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**SECTION 10.7 (2) PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Receipt No.: 388504
Applicant's Reference: BH2NP-JP
Certificate No: PLAN/0396/2425

DESCRIPTION OF PROPERTY

Address: 35 Francis Street GOULBURN NSW 2580
Legal Description: Part Lot 15 DP 782
Part Lot 16 DP 782

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 (SEPP)

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

Local Environmental Plan (LEP)

Goulburn Mulwaree Local Environmental Plan 2009

Note:

Employment zone reforms commenced within the *Goulburn Mulwaree Local Environmental Plan 2009* on 26 April 2023. From 26 April 2023, in a document (other than a state environmental planning policy) a reference to a former zone under an environmental planning instrument is taken to include a reference to a new zone under the environmental planning instrument.

To determine the previous zone for former Business and Industrial zoned land please refer to the published equivalent zones tables <https://www.planning.nsw.gov.au/sites/default/files/2023-04/equivalent-zone-tables.pdf> (alternatively Council can reproduce the specific table).

The Employment Zones Reform webpage also contains further information.
<https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/employment-zones-reform>

NB: **Document** means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.

Development Control Plan (DCP)

Goulburn Mulwaree Development Control Plan 2009

- (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.

Draft Amendments to the <i>Goulburn Mulwaree Local Environmental Plan 2009</i>
Planning Proposal to rezone Howard Boulevard Park, 36 Howard Boulevard (Lot 164, DP250803), Goulburn from RE1 Public Recreation to R1 General Residential and to reclassify the site to “operational” land under the NSW <i>Local Government Act 1993</i> .
Draft Amendments to the <i>Goulburn Mulwaree Development Control Plan 2009</i>
DCP Amendment 21 – Heavy Vehicle Haulage Pavement Standards
Draft State Environmental Planning Policies (SEPP's)
<p><i>ISEPP – Amendment – Health Infrastructure</i></p> <p><i>Explanation of Intended Effect – SEPP (State Environmental Planning Policy (Transport & Infrastructure) - Changes to protect fuel pipelines</i></p> <p><i>Explanation of Intended Effect – Proposed amendment of SEPP (State Environmental Planning Policy) (Transport & Infrastructure) 2021 – Facilitating temporary uses in Future Infrastructure Corridors</i></p> <p><i>Explanation of Intended Effect – State Environmental Planning Policy (Housing) 2021- Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions.</i></p> <p><i>Explanation of Intended Effect – Temporary workers’ accommodation: Proposed changes to Standard Instrument – Principal Local Environmental Plan to include a standard definition for temporary workers’ accommodation /Proposed changes to include specific provisions for construction accommodation in certain Renewable Energy Zones</i></p> <p><i>Explanation of Intended Effect – Proposing an exempt and complying development framework for cemeteries</i></p> <p><i>Explanation of Intended Effect – Amendments to the SEPP (Exempt and Complying Development Codes) 2008 for outdoor dining on private land and at registered clubs; and Standard Instrument – Principal Local Environmental Plan 2006 to include a new floor space bonus clause for new developments to include music venues</i></p> <p><i>Explanation of Intended Effect – Improving planning processes to deliver infrastructure faster - Proposed changes to the SEPP (Transport and Infrastructure) 2021 and SEPP (Planning Systems) 2021</i></p> <p><i>Explanation of Intended Effect – Complying development for farm buildings, rural sheds and earthworks</i></p> <p><i>Draft State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023</i></p> <p>For further information please visit the Planning NSW and NSW Planning Portal web sites: https://www.planningportal.nsw.gov.au/have-your-say- https://www.planningportal.nsw.gov.au/exhibition</p>

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if–
- (a) it has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

- (b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

(4) In this section—

Proposed Environmental Planning Instrument means a draft environmental planning instrument and includes a planning proposal for local environmental plan.

2 Zoning and land use under relevant planning instruments

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described—

- (a) The identity of the zone, whether by reference to—
- (i) A name, such as “Residential Zone” or “Heritage Area”, or
 - (ii) A number, such as “Zone No 2 (a)”.

The identity of the zone is **R1 General Residential**
under the Goulburn Mulwaree Local Environmental Plan
2009.

- (b) The purposes 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.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas;

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Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

(c) Whether additional permitted uses apply to the land.

No

(d) Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the fixed minimum land dimensions.

No.

(e) Whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

No. The land is not in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

(f) Whether the land is in a heritage conservation area, however described.

No. The land is not within a heritage conservation area.

(g) Whether an item of environmental heritage, however described, is located on the land.

No. An item of environmental heritage is not situated on the land.

3 Contributions plans

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

Goulburn Mulwaree Local Infrastructure Contributions Plan 2021

Development Servicing Plan for Water Supply, Sewerage and Stormwater 2017.

(2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

No. The land is not within a special contributions area under the Act, Division 7.1.

4 Complying development

(1) If the land is land on which complying development may be carried out under each of the complying development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A(1)(c)-(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

(2) If complying development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

- (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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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 the complying development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

Housing Code

No. Complying development under the Housing Code cannot be carried out on the land because the land is affected by the following exclusions:

The Inland Code applies to the land.

Low Rise Housing Diversity Code

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

Greenfield Housing Code

No. Complying development under the Greenfield Housing Code cannot be undertaken on the land due to the land not being within a Greenfield Housing Code Area Map under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Inland Code

Yes. Complying development under the Inland Code can be carried out on the land.

Rural Housing Code

No. Complying development under the Rural Housing Code cannot be undertaken on the land due to the zoning of the land.

Agritourism and Farm Stay Accommodation Code

No. Complying development under the Agritourism and Farm Stay Accommodation Code cannot be undertaken on the land due to the zoning of the land.

Housing Alterations Code

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

General Development Code

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

Industrial and Business Alterations Code

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

Industrial and Business Buildings Code

No. Complying development under the Industrial and Business Buildings Code cannot be carried out on the land due to the zoning of the land.

Container Recycling Facilities Code

No. Complying development under the Container Recycling Facilities Code cannot be undertaken on the land due to the zoning of the land.

Note: Complying development can be carried out on any other land under this code, if the conditions of s 5B.2(2) of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* are satisfied.

Subdivisions Code

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

Demolition Code

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

Fire Safety Code

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

Note. If the land is a lot to which the Housing Code, Rural Housing Code, Housing Alterations Code, General Development Code, Industrial and Business Alterations Code or Industrial and Business Buildings Code (within the meaning of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* applies, complying development may be carried out on any part of the lot that is not affected by the provisions of Clause 1.19 of that Policy.

5 Exempt development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.
- (3) 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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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.
- (4) If the exempt development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

General Exempt Development Code

Yes. Exempt development under the General Exempt Development Code can be carried out on the land.

Advertising and Signage Exempt Development Code

Yes. Exempt development under the Advertising and Signage Exempt Development Code can be carried out on the land.

Temporary Uses and Structures Exempt Development Code

Yes. Exempt development under the Temporary Uses and Structures Exempt Development Code can be carried out on the land.

Please note, further exclusions may apply. Refer to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for more information.

6 Affected building notices and building product rectification orders

(1) Whether council is aware that—

(a) An affected building notice is in force in relation to the land, or

No. Council is not aware of any affected building notice that is in force in respect of the land.

(b) A building product rectification order is in force in relation to the land that has not been fully complied with, or

No. Council is not aware of any building product rectification order given in relation to the land that has not been fully complied with.

(c) A notice of intention to make a building product rectification order given in relation to the land is outstanding

No. Council is not aware of any intention to make a building product rectification order in respect of the land and is outstanding.

(2) In this section—

Affected Building Notice has the same meaning as 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

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, referred to in the Act, section 3.15.

No.

8 Road widening and road realignment

Whether the land is affected by road widening or road realignment under—

- (a) the *Roads Act 1993*, Part 3, Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the Council.

No.

9 Flood related development controls

- (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 Flood Risk Management Manual.

Flood Risk Management 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.

10 Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is 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 sulphate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

No.

- (2) In this section—

Adopted Policy means a policy adopted—

- (a) by the council, or
- (b) by any other 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

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

No. The land or part of the land is not bush fire prone land.

12 Loose-fill asbestos insulation

If the land includes 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, a statement to that effect.

No, the land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

13 Mine subsidence

Whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

No.

14 Paper subdivision information

- (1) The name of a development plan adopted by a relevant authority that—
 - (a) applies to the land, or
 - (b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as they have in this Regulation, Part 10 and the Act, Schedule 7.

Not applicable.

15 Property vegetation plans

If the land is land in relation to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

No. Council is not aware of a property vegetation plan under the *Native Vegetation Act 2003* relating to the land.

16 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

No. Council has not been notified of a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* relating to the land.

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

If the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8, a statement to that effect.

No. Council is not aware that the land is biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016.

