

**PLANNING CERTIFICATE UNDER SECTION 10.7**  
**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**  
**Certificate No: 2021/01137**

**Applicant:** Luke Zajac  
Level 2, 3 Horwood Place  
Parramatta  
2162

**Receipt No.:** Ext: 119009  
**Date:** 05/03/2021  
**Fee:** \$133  
**Urgency Fee:** \$0.00

**Applicant reference:** Budawang

**The land to which this Certificate relates is:**

Lot 200 DP 1192140, 17 Croobyar Rd, MILTON  
Parish of ULLADULLA, County of ST. VINCENT

The above information is as recorded by Council.

**DISCLAIMER AND CAUTION:**

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

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

State Environmental Planning Policy No. 21 – Caravan Parks  
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development  
State Environmental Planning Policy No. 36 – Manufactured Home Estates  
State Environmental Planning Policy No. 50 – Canal Estate Development  
State Environmental Planning Policy No. 55 – Remediation of Land  
State Environmental Planning Policy No. 64 - Advertising and Signage  
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development  
State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Building Sustainability Index: Basix) 2004  
State Environmental Planning Policy (State Significant Precincts) 2005  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy (Coastal Management) 2018  
State Environmental Planning Policy (Primary Production and Rural Development) 2019  
State Environmental Planning Policy (Koala Habitat Protection) 2020

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- (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)

Draft State Environmental Planning Policy (Short-term Rental Accommodation)

**Explanation of Intended Effect - State Environmental Planning Policies**

Explanation of Intended Effect - Proposed Housekeeping Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Explanation of Intended Effect - Proposed Activation Precincts SEPP

Explanation of Intended Effect - Amendment to Infrastructure SEPP

Explanation of Intended Effects - Housing Diversity State Environmental Planning Policy

Explanation of Intended Effects - Design and Place SEPP

**Draft Local Environmental Plans and planning proposals for Local Environmental Plans**

PLANNING PROPOSAL - PP026 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 COASTAL HAZARDS REVIEW - PUBLIC EXHIBITION 6 FEBRUARY 2019 TO 8 MARCH 2019 (55961E) (MIN18.609)

This Planning Proposal (PP) seeks to remove the Coastal Risk Planning Map from Shoalhaven LEP 2014 and rely on Council's Coastal Hazard Interactive Mapping to identify areas at risk of coastal hazards. The PP will also amend Clause 7.4 Coastal risk planning to apply to all land at risk of coastal hazards instead of land identified in the Coastal Risk Planning Map, to allow for better identification and management of areas at risk of coastal hazards.

PLANNING PROPOSAL - PP029 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - HITCHCOCKS LANE BERRY RESIDENTIAL INVESTIGATION AREA - PUBLIC EXHIBITION 28 OCTOBER 2020 TO 8 JANUARY 2021 (56367E) (MIN20.619)

This Planning Proposal (PP) seeks to amend the land use zone, minimum lot size for subdivision and height of buildings provisions within Shoalhaven Local Environmental Plan 2014 to enable low density residential development on certain land located south of Hitchcocks Lane in Berry.

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PLANNING PROPOSAL - PP035 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - 48 JERVIS BAY ROAD FALLS CREEK - COMMUNITY TITLE SUBDIVISION - PUBLIC EXHIBITION 6 JANUARY 2021 TO 5 FEBRUARY 2021 (57076E) (MIN20.253)

This Planning Proposal (PP) seeks to amend the land use zones, minimum lot size for subdivision and terrestrial biodiversity provisions as well as introduce a site-specific legal mechanism within Shoalhaven Local Environmental Plan 2014 to enable a community title subdivision (consisting of 13 housing lots and one neighbourhood environmental conservation lot) on the subject land.

PLANNING PROPOSAL - PP052 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - THE ARBOUR RETIREMENT VILLAGE BERRY - PUBLIC EXHIBITION 4 NOVEMBER 2020 TO 18 DECEMBER 2020 (63199E) (MIN20.161)

The Planning Proposal intends to rezone an area of approximately 7,665 m<sup>2</sup> at the north-eastern corner of Lot 6, DP 1204186 from RU1 - Primary Production to R2 - Low Density Residential to allow low-density residential use of the land for seniors housing. The Arbour Retirement Village is centrally located on the property. The PP seeks to also amend (reduce) minimum lot size and height of building controls currently applying to the land.

