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ABN 49 546 344 354

Planning Certificate

Pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979*

To: L MEILAK
145 LAMBETH STREET
PICNIC POINT NSW 2213

Your Ref:
Fees Paid: \$ 156.00
Receipt Number:

Date of Issue: 11 November 2022

Certificate Number: S10.723/1229

This certificate relates to: HOSPITAL 97-103 BOWRAL STREET BOWRAL NSW 2576

Legal Description: Lot 4 DP 858938

Property No: 1704811

Advice on this certificate: Advice is provided under section 10.7(2): See Part 1.
Additional advice is provided under section 10.7(5): See Part 2.

IMPORTANT: Please read this certificate carefully.

This certificate contains important information regarding the land as listed above. The information provided in this certificate is in accordance with data held by Council in its Geospatial Information System (GIS) and its Property and Rating Operating System.

Please check for any items which could be inconsistent with the proposed use or development of the land and notify Council immediately should this be the case. If there is anything in this certificate that you do not understand please contact Council's Customer Service Centre on 02 4868 0888 or alternatively by email at mail@wsc.nsw.gov.au.

The information provided in this certificate relates only to the land described above. If you require information regarding adjacent or nearby land or further information regarding Council's Planning and Development Policies for the general area, please contact Council's Customer Service Centre.

All information is considered to be correct as at 11 November 2022. However, it is possible that changes may have occurred since this certificate was issued. If in doubt it is suggested that you apply for another certificate.

Working with you

PART 1:
**ADVICE PROVIDED IN ACCORDANCE WITH SECTION 10.7(2) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT (EP&A) ACT 1979 AND SCHEDULE 2 OF THE EP&A REGULATION 2021**

Attention: The explanatory notes denoted by the prefix "Note" and appearing in italic print within this certificate are provided to assist in understanding, but do not form part of the advice provided under section 10.7(2).

All legislation (including Acts, Regulations, State Environmental Planning Policies and Local Environmental Plans) referred to in this certificate may be accessed from the NSW Legislation website at www.legislation.nsw.gov.au.

1. Names of relevant planning instruments and development control plans

(1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

(a) State Environmental Planning Policies

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

(b) Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

(c) Development Control Plans

Bowral Town Plan Development Control Plan

(2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the *Environmental Planning and Assessment Act 1979*, that will apply to the carrying out of development on the land.

Note: Proposed environmental planning instruments include Planning Proposals. The following list excludes proposed environmental planning instruments and draft development control plans that completed public exhibition more than three (3) years ago and those proposed environmental planning instruments notified by the Planning Secretary that have been deferred indefinitely or not approved.

(a) Draft State Environmental Planning Policies

Draft Amendments to State Environmental Planning Policy (Transport and Infrastructure) 2021 (formerly State Environmental Planning Policy (Infrastructure) 2007) for:
– Health Infrastructure

- Landscape rehydration infrastructure
- Protection of fuel pipelines

Draft Amendments to State Environmental Planning Policy (Planning Systems) 2021 (formerly State Environmental Planning Policy (State and Regional Development) 2011) for:

- Water Treatment Facilities

(b) Draft Local Environmental Plans

Shire Wide

Nil

Site Specific

Nil

Note: See Question 2 (b) for relevant zoning and land use details of any Planning Proposal or draft LEP.

(c) Draft Development Control Plans

Nil

2. Zoning and land use under relevant planning instruments

(a) Zoning and land use under the Wingecarribee Local Environmental Plan 2010

Identification of zone and zoning table (permissible and prohibited purposes)

Zone SP2 Infrastructure

i. Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure that the scale and character of infrastructure is compatible with the landscape setting and built form of surrounding development.

ii. Permitted without consent

Nil

iii. Permitted with consent

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

iv. Prohibited

Any development not specified in item 2 or 3

Note: Land use terms are defined in the Dictionary that forms part of the Wingecarribee Local Environmental Plan (WLEP) 2010. The WLEP 2010 instrument and maps can be accessed from the NSW Legislation website at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0245> or via Council's website. The maps can also be viewed on the ePlanning Spatial Viewer at www.planningportal.nsw.gov.au/spatialviewer.

Additional permitted uses

The following additional permitted uses apply to the land:

Nil

Note: Additional permitted uses are listed in Schedule 1 of the Wingecarribee Local Environmental Plan 2010.

