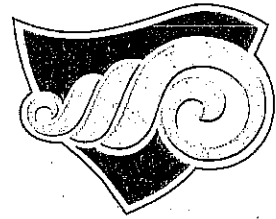


FILE COPY



Applicant:
Consulting Earth Scientists
1/111 Moore Street
LEICHHARDT NSW 2040

Parcel No: 19872
Receipt No: 104221
Print Date: 09/08/2006
- 9 AUG 2006

Applicants Reference: CES 060714-AM

Property Description: Illawarra Highway, ALBION PARK RAIL 2527
LOT: B DP: 109816

PART A: INFORMATION PROVIDED UNDER SECTION 149 (2)

Matters contained in this certificate apply only to the property on the date of issue.

Clause 1: Relevant LEPs, SEPPs, REPs And DCPs

Local Environmental Plans.

Shellharbour Rural Local Environmental Plan 2004 applies to the property.

Exhibited Draft Local Environmental Plans

No exhibited Draft Local Environmental Plans apply to this land.

Development Control Plans

The following approved Development Control Plans apply to the property:

DCP 1/97 - Landscape Guidelines Development Control Plan No 1/97. This plan provides guidelines for landscaping requirements for developments and subdivisions.

DCP 5/97(AM1) - Advertising and Identification Signs Development Control Plan No 5/97(AM1). This plan provides guidelines for advertisements and advertising structure opportunities on land throughout the city.

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Exhibited Draft DCP's

No exhibited draft Development Control Plans apply to the land.

Technical Policies

There are no Technical Policies on this land.

Exhibited Technical Policies

Draft Stormwater Policy. This policy provides details for development requirements for land within Shellharbour City Local Government Area.

Illawarra Regional Environmental Plans

Illawarra Regional Environmental Plan No. 1 (Gazetted 11 April 1986) applies to the property.

Illawarra Regional Environmental Plan No 1 (Gazetted 11 April 1986) identifies the land as Airport Buffer Area. Special consideration may apply. Enquires concerning the effect of the plan should be made to the Department of Infrastructure Planning and Natural Resources.

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No Development Control Plans prepared by the Director-general under section 51A of the Act apply to the property.

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The policy sets out the principle that a development standard may be varied where strict compliance can be shown to be unreasonable or unnecessary or would tend to hinder the objectives of the Environmental Planning and Assessment Act.

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The policy aims to firstly, allow development which is of a very minor environmental significance to be carried out without development consent, and secondly, allow certain development by public authorities and development on land reserved or dedicated under the National Parks and Wildlife Act (1974) to be carried out without consent.

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Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out requirements to ensure there are effective planning control over this export-driven rural industry.

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Enables public authorities to undertake maintenance dredging of waterways in an appropriate and timely manner.

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The policy -(i) defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates, - (ii) enables, with development consent, the subdivision of MHEs, provided such subdivision complies with the provisions of the Local Government (Manufactured Home Estates) Regulation 1993.

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SEPP - Building Sustainability Index: Basix 2004.

This policy applies to all new single dwelling houses or dual occupancy development from 1st July 2005, and to all new multi-dwelling development or alterations and additions from 1st October 2005. BASIX is a web based tool designed to assess the potential performance of residential buildings against sustainability criteria. Details are available at www.basix.nsw.gov.au or by contacting NSW Department of Infrastructure Planning and Natural Resources.

SEPP - (Major Projects) 2005

This policy identifies the criteria for state significant development to be determined by the Minister for Infrastructure and Planning. This will facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the state.

SEPP - Seniors Living 2004

The policy aims to encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

SEPP - (ARTC Rail Infrastructure) 2004.

The policy aims to facilitate development for the purposes of rail infrastructure facilities. Also provides for development for certain rail facilities that do not require development consent.

SEPP - (Repeal of Concurrence and Referral Provisions) 2004.

The SEPP is effective from 28 February 2005. It amends certain provisions in various state, regional and local plans by removing the requirement for referring or concurrence with government bodies or Ministers. This plan deletes Clause 37(2) and amends Clause 37(1) under Shellharbour LEP 2000.

SEPP - Sydney Metropolitan Water Supply 2004.

The policy aims to facilitate development for infrastructure to enable deep water extraction from dams and the investigation of groundwater for water supply in the Sydney Metropolitan area.

SEPP 71 - Coastal Protection.

This State Policy applies to all land located partly or wholly within the Coastal Zone, as identified in the NSW Coastal Policy 1997. This property is affected by this Policy.