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 2016*, Part 8.

18 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether 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, but only if Council has been notified of the order.

No, an order under the *Trees (Disputes Between Neighbours) Act 2006* has not been made.

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

Not applicable to the Goulburn Mulwaree Local Government Area.

20 Western Sydney Aerotropolis

Not applicable to the Goulburn Mulwaree Local Government Area.

21 Development consent conditions for seniors housing

If the *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, and conditions of a development consent granted after 11 October 2007 in relation to land that are of the kind set out in that Policy, section 88(2).

No.

22 Site compatibility certificates and conditions for affordable rental housing

(1) Whether there is a current site compatibility certificate under the *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—

(a) The period for which the certificate is current, and

(b) That a copy may be obtained from the Department.

No. Council is not aware of any current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

(2) If the *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that area kind referred to in that Policy, section 21(1) or 40(1).

No terms referred to in section 21(1) or 40(1) of the *State Environmental Planning Policy (Housing) 2021* have been imposed as conditions of consent to a development application in respect of the land.

- (3) Any conditions of a development consent in relation to land that are a kind referred to in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

No terms referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* have been imposed as conditions of consent to a development application in respect of the land.

- (4) In this section—

Former Site Compatibility Certificate means a site compatibility certificate issued under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

23 Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

No. Council is not aware that water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*.

Note— A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

Additional Matters

Note. 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) Whether or not the land to which the certificate relates is significantly contaminated land within the meaning of that Act.

No. The land is not significantly contaminated as at the date this certificate is issued.

- (b) Whether or not the land to which the certificate relates is subject to a management order within the meaning of that Act.

No. The land is not subject to a management order as at the date this certificate is issued.

- (c) Whether or not the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act.

No. The land is not the subject of an approved voluntary management proposal as at the date this certificate is issued.

- (d) Whether or not the land to which this certificate relates is subject to an ongoing maintenance order within the meaning of that Act.

No. The land is not subject to an ongoing maintenance order as at the date this certificate is issued.

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- (e) Whether or not 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 statement has been provided at any time to the local authority issuing the certificate.

No. The land is not the subject of a site audit statement as at the date this certificate is issued.

Legislation referred to in this certificate can be found at www.legislation.nsw.gov.au.

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At the date of this certificate, Council is aware of the following matters affecting the above mentioned land (other than those matters set out in Schedule 2 of the *Environmental Planning and Assessment Regulation 2021*).

-
- A** Does the land have frontage to a Classified Road and consequently affected by Clauses 3.5.6, 6.4.2 and 6.4.3 of *Goulburn Mulwaree Development Control Plan 2009*?

No.

-
- B** Is the land identified on the Height of Buildings Map and consequently affected by Clause 4.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- C** Is the land identified on the Floor Space Ratio Map and consequently affected by Clauses 4.4 and 4.5 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- D** Is the land located within 50 metres of a zone boundary and may consequently be affected by Clause 5.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Note: Exclusions to the application of this clause may apply, refer to Clause 5.3 of the *Goulburn Mulwaree Council Local Environmental Plan 2009*.

-
- E** Is a permit required from Council to clear vegetation under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas?

Yes.

Note: The requirements for approval of vegetation clearing are varied depending on the location and uses of the land and the intention of the clearing. The question above relates only to whether a permit is required from Council under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas.

-
- F** Is the land identified on the Urban Release Area Map and consequently affected by Part 6 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- G** Is the land identified on the Terrestrial Biodiversity Map and consequently affected by Clause 7.2 *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Information regarding loose-fill asbestos insulation

Some residential homes located in the Goulburn Mulwaree local government area have been identified as potentially 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.

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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.



Date of Certificate
26 September 2024

for **Aaron Johansson**
Chief Executive Officer
Goulburn Mulwaree Council

Notice to Prospective Purchasers/Residents

1. Urban Land and Rural land in the Goulburn Mulwaree Local Government Area

Due to extensive growth and development within and alongside the urban areas of the Goulburn Mulwaree Local Government Area, non-residential land uses including rural areas increasingly adjoin residential developments. These mixed land uses and zones have resulted in the potential for land use conflicts.

Goulburn Mulwaree Council supports the right of persons carrying out legitimate non-residential land use activities on urban land. Furthermore, Council supports the rights of persons to carry out legitimate rural and agricultural uses and practices on rural land.

Council advises that whilst some land use activities will have formal consent from Council and/or other Government Agencies for operations, other activities may not require consent and are undertaken within the objectives of the land use zone.

Council will not support any action that will unreasonably interfere with the existing use or ongoing operation of land uses, particularly where such activities or uses are carried out in accordance with existing approvals, industry standards and relevant legislation. Many farms, businesses and commercial enterprises carry out operations as required, early in the morning or late in the evening. These operations may involve vehicle movements, machinery noise and trade and supply activities which may impact upon the amenity of an area.

Prospective purchasers of land are encouraged to undertake their own enquiries into any operations or activities on adjoining, neighbouring or nearby properties that may cause amenity impacts from noise, dust, odour etc. Intending purchasers are advised that legitimate land uses in urban and rural areas may include, but are not limited to:

Urban activities

Agricultural produce stores; Building trade supply retailers; Childcare centres and schools; Concrete batching plants; Equine training and stabling facilities; Food businesses; Home businesses; Landscape supplies; Medical practices and services; Motor vehicle and/or heavy machinery workshops; Motorsport facilities; Nurseries; Nursing homes and aged care facilities; Petrol stations; Public recreation facilities including aquatic centres, playgrounds and sporting fields; Pubs and clubs; Recycling facilities; Retail suppliers/ shops; Steel fabrication and engineering; Transport depots; Veterinary practices; Vehicle retailers; Waste management facilities; Water and waste water treatment facilities; Wholesalers.

Rural activities

Abattoir operations; Intensive livestock farming; Dairies; Livestock waste disposal systems; Stockyard activities; Animal husbandry practices (castration, dehorning, mulesing etc.); Presence of livestock (noisy animals, including crowing roosters); Livestock movement on Council roads; Clearing and land cultivation; Bush fire hazard reduction burning; Burning of stubble for cropping operations; Construction of fire breaks; Earthmoving including construction of dams, drains and contour banks; Construction of access roads and tracks; Pumping and irrigation; Harvesting operations; Grain receipt operations; Transportation of rural produce; Fodder conservation; Chaff cutting operations; Silage productions; Growing of any agricultural crop or pasture species which may produce detectable aromas or pollens e.g. canola & Lucerne; Slashing and mowing of vegetation; Logging; Spreading of fertilisers, including lime and gypsum; Crop spraying by both aerial and ground operations; Control and eradication of noxious weeds; Authorised measures to control agricultural pests including baiting, ripping, fumigation and shooting; Planting of trees and shrubs for woodblocks, windbreaks etc.; Fencing construction and erection; Tourist facilities; Manufacture and repair of agricultural machinery; Processing of rural commodities; Council Landfill Facilities; Council Sewerage Treatment Works.

Prospective purchasers are encouraged to attend locations of interest during different times of the day to determine the suitability of land for their intended use.

In addition to the above, Council suggests an awareness of rural land management responsibilities, in particular weeds management that accompany ownership.

2. Unauthorised Development

2.1 Background

The need for obtaining approval/consent is an important step in the development process as it ensures that a number of important assessments are carried out prior to the commencement of works. These assessments and their subsequent approvals provide a variety of safeguards for the landowner and the wider community, and therefore ensure the safety of any building/land user and the protection of the environment. Obtaining consent also serves to ensure that third party protections such as insurance remain valid.

In accordance with the *Environmental Planning & Assessment Act 1979*, the term 'development' can be applied to most works, including but not limited to:

- use of land;
- subdivision of land;
- the erection of a building;
- the carrying out of work; and
- the demolition of a building or work.

The following information is provided as a courtesy and is general in nature. It is not to be construed as either town planning or legal advice. It is therefore important that you seek your own professional advice in relation to your rights and obligations in respect of any matters that this advice may raise.

2.2 Common Misconceptions

"Weekenders"

The term "weekender" (i.e. the temporary use of a dwelling for short term accommodation) is not a defined land use within NSW and therefore is not an approved land use under the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009*. Therefore, a "weekender" is not considered to be a legitimate building or land use classification. A building is either considered to be a non-habitable structure (i.e. a shed) or a habitable dwelling. Any use of a structure as a dwelling (regardless of frequency of use) is considered to be a dwelling and requires all relevant approvals.

"Weekenders" are sometimes the result of the unauthorised conversion of existing buildings, such as farm sheds, into a building intended for habitation. In circumstances where a building is intended for the purpose of human habitation (for example sleeping, living, meal preparation, ablutions, etc.), the building is classified as a dwelling and must be assessed as a Class 1 structure in accordance with the *Building Code of Australia*. These are the same standards that a dwelling house is constructed to meet.