PLANNING PROPOSAL - PP055 TO AMEND SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 - CLAUSE 4.1H - PUBLIC EXHIBITION 30 SEPTEMBER 2020 TO 30 OCTOBER 2020 (64718E) (MIN20.307)

The Planning Proposal seeks to rectify an operational issue with the current Clause 4.1H, which was first inserted into the LEP in 2018 to enable small lots (300m<sup>2</sup> to 500m<sup>2</sup> in size) to be considered in certain high amenity locations in Moss Vale Road South Urban Release Area (URA). The PP intends to make Clause 4.1H more flexible so that small lots can be considered where developments propose minor variations from the Indicative Layout Plan (ILP) for the URA. The PP also proposes to make Clause 4.1H generic so that it can be applied to other URAs in the future, where appropriate.

- (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](http://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 RU1 Primary Production

- 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:**

Extensive agriculture; Forestry; Home occupations.

- 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:**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Markets; Mooring pens; Moorings; Offensive industries; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems.

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

Hotel or motel accommodation; Pubs; Serviced apartments; Any other development not specified in item b or c.

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- e. Development standards applying to the land **DO** fix minimum land dimensions for the erection of a dwelling-house on the land and the minimum land dimensions so fixed are:

SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 applies a development standard fixing the minimum lot size for the erection of a dual occupancy (attached) and dwelling-house on this lot. Refer to clause 4.2D of the Instrument. The minimum lot size fixed is: **40 Ha**

- 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](http://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.

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**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.

**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. NSW Roads and Maritime Services, may have proposals not set out herein.



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**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**

(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.

PART 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, Industry 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) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

*(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.*

*(3) Words and expressions in this clause have the same meanings as in the Standard Instrument.*

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(1) Council does not have sufficient information to determine whether or not development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls as contained in Clause 7.3 of Shoalhaven Local Environmental Plan 2014 or Chapter G9 of Shoalhaven Development Control Plan 2014.

(2) Council does not have sufficient information to determine whether or not development on the land or part of the land for any other purpose is subject to flood related development controls as contained in Clause 7.2A and Clause 7.3 of Shoalhaven Local Environmental Plan 2014 or Chapter G9 and Chapter G10 of Shoalhaven Development Control Plan 2014.

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 will 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 Natural Resources 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.

**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.

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- 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**  
**Part** of 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.
- 15 **Site compatibility certificates and conditions for seniors housing**  
The Council **IS NOT** aware of any current site compatibility certificate (seniors housing) in respect of proposed development on 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**  
The Council **IS NOT** aware of a current site compatibility certificate (affordable rental housing), in respect of proposed development on 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.

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**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.

**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 Act 1997 that has been provided to the Council.

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**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 DEVELOPMENT CONTROL PLAN 2014 - DRAFT AMENDMENT NO 44 - CHAPTER N3 BERRY RESIDENTIAL SUBDIVISION - PUBLIC EXHIBITION 28 OCTOBER 2020 to 8 JANUARY 2021 (64037E) (MIN20.619)

Draft Chapter N3 Berry Residential Subdivision supports a proposed amendment to Shoalhaven Local Environmental Plan 2014 (PP029) to rezone land south of Hitchcocks Lane to enable residential development. The draft DCP Chapter N3 contains provisions to guide future subdivision and housing development on the land subject to PP029 and an updated Masterplan for land west of the Princes Highway at Berry.

SHOALHAVEN DEVELOPMENT CONTROL PLAN 2014 - DRAFT AMENDMENT NO 47 - CHAPTER NB3 - PUBLIC EXHIBITION 30 SEPTEMBER 2020 to 30 OCTOBER 2020 (64765E) (MIN20.307)

The draft DCP amendment supports a proposed amendment to Clause 4.1H of Shoalhaven LEP 2014 and proposes to remove the requirement for small lots to "Adjoin land reserved for public open space (either directly or separated by a road) or be located along a tree lined boulevard" (Section 7.3.2(6)).

**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.

**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, Industry 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.

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**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)(MIN17.95)

**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, Industry 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, Industry and Environment for further information.

for the CHIEF EXECUTIVE OFFICER