Draft State Environmental Planning Policies

The following draft State Environmental Planning Policies apply to the land:

DRAFT SEPP - Application of Development Standards 2004.

The policy aims to provide local councils with flexibility in applying development standards.

DRAFT SEPP 66 - Integrating Land Use and Transport.

The policy aims to ensure urban development is located and designed with improved walking, cycling and public transport access, reduces car dependence and supports efficient and viable public transport services.

.....
DRAFT SEPP 1 - Development Standards (Amendment 1).

SEPP 1 gives councils the power to vary standards and approve development in some situations. When applicants use SEPP 1, they must provide sufficient evidence that proposed development meets the objectives of the local plan.

DRAFT SEPP - Subdivision.

The draft policy has been formulated in light of the intended introduction of the Local Government Bill 1992 which will have the effect of placing subdivision control entirely under the Environmental Planning and Assessment Act, 1979. At the present time, subdivision control is shared between this Act and the Local Government Act, 1919.

DRAFT SEPP - Sewerage Works.

The draft policy proposes that sewerage works by public authorities may be carried out, despite the provisions of any other environmental planning instrument, without development consent but subject to notification of certain authorities.

Clause 2: Zoning And Land Use Under Relevant LEPs

This property is zoned 1(a) AGRICULTURE ZONE under Shellharbour Rural LEP 2004. Development that may be carried out without development consent and with development consent and that is prohibited within this zone are contained in the attached copy of Shellharbour Rural Local Environmental Plan 2004.

Exceptions

There are no additional uses or development permitted on this land in accordance with clause 12 of the Shellharbour Rural Local Environmental Plan 2004.

There are no additional uses or development permitted on this land in accordance with clause 64 of the Shellharbour Rural Local Environmental Plan 2004.

Land Dimensions for the Erection of a Dwelling-House

Development standards and controls regarding lot dimensions for the erection of a dwelling house apply to the land under the Shellharbour Rural Local Environmental Plan 2004.

Critical Habitat

The land does not include critical habitat.

Conservation Area

The property is not within an Area of High Conservation value under the Shellharbour Rural Local Environmental Plan 2004.

Environmental Heritage or Heritage Items/Heritage Conservation Areas

The property is not within a Heritage Conservation Area and does not contain a Heritage Item under the Shellharbour Rural Local Environmental Plan 2004.

Clause 3: Declared State Significant Development

Within Shellharbour City, the following developments, or classes of development, is State significant development by virtue of a declaration by the Minister referred to in section 76A(7)(b) of the Act:

General Declarations

Extractive industry, aquaculture industry and rail freight terminals that meet certain criteria.

Potentially hazardous development, industrial development, urban development and shopping centre development in certain locations, canals or other artificial waterways and coal mining related development that meet certain criteria, and new coal mines that require new mining leases.

Specific Declarations

Dunmore Lakes Sand Extraction (Lot 201 DP 865859 and Lot 17 DP 607791)

Clause 4: Coastal Protection

The Department of Public Works has not notified Council that the property is affected by sections 38 or 39 of the Coastal Protection Act 1979.

Clause 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.

Clause 6: Road Widening And Road Realignment

The land is not affected by any road widening or road re-alignment under Section 25 of the Roads Act, 1993, under any Environmental Planning Instrument, by any resolution of the Council or under any provisions of the Main Roads Act, 1924, as amended (NOTE: Main Roads Act information is correct only to the extent supplied by the Roads and Traffic Authority).

Clause 7: Council And Other Public Authority Policies On Hazard Risk Restrictions

Council has adopted a *Flood Policy – Existing and Infill Development* that may restrict development on land. This Policy adopts the 1 in 100 year flood level as the Interim Adopted Flood Level when assessing the impacts of floods, and adopts 0.5 metre above the Interim Adopted Flood Level as the Planning Level.

There are no other policies that restrict the development of land because of the likelihood of land-slip, tidal inundation, acid sulfate soils, subsidence or any other risk not identified in this certificate. In areas affected by such a risk, specific design or site requirements may apply.

For further information please contact Council's Customer Services Section on 4221 6111.

Clause 8: Land Reserved For Acquisition

ACQUISITION OF LAND:

Acquisition of land is subject to the Land Acquisition and Just Terms Compensation Act 1991. The Act provides for a uniform legislative scheme relating to the procedures and compensation for the acquisition of land for public purposes.

Shellharbour Rural Local Environmental Plan 2004 does not relate to the acquisition of the land the subject of this certificate.