Fixed land dimensions for dwelling houses

The following development standards apply to the land which fix minimum land dimensions for the erection of a dwelling-house on the land:

NO there is no Minimum Lot Size to the lot

Outstanding Biodiversity

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

Conservation Area

The land IS NOT within a Conservation Area (however described).

Environmental heritage

An item of environmental heritage (however described) IS NOT situated on the land.

(b) Zoning and land use under applicable draft environmental planning instruments

Nil

3. Contributions plans

The following contributions plan/s under Division 7.1 of the *Environmental Planning and Assessment Act 1979* apply to the land:

Administration 2011 to 2031
Central Library
Open Space, Recreation, Community & Cultural Facilities 2013 to 2036
Roads and Traffic Facilities 2012 to 2031
Resource Recovery Centre 2009

There are NO special contributions areas applicable in the Wingecarribee Shire.

Note: There are also Developer Servicing Plans that may apply to the land that include water, sewer and stormwater contributions.

4. Complying development

Note: this section provides the following information:

1. *If the land is land on which complying development may be carried out under each of the complying development codes under clause 1.17A(1)(c)–(e), (2), (3) or (4), clause 1.18(1)(c3) or clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Policy).*
2. *The reasons why complying development may not be carried out.*
3. *If 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/or 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.

4. *If any complying development codes are varied under clause 1.12 of the Policy.*

Housing Code:

Complying development under the Housing Code MAY be carried out on the land.

Clause 1.12 and Schedule 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* contain variations to the Housing Code for developments within the Wingecarribee Shire in relation to minimum setbacks (clause 3.10) and minimum landscaped area (clause 3.13).

Rural Housing Code:

Complying development under the Rural Housing Code MAY be carried out on the land.

Housing Alterations Code:

Complying development under the Housing Alterations Code MAY be carried out on the land.

Low Rise Housing Diversity Code:

Complying development under the Low Rise Housing Diversity Code MAY be carried out on the land.

Greenfield Housing Code:

Complying development under the Greenfield Housing Code MAY be carried out on the land.

General Development Code:

Complying development under the General Development Code MAY be carried out on the land.

Industrial and Business Alterations Code:

Complying development under the Industrial and Business Alterations Code MAY be carried out on the land.

Industrial and Business Buildings Code:

Complying development under the Industrial and Business Buildings Code MAY be carried out on the land.

Subdivisions Code:

Complying development under the Subdivisions Code MAY be carried out on the land.

Demolition Code:

Complying development under the Demolition Code MAY be carried out on the land.

Fire Safety Code:

Complying development under the Fire Safety Code MAY be carried out on the land.

Container Recycling Facilities Code:

Complying development under the Container Recycling Facilities Code MAY be carried out on the land.

The reasons why Complying Development may not be carried out are as follows:

Nil

5. Exempt development

Note: this section provides the following information:

- If the land is land on which exempt development may be carried out under each of the exempt development codes under clause 1.16(1)(b1)–(d) or clause 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Policy).*
- The reasons why exempt development may not be carried out.*
- If council does not have sufficient information to ascertain the extent to which exempt 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/or the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.*
- If any exempt development codes are varied under clause 1.12 of the Policy.*

If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)–(d).

Is the land or part of the land is identified as declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.	NO
Is the land or part of the land is identified as critical habitat under Part 7A of the Fisheries Management Act 1994	NO
Is the land or part of the land is identified as, or on which there is, a heritage item that is listed on the State Heritage Register under the Heritage Act 1977, or that is subject to an interim heritage order under the Act.	NO
Is the land or part of the land is identified as land, or is part of, a wilderness area (within the meaning of Wilderness Act 1987).	NO

If any of the above answers YES, exempt development MAY NOT be carried out on the land or part of the land.

If all of the above answers NO, exempt development MAY BE carried out on this land, under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

NONE of the exempt development codes are varied for Wingecarribee Shire under clause 1.12 of the Policy.

The reasons why Exempt Development may not be carried out are as follows:

Nil

Note: Specific provisions under individual exempt development categories may restrict exempt development to be carried out on the land or part of the land. Please check the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, to ensure that development complies with all relevant provisions of the SEPP.

