

PLANNING CERTIFICATE UNDER SECTION 10.7
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
Certificate No: 2024/04104

Applicant: urbis
Level 8, 123 Pitt Street
Sydney NSW 2000

Receipt No.: Ext: 189466
Date: 17/10/2024
Fee: \$69
Urgency Fee: \$0.00

Applicant reference: P0050741

The land to which this Certificate relates is:
Lot 1 DP 861814, 9 Thomas St, MILTON
Parish of ULLADULLA, County of ST. VINCENT

The above information is as recorded by Council.

DISCLAIMER AND CAUTION:

1. The information on zones, controls etc given below relates to the land for which the certificate was sought. If enquirers wish to know what zones, other controls, etc apply or are proposed on nearby land then they should make enquiries in person at Council's offices.
2. The information contained in this certificate is accurate as at the date of this certificate.
3. In providing this certificate Council has in good faith relied upon information provided to it or sourced from third parties. Where Council has obtained the information from third parties, either exclusively or in conjunction with information held by Council, the Certificate details the source of that third party information. Council cautions persons against relying upon information in the Certificate sourced from third parties as to its accuracy, applicability to specific lands and its currency without verification from the specified third party and, where appropriate, professional advice and the adoption of prudent land acquisition measures and appropriate professional advice. To the full extent permitted by law Council disclaims liability with respect to any information in this Certificate sourced from third parties.

The information contained in this certificate is prepared in accordance with the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning Assessment Regulation 2021 (as amended).

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This is a Planning Certificate issued by Shoalhaven City Council under Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* on the application of the person described above in respect of the land described above.

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:

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Precincts - Regional) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022

Local Environmental Plans

Shoalhaven Local Environmental Plan 2014 (as amended)

Development Control Plans

Shoalhaven Development Control Plan 2014 (as amended)

Note: a copy of Shoalhaven Development Control Plan 2014 is available on the internet at www.dcp2014.shoalhaven.nsw.gov.au or can be inspected at Council's Nowra office during normal business hours.

- (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 Act, that will apply to the carrying out of development on the land.

Proposed State Environmental Planning Policies and other Environmental Planning Instruments

Explanation of Intended Effect - Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions of the State Environmental Planning Policy (Housing) 2021 - exhibition 22/11/2022 to 13/01/2023.

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Explanation of Intended Effect - Proposed changes to Standard Instrument - Principal Local Environmental Plan to include a standard definition for temporary workers' accommodation, and specific provisions for construction accommodation in certain renewable energy zones - exhibition 16/08/2023 to 27/09/2023.

Explanation of Intended Effect - Proposed reforms to outdoor dining on private land and live music venues - exhibition 19/10/2023 to 16/11/2023.

Consultation draft - Amendments to the Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation 2021 and State Environmental Planning Policy (Housing) 2021 - exhibition 17/11/2023 to 15/12/2023.

Explanation of Intended Effect - Changes to create low and mid-rise housing - exhibition 15/12/2023 to 23/02/2024

Explanation of Intended Effect - Improving planning processes to deliver infrastructure faster - exhibition 06/03/2024 to 16/04/2024

Explanation of Intended Effect - Proposed changes to complying development for farm buildings, rural sheds and earthworks - exhibition 15/05/2024 to 14/06/2024

Planning Proposals for Local Environmental Plans

Amendment to Shoalhaven Local Environmental Plan 2014 - PP073 - Local Character - Exhibition 26/06/2024 to 08/07/2024.

Note: In this section - **proposed environmental planning instrument** means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.

Draft Development Control Plans

Amendment to Shoalhaven Development Control Plan 2014 - Draft DCP 56 - Moss Vale Road North Urban Release Area - Exhibition 26/08/2024 to 23/09/2024.

2 **Zoning and land use under relevant planning instruments**

For Shoalhaven Local Environmental Plan 2014 (as amended)

- a. **The identity of the zone in which the land is included under Shoalhaven Local Environmental Plan 2014:**

Zone SP2 Infrastructure

- b. **The purposes for which development in the zone**

- i. **may be carried out without development consent:**

Nil

- ii. **may not be carried out except with development consent:**

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

- iii. **is prohibited:**

Any development not specified in item i or ii.

- c. Additional permitted uses **DO NOT** apply to the land
- d. Development standards applying to the land under Shoalhaven Local Environmental Plan 2014 **DO NOT** fix minimum land dimensions for the erection of a dwelling-house on the land.
- e. The land **IS NOT** in an area of outstanding biodiversity value under the *Biodiversity Conservation Act* 2016.
- f. The land **IS NOT** in a conservation area (however described) under Shoalhaven Local Environmental Plan 2014.

Note: this item relates to "heritage conservation areas" as defined in the LEP.

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- g. An item of environmental heritage (however described) under Shoalhaven Local Environmental Plan 2014 **IS** located on the land.

HERITAGE

Heritage Item - General

Note: "environmental heritage" relates to matters/items of cultural heritage, for example, items listed on the State Register, items specifically listed in the LEP or matters subject to an "interim heritage order" under the *Heritage Act 1977*.