Clause 9: Contributions Plan

Shellharbour City Council's Section 94 Contributions Plan 2005 applies to this property. It details the level of Section 94 developer contributions required for the provision of City-wide and precinct level community facilities, the timing and methods of payment and the timing for the provision of facilities.

Clause 10: Matters Arising Under The Contaminated Land Management Act 1997

CONTAMINATED INFORMATION - 1a. There are no matters listed under Section 59(2) of the Contaminated Land Management Act 1997 which should be specified on this certificate.

CONTAMINATED INFORMATION - 2a. The land is affected by a policy adopted by Council that restricts development of land if there is likelihood of contamination. Council has not assessed the likelihood of contamination of the land and cannot certify whether or not the policy restricts development of the land.

Clause 11: Bush Fire Prone Lands

The land is not shown as bush fire prone in Council's records.

PART B: NOTATIONS

Information contained in this certificate relates only to the property for which this certificate is issued on the day it is issued.

Title Information

Title information shown on this Planning Certificate is provided from Council's records and may not conform to information shown on the current Certificate of Title. Easements, restrictions as to user, rights of way and other similar information shown on the title of the land are not provided on this planning certificate.

Inspection of the property

The Council has made no inspection of the property for the purposes of this Planning Certificate.

Tree Management Order

The Shellharbour City Council Tree Management Order prohibits the ringbarking, cutting down, pruning, lopping, topping, removing, root pruning, injuring or wilful destruction of any tree which is:

- i. 3 metres or more in height.
- ii. 300mm or more in trunk diameter at ground level.
- iii. 3 metres or more in branch spread.

Without the written consent of Council.

The following trees with a trunk diameter of 600mm or less at ground level, will be given exemption, upon positive identification by Shellharbour City Council.

These species are:

- | | |
|---|-------------------------|
| 1. Salix species | Willow Tree |
| 2. Populus species | Poplar Tree |
| 3. Erythrina x sykesii | Coral Tree |
| 4. Ligustrum species | Privet |
| 5. Toxicodendron succedaneum | Rhus Tree |
| 6. Ficus elastica | Rubber Tree |
| 7. Nerium oleander | Oleander |
| 8. Syagrus romanzoffianum | Cocos/Queen Palm |
| 9. Cinnamomum camphora | Camphor laurel |
| 10. Schefflera actinophylla | Umbrella Tree |
| 11. Cupressus macrocarpa "Brunniana" | Golden Cypress |
| 12. Lagunaria patersonii | Itchy Pod Tree |
| 13. Phoenix canariensis | Canary Island Date Palm |
| 14. Domestic and commercial fruit trees that are not endemic species. | |

The above 14 species with a trunk diameter greater 600mm at ground level are subject to the Tree Management Order. The Tree Management Order does not apply to trees required to be pruned under the Overhead Line Safety Regulation 1991, Regulation 23 and 24.

In accordance with Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, Council gave notice that the above Tree Management Order had been adopted for Shellharbour City in the Government Gazette on 14 December 2001.

A person who contravenes the Tree Management Order is guilty of an offence.

**PART C: - INFORMATION PROVIDED UNDER SECTION 149 (5) OF THE
ACT**

NOTE:

When information under section 149(5) is requested the Council is under no obligation to provide any of the information supplied in this part. We draw your attention to section 149(6) which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land does not imply that the land is not affected by any matter referred to in this planning certificate.

Endangered Ecological Community & Threatened Species.

Council has some mapping that identifies where endangered ecological communities & threatened species are known to occur. For further details contact Council's Customer Environmental Services Department.

Filling

Council has no records to indicate the land has been filled or partially filled. Uncontrolled fill may be present on this site. If you have any doubt as to whether the land is affected by fill material, the services of a suitably qualified Consulting Engineer should be obtained.

Flooding

Other than any part of the land which may experience some water inundation as a result of the creation of stormwater detention basins or channels or flow paths in the course of development of the land, Council has no record indicating that the land may be located within a flood hazard area. If you have any doubt as to whether the land is affected by flooding, the services of a suitably qualified Consulting Engineer should be obtained.

Development Consents Relating To The Property

Details of current development consents for the property are available on request from the Council.

Constraints

NSW COASTAL POLICY 1997. The NSW Coastal Policy 1997 applies to all land within the Coastal Zone as identified by the maps held by the Department of Planning. This includes the subject property.

OBSTACLE LIMITATION SURFACE: 52M AHD.

The land is subject to a 52M AHD Obstacle Limitation Surface due to operational requirements of Illawarra regional Airport. Special consideration should be given to any structure which breaches this level. Contact Howard James, Assets Manager for further details.