Furthermore, any form of habitation requires the land to contain a dwelling entitlement (as some lots in rural areas are below the minimum lot size for a dwelling under GMLEP 2009 and do not have a historical entitlement to a dwelling). Council cannot grant approval to a Development Application for a dwelling on land that does not possess such an entitlement. It is particularly important in rural areas to ensure that a lot does enjoy a dwelling entitlement – see Council's website for a dwelling entitlement enquiry form.

Conversion of Sheds to "Granny Flats"

As with "weekenders", a "granny flat" is not a defined land use under the GM LEP. The closest land use definition is a secondary dwelling, which requires development consent. Secondary dwellings must be assessed as a Class 1 structure in accordance with the *Building Code of Australia* to ensure the safety, health and amenity of any occupant that may use the structure.

Farm Buildings/Rural Sheds

Provisions exist under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* for some structures to be erected on rural lands without the need for consent. Notwithstanding this, any structure erected under this instrument must meet strict development standards to ensure that minimum environmental and safety requirements can be met. These provisions may be available on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU6 Transition.

Importantly this type of development can only proceed where it is ancillary to an agricultural use on the same land holding. "Agriculture" is specifically defined under the GM LEP, and for an activity to be classified as "agriculture", the activity conducted on the land must be a form of *commercial activity* related to aquaculture, extensive agriculture, intensive livestock agriculture or extensive plant agriculture.

Landowners and prospective purchasers are advised that a significant area of the Goulburn Mulwaree Council Local Government Area is located within the Sydney Drinking Water Catchment. As a result, much of the rural area is zoned as "conservation" – i.e. C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living and therefore prohibits many land uses, such as rural sheds, from being constructed or undertaken without having an appropriate consent in place.

Clearing of Vegetation

Much of the Goulburn Mulwaree Council Local Government Area contains threatened species and various *Endangered Ecological Communities* (EEC's) and *Critically Endangered Ecological Communities* (CEEC's), including but not limited to Grassy Box Woodland, Tallong Midge Orchid, Glossy Black Cockatoo habitat and Koala habitat.

A raft of legislation and plans exist to preserve native vegetation, including but not limited to the *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *Goulburn Mulwaree Local Environmental Plan 2009*, and the *Goulburn Mulwaree Development Control Plan 2009*. Further, in some circumstances, Commonwealth legislation such as the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may apply. For instance, a property may be identified on the State's Biodiversity Values Map which can be viewed at <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>.

It is recommended that professional guidance be sought prior to undertaking any vegetation removal, including destruction of grasslands or when carrying out bushfire protection measures as thresholds apply and approvals may be required. If in doubt, please contact Council prior to any land clearing or vegetation management is undertaken.

Earthworks & Road Construction

Earthworks are defined within the GM LEP as the excavation or filling of land. Some forms of earthworks can be undertaken without consent under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, however thresholds apply and a number of environmental considerations must be demonstrated.

If not considered or planned appropriately, earthworks can adversely affect neighbours by disrupting or intensifying natural water flow paths, and can cause significant environmental harm by destabilising the structure of the topsoil leading to erosion and soil degradation.

As with earthworks, some roads (both public and private) can be constructed without consent, however, some environmental zones require consent to be obtained first. In addition to drainage considerations, the design and construction of a road must also take into account matters such as the impact upon vegetation, especially if clearing is required, as this may trigger the need for obtaining consent.

Additional considerations apply to the management of sites subject to earthworks or road construction given the presence of the Goulburn Mulwaree Local Government Area in the Sydney Drinking Water Catchment, particularly in relation to erosion and sediment control. Further information can be obtained from either Council or Water NSW.

Enclosure of Existing Carports and Verandahs

Carports and verandahs are often enclosed to provide additional living or storage space via cost effective means. Consent is often required prior to carrying out such works, as consideration needs to be given to a variety of matters. These include an assessment of the structural integrity of the existing structure, as well as ensuring other habitable areas are not adversely impacted, such as living spaces not losing access to light and ventilation. These assessments ensure that following any works the occupants of the building will remain safe, and that the building will continue to function as intended.

2.3 Summary

Council understands that the purchase of land and property is a significant investment, and often the single biggest financial commitment made by many, therefore, it is recommended by Council that you carry out thorough due diligence research prior to committing to a purchase and ensure that:

- The improvements to the land that you are purchasing are authorised/approved.
- Any improvements that you wish to make to the land or any existing buildings, including any new works or alterations, are permissible.

In instances where Council is notified of the presence of unauthorised development, Council has a duty of care to the community and potential property buyers to ensure that the appropriate compliance pathway is actioned. In other words, properties that are found to contain illegal/unlawful development on the land will be subject to compliance and enforcement action. This may result in the need to remove any work and any associated infrastructure, the need to restore or rehabilitate land, issuing of Penalty Infringement Notices, or even prosecution. The responsibility for ensuring the relevant approvals are in place is with the current property owner (i.e. responsibility goes with the land when transferred to a new owner).

No responsibility will be taken for purchases made because of advertising content or false/misleading sales pitches, these matters should be addressed with the relevant government licencing agency i.e. NSW Office of Fair Trading.

If in doubt, ask!

Further information can be obtained by contacting Council on 02 4823 4444 or email council@goulburn.nsw.gov.au.



Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Civic Centre
184 - 194 Bourke Street
Goulburn NSW 2580
t (02) 4823 4444
e council@goulburn.nsw.gov.au
www.goulburn.nsw.gov.au

Contact: Planning & Environment

InfoTrack Pty Limited
GPO Box 4029
SYDNEY NSW 2001

**SECTION 10.7 (2) PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Receipt No.: 388291
Applicant's Reference: BH2NP-JP
Certificate No: PLAN/0371/2425

DESCRIPTION OF PROPERTY

Address: 18 Sanita Street GOULBURN NSW 2580
Legal Description: Lot 17 DP 782

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 (SEPP)

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

Local Environmental Plan (LEP)

Goulburn Mulwaree Local Environmental Plan 2009

Note:

Employment zone reforms commenced within the *Goulburn Mulwaree Local Environmental Plan 2009* on 26 April 2023. From 26 April 2023, in a document (other than a state environmental planning policy) a reference to a former zone under an environmental planning instrument is taken to include a reference to a new zone under the environmental planning instrument.

To determine the previous zone for former Business and Industrial zoned land please refer to the published equivalent zones tables <https://www.planning.nsw.gov.au/sites/default/files/2023-04/equivalent-zone-tables.pdf> (alternatively Council can reproduce the specific table).

The Employment Zones Reform webpage also contains further information.
<https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/employment-zones-reform>

NB: **Document** means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.

Development Control Plan (DCP)

Goulburn Mulwaree Development Control Plan 2009

- (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.

Draft Amendments to the <i>Goulburn Mulwaree Local Environmental Plan 2009</i>
Planning Proposal to rezone Howard Boulevard Park, 36 Howard Boulevard (Lot 164, DP250803), Goulburn from RE1 Public Recreation to R1 General Residential and to reclassify the site to “operational” land under the NSW <i>Local Government Act 1993</i> .
Draft Amendments to the <i>Goulburn Mulwaree Development Control Plan 2009</i>
DCP Amendment 21 – Heavy Vehicle Haulage Pavement Standards
Draft State Environmental Planning Policies (SEPP's)
<p><i>ISEPP – Amendment – Health Infrastructure</i></p> <p><i>Explanation of Intended Effect – SEPP (State Environmental Planning Policy (Transport & Infrastructure) - Changes to protect fuel pipelines</i></p> <p><i>Explanation of Intended Effect – Proposed amendment of SEPP (State Environmental Planning Policy) (Transport & Infrastructure) 2021 – Facilitating temporary uses in Future Infrastructure Corridors</i></p> <p><i>Explanation of Intended Effect – State Environmental Planning Policy (Housing) 2021- Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions.</i></p> <p><i>Explanation of Intended Effect – Temporary workers’ accommodation: Proposed changes to Standard Instrument – Principal Local Environmental Plan to include a standard definition for temporary workers’ accommodation /Proposed changes to include specific provisions for construction accommodation in certain Renewable Energy Zones</i></p> <p><i>Explanation of Intended Effect – Proposing an exempt and complying development framework for cemeteries</i></p> <p><i>Explanation of Intended Effect – Amendments to the SEPP (Exempt and Complying Development Codes) 2008 for outdoor dining on private land and at registered clubs; and Standard Instrument – Principal Local Environmental Plan 2006 to include a new floor space bonus clause for new developments to include music venues</i></p> <p><i>Explanation of Intended Effect – Improving planning processes to deliver infrastructure faster - Proposed changes to the SEPP (Transport and Infrastructure) 2021 and SEPP (Planning Systems) 2021</i></p> <p><i>Explanation of Intended Effect – Complying development for farm buildings, rural sheds and earthworks</i></p> <p><i>Draft State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023</i></p> <p>For further information please visit the Planning NSW and NSW Planning Portal web sites: https://www.planningportal.nsw.gov.au/have-your-say- https://www.planningportal.nsw.gov.au/exhibition</p>

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if–
- (a) it has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

- (b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

(4) In this section—

Proposed Environmental Planning Instrument means a draft environmental planning instrument and includes a planning proposal for local environmental plan.