6. Affected building notices and building product rectification orders

There IS NOT any affected building notice of which Council is aware that is in force in respect of the land.

There IS NOT any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with.

There IS NOT any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this section:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

The land IS NOT identified for acquisition by a public authority (as referred to in section 3.15 of the *Environmental Planning and Assessment Act 1979*) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

8. Road widening and road realignment

The land IS NOT AFFECTED by any road widening or road re-alignment under Division 2 of Part 3 of the *Roads Act 1993*.

The land IS NOT AFFECTED by any road widening or road re-alignment under an environmental planning instrument.

The land IS NOT AFFECTED by any road widening or road realignment under a resolution of the Council.

9. Flood related development controls

The land or part of the land IS NOT within the flood planning area.

The land or part of the land IS between the flood planning area and the probable maximum flood.

The land or part of the land MAY be subject to flood related development controls.

Note: Words and expressions used above have the same meanings as in the Floodplain Development Manual published by the NSW Government in April 2005.

Note: Development controls apply to certain sensitive uses and facilities in accordance with the relevant Development Control Plan applying to the area and the Floodplain Development Manual published by the NSW Government in April 2005.

10. Council and other public authority policies on hazard risk restrictions

Except as stated below and elsewhere in this certificate, the land IS NOT affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Note: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. The Council considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigations carried out in

conjunction with the preparation or assessment of a development application may result in the Council either refusing development consent or imposing conditions of consent on the basis of risks that are identified above.

11. Bush fire prone land

NONE of the land is bush fire prone land as designated by the Commissioner of the NSW Rural Fire Service under section 10.3 of the *Environmental Planning and Assessment Act 1979*.

12. Loose-fill asbestos information

The land DOES NOT include any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division.

13. Mine subsidence

The land IS NOT a declared Mine Subsidence District under section 20 of the *Coal Mine Subsidence Compensation Act 2017*.

14. Paper subdivision information

The land IS NOT affected by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

15. Property vegetation plans

Council HAS NOT been notified of a property vegetation plan relating to the land. Approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force).

16. Biodiversity stewardship sites

Council HAS NOT been notified by the Biodiversity Conservation Trust that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*.

Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

17. Biodiversity certified land

The land IS NOT biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*.

Note: Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

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

Council HAS NOT been notified of an order that has been made under the *Trees (Disputes between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

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

There are NO charges for coastal protection services under the *Local Government Act 1993* because the *Coastal Management Act 2016* DOES NOT apply to any land within the Wingecarribee Shire.

20. Western Sydney Aerotropolis

Chapter 4 of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* which relates to the Western Sydney Aerotropolis DOES NOT apply to any land within in the Wingecarribee Shire.

21. Development consent conditions for seniors housing

The land IS NOT affected by any condition of development consent granted after 11 October 2007 that relates to restrictions on occupation of seniors housing (as required by clause 88(2) of *State Environmental Planning Policy (Housing) 2021*).

22. Site compatibility certificates and development consent conditions for affordable rental housing

The land IS NOT affected by a current site compatibility certificate for affordable rental housing, of which Council is aware, in respect of proposed development on the land.

The land DOES NOT have any conditions of a development consent that are of a kind referred to in *State Environmental Planning Policy (Housing) 2021*, section 21(1) or 40(1).

The land DOES NOT have any conditions of a development consent that are of a kind referred to in *State Environmental Planning Policy (Housing) 2021*

Contaminated Land Management Act 1997

Note: The following matters are included as prescribed by section 290 of the Environmental Planning and Assessment Regulation 2021 to address specific requirements under section 59 (2) of the Contaminated Land Management Act 1997.

- (a) **that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,**

Council HAS NO record that the the land is significantly contaminated land at the date or the issue of this certificate.

- (b) **that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,**

Council HAS NO record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.

- (c) **that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,**

Council HAS NO record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.

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- (d) **that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,**

Council HAS NO record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.

- (e) **that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.**

Council HAS NO record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.

 S J Stannard

For
Lisa Miscamble – General Manager

PART 2:
ADVICE PROVIDED UNDER SECTION 10.7(5) OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT (EP&A) ACT 1979

Note: Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to subsection 10.7(5).

1. Development Consents

The land HAS NOT been subject to a development consent under the *Environmental Planning and Assessment Act 1979* within the last 2 years.