

PLANNING CERTIFICATE UNDER SECTION 10.7
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
Certificate No: 2022/01702

Applicant: _planning Pty Ltd
33/129 Spit Road
Mosman
2088

Receipt No.: Ext: 136589
Date: 21/04/2022
Fee: \$156
Urgency Fee: \$0.00

Applicant reference: HI

The land to which this Certificate relates is:

Lot 373 DP 755952, Shoalhaven St, NOWRA
Parish of NOWRA, County of ST. VINCENT

The above information is as recorded by Council.

DISCLAIMER AND CAUTION:

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

The information contained in this certificate is prepared in accordance with the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning Assessment Regulation 2000 (as amended).

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

1 Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land:

Shoalhaven Local Environmental Plan 2014 (as amended)

State Environmental Planning Policies affecting the land

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policies affecting the City

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Precincts - Regional) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Resources and Energy) 2021

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

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (not including any proposed instrument where the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved) is:

Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment) 2017

Draft State Environmental Planning Policy (Remediation of Land)

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Explanation of Intended Effect - State Environmental Planning Policies and other Environmental Planning Instruments

Explanation of Intended Effect - Proposed Amendment to State and Regional Development SEPP to identify large scale cemeteries as State Significant Development

Explanation of Intended Effect - The Fun SEPP - Proposed changes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to support outdoor dining, artisan food and drink premises, events, and small live music or arts venues.

Explanation of Intended Effect - Amendment to Infrastructure SEPP

Explanation of Intended Effect - Agritourism and small-scale agriculture development. Includes proposed amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Explanation of Intended Effect - Building Business Back Better (proposed changes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008)

Explanation of Intended Effect - Review of clause 4.6 of the Standard Instrument LEP

Draft Local Environmental Plans and planning proposals for Local Environmental Plans

PLANNING PROPOSAL - PP005 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - MAP AND CLAUSE AMENDMENTS - WARRAH ROAD BANGALEE - PUBLIC EXHIBITION 12 MAY 2021 TO 25 JUNE 2021 (49462E) (MIN21.6)

This Planning Proposal (PP) seeks to resolve the long term development potential of Lots 21-24 DP 714096 at Warrah Road, Bangalee. The subject land is part of the Crams Road Investigation Area (CRIA). The CRIA was identified as one of seven (7) potential Urban Release Areas (URAs) in the Nowra-Bomaderry Structure Plan (NBSP). The NBSP was adopted by Council in 2006/2007 and endorsed by the NSW Government in 2008.

PLANNING PROPOSAL - PP026 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - COASTAL HAZARDS REVIEW (revised approach) - PUBLIC EXHIBITION 17 NOVEMBER 2021 TO 17 DECEMBER 2021 (55961E) (MIN20.715)

The Planning Proposal (PP) intends to amend the Shoalhaven Local Environment Plan 2014 by amending the Coastal Risk Planning Maps to ensure these maps reflect the most up to date coastal hazards data adopted by Council. The PP also proposes to amend State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to remove eleven (11) map sheets in Schedule 5 'Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code', which are based on Council's outdated coastal hazard data.

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PLANNING PROPOSAL - PP044 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - 2020-2021 HOUSEKEEPING AMENDMENT - PUBLIC EXHIBITION 13 OCTOBER 2021 TO 12 NOVEMBER 2021 (59409E) (MIN21.248)

This Planning Proposal (PP) seeks to amend a number of instruments and maps within Shoalhaven Local Environmental Plan (LEP) 2014 to improve the operation and accuracy of the plan. Ten (10) items have been identified that require administration amendments to Shoalhaven LEP 2014, including the updating of clauses, land use zones and Schedule 5. Twenty-nine (29) items identified that require mapping amendments to the Land Zoning, Lot Size, Height of Building, Buffer, Urban Release Area, Clauses and Heritage. One (1) item has been identified for amendment that relate to both the instrument of Schedule 5 of Shoalhaven LEP 2014, and the associated heritage mapping.

PLANNING PROPOSAL - PP062 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - 2021 INSTRUMENT HOUSEKEEPING - PUBLIC EXHIBITION 23 FEBRUARY 2022 TO 25 MARCH 2022 (68535E) (MIN21.620)

This Planning Proposal (PP) seeks to amend the Shoalhaven Local Environmental Plan (LEP) 2014 instrument to: apply a minimum parent lot size for multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings in the B4 mixed Use zone and clarify the permissibility of resulting land uses post subdivision; clearly specify Torrens subdivision opportunities for dual occupancy development in the R3 Medium Density Residential zone; and insert a new Shoalhaven appropriate version of the NSW Government's 'model' Natural Disaster clause to enable greater resilience following natural disaster events.