2 Zoning and land use under relevant planning instruments

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described—

- (a) The identity of the zone, whether by reference to—
- (i) A name, such as “Residential Zone” or “Heritage Area”, or
 - (ii) A number, such as “Zone No 2 (a)”.

The identity of the zone is **R1 General Residential**
under the Goulburn Mulwaree Local Environmental Plan
2009.

- (b) The purposes 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.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas;

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Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

(c) Whether additional permitted uses apply to the land.

No

(d) Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the fixed minimum land dimensions.

No.

(e) Whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

No. The land is not in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

(f) Whether the land is in a heritage conservation area, however described.

No. The land is not within a heritage conservation area.

(g) Whether an item of environmental heritage, however described, is located on the land.

No. An item of environmental heritage is not situated on the land.

3 Contributions plans

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

Goulburn Mulwaree Local Infrastructure Contributions Plan 2021

Development Servicing Plan for Water Supply, Sewerage and Stormwater 2017.

(2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

No. The land is not within a special contributions area under the Act, Division 7.1.

4 Complying development

(1) If the land is land on which complying development may be carried out under each of the complying development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A(1)(c)-(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

(2) If complying development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

- (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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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 the complying development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

Housing Code

No. Complying development under the Housing Code cannot be carried out on the land because the land is affected by the following exclusions:

The Inland Code applies to the land.

Low Rise Housing Diversity Code

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

Greenfield Housing Code

No. Complying development under the Greenfield Housing Code cannot be undertaken on the land due to the land not being within a Greenfield Housing Code Area Map under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Inland Code

Yes. Complying development under the Inland Code can be carried out on the land.

Rural Housing Code

No. Complying development under the Rural Housing Code cannot be undertaken on the land due to the zoning of the land.

Agritourism and Farm Stay Accommodation Code

No. Complying development under the Agritourism and Farm Stay Accommodation Code cannot be undertaken on the land due to the zoning of the land.

Housing Alterations Code

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

General Development Code

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

Industrial and Business Alterations Code

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

Industrial and Business Buildings Code

No. Complying development under the Industrial and Business Buildings Code cannot be carried out on the land due to the zoning of the land.

Container Recycling Facilities Code

No. Complying development under the Container Recycling Facilities Code cannot be undertaken on the land due to the zoning of the land.

Note: Complying development can be carried out on any other land under this code, if the conditions of s 5B.2(2) of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* are satisfied.

Subdivisions Code

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

Demolition Code

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

Fire Safety Code

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

Note. If the land is a lot to which the Housing Code, Rural Housing Code, Housing Alterations Code, General Development Code, Industrial and Business Alterations Code or Industrial and Business Buildings Code (within the meaning of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* applies, complying development may be carried out on any part of the lot that is not affected by the provisions of Clause 1.19 of that Policy.

5 Exempt development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.
- (3) 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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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.
- (4) If the exempt development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

General Exempt Development Code

Yes. Exempt development under the General Exempt Development Code can be carried out on the land.

Advertising and Signage Exempt Development Code

Yes. Exempt development under the Advertising and Signage Exempt Development Code can be carried out on the land.

Temporary Uses and Structures Exempt Development Code

Yes. Exempt development under the Temporary Uses and Structures Exempt Development Code can be carried out on the land.

Please note, further exclusions may apply. Refer to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for more information.

6 Affected building notices and building product rectification orders

(1) Whether council is aware that—

(a) An affected building notice is in force in relation to the land, or

No. Council is not aware of any affected building notice that is in force in respect of the land.

(b) A building product rectification order is in force in relation to the land that has not been fully complied with, or

No. Council is not aware of any building product rectification order given in relation to the land that has not been fully complied with.

(c) A notice of intention to make a building product rectification order given in relation to the land is outstanding

No. Council is not aware of any intention to make a building product rectification order in respect of the land and is outstanding.

(2) In this section—

Affected Building Notice has the same meaning as 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

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, referred to in the Act, section 3.15.

No.

8 Road widening and road realignment

Whether the land is affected by road widening or road realignment under—

- (a) the *Roads Act 1993*, Part 3, Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the Council.

No.

9 Flood related development controls

- (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 Flood Risk Management Manual.

Flood Risk Management 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.

10 Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is 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 sulphate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

No.

- (2) In this section—

Adopted Policy means a policy adopted—

- (a) by the council, or
- (b) by any other 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

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

No. The land or part of the land is not bush fire prone land.

12 Loose-fill asbestos insulation

If the land includes 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, a statement to that effect.

No, the land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

13 Mine subsidence

Whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

No.

14 Paper subdivision information

- (1) The name of a development plan adopted by a relevant authority that—
 - (a) applies to the land, or
 - (b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as they have in this Regulation, Part 10 and the Act, Schedule 7.

Not applicable.

15 Property vegetation plans

If the land is land in relation to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

No. Council is not aware of a property vegetation plan under the *Native Vegetation Act 2003* relating to the land.

16 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

No. Council has not been notified of a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* relating to the land.

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

If the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8, a statement to that effect.

No. Council is not aware that the land is biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016.

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 2016*, Part 8.

18 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether 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, but only if Council has been notified of the order.

No, an order under the *Trees (Disputes Between Neighbours) Act 2006* has not been made.

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

Not applicable to the Goulburn Mulwaree Local Government Area.

20 Western Sydney Aerotropolis

Not applicable to the Goulburn Mulwaree Local Government Area.

21 Development consent conditions for seniors housing

If the *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, and conditions of a development consent granted after 11 October 2007 in relation to land that are of the kind set out in that Policy, section 88(2).

No.

22 Site compatibility certificates and conditions for affordable rental housing

(1) Whether there is a current site compatibility certificate under the *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—

(a) The period for which the certificate is current, and

(b) That a copy may be obtained from the Department.

No. Council is not aware of any current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

(2) If the *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that area kind referred to in that Policy, section 21(1) or 40(1).

No terms referred to in section 21(1) or 40(1) of the *State Environmental Planning Policy (Housing) 2021* have been imposed as conditions of consent to a development application in respect of the land.

- (3) Any conditions of a development consent in relation to land that are a kind referred to in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

No terms referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* have been imposed as conditions of consent to a development application in respect of the land.

- (4) In this section—

Former Site Compatibility Certificate means a site compatibility certificate issued under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

23 Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

No. Council is not aware that water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*.

Note— A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

Additional Matters

Note. 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) Whether or not the land to which the certificate relates is significantly contaminated land within the meaning of that Act.

No. The land is not significantly contaminated as at the date this certificate is issued.

- (b) Whether or not the land to which the certificate relates is subject to a management order within the meaning of that Act.

No. The land is not subject to a management order as at the date this certificate is issued.

- (c) Whether or not the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act.

No. The land is not the subject of an approved voluntary management proposal as at the date this certificate is issued.

- (d) Whether or not the land to which this certificate relates is subject to an ongoing maintenance order within the meaning of that Act.

No. The land is not subject to an ongoing maintenance order as at the date this certificate is issued.

SECTION 10.7 (2) PLANNING CERTIFICATE PLAN/0371/2425

- (e) Whether or not 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 statement has been provided at any time to the local authority issuing the certificate.

No. The land is not the subject of a site audit statement as at the date this certificate is issued.

Legislation referred to in this certificate can be found at www.legislation.nsw.gov.au.

SECTION 10.7 (5) PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

At the date of this certificate, Council is aware of the following matters affecting the above mentioned land (other than those matters set out in Schedule 2 of the *Environmental Planning and Assessment Regulation 2021*).

-
- A** Does the land have frontage to a Classified Road and consequently affected by Clauses 3.5.6, 6.4.2 and 6.4.3 of *Goulburn Mulwaree Development Control Plan 2009*?

No.

-
- B** Is the land identified on the Height of Buildings Map and consequently affected by Clause 4.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- C** Is the land identified on the Floor Space Ratio Map and consequently affected by Clauses 4.4 and 4.5 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- D** Is the land located within 50 metres of a zone boundary and may consequently be affected by Clause 5.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Note: Exclusions to the application of this clause may apply, refer to Clause 5.3 of the *Goulburn Mulwaree Council Local Environmental Plan 2009*.

-
- E** Is a permit required from Council to clear vegetation under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas?

Yes.

