printed page by page.

**More information:** Should you require further information or technical assistance, please submit your request to [water.enquiries@waternsw.com.au](mailto:water.enquiries@waternsw.com.au) or contact 1300 662 077