PLANNING PROPOSAL - PP063 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - CLAUSE 7.25 - PUBLIC EXHIBITION 23 FEBRUARY 2022 TO 25 MARCH 2022 (67466E) (MIN21.698)

This Planning Proposal (PP) seeks to enable the strata subdivision of future multi dwelling housing on Lot 1 DP 1257338. The dedicated multi dwelling housing allotment (Lot 12) was approved by Council on 23 December 2019 under Clause 7.25 of Shoalhaven LEP 2014. Strata subdivision will allow individual ownership of the future housing product and thereby facilitate a range of housing types. No increase in the dwelling yield (intended through Amendment No. 5 to SLEP 2014) is proposed.

PLANNING PROPOSAL - PP2021-406 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - MAP AMENDMENTS CALLALA BAY, WOLLUMBOOLA AND KINGHORNE - PUBLIC EXHIBITION 14 APRIL 2022 TO 17 JUNE 2022 (56566E) (MIN21.101)

This Planning Proposal (PP) intends to amend a number of maps within the Shoalhaven Local Environmental Plan 2014 to facilitate housing development on certain land west of Callala Bay and to preserve the environmental values of land in Callala Bay, Wollumboola and Kinghorne.

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- (3) The name of each development control plan that applies to the carrying out of development on the land is:

Shoalhaven Development Control Plan 2014 (as amended)

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

2 Zoning and land use under relevant LEPs

For Shoalhaven Local Environmental Plan 2014 (as amended)

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

Zone SP2 Infrastructure

- b. **The purposes for which Shoalhaven Local Environmental Plan 2014 provides that development may be carried out within the zone without the need for development consent:**

Nil

- c. **The purposes for which Shoalhaven Local Environmental Plan 2014 provides that development may not be carried out within the zone except with development consent:**

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

- d. **The purposes for which Shoalhaven Local Environmental Plan 2014 provides that development is prohibited within the zone:**

Any development not specified in item b or c.

- e. Development standards applying to the land under Shoalhaven Local Environmental Plan 2014 **DO NOT** fix minimum land dimensions for the erection of a dwelling-house on the land.

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- f. The land **DOES NOT** include or comprise critical habitat under Shoalhaven Local Environmental Plan 2014.
(Note: Shoalhaven Local Environmental Plan 2014 does not identify areas of "critical habitat" as defined in Part 7A of the Fisheries Management Act 1994 (subject to section 5AA of the Environmental Planning and Assessment Act 1979). Enquiries about whether the land is "critical habitat" Part 7A of the Fisheries Management Act 1994 should be directed to the NSW Office of Environment and Heritage).
- g. The land **IS NOT** in a conservation area (however described) under Shoalhaven Local Environmental Plan 2014.
(Note: this item relates to "heritage conservation areas" as defined in the LEP).
- h. An item of environmental heritage (however described) under Shoalhaven Local Environmental Plan 2014 **IS NOT** situated on the land.
(Note: "environmental heritage" relates to matters/items of cultural heritage, for example, items listed on the State Register, items specifically listed in the LEP or matters subject to an "interim heritage order" under the Heritage Act 1977).

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

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

- (a) The land **IS NOT** within any zone (however described) under Part 3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP), or
- (b) The land **IS NOT** within any Precinct Plan (within the meaning of the 2006 SEPP), or
- (c) The land **IS NOT** within a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act.

3 Complying development

Qualifying Statement on Council Data Affecting this Item

Shoalhaven City Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, however specific land restrictions may not apply to all of the land. The information included in this Planning Certificate is provided in accordance with the Environmental Planning & Assessment Regulation 2000 (as amended). It is strongly suggested that you review the State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008 and supporting information before proceeding with the lodgement of a Complying Development Certificate application to either Council or a private certifier. The NSW Department of Planning and Environment has provided a series of information sheets on its website

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

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

Specific land exemptions for Housing Code, Rural Housing and Greenfield Housing Code