Note: The requirements for approval of vegetation clearing are varied depending on the location and uses of the land and the intention of the clearing. The question above relates only to whether a permit is required from Council under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas.

-
- F** Is the land identified on the Urban Release Area Map and consequently affected by Part 6 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- G** Is the land identified on the Terrestrial Biodiversity Map and consequently affected by Clause 7.2 *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Information regarding loose-fill asbestos insulation

Some residential homes located in the Goulburn Mulwaree local government area have been identified as potentially 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.

SECTION 10.7 (2) PLANNING CERTIFICATE PLAN/0371/2425

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.



Date of Certificate
19 September 2024

for **Aaron Johansson**
Chief Executive Officer
Goulburn Mulwaree Council

Notice to Prospective Purchasers/Residents

1. Urban Land and Rural land in the Goulburn Mulwaree Local Government Area

Due to extensive growth and development within and alongside the urban areas of the Goulburn Mulwaree Local Government Area, non-residential land uses including rural areas increasingly adjoin residential developments. These mixed land uses and zones have resulted in the potential for land use conflicts.

Goulburn Mulwaree Council supports the right of persons carrying out legitimate non-residential land use activities on urban land. Furthermore, Council supports the rights of persons to carry out legitimate rural and agricultural uses and practices on rural land.

Council advises that whilst some land use activities will have formal consent from Council and/or other Government Agencies for operations, other activities may not require consent and are undertaken within the objectives of the land use zone.

Council will not support any action that will unreasonably interfere with the existing use or ongoing operation of land uses, particularly where such activities or uses are carried out in accordance with existing approvals, industry standards and relevant legislation. Many farms, businesses and commercial enterprises carry out operations as required, early in the morning or late in the evening. These operations may involve vehicle movements, machinery noise and trade and supply activities which may impact upon the amenity of an area.

Prospective purchasers of land are encouraged to undertake their own enquiries into any operations or activities on adjoining, neighbouring or nearby properties that may cause amenity impacts from noise, dust, odour etc. Intending purchasers are advised that legitimate land uses in urban and rural areas may include, but are not limited to:

Urban activities

Agricultural produce stores; Building trade supply retailers; Childcare centres and schools; Concrete batching plants; Equine training and stabling facilities; Food businesses; Home businesses; Landscape supplies; Medical practices and services; Motor vehicle and/or heavy machinery workshops; Motorsport facilities; Nurseries; Nursing homes and aged care facilities; Petrol stations; Public recreation facilities including aquatic centres, playgrounds and sporting fields; Pubs and clubs; Recycling facilities; Retail suppliers/ shops; Steel fabrication and engineering; Transport depots; Veterinary practices; Vehicle retailers; Waste management facilities; Water and waste water treatment facilities; Wholesalers.

Rural activities

Abattoir operations; Intensive livestock farming; Dairies; Livestock waste disposal systems; Stockyard activities; Animal husbandry practices (castration, dehorning, mulesing etc.); Presence of livestock (noisy animals, including crowing roosters); Livestock movement on Council roads; Clearing and land cultivation; Bush fire hazard reduction burning; Burning of stubble for cropping operations; Construction of fire breaks; Earthmoving including construction of dams, drains and contour banks; Construction of access roads and tracks; Pumping and irrigation; Harvesting operations; Grain receipt operations; Transportation of rural produce; Fodder conservation; Chaff cutting operations; Silage productions; Growing of any agricultural crop or pasture species which may produce detectable aromas or pollens e.g. canola & Lucerne; Slashing and mowing of vegetation; Logging; Spreading of fertilisers, including lime and gypsum; Crop spraying by both aerial and ground operations; Control and eradication of noxious weeds; Authorised measures to control agricultural pests including baiting, ripping, fumigation and shooting; Planting of trees and shrubs for woodblocks, windbreaks etc.; Fencing construction and erection; Tourist facilities; Manufacture and repair of agricultural machinery; Processing of rural commodities; Council Landfill Facilities; Council Sewerage Treatment Works.

Prospective purchasers are encouraged to attend locations of interest during different times of the day to determine the suitability of land for their intended use.

In addition to the above, Council suggests an awareness of rural land management responsibilities, in particular weeds management that accompany ownership.

2. Unauthorised Development

2.1 Background

The need for obtaining approval/consent is an important step in the development process as it ensures that a number of important assessments are carried out prior to the commencement of works. These assessments and their subsequent approvals provide a variety of safeguards for the landowner and the wider community, and therefore ensure the safety of any building/land user and the protection of the environment. Obtaining consent also serves to ensure that third party protections such as insurance remain valid.

In accordance with the *Environmental Planning & Assessment Act 1979*, the term 'development' can be applied to most works, including but not limited to:

- use of land;
- subdivision of land;
- the erection of a building;
- the carrying out of work; and
- the demolition of a building or work.

The following information is provided as a courtesy and is general in nature. It is not to be construed as either town planning or legal advice. It is therefore important that you seek your own professional advice in relation to your rights and obligations in respect of any matters that this advice may raise.

2.2 Common Misconceptions

"Weekenders"

The term "weekender" (i.e. the temporary use of a dwelling for short term accommodation) is not a defined land use within NSW and therefore is not an approved land use under the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009*. Therefore, a "weekender" is not considered to be a legitimate building or land use classification. A building is either considered to be a non-habitable structure (i.e. a shed) or a habitable dwelling. Any use of a structure as a dwelling (regardless of frequency of use) is considered to be a dwelling and requires all relevant approvals.

"Weekenders" are sometimes the result of the unauthorised conversion of existing buildings, such as farm sheds, into a building intended for habitation. In circumstances where a building is intended for the purpose of human habitation (for example sleeping, living, meal preparation, ablutions, etc.), the building is classified as a dwelling and must be assessed as a Class 1 structure in accordance with the *Building Code of Australia*. These are the same standards that a dwelling house is constructed to meet.

Furthermore, any form of habitation requires the land to contain a dwelling entitlement (as some lots in rural areas are below the minimum lot size for a dwelling under GMLEP 2009 and do not have a historical entitlement to a dwelling). Council cannot grant approval to a Development Application for a dwelling on land that does not possess such an entitlement. It is particularly important in rural areas to ensure that a lot does enjoy a dwelling entitlement – see Council's website for a dwelling entitlement enquiry form.

Conversion of Sheds to "Granny Flats"

As with "weekenders", a "granny flat" is not a defined land use under the GM LEP. The closest land use definition is a secondary dwelling, which requires development consent. Secondary dwellings must be assessed as a Class 1 structure in accordance with the *Building Code of Australia* to ensure the safety, health and amenity of any occupant that may use the structure.

Farm Buildings/Rural Sheds

Provisions exist under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* for some structures to be erected on rural lands without the need for consent. Notwithstanding this, any structure erected under this instrument must meet strict development standards to ensure that minimum environmental and safety requirements can be met. These provisions may be available on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU6 Transition.

Importantly this type of development can only proceed where it is ancillary to an agricultural use on the same land holding. "Agriculture" is specifically defined under the GM LEP, and for an activity to be classified as "agriculture", the activity conducted on the land must be a form of *commercial activity* related to aquaculture, extensive agriculture, intensive livestock agriculture or extensive plant agriculture.

Landowners and prospective purchasers are advised that a significant area of the Goulburn Mulwaree Council Local Government Area is located within the Sydney Drinking Water Catchment. As a result, much of the rural area is zoned as "conservation" – i.e. C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living and therefore prohibits many land uses, such as rural sheds, from being constructed or undertaken without having an appropriate consent in place.

Clearing of Vegetation

Much of the Goulburn Mulwaree Council Local Government Area contains threatened species and various *Endangered Ecological Communities* (EEC's) and *Critically Endangered Ecological Communities* (CEEC's), including but not limited to Grassy Box Woodland, Tallong Midge Orchid, Glossy Black Cockatoo habitat and Koala habitat.

A raft of legislation and plans exist to preserve native vegetation, including but not limited to the *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *Goulburn Mulwaree Local Environmental Plan 2009*, and the *Goulburn Mulwaree Development Control Plan 2009*. Further, in some circumstances, Commonwealth legislation such as the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may apply. For instance, a property may be identified on the State's Biodiversity Values Map which can be viewed at <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>.

It is recommended that professional guidance be sought prior to undertaking any vegetation removal, including destruction of grasslands or when carrying out bushfire protection measures as thresholds apply and approvals may be required. If in doubt, please contact Council prior to any land clearing or vegetation management is undertaken.

Earthworks & Road Construction

Earthworks are defined within the GM LEP as the excavation or filling of land. Some forms of earthworks can be undertaken without consent under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, however thresholds apply and a number of environmental considerations must be demonstrated.

If not considered or planned appropriately, earthworks can adversely affect neighbours by disrupting or intensifying natural water flow paths, and can cause significant environmental harm by destabilising the structure of the topsoil leading to erosion and soil degradation.