Other provisions under Shoalhaven Local Environmental Plan 2014 may also apply to the development of this land. You can view the Shoalhaven Local Environmental Plan 2014 at the website www.legislation.nsw.gov.au or at Council's offices.

3 Contributions

- 1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans:

Shoalhaven Contributions Plan 2019 (as amended)

- 2) The subject land is within Illawarra-Shoalhaven to which the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* applies.

4 Complying development

Qualifying Statement on Council Data Affecting this Item

Shoalhaven City Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, however specific land restrictions may not apply to all of the land. The information included in this Planning Certificate is provided in accordance with the Environmental Planning & Assessment Regulation 2021 (as amended). It is strongly suggested that you review the State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008 and supporting information before proceeding with the lodgement of a Complying Development Certificate application to either Council or a private certifier. The NSW Department of Planning, Industry and Environment has provided a series of information sheets on its website <http://www.planning.nsw.gov.au/exemptandcomplying>

Note: There are other provisions in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that must be complied with in order for development on the land to be complying development. Refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to identify if a Code applies to your land.

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Whether the extent to which the land is land on which complying development may be carried out under the following codes for complying development of State Environmental Planning Policy (Exempt Complying Development Codes) 2008 is restricted by the following 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:

Housing Code, Rural Housing Code, Agritourism and Farm Stay Accommodation Code and Greenfield Housing Code: **IS RESTRICTED**

Under the Housing Code, Rural Housing Code, Agritourism and Farm Stay Accommodation Code and Greenfield Housing Code the land is affected by specific land exemptions -

Clause 1.17A(1)(d)(iii) because the land is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note: If an item listed in the environmental planning instrument is not located on, or does not comprise, the whole of the relevant land, only the part of the land that is described and mapped in that environmental planning instrument is affected.

Housing Alterations Code and General Development Code: **IS RESTRICTED**

Under the Housing Alterations Code and the General Development Code the land is affected by specific land exemptions -

Clause 1.17A(1)(d)(iii) because the land is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note: If an item listed in the environmental planning instrument is not located on, or does not comprise, the whole of the relevant land, only the part of the land that is described and mapped in that environmental planning instrument is affected.

Industrial and Business Buildings Code: **IS RESTRICTED**

Under the Industrial and Business Buildings Code the land is affected by specific land exemptions -

Clause 1.17A(1)(d)(iii) because the land is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note: If an item listed in the environmental planning instrument is not located on, or does not comprise, the whole of the relevant land, only the part of the land that is described and mapped in that environmental planning instrument is affected.

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Low Rise Housing Diversity Code: **IS RESTRICTED**

Under the Low Rise Housing Diversity Code the land is affected by specific land exemptions -

Clause 1.17A(1)(d)(iii) because the land is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

Note: If an item listed in the environmental planning instrument is not located on, or does not comprise, the whole of the relevant land, only the part of the land that is described and mapped in that environmental planning instrument is affected.

Clause 1.19(3A) because the land comprises, or on which there is, a heritage item or draft heritage item

The complying development codes **ARE NOT** varied, under that Policy, clause 1.12, in relation to the land.

5 Exempt Development

Qualifying Statement on Council Data Affecting this Item

Shoalhaven City Council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, however specific land restrictions may not apply to all of the land. The information included in this Planning Certificate is provided in accordance with the Environmental Planning & Assessment Regulation 2021 (as amended). It is strongly suggested that you review the State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008 and supporting information before proceeding with exempt development. The NSW Department of Planning and Environment has provided a series of information sheets on its website

<http://www.planning.nsw.gov.au/exemptandcomplying>

Note: There are other provisions in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that must be complied with in order for development on the land to be exempt development. Refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to identify if a Code applies to your land.

Whether the extent to which 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 is restricted by the following provisions of that Policy, clause 1.16(1)(b1)–(d) or 1.16A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008:

General Exempt Development Code, Advertising and Signage Exempt Development Code and Temporary Uses and Structures Exempt Development Code: **IS NOT RESTRICTED**

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The exempt development codes **ARE NOT** varied, under that Policy, clause 1.12, in relation to the land.

6 Affected building notices and building product rectification orders

- a) Council **IS NOT** aware that an affected building notice is in force in relation to the land.
- b) Council **IS NOT** aware that a building product rectification order is in force in relation to the land that has not been fully complied with.
- c) Council **IS NOT** aware that a notice of intention to make a building product rectification order given in relation to the land is outstanding.

Note: In this section, **affected building notice** has the same meaning as in the *Building Products (Safety) Act 2017*, Part 4. **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** reserved for acquisition by an authority of the State, as referred to in section 3.15 of the Act under any environmental planning instrument, or proposed environmental planning instrument referred to in Section 1.

8 Road widening and road realignment

- a) The land **IS NOT** affected by any road widening or road realignment under the *Roads Act 1993*, Part 3, Division 2.

- b) The land **IS NOT** affected by road widening or road realignment under an environmental planning instrument.

- c) The land **IS NOT** affected by any road widening or road realignment under a resolution of Council.

