

# Eurobodalla Shire Council

## 10.7 Planning Certificate



SECTION 10.7 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 2021

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**Applicant:** Ethos Urban  
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Certificate No:	PL1152/23
Receipt No:	D000755028
Date of Issue:	13 December 2022
Reference:	10.7
Land ID:	40994

**Property Description:** Princes Highway MORUYA NSW 2537  
Lot 2 DP 1281576

### Section A: Advice provided in accordance with Section 10.7(2).

#### 1. Names of relevant planning instruments and development control plans:

**The following LEPs, Zones and Draft Plans apply to the land subject of this Certificate:**

Eurobodalla Local Environmental Plan 2012

#### SEPP's that apply on a Shire wide basis:

State Environmental Planning Policy (Housing) 2021  
State Environmental Planning Policy (Primary Production) 2021  
State Environmental Planning Policy (Resources and Energy) 2021  
State Environmental Planning Policy (Resilience and Hazards) 2021  
State Environmental Planning Policy (Industry and Employment) 2021  
State Environmental Planning Policy (Transport and Infrastructure) 2021  
State Environmental Planning Policy (Biodiversity and Conservation) 2021  
State Environmental Planning Policy (Planning Systems) 2021  
State Environmental Planning Policy No.1 - Development Standards  
State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land)  
State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Major Development) 2005  
State Environmental Planning Policy (Rural Lands) 2008  
Draft State Environmental Planning Policy (Design and Place) 2021

#### SEPPs that apply specifically to this land:

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

- Housing Code
- Rural Housing Code
- Low Rise Housing Diversity Code
- Greenfield Housing Code
- Inland Code
- Housing Alterations Code
- General Development code
- Commercial and Industrial Alterations code
- Commercial and Industrial (New Buildings and Additions Code)
- Container Recycling Facilities Code
- Subdivisions Code
- Demolition Code
- Fire Safety Code

The above Codes may apply subject to the development meeting the specific standards and land requirements identified in the Codes. Further information about how these Codes apply to the subject land can be found in Section 5 of this Certificate.

The following DCPs apply to the land subject of this Certificate:

Eurobodalla Rural, R5 Large Lot Residential and C4 Environmental Living Zones Development Control Plan  
Residential Zones DCP

## 2. Zoning and land use under relevant planning instruments

### (a) Zone

### (b) Purpose for which development in the zone -

- (i) may be carried out without development consent, and
- (ii) may not be carried out except with development consent, and
- (iii) is prohibited,

Eurobodalla Local Environmental Plan 2012 - **RU1 Primary Production**

*Current version for 1 October 2022*

### 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 minimise the visual impact of development on the rural landscape.
- To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations

### 3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Camping grounds; Cellar door premises; Dual occupancies; Dwelling houses; Eco-tourist facilities; Extractive industries; Farm buildings; Funeral homes; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

### 4 Prohibited

Advertising structures; Amusement centres; Business premises; Caravan parks; Centre-based child care facilities; Entertainment facilities; Heavy industrial storage establishments; Hotel or motel accommodation; Industrial retail outlets; Industries; Office premises; Residential accommodation; Restricted premises; Retail premises; Serviced apartments; Sex services premises; Vehicle body repair workshops; Vehicle repair stations

Eurobodalla Local Environmental Plan 2012 - **R2 Low Density Residential**

*Current version for 1 October 2022*

### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that is consistent with the character of the neighbourhood.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Water supply systems

### 4 Prohibited

Any development not specified in item 2 or 3

**(c) Whether any additional permitted uses apply to the land**

No additional permitted uses identified.

**(d) Minimum Land Dimensions**

There is no development standard applying to the land to fix minimum land dimensions for the erection of a dwelling house.

**(e) Outstanding Biodiversity value**

Council has received no advice that the land includes or comprises critical habitat.

**(f) Conservation Area**

The land is not within a Conservation Area.

**(g) Heritage Listing**

An item of environmental heritage is not situated on the land

**3. Contribution Plans**

The following Contribution plans apply to the land:

(For further information please make separate enquires with Council)

- 1) Development Servicing Plans 2020 – Water Supply and Sewerage
- 2) Eurobodalla Section 7.12 Contributions Plan 2022
- 3) Planning Agreements Policy 2006
- 4) Local Infrastructure Contributions Plan 2022

**4. and 5. Complying Development and Exempt Development**

Complying Development under State Environmental planning policy (Exempt and Complying Development Codes) 2008 may not be carried out on the land (or part of the land) because of the provisions set out under clause 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy.

The land (or part) is identified on an Acid Sulfate Soils Map as class 1 or 2. Complying Development under State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (General Housing Code, Rural Housing Code and Commercial and Industrial New Buildings and Additions Code) may not be carried out on the land (or part of the land) because of the provisions of clause 1.19 of that Policy, as the land (or part of the land) is identified on an acid sulfate soils map as class 1 or 2.

Complying development under the above mentioned Codes may be carried out on any part of the land not so identified.

Complying development may be carried out on the land under Codes not mentioned above.

**6. Affected building notices and building product rectification orders**

Council is not aware of any affected building notices or building product rectification orders known in respect of this land.

**7. Land Reserved for Acquisition**

There is no provision within the Eurobodalla Local Environmental Plans for the acquisition of the land by a public authority.