As with earthworks, some roads (both public and private) can be constructed without consent, however, some environmental zones require consent to be obtained first. In addition to drainage considerations, the design and construction of a road must also take into account matters such as the impact upon vegetation, especially if clearing is required, as this may trigger the need for obtaining consent.

Additional considerations apply to the management of sites subject to earthworks or road construction given the presence of the Goulburn Mulwaree Local Government Area in the Sydney Drinking Water Catchment, particularly in relation to erosion and sediment control. Further information can be obtained from either Council or Water NSW.

Enclosure of Existing Carports and Verandahs

Carports and verandahs are often enclosed to provide additional living or storage space via cost effective means. Consent is often required prior to carrying out such works, as consideration needs to be given to a variety of matters. These include an assessment of the structural integrity of the existing structure, as well as ensuring other habitable areas are not adversely impacted, such as living spaces not losing access to light and ventilation. These assessments ensure that following any works the occupants of the building will remain safe, and that the building will continue to function as intended.

2.3 Summary

Council understands that the purchase of land and property is a significant investment, and often the single biggest financial commitment made by many, therefore, it is recommended by Council that you carry out thorough due diligence research prior to committing to a purchase and ensure that:

- The improvements to the land that you are purchasing are authorised/approved.
- Any improvements that you wish to make to the land or any existing buildings, including any new works or alterations, are permissible.

In instances where Council is notified of the presence of unauthorised development, Council has a duty of care to the community and potential property buyers to ensure that the appropriate compliance pathway is actioned. In other words, properties that are found to contain illegal/unlawful development on the land will be subject to compliance and enforcement action. This may result in the need to remove any work and any associated infrastructure, the need to restore or rehabilitate land, issuing of Penalty Infringement Notices, or even prosecution. The responsibility for ensuring the relevant approvals are in place is with the current property owner (i.e. responsibility goes with the land when transferred to a new owner).

No responsibility will be taken for purchases made because of advertising content or false/misleading sales pitches, these matters should be addressed with the relevant government licencing agency i.e. NSW Office of Fair Trading.

If in doubt, ask!

Further information can be obtained by contacting Council on 02 4823 4444 or email council@goulburn.nsw.gov.au.



Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Civic Centre
184 - 194 Bourke Street
Goulburn NSW 2580
t (02) 4823 4444
e council@goulburn.nsw.gov.au
www.goulburn.nsw.gov.au

Contact: Planning & Environment

InfoTrack Pty Limited
GPO Box 4029
SYDNEY NSW 2001

**SECTION 10.7 (2) PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Receipt No.: 388290
Applicant's Reference: BH2NP-JP
Certificate No: PLAN/0370/2425

DESCRIPTION OF PROPERTY

Address: 16 Sanita Street GOULBURN NSW 2580
Legal Description: Lot 18 DP 782

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 (SEPP)

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

Local Environmental Plan (LEP)

Goulburn Mulwaree Local Environmental Plan 2009

Note:

Employment zone reforms commenced within the *Goulburn Mulwaree Local Environmental Plan 2009* on 26 April 2023. From 26 April 2023, in a document (other than a state environmental planning policy) a reference to a former zone under an environmental planning instrument is taken to include a reference to a new zone under the environmental planning instrument.

To determine the previous zone for former Business and Industrial zoned land please refer to the published equivalent zones tables <https://www.planning.nsw.gov.au/sites/default/files/2023-04/equivalent-zone-tables.pdf> (alternatively Council can reproduce the specific table).

The Employment Zones Reform webpage also contains further information.
<https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/employment-zones-reform>

NB: **Document** means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.

Development Control Plan (DCP)

Goulburn Mulwaree Development Control Plan 2009

- (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.

Draft Amendments to the <i>Goulburn Mulwaree Local Environmental Plan 2009</i>
Planning Proposal to rezone Howard Boulevard Park, 36 Howard Boulevard (Lot 164, DP250803), Goulburn from RE1 Public Recreation to R1 General Residential and to reclassify the site to “operational” land under the NSW <i>Local Government Act 1993</i> .
Draft Amendments to the <i>Goulburn Mulwaree Development Control Plan 2009</i>
DCP Amendment 21 – Heavy Vehicle Haulage Pavement Standards
Draft State Environmental Planning Policies (SEPP's)
<p><i>ISEPP – Amendment – Health Infrastructure</i></p> <p><i>Explanation of Intended Effect – SEPP (State Environmental Planning Policy (Transport & Infrastructure) - Changes to protect fuel pipelines</i></p> <p><i>Explanation of Intended Effect – Proposed amendment of SEPP (State Environmental Planning Policy) (Transport & Infrastructure) 2021 – Facilitating temporary uses in Future Infrastructure Corridors</i></p> <p><i>Explanation of Intended Effect – State Environmental Planning Policy (Housing) 2021- Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions.</i></p> <p><i>Explanation of Intended Effect – Temporary workers’ accommodation: Proposed changes to Standard Instrument – Principal Local Environmental Plan to include a standard definition for temporary workers’ accommodation /Proposed changes to include specific provisions for construction accommodation in certain Renewable Energy Zones</i></p> <p><i>Explanation of Intended Effect – Proposing an exempt and complying development framework for cemeteries</i></p> <p><i>Explanation of Intended Effect – Amendments to the SEPP (Exempt and Complying Development Codes) 2008 for outdoor dining on private land and at registered clubs; and Standard Instrument – Principal Local Environmental Plan 2006 to include a new floor space bonus clause for new developments to include music venues</i></p> <p><i>Explanation of Intended Effect – Improving planning processes to deliver infrastructure faster - Proposed changes to the SEPP (Transport and Infrastructure) 2021 and SEPP (Planning Systems) 2021</i></p> <p><i>Explanation of Intended Effect – Complying development for farm buildings, rural sheds and earthworks</i></p> <p><i>Draft State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023</i></p> <p>For further information please visit the Planning NSW and NSW Planning Portal web sites: https://www.planningportal.nsw.gov.au/have-your-say- https://www.planningportal.nsw.gov.au/exhibition</p>

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if–
- (a) it has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or

- (b) for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.

(4) In this section—

Proposed Environmental Planning Instrument means a draft environmental planning instrument and includes a planning proposal for local environmental plan.

2 Zoning and land use under relevant planning instruments

The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described—

- (a) The identity of the zone, whether by reference to—
- (i) A name, such as “Residential Zone” or “Heritage Area”, or
 - (ii) A number, such as “Zone No 2 (a)”.

The identity of the zone is **R1 General Residential**
under the Goulburn Mulwaree Local Environmental Plan
2009.

- (b) The purposes 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.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas;

SECTION 10.7 (2) PLANNING CERTIFICATE PLAN/0370/2425

Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

(c) Whether additional permitted uses apply to the land.

No

(d) Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the fixed minimum land dimensions.

No.

(e) Whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

No. The land is not in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

(f) Whether the land is in a heritage conservation area, however described.

No. The land is not within a heritage conservation area.

(g) Whether an item of environmental heritage, however described, is located on the land.

No. An item of environmental heritage is not situated on the land.

3 Contributions plans

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

Goulburn Mulwaree Local Infrastructure Contributions Plan 2021

Development Servicing Plan for Water Supply, Sewerage and Stormwater 2017.

(2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.

No. The land is not within a special contributions area under the Act, Division 7.1.

4 Complying development

(1) If the land is land on which complying development may be carried out under each of the complying development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A(1)(c)-(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.

(2) If complying development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.

- (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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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 the complying development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

Housing Code

No. Complying development under the Housing Code cannot be carried out on the land because the land is affected by the following exclusions:

The Inland Code applies to the land.

Low Rise Housing Diversity Code

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

Greenfield Housing Code

No. Complying development under the Greenfield Housing Code cannot be undertaken on the land due to the land not being within a Greenfield Housing Code Area Map under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Inland Code

Yes. Complying development under the Inland Code can be carried out on the land.

Rural Housing Code

No. Complying development under the Rural Housing Code cannot be undertaken on the land due to the zoning of the land.

Agritourism and Farm Stay Accommodation Code

No. Complying development under the Agritourism and Farm Stay Accommodation Code cannot be undertaken on the land due to the zoning of the land.

Housing Alterations Code

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

General Development Code

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

Industrial and Business Alterations Code

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

Industrial and Business Buildings Code

No. Complying development under the Industrial and Business Buildings Code cannot be carried out on the land due to the zoning of the land.

Container Recycling Facilities Code

No. Complying development under the Container Recycling Facilities Code cannot be undertaken on the land due to the zoning of the land.

Note: Complying development can be carried out on any other land under this code, if the conditions of s 5B.2(2) of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* are satisfied.

