WINGECARRIBEE SHIRE COUNCIL

Planning Certificate

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

To: INFOTRACK
ecertificates@infotrack.com.au

Your Ref: 2020169
Fees Paid: $ 53.00
Receipt Number: 730438

Date of Issue: 13 March 2020

Certificate Number:	**S10.7-2020/1603**
This certificate relates to:	**380 DALYS ROAD BELANGLO NSW 2577**
Legal Description:	**Lot 42 DP 751251**
Property No:	**1703799**
Advice on this certificate:	Advice is provided under section 10.7(2): See Items 1-21

IMPORTANT: Please read this certificate carefully.

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

Please check for any items which could be inconsistent with the proposed use or development of the land and notify Council immediately should this be the case. If there is anything in this certificate that you do not understand please contact Council's Customer Service Centre on (02) 48680888 or alternatively by email at mail@wsc.nsw.gov.au.

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

All information is considered to be correct as at 13 March 2020. However, it is possible that changes may have occurred since this certificate was issued. If in doubt it is suggested that you apply for another certificate.

Part 1:

ADVICE PROVIDED UNDER SECTION 10.7(2)

Attention: The explanatory notes appearing in italic print within Part 1 are provided to assist in understanding, but do not form part of the advice provided under section 10.7(2).

1. Names of relevant planning instruments and DCPs:

a) The name of each environmental planning instrument that applies to the carrying out of development on the land;

State Environmental Planning Policies

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. 44 Koala Habitat Protection

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 (Affordable Rental Housing) 2009

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

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Primary Production and Rural Development) 2019

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

b) 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 (unless the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policies

Draft SEPP 44 Koala Habitat Protection

Draft SEPP (Environment)

Draft SEPP (Mining, Petroleum Production and Extractive Industries)

Draft Local Environmental Plans

Shire wide Draft Local Environmental Plan to amend certain clauses in WLEP 2010

Nil

Note: A proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

c) The name of each development control plan that applies to the carrying out of development on the land

Rural Lands Development Control Plan

2. Zoning and land use under relevant LEPs.

The *Wingecarribee Local Environmental Plan 2010* identifies the land as being within the following zone(s):

Zone E3 Environmental Management

Advice: Refer to www.wsc.nsw.gov.au or www.legislation.nsw.gov.au website for the LEP Instrument and zoning maps.

Advice: Schedule 1 of the Wingecarribee Local Environmental Plan 2010 may contain additional permitted uses that apply to the site.

- **Objectives of zone**
  - To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
  - To provide for a limited range of development that does not have an adverse effect on those values.
  - To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
  - To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
  - To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
  - To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.

- **Permitted without consent**

  Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

- **Permitted with consent**

  Agricultural produce industries; Airstrips; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dairies (pasture-based); Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Helipads; Home businesses; Horticulture; Information and education facilities; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Viticulture; Water storage facilities

- **Prohibited**

  Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in 'permitted without consent' or 'permitted with consent'.

Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed: YES there is a Minimum Lot Size to the lot/s, 40 hectares

Critical Habitat: The land DOES NOT include or comprise critical habitat.

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

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

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

The subject land is not within a growth centre under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006.*

3. Complying Development

Note: The advice below for all Complying Development Codes, is limited to identifying whether or not the land, the subject of the certificate, is land on which complying development may be carried out because of clauses 1.17A(c) to (e), (2),(3) and (4), 1.18(1)(c3) and 1.19 of State SEPP (Ex + Complying Development Codes) 2008. Identify the general requirements to be classified as complying development.

Housing Code:

Complying development under the Housing Code MAY NOT be carried out on the land.

- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Rural Housing Code:

Complying development under the Rural Housing Code MAY NOT be carried out on the land.

- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Housing Alterations Code:

Complying development under the Housing Alterations Code MAY NOT be carried out on the land.

- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Low Rise Medium Density Housing Code:

Note: *The Low Rise Medium Density Housing Code does not currently apply to land within the Wingecarribee Shire.*

Greenfield Housing Code:

Complying development under the Greenfield Housing Code MAY NOT be carried out on the land.

- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

General Development Code:

Complying development under the General Development Code MAY NOT be carried out on the land.

- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

General Commercial and Industrial Alterations Code

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

General Commercial and Industrial (New Buildings and Additions) Code:

Complying development under the General Commercial and Industrial (New Buildings and Additions) Code MAY NOT be carried out on the land.

Subdivision Code:

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

Demolition Code:

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

Fire Safety Code:

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

Container Recycling Facilities Code:

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

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

The land is unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies.

4B. Annual Charges under the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works

The land IS NOT subject to an agreement for annual charges under section 496B of the *Local Government Act 1993* for coastal protection services (within the meaning of section 553B of that Act).

5. Mine Subsidence District

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

6. Road Widening or re-alignment

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

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

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

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

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Note: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. The Council considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigations carried out in conjunction with the preparation or assessment of a development application may result in the Council either refusing development consent or imposing conditions of consent on the basis of risks that are identified above.

7A. Flood related development controls information

There ARE flood related development controls 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)

There are flood related development controls on the land or part of the land for any other purpose.

Note: Council does not have sufficient information available to ascertain whether (or to the extent to which) Clause 7.9 (Flood Planning) of the Wingecarribee Local Environmental Plan 2010 applies to development on the subject land. The subject land has not been included within a Council adopted Flood Study area and accordingly any development application would need to determine whether the subject land is at or below the "flood planning level" as defined below:

Clause 7.9(2) & (5) of the Wingecarribee Local Environmental Plan 2010 states:

(2) This clause applies to:

(a) Land that is shown as "Flood Planning Area" on the Flood Planning Area Map, and

(b) Other land at or below the flood planning level

(5) In this clause:

Flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Note: Words and expressions in this clause have the same meanings as in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.

8. Land Reserved for acquisition

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

9. Contributions plans

The following contributions plan/s apply to the land:

Central Library

Open Space, Recreation, Community & Cultural Facilities 2013 to 2036

Roads and Traffic Facilities 2012 to 2031

Administration 2011 to 2031

Resource Recovery Centre 2009

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

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. Biodiversity stewardship sites

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

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

10A. Native vegetation clearing set asides

Council HAS NOT been notified by Local Land Services (or it is registered in the public register under that section 60ZC) that the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013.*

11. Bushfire prone land

ALL of the land is bushfire prone land (as defined in the Act).

12. Property vegetation plans

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

13. Orders under the Trees (Disputes Between Neighbours) Act 2006

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

14. Directions under Part 3A

The land IS NOT affected by a direction by the Minister in force under section 75P (2) (C1) of the Act. 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

(a) The land IS NOT affected by a current site compatibility certificate (of which Council is aware) issued under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

(b) The land IS NOT affected by any terms of kind referred to in clause 18(2) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

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

18. Paper Subdivision Information

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

19. Site Verification Certificates

The site IS NOT subject of a current site verification certificate (of which the Council is aware) in respect of the land.

20. Loose-fill 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

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

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

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

Note:

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

Contaminated Land Management Act 1997

Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997*

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

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

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

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

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

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

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

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

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

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

For
Ann Prendergast – General Manager**Note:** The subject land is identified as being within a non-sewered area of Wingecarribee Shire. There are requirements under Section 68 of the Local Government Act 1993 that require an approval to be in place for the operation of a system of sewage management.

If you do have a system of sewage management on the subject land, you are encouraged to contact Council on (02) 4868 0888 to check the status of the approval to operate (if any).

It should be noted that an approval to operate may last between 2 to 5 years and on its expiry a new application seeking approval to operate must be submitted to Council.