The extent to which the land is land on which complying development may be carried out under each of the codes for complying development of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 **IS NOT RESTRICTED** by any of the provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 but the restriction may not apply to all of the land, and Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Specific land exemptions for Housing Alterations Code and General Development Code

The extent to which the land is land on which complying development may be carried out under the codes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 **IS NOT RESTRICTED** by the following provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 but the restriction may not apply to all of the land, and Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

Specific land exemptions for Commercial and Industrial (New Buildings and Additions) Code

The extent to which the land is land on which complying development may be carried out under the codes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 **IS NOT RESTRICTED** by the following provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 but the restriction may not apply to all of the land, and Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

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Specific land exemptions for Low Rise Housing Diversity Code

The extent to which the land is land on which complying development may be carried out under the codes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 **IS NOT RESTRICTED** by the following provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 but the restriction may not apply to all of the land, and Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

4B Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner (or any previous owner) of the land **HAS NOT** consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5 Mine subsidence

The land **HAS NOT** been proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

6 Road widening and road alignment

- (a) The land **IS NOT** affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993
- (b) If the land is affected by any road widening or road realignment under any environmental planning instrument it will be listed below.
- (c) The land **IS NOT** affected by any road widening or road realignment under any resolution of Council.

Note: Information in item 6, relates to Council's road proposals; other authorities e.g. Transport for NSW, may have proposals not set out herein.

7 Council and other public authority policies on hazard risk restrictions

(a) The land **IS** affected by the following policy or policies adopted by the Council that restrict the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils or any other risk (other than flooding).

Shoalhaven Development Control Plan 2014

Contaminated Land Policy 2013

Shoalhaven Coastal Zone Management Plan 2018

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(b) The land **IS** affected by a policy adopted by a public authority (other than the Council) and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulfate soils or any other risk (other than flooding).

Land Identified As Bushfire Prone

Under the Environmental Planning and Assessment Act 1979, Council is obliged to map bushfire prone land and to indicate bushfire prone land on planning certificates.

The land the subject of this certificate **IS** within a designated bushfire prone area. Intending purchasers should consult the "Planning for Bush Fire Protection" document (NSW Rural Fire Service/NSW Department of Planning and Environment, November 2019) which identifies possible restrictions on the development of land because of the likelihood of bushfire.

7A Flood related development controls information

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

(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.

(3) In this clause -

Flood Planning Area has the same meaning as in the Floodplain Development Manual.

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

Probable Maximum Flood has the same meaning as in the Floodplain Development Manual.

(1) Council **DOES NOT** have sufficient information to determine whether or not the land or part of the land is within the flood planning area and subject to flood related development controls.

(2) Council **DOES NOT** have sufficient information to determine whether or not 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.

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

For further information or to request a flood certificate, please contact Council's Coast and Floodplains Unit.

8 Land reserved for acquisition

The land **IS NOT** reserved for acquisition by a public authority, as referred to in section 3.15 of the Act under any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1.

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9 Contributions plans

The name of the contributions plan applying to the land is:

Shoalhaven Contributions Plan 2019 (as amended)

9a Biodiversity certified land

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

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

10 Biobanking stewardship sites

The Council **HAS NOT** been notified by the Chief Executive of the Office of Environment and Heritage whether or not the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

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

10a Native vegetation clearing set asides

The land **DOES NOT** contain a set aside area under section 60ZC of the Local Land Services Act 2013.

11 Bush fire prone land

The land **IS** bushfire prone land (as defined in the Environmental Planning and Assessment Act 1979).

12 Property vegetation plans

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

13 Orders under Trees (Disputes Between Neighbours) Act 2006

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

14 Directions under Part 3A

There is no direction by the Minister in force under section 75P (2) (c1) of the 'Environmental Planning and Assessment Act 1979' that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

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15 Conditions for seniors housing

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

16 Site compatibility certificates for infrastructure, schools or TAFE establishments

The Council **IS NOT** aware of a current site compatibility certificate (Infrastructure) or site compatibility certificate (schools or TAFE establishments), in respect of proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

(1) The Council **IS NOT** aware of a current site compatibility certificate (affordable rental housing), in respect of proposed development on the land.

(2) The Council **IS NOT** aware of any terms of a kind referred to in clause 21(1) or 40(1) of State Environmental Planning Policy (Housing) 2021 that have been imposed as a condition of development consent in relation to the land.