Subdivisions Code

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

Demolition Code

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

Fire Safety Code

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

Note. If the land is a lot to which the Housing Code, Rural Housing Code, Housing Alterations Code, General Development Code, Industrial and Business Alterations Code or Industrial and Business Buildings Code (within the meaning of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* applies, complying development may be carried out on any part of the lot that is not affected by the provisions of Clause 1.19 of that Policy.

5 Exempt development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of one of those clauses, the reasons why it may not be carried out under the clause.
- (3) 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) A restriction applies to the land, but it may not apply to all the land, and
 - (b) 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.
- (4) If the exempt development codes are varied, under the Policy, clause 1.12, in relation to the land.

The answers for (1)-(4) are set out below.

General Exempt Development Code

Yes. Exempt development under the General Exempt Development Code can be carried out on the land.

Advertising and Signage Exempt Development Code

Yes. Exempt development under the Advertising and Signage Exempt Development Code can be carried out on the land.

Temporary Uses and Structures Exempt Development Code

Yes. Exempt development under the Temporary Uses and Structures Exempt Development Code can be carried out on the land.

Please note, further exclusions may apply. Refer to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for more information.

6 Affected building notices and building product rectification orders

(1) Whether council is aware that—

(a) An affected building notice is in force in relation to the land, or

No. Council is not aware of any affected building notice that is in force in respect of the land.

(b) A building product rectification order is in force in relation to the land that has not been fully complied with, or

No. Council is not aware of any building product rectification order given in relation to the land that has not been fully complied with.

(c) A notice of intention to make a building product rectification order given in relation to the land is outstanding

No. Council is not aware of any intention to make a building product rectification order in respect of the land and is outstanding.

(2) In this section—

Affected Building Notice has the same meaning as 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

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, referred to in the Act, section 3.15.

No.

8 Road widening and road realignment

Whether the land is affected by road widening or road realignment under—

- (a) the *Roads Act 1993*, Part 3, Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the Council.

No.

9 Flood related development controls

- (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 Flood Risk Management Manual.

Flood Risk Management 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.

10 Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is 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 sulphate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

No.

- (2) In this section—

Adopted Policy means a policy adopted—

- (a) by the council, or
- (b) by any other 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

- (1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.
- (2) If none of the land is bush fire prone land, a statement to that effect.

No. The land or part of the land is not bush fire prone land.

12 Loose-fill asbestos insulation

If the land includes 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, a statement to that effect.

No, the land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

13 Mine subsidence

Whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

No.

14 Paper subdivision information

- (1) The name of a development plan adopted by a relevant authority that—
 - (a) applies to the land, or
 - (b) is proposed to be subject to a ballot.
- (2) The date of a subdivision order that applies to the land.
- (3) Words and expressions used in this section have the same meaning as they have in this Regulation, Part 10 and the Act, Schedule 7.

Not applicable.

15 Property vegetation plans

If the land is land in relation to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.

No. Council is not aware of a property vegetation plan under the *Native Vegetation Act 2003* relating to the land.

16 Biodiversity stewardship sites

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, Part 5, a statement to that effect, but only if council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.

No. Council has not been notified of a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* relating to the land.

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

If the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8, a statement to that effect.

No. Council is not aware that the land is biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016.

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 2016*, Part 8.

18 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether 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, but only if Council has been notified of the order.

No, an order under the *Trees (Disputes Between Neighbours) Act 2006* has not been made.

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

Not applicable to the Goulburn Mulwaree Local Government Area.

20 Western Sydney Aerotropolis

Not applicable to the Goulburn Mulwaree Local Government Area.

21 Development consent conditions for seniors housing

If the *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 applies to the land, and conditions of a development consent granted after 11 October 2007 in relation to land that are of the kind set out in that Policy, section 88(2).

No.

22 Site compatibility certificates and conditions for affordable rental housing

(1) Whether there is a current site compatibility certificate under the *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—

(a) The period for which the certificate is current, and

(b) That a copy may be obtained from the Department.

No. Council is not aware of any current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

(2) If the *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that area kind referred to in that Policy, section 21(1) or 40(1).

No terms referred to in section 21(1) or 40(1) of the *State Environmental Planning Policy (Housing) 2021* have been imposed as conditions of consent to a development application in respect of the land.

- (3) Any conditions of a development consent in relation to land that are a kind referred to in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 17(1) or 38(1).

No terms referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* have been imposed as conditions of consent to a development application in respect of the land.

- (4) In this section—

Former Site Compatibility Certificate means a site compatibility certificate issued under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

23 Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

No. Council is not aware that water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*.

Note— A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

Additional Matters

Note. 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) Whether or not the land to which the certificate relates is significantly contaminated land within the meaning of that Act.

No. The land is not significantly contaminated as at the date this certificate is issued.

- (b) Whether or not the land to which the certificate relates is subject to a management order within the meaning of that Act.

No. The land is not subject to a management order as at the date this certificate is issued.

- (c) Whether or not the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of the Act.

No. The land is not the subject of an approved voluntary management proposal as at the date this certificate is issued.

- (d) Whether or not the land to which this certificate relates is subject to an ongoing maintenance order within the meaning of that Act.

No. The land is not subject to an ongoing maintenance order as at the date this certificate is issued.

SECTION 10.7 (2) PLANNING CERTIFICATE PLAN/0370/2425

- (e) Whether or not 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 statement has been provided at any time to the local authority issuing the certificate.

No. The land is not the subject of a site audit statement as at the date this certificate is issued.

Legislation referred to in this certificate can be found at www.legislation.nsw.gov.au.

SECTION 10.7 (5) PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

At the date of this certificate, Council is aware of the following matters affecting the above mentioned land (other than those matters set out in Schedule 2 of the *Environmental Planning and Assessment Regulation 2021*).

-
- A** Does the land have frontage to a Classified Road and consequently affected by Clauses 3.5.6, 6.4.2 and 6.4.3 of *Goulburn Mulwaree Development Control Plan 2009*?

No.

-
- B** Is the land identified on the Height of Buildings Map and consequently affected by Clause 4.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- C** Is the land identified on the Floor Space Ratio Map and consequently affected by Clauses 4.4 and 4.5 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- D** Is the land located within 50 metres of a zone boundary and may consequently be affected by Clause 5.3 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Note: Exclusions to the application of this clause may apply, refer to Clause 5.3 of the *Goulburn Mulwaree Council Local Environmental Plan 2009*.

-
- E** Is a permit required from Council to clear vegetation under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas?

Yes.

Note: The requirements for approval of vegetation clearing are varied depending on the location and uses of the land and the intention of the clearing. The question above relates only to whether a permit is required from Council under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 Vegetation in Non-Rural Areas.

-
- F** Is the land identified on the Urban Release Area Map and consequently affected by Part 6 of *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

-
- G** Is the land identified on the Terrestrial Biodiversity Map and consequently affected by Clause 7.2 *Goulburn Mulwaree Local Environmental Plan 2009*?

No.

Information regarding loose-fill asbestos insulation

Some residential homes located in the Goulburn Mulwaree local government area have been identified as potentially 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.

SECTION 10.7 (2) PLANNING CERTIFICATE PLAN/0370/2425

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.



Date of Certificate
19 September 2024

for **Aaron Johansson**
Chief Executive Officer
Goulburn Mulwaree Council

Notice to Prospective Purchasers/Residents

1. Urban Land and Rural land in the Goulburn Mulwaree Local Government Area

Due to extensive growth and development within and alongside the urban areas of the Goulburn Mulwaree Local Government Area, non-residential land uses including rural areas increasingly adjoin residential developments. These mixed land uses and zones have resulted in the potential for land use conflicts.

Goulburn Mulwaree Council supports the right of persons carrying out legitimate non-residential land use activities on urban land. Furthermore, Council supports the rights of persons to carry out legitimate rural and agricultural uses and practices on rural land.

Council advises that whilst some land use activities will have formal consent from Council and/or other Government Agencies for operations, other activities may not require consent and are undertaken within the objectives of the land use zone.

Council will not support any action that will unreasonably interfere with the existing use or ongoing operation of land uses, particularly where such activities or uses are carried out in accordance with existing approvals, industry standards and relevant legislation. Many farms, businesses and commercial enterprises carry out operations as required, early in the morning or late in the evening. These operations may involve vehicle movements, machinery noise and trade and supply activities which may impact upon the amenity of an area.

Prospective purchasers of land are encouraged to undertake their own enquiries into any operations or activities on adjoining, neighbouring or nearby properties that may cause amenity impacts from noise, dust, odour etc. Intending purchasers are advised that legitimate land uses in urban and rural areas may include, but are not limited to:

Urban activities

Agricultural produce stores; Building trade supply retailers; Childcare centres and schools; Concrete batching plants; Equine training and stabling facilities; Food businesses; Home businesses; Landscape supplies; Medical practices and services; Motor vehicle and/or heavy machinery workshops; Motorsport facilities; Nurseries; Nursing homes and aged care facilities; Petrol stations; Public recreation facilities including aquatic centres, playgrounds and sporting fields; Pubs and clubs; Recycling facilities; Retail suppliers/ shops; Steel fabrication and engineering; Transport depots; Veterinary practices; Vehicle retailers; Waste management facilities; Water and waste water treatment facilities; Wholesalers.