**8. Road Widening and Road Realignment**

The land is not affected by a road widening or realignment under Division 2 of Part 3 of the Roads Act 1993, or any Environmental Planning Instrument or by any Resolution of the Council.

**9. Flood Related Development Controls Information**

Council considers that the land subject to this certificate is below 1:100 year flooding planning level and therefore the Moruya Floodplain Code (10 July 2012) does impose flood related development controls.

**10. Council and Other Public Authority Policies on Hazard Risk Restrictions**

The land is identified as Acid Sulfate Soils Class 1 or 2. Clause 6.3 of the Eurobodalla Local Environmental Plan 2012 applies.

Council has received no advice that the land is subject to any matter under the Contaminated Land Management Act 1997.

**11. Bushfire Prone Land**

The land is bush fire prone land under Section 10.3 of the Environmental Planning and Assessment Act 1979.

**12. Loose-Fill Asbestos Insulation**

Council has received no advice that the land is identified on the Loose-Fill Asbestos Insulation Register.

**13. Mine Subsidence**

The land has not been proclaimed a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.

**14. Paper subdivision information**

Council has received no advice that a Paper Subdivision Development Plan or Subdivision Order applies to this land.

**15. Property Vegetation Plans**

Council has received no advice that a Property Vegetation Plan under the Native Vegetation Act 2003 applies to the land.

**16. Biodiversity Stewardship Sites**

Council has received no advice that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016. Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995.

**17. Biodiversity Certified Land**

Council has received no advice that the land is Biodiversity Certified land under Part 8 of the Biodiversity Conservation Act 2016. Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995.

**18. Orders under Trees (Disputes Between Neighbours) Act 2006**

Council has received no advice that the land is subject to an order.

**19. Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

No annual charges for coastal protection services that relate to the land apply.

**20. Western Sydney Aerotropolis**

Not applicable to the land subject of this Certificate.

**21. Development consent conditions for seniors housing**

Council has received no advice that a Development Consent has been issued under the State Environmental Planning Policy (Housing) 2021. Applicants should make their own enquiries as to the conditions of any existing Development Consents applying to this land.

**22. Site compatibility certificates and conditions for affordable rental housing**

Council has received no advice that a site compatibility certificate OR conditions for affordable rental housing have been imposed to a Development Application in respect of the land under clause 17(1) or 38(1) of State Environment Planning Policy (Affordable Rental Housing) 2009

**Section B: Additional information provided under Section 10.7(5) of the Act.**

This land upon development or subdivision, which requires the consent of Council, may become liable for contributions

under the Development Servicing Plans for Water and/or Sewerage.

Council has received no advice that a Conservation Agreement under Division 3 of Part 5 of the Biodiversity Conservation Act 2016 applies to the land. This includes agreements entered into under section 68B of the National Parks and Wildlife Act 1974.

This land is identified on the vegetation and biodiversity corridors map in the Local Strategic Planning Statement. Development must take into consideration potential impacts to vegetation and/or biodiversity corridors which may require a biodiversity impact assessment, in accordance with Part 7 of the Biodiversity Conservation Act 2016.

Council has received no advice that the land contains a set aside area under section 60ZC of the Local Land Services Act 2013.

#### **Loose-Fill Asbestos - Advisory Note**

Some residential homes located in the Eurobodalla Shire Council have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.

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

Contact NSW Fair Trading for further information 137 788.

Description of any development consent concerning the land granted since 2000. Please note: not all historic records are available electronically and may not be displayed below. Conditions may apply to the consent or it may have lapsed. Purchasers should enquire further if they need to establish the status of approvals for this land.

#### **Please Note:**

This Council has made no inspection of the property for the purpose of this certificate.

Purchasers should satisfy themselves that there are no breaches of the Environmental Planning and Assessment Act 2021 in respect to the use or development of the property.

#### **ADDITIONAL POLICIES AND OR CODES THAT MAY APPLY TO THE LAND**

Eurobodalla Advertisement and Notification Code  
Eurobodalla Footpath Trading Code  
Eurobodalla Landscaping Code  
Eurobodalla Parking and Access Code  
Eurobodalla Safer by Design Code  
Eurobodalla Signage Code  
Eurobodalla Site Waste Minimisation and Management Code  
Eurobodalla Soil and Water Management Code  
Eurobodalla Tree Preservation Code  
Design guidelines for rainwater tanks where an existing reticulated water supply exists  
Moruya Floodplain Code  
Interim Coastal Hazard Adaptation Code

Further information on these policies & strategies visit Council's website [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au) or phone 4474 1000.

The National Parks and Wildlife Act 1974 provides protection to Aboriginal heritage objects and places on all land within New South Wales. Certain land within the Eurobodalla Shire may contain Aboriginal heritage that may have significance to the Aboriginal community. It may be advisable for potential purchasers of land to undertake appropriate searches to determine whether Aboriginal heritage objects or places have been previously recorded on that land.

Heritage NSW maintains a database of all previously recorded Aboriginal heritage objects and places called the Aboriginal Heritage Information Management System (AHIMS). You can check whether there are any previously recorded Aboriginal

heritage object and places by contacting the AHIMS Registrar at Heritage NSW on (02) 98738500 or by email [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

If you require further information on this certificate please contact Council's  
Duty Development Team on 4474 1231

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