Note: Information in item 8 relates only to proposed plans by the Council for the widening of a public road that would affect the land and have been submitted to the Minister by the Council and any road widening orders affecting the land that the Council has caused to be published in the NSW Government Gazette under section 25 of the *Roads Act 1993*. Other authorities e.g. Transport for NSW, may have proposals not set out herein.

9 Flood related development controls

(1) Council's adopted flood information **DOES NOT** identify the land or part of the land as being within the flood planning area and subject to flood related development controls. Note that not all areas within the Shoalhaven LGA are covered by an adopted flood investigation.

(2) Council's adopted flood information **DOES NOT** identify the land or part of the land as being between the flood planning area and the probable maximum flood and subject to flood related development controls. Note that not all areas within the Shoalhaven LGA are covered by an adopted flood investigation.

Flood Planning Area has the same meaning as in the Flood Risk Management Manual.

Floodplain Development Manual Means the Flood Risk Management Manual (ISBN 978-1-923076-17-4) published by the NSW Government in June 2023.

Probable Maximum Flood has the same meaning as in the Flood Risk Management Manual.

Note: The Flood Risk Management Manual replaces the Floodplain Development Manual (2005).

Note: In relation to sub clause (1) and (2) above, if the land or part of the land is within 40 metres of a creek; or is within 10 metres of a major drainage system, local overland flow path or drainage easement; or has a history of flooding then a flood assessment report may need to be submitted with any development application under the requirements of the Shoalhaven Development Control Plan 2014. The flood assessment report is to identify whether or not the land or part of the land is flood prone and determine, if flood prone, the probable maximum flood extent and the flood planning level.

For further information or to request a flood certificate, please contact Council's Floodplain Management Unit.

10 Council and other public authority policies on hazard risk restrictions

The land **IS** affected by the following adopted policy or policies that restrict the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or any other risk (other than flooding).

Shoalhaven Development Control Plan 2014

Shoalhaven City Council - Contaminated Land Policy

Shoalhaven Coastal Zone Management Plan 2018

Planning for Bush Fire Protection 2019

Note: The policies above apply across the City. If certain specific hazards are known to apply to the land, those hazards may be noted below.

Note: In this section **adopted policy** means a policy adopted
(a) by the council, or
(b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

11 Bush fire prone land

The land **IS** bushfire prone land, either in whole or in part (as designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3).

12 Loose-fill asbestos insulation

The land **DOES NOT** include any residential premises (within the meaning of the *Home Building Act 1989*, Part 8, Division 1A) that are listed on the Register kept under that Division.

13 Mine subsidence

The land **IS NOT** declared to be a mine subsidence district within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

14 Paper subdivision information

- 1) The land **IS NOT** affected by a development plan adopted by a relevant authority that applies to the land or is proposed to be subject to a ballot.
- 2) The land **IS NOT** affected by a subdivision order.

Note: Words and expressions used in this section have the same meaning as in the Regulation, Part 10 and the Act, Schedule 7.

15 Property vegetation plans

The Council **HAS NOT** been notified that the land is land to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, Part 4.

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16 Biobanking stewardship sites

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

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

17 Biodiversity certified land

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

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

18 Orders under Trees (Disputes Between Neighbours) Act 2006

The Council **HAS NOT** been notified that an order 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

The owner (or any previous owner) of the land **HAS NOT** given written consent to the land being subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

Note: In this section - **existing coastal protection works** has the same meaning as in the *Local Government Act 1993*, section 553B.

Note: Existing coastal protection works are works to reduce the impact of coastal hazards on land such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20 Western Sydney Aerotropolis

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

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21 Development consent conditions for seniors housing

The Council **IS NOT** aware of any terms of a kind referred to in clause 88(2) of State Environmental Planning Policy (Housing) 2021 that have been imposed as a condition of development consent granted after 11 October 2007 in relation to the land.

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

(1) The Council **IS NOT** aware of a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, in relation to proposed development on the land.

(2) The Council **IS NOT** aware of any conditions of development consent in relation to the land that are of a kind referred to in State Environmental Planning Policy (Housing) 2021, section 21(1) or 40(1).

(3) The Council **IS NOT** aware of any conditions of a development consent in relation to the land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

Note: in this section -

former site compatibility certificate means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Note: Contaminated Land Management Act 1997: The following matters are prescribed by Section 59(2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

a) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

b) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject to a management order within the meaning of the *Contaminated Land Management Act 1997*.

c) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject of an approved voluntary management proposal within the meaning of the *Contaminated Land Management Act 1997*.

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d) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject of an ongoing maintenance order within the meaning of the *Contaminated Land Management Act 1997*.

e) The land **IS NOT** the subject of a site audit statement within the meaning of the *Contaminated Land Management Act 1997* that has been provided to the Council.

- 23 Water or sewerage services under the *Water Industry Competition Act 2006* **DO NOT** apply to this land.

Note: Water and sewerage services in Shoalhaven LGA are provided by Shoalhaven Water. However, not all sites are connected to these services. Further enquiries should be directed to Shoalhaven Water <http://www.shoalwater.nsw.gov.au>.

for the CHIEF EXECUTIVE OFFICER