18 Paper subdivision information

The land **IS NOT** affected by a development plan (proposed or adopted) or subdivision order as defined under Part 16C of the Environmental Planning & Assessment Regulation 2000.

19 Site verification certificates

The Council **IS NOT** aware of a current site verification certificate (mining, petroleum production and extractive industries), in respect of this land.

20 Loose-filled asbestos insulation

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

21 Affected building notices and building product rectification orders

(1) The Council **IS NOT** aware of any affected building notice as defined under the Building Products (Safety) Act 2017 that is in force in respect of the land.

(2)(a) The Council **IS NOT** aware of any building product rectification order as defined under the Building Products (Safety) Act 2017 that is in force in respect of the land and has not been fully complied with, and

(2)(b) The Council **IS NOT** aware of any notice of intention to make a building product rectification order as defined under the Building Products (Safety) Act 2017 given in respect of the land and is outstanding.

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

- (a) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- (b) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject to a management order within the meaning of the Contaminated Land Management Act 1997.
- (c) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.
- (d) The Council **HAS NOT** been informed by the Environment Protection Authority that the land is subject of an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.
- (e) The land **IS NOT** the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 that has been provided to the Council.

Information under Section 10.7(5)

As at the date of this certificate, the abovementioned land is also affected as follows:

(NOTE: SECTION 10.7(6) STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 10.7(5))

DCPs, Contribution Plans & Planning Agreements

SHOALHAVEN CONTRIBUTIONS PLAN 2019 - AMENDMENT NO 9 - HUNTINGDALE PARK RESERVE BERRY - PUBLIC EXHIBITION 14 MARCH 2022 to 11 APRIL 2022 (69807E) (MIN22.93)

The purpose of the amendment is to allow for improvements to Huntingdale Park Reserve, Berry (Part Lot 914 DP 1268409 and Lot 8 DP 1188080). The amendment will allow collected and future Section 7.11 levy funds from the project benefit area to be spent on local park infrastructure.

SHOALHAVEN DEVELOPMENT CONTROL PLAN 2014 - DRAFT AMENDMENT NO 39 - COASTAL AMENDMENT (DCP2014.39) - PUBLIC EXHIBITION 17 NOVEMBER 2021 to 17 DECEMBER 2021 (61539E) (MIN21.694)

The draft Amendment seeks to amend Chapter N12: Culburra Beach - The Marina Area, Chapter G6: Coastal Management Areas and Chapter V2: Building Lines of Shoalhaven DCP 2014. The Coastal Amendment is predominantly administrative in nature and intended to ensure the Chapters are updated, streamlined and are effective planning tools.

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PLANNING AGREEMENT - DRAFT DEED OF VARIATION TO VPA006 - BISHOP DRIVE, MOLLYMOOK - PUBLIC EXHIBITION 20 APRIL 2022 to 20 MAY 2022 (43578E) (MIN22.217)

The draft Deed of Variation to existing VPA006 relating to Bishop Drive, Mollymook seeks to enable alternative security and timeframes for the completion of the remaining Bishop Drive related works so that Council can release subdivision certificates for the subdivision approved under MP06/0276.

PLANNING AGREEMENT - DRAFT VPA016 - FISHERMAN'S PARADISE ROAD, FISHERMAN'S PARADISE - DEDICATION OF PUBLIC RESERVE - PUBLIC EXHIBITION 2 MARCH 2022 to 1 APRIL 2022 (68299E) (MIN20.829)

The draft planning agreement applies to land in Fishermans Paradise, on land described as Lot 212 DP 884276 and between the landowners and Council. The proposed agreement relates to the dedication of land and future maintenance of the land. The objectives of the land dedication are to ensure this land will be secured for environmental conservation purposes and help promote the health of the adjacent coastal wetland and waterway. The carrying out of management actions in accordance with an approved environmental management plan will mitigate the direct and indirect impacts of the subdivision works, improve the ecological condition of the land and ensure future maintenance costs are minimised.

Matters Affecting This Land

HMAS ALBATROSS MILITARY AIRCRAFT OPERATING AREA

Advice to Council on 3 November 2006 confirms information previously provided by The Department of Defence, that the subject land is within HMAS Albatross Military Aircraft Operating Area. Specific heights can be obtained by contacting HMAS Albatross at Nowra.