Rural activities

Abattoir operations; Intensive livestock farming; Dairies; Livestock waste disposal systems; Stockyard activities; Animal husbandry practices (castration, dehorning, mulesing etc.); Presence of livestock (noisy animals, including crowing roosters); Livestock movement on Council roads; Clearing and land cultivation; Bush fire hazard reduction burning; Burning of stubble for cropping operations; Construction of fire breaks; Earthmoving including construction of dams, drains and contour banks; Construction of access roads and tracks; Pumping and irrigation; Harvesting operations; Grain receipt operations; Transportation of rural produce; Fodder conservation; Chaff cutting operations; Silage productions; Growing of any agricultural crop or pasture species which may produce detectable aromas or pollens e.g. canola & Lucerne; Slashing and mowing of vegetation; Logging; Spreading of fertilisers, including lime and gypsum; Crop spraying by both aerial and ground operations; Control and eradication of noxious weeds; Authorised measures to control agricultural pests including baiting, ripping, fumigation and shooting; Planting of trees and shrubs for woodblocks, windbreaks etc.; Fencing construction and erection; Tourist facilities; Manufacture and repair of agricultural machinery; Processing of rural commodities; Council Landfill Facilities; Council Sewerage Treatment Works.

Prospective purchasers are encouraged to attend locations of interest during different times of the day to determine the suitability of land for their intended use.

In addition to the above, Council suggests an awareness of rural land management responsibilities, in particular weeds management that accompany ownership.

2. Unauthorised Development

2.1 Background

The need for obtaining approval/consent is an important step in the development process as it ensures that a number of important assessments are carried out prior to the commencement of works. These assessments and their subsequent approvals provide a variety of safeguards for the landowner and the wider community, and therefore ensure the safety of any building/land user and the protection of the environment. Obtaining consent also serves to ensure that third party protections such as insurance remain valid.

In accordance with the *Environmental Planning & Assessment Act 1979*, the term 'development' can be applied to most works, including but not limited to:

- use of land;
- subdivision of land;
- the erection of a building;
- the carrying out of work; and
- the demolition of a building or work.

The following information is provided as a courtesy and is general in nature. It is not to be construed as either town planning or legal advice. It is therefore important that you seek your own professional advice in relation to your rights and obligations in respect of any matters that this advice may raise.

2.2 Common Misconceptions

"Weekenders"

The term "weekender" (i.e. the temporary use of a dwelling for short term accommodation) is not a defined land use within NSW and therefore is not an approved land use under the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009*. Therefore, a "weekender" is not considered to be a legitimate building or land use classification. A building is either considered to be a non-habitable structure (i.e. a shed) or a habitable dwelling. Any use of a structure as a dwelling (regardless of frequency of use) is considered to be a dwelling and requires all relevant approvals.

"Weekenders" are sometimes the result of the unauthorised conversion of existing buildings, such as farm sheds, into a building intended for habitation. In circumstances where a building is intended for the purpose of human habitation (for example sleeping, living, meal preparation, ablutions, etc.), the building is classified as a dwelling and must be assessed as a Class 1 structure in accordance with the *Building Code of Australia*. These are the same standards that a dwelling house is constructed to meet.

Furthermore, any form of habitation requires the land to contain a dwelling entitlement (as some lots in rural areas are below the minimum lot size for a dwelling under GMLEP 2009 and do not have a historical entitlement to a dwelling). Council cannot grant approval to a Development Application for a dwelling on land that does not possess such an entitlement. It is particularly important in rural areas to ensure that a lot does enjoy a dwelling entitlement – see Council's website for a dwelling entitlement enquiry form.

Conversion of Sheds to "Granny Flats"

As with "weekenders", a "granny flat" is not a defined land use under the GM LEP. The closest land use definition is a secondary dwelling, which requires development consent. Secondary dwellings must be assessed as a Class 1 structure in accordance with the *Building Code of Australia* to ensure the safety, health and amenity of any occupant that may use the structure.

Farm Buildings/Rural Sheds

Provisions exist under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* for some structures to be erected on rural lands without the need for consent. Notwithstanding this, any structure erected under this instrument must meet strict development standards to ensure that minimum environmental and safety requirements can be met. These provisions may be available on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU6 Transition.

Importantly this type of development can only proceed where it is ancillary to an agricultural use on the same land holding. "Agriculture" is specifically defined under the GM LEP, and for an activity to be classified as "agriculture", the activity conducted on the land must be a form of *commercial activity* related to aquaculture, extensive agriculture, intensive livestock agriculture or extensive plant agriculture.

Landowners and prospective purchasers are advised that a significant area of the Goulburn Mulwaree Council Local Government Area is located within the Sydney Drinking Water Catchment. As a result, much of the rural area is zoned as "conservation" – i.e. C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living and therefore prohibits many land uses, such as rural sheds, from being constructed or undertaken without having an appropriate consent in place.

Clearing of Vegetation

Much of the Goulburn Mulwaree Council Local Government Area contains threatened species and various *Endangered Ecological Communities* (EEC's) and *Critically Endangered Ecological Communities* (CEEC's), including but not limited to Grassy Box Woodland, Tallong Midge Orchid, Glossy Black Cockatoo habitat and Koala habitat.

A raft of legislation and plans exist to preserve native vegetation, including but not limited to the *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *Goulburn Mulwaree Local Environmental Plan 2009*, and the *Goulburn Mulwaree Development Control Plan 2009*. Further, in some circumstances, Commonwealth legislation such as the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may apply. For instance, a property may be identified on the State's Biodiversity Values Map which can be viewed at <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>.

It is recommended that professional guidance be sought prior to undertaking any vegetation removal, including destruction of grasslands or when carrying out bushfire protection measures as thresholds apply and approvals may be required. If in doubt, please contact Council prior to any land clearing or vegetation management is undertaken.

Earthworks & Road Construction

Earthworks are defined within the GM LEP as the excavation or filling of land. Some forms of earthworks can be undertaken without consent under the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, however thresholds apply and a number of environmental considerations must be demonstrated.

If not considered or planned appropriately, earthworks can adversely affect neighbours by disrupting or intensifying natural water flow paths, and can cause significant environmental harm by destabilising the structure of the topsoil leading to erosion and soil degradation.

As with earthworks, some roads (both public and private) can be constructed without consent, however, some environmental zones require consent to be obtained first. In addition to drainage considerations, the design and construction of a road must also take into account matters such as the impact upon vegetation, especially if clearing is required, as this may trigger the need for obtaining consent.

Additional considerations apply to the management of sites subject to earthworks or road construction given the presence of the Goulburn Mulwaree Local Government Area in the Sydney Drinking Water Catchment, particularly in relation to erosion and sediment control. Further information can be obtained from either Council or Water NSW.

Enclosure of Existing Carports and Verandahs

Carports and verandahs are often enclosed to provide additional living or storage space via cost effective means. Consent is often required prior to carrying out such works, as consideration needs to be given to a variety of matters. These include an assessment of the structural integrity of the existing structure, as well as ensuring other habitable areas are not adversely impacted, such as living spaces not losing access to light and ventilation. These assessments ensure that following any works the occupants of the building will remain safe, and that the building will continue to function as intended.

2.3 Summary

Council understands that the purchase of land and property is a significant investment, and often the single biggest financial commitment made by many, therefore, it is recommended by Council that you carry out thorough due diligence research prior to committing to a purchase and ensure that:

- The improvements to the land that you are purchasing are authorised/approved.
- Any improvements that you wish to make to the land or any existing buildings, including any new works or alterations, are permissible.

In instances where Council is notified of the presence of unauthorised development, Council has a duty of care to the community and potential property buyers to ensure that the appropriate compliance pathway is actioned. In other words, properties that are found to contain illegal/unlawful development on the land will be subject to compliance and enforcement action. This may result in the need to remove any work and any associated infrastructure, the need to restore or rehabilitate land, issuing of Penalty Infringement Notices, or even prosecution. The responsibility for ensuring the relevant approvals are in place is with the current property owner (i.e. responsibility goes with the land when transferred to a new owner).

No responsibility will be taken for purchases made because of advertising content or false/misleading sales pitches, these matters should be addressed with the relevant government licencing agency i.e. NSW Office of Fair Trading.

If in doubt, ask!

Further information can be obtained by contacting Council on 02 4823 4444 or email council@goulburn.nsw.gov.au.