HMAS ALBATROSS MILITARY AIRCRAFT OPERATING AREA - AIRFIELD CIRCUIT AREA

The Department of Defence advised Council on 3 November 2006 that this land is within HMAS Albatross Military Aircraft Operating Area. Specifically, the subject land is within an area known as HMAS Albatross Airfield Circuit Area and information provided to Council advises:

"HMAS Albatross Airfield Circuit Area"

Military Airfield Operating Heights - Surface to 2000ft, 5 nautical miles diameter

Flying operations for military aircraft and military approved civil aircraft for departures, arrivals and circuit training. Parachuting operations to a drop zone adjacent to south of the airfield. The airfield can be open 24 hours per day, although normally operates from 8.00am to 5.00pm weekdays. Night flying is determined by the operational requirements of the squadrons based at Albatross. This is generally 1 to 2 nights per week, however occasionally during periods of high fleet activity, this can increase to several consecutive nights and can occur at all hours.

Further information is available by contacting HMAS Albatross at Nowra.

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NOWRA BOMADERRY STRUCTURE PLAN

This property is located in the area covered by the Nowra Bomaderry Structure Plan (NBSP). The NBSP was adopted by Council in 2006 and endorsed by State Government in 2008. The NBSP is not a legal document but rather one that provides strategic direction and guidance. The NBSP provides the planning framework for growth, development opportunities and conservation measures in the Nowra Bomaderry area for the next 20 years. It identifies potential areas for new living areas and industrial expansion as well as a future western bypass and the preferred road network required to support long-term growth. Landowners and prospective buyers are encouraged to view the Adopted and Endorsed Strategic Direction and Structure Plan Map.

Further information can be found on Council's website [Shoalhaven City Council Planning Register](#) or by contacting Council's City Future on (02) 4429 5377.

Matters Affecting Land In Various Localities

DEFENCE AVIATION AREAS - STRUCTURE HIGHER THAN 90M

The Department of Defence has informed Council that the Defence Aviation Areas (DAA) to limit height of buildings/structures within approximately 15km of the Naval Air Station, Nowra were gazetted on March 26, 2018. This land is in an area where the consent of the Dept of Defence is required for any structure higher than 90m. Contact Land Planning and Regulations Estate Planning Branch, Department of Defence, BP26-1-A053, PO Box 7925, Canberra BC ACT 2610.

Matters Affecting The Whole Of The City

ACID SULFATE SOILS - Large areas of the coastal zone of NSW have the potential to be affected by acid sulfate soils which become problematic if exposed during excavations or similar activities. The Dept of Land & Water Conservation have maps which indicate the potential occurrence of acid sulfate soils. Prior to undertaking work which involves substantial soil disturbance, you should ascertain the possibility of acid sulfate soils existing on your property. Enquiries to NSW Department of Planning and Environment.

INTERIM POLICY - DEVELOPMENT ADJOINING NARROW LANEWAYS

Council resolved on 6 November 2018 to adopt an interim policy position regarding development adjoining narrow laneways. The Interim Policy provides direction regarding access, servicing, design and use of narrow laneways as a primary frontage. Contact Council's - Strategic Planning for further information. (MIN18.891) (57914E)

POLICY - PROVISION OF WATER AND SEWERAGE INFRASTRUCTURE - DEVELOPMENT NOT INCLUDED IN DEVELOPMENT SERVICING PLANS

This Policy shall apply to all lands which have not been included in water supply and/or sewerage services development servicing plans.

POLICY - COMPANION ANIMALS (IMPACTS ON NATIVE FAUNA) - CONDITIONS OF DEVELOPMENT CONSENT

Council resolved on 21 February 2017, in order to protect populations of native fauna, including threatened species, from impacts associated with the keeping of domestic cats and dogs within certain development, that appropriate restrictions on title or conditions of consent for the management of companion animals may be applied in sensitive environmental locations (23139E) (MIN17.95)

PLANNING CERTIFICATE UNDER SECTION 10.7
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Certificate No: 2022/01702

INFORMATION REGARDING LOOSE-FILLED ASBESTOS INSULATION

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

You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, Council 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.

INFORMATION REGARDING FOSSICKING DISTRICT 68.

Pursuant to section 369A of the Mining Act 1992, the NSW Department of Planning and Environment have declared all land within the Shoalhaven City Council Local Government Area to be a Fossicking District (Fossicking District 68). Contact the NSW Department of Planning and Environment for further information.

for the CHIEF EXECUTIVE OFFICER