OBSTACLE LIMITATION SURFACE: GRADED 10M - 52M AHD.

The land is subject to a graded 10M - 52M AHD Obstacle Limitation Surface due to operational requirements of the Illawarra Regional Airport. Special considerations should be given to any structure which breaches these levels. Contact Howard James, Assets Manager for further details.

Floor Level Restrictions - Refer Subdivision Engineer.

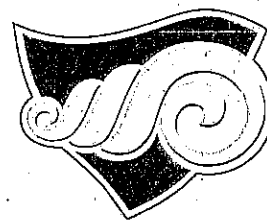
AUSTRALIAN NOISE EXPOSURE FORECAST (ANEF). The property is within an area identified as having an Australian Noise Exposure Forecast (ANEF) in excess of 20 units. (GHD ANEF Study) Within the area from 20 - 25 ANEF aircraft noise exposure may start to emerge as an environmental problem, whilst above 25 ANEF the noise exposure becomes progressively more Severe. Contact Howard James, Assets Manager for further details.

This property has been identified in Council's Aboriginal Heritage Study as being within a Zone/s of Archaeological Sensitivity. The property may be of Aboriginal heritage significance. Refer to Clauses 43-51 and the dictionary in Shellharbour Rural LEP 2004 for more information.

For further information please contact the
Land & Information Services on
(02) 4221 6138

B A Weir
General Manager

Per..... *F. C. O'Leary*



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The policy aims to facilitate development for the purposes of rail infrastructure facilities. Also provides for development for certain rail facilities that do not require development consent.

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The SEPP is effective from 28 February 2005. It amends certain provisions in various state, regional and local plans by removing the requirement for referring or concurrence with government bodies or Ministers. This plan deletes Clause 37(2) and amends Clause 37(1) under Shellharbour LEP 2000.

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Draft State Environmental Planning Policies

The following draft State Environmental Planning Policies apply to the land:

DRAFT SEPP - Application of Development Standards 2004.

The policy aims to provide local councils with flexibility in applying development standards.

DRAFT SEPP 66 - Integrating Land Use and Transport.

The policy aims to ensure urban development is located and designed with improved walking, cycling and public transport access, reduces car dependence and supports efficient and viable public transport services.

DRAFT SEPP 1 - Development Standards (Amendment 1).

SEPP 1 gives councils the power to vary standards and approve development in some situations. When applicants use SEPP 1, they must provide sufficient evidence that proposed development meets the objectives of the local plan.

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The draft policy has been formulated in light of the intended introduction of the Local Government Bill 1992 which will have the effect of placing subdivision control entirely under the Environmental Planning and Assessment Act, 1979. At the present time, subdivision control is shared between this Act and the Local Government Act, 1919.

DRAFT SEPP - Sewerage Works.

The draft policy proposes that sewerage works by public authorities may be carried out, despite the provisions of any other environmental planning instrument, without development consent but subject to notification of certain authorities.

Clause 2: Zoning And Land Use Under Relevant LEPs

This property is zoned 1(a) AGRICULTURE ZONE under Shellharbour Rural LEP 2004. Development that may be carried out without development consent and with development consent and that is prohibited within this zone are contained in the attached copy of Shellharbour Rural Local Environmental Plan 2004.

This property is zoned 9(b) ARTERIAL ROADS RESERVATION ZONE under Shellharbour Rural LEP 2004. Development that may be carried out without development consent and with development consent and that is prohibited within this zone are contained in the attached copy of Shellharbour Rural Local Environmental Plan 2004.

Exceptions

There are no additional uses or development permitted on this land in accordance with clause 12 of the Shellharbour Rural Local Environmental Plan 2004.

There are no additional uses or development permitted on this land in accordance with clause 64 of the Shellharbour Rural Local Environmental Plan 2004.

Land Dimensions for the Erection of a Dwelling-House

Development standards and controls regarding lot dimensions for the erection of a dwelling house apply to the land under the Shellharbour Rural Local Environmental Plan 2004.

Critical Habitat

The land does not include critical habitat.

Conservation Area

The property is within an Area of High Conservation Value under the Shellharbour Rural Local Environmental Plan 2004.

Environmental Heritage or Heritage Items/Heritage Conservation Areas

The property is not within a Heritage Conservation Area and does not contain a Heritage Item under the Shellharbour Rural Local Environmental Plan 2004.

Clause 3: Declared State Significant Development

Within Shellharbour City, the following developments, or classes of development, is State significant development by virtue of a declaration by the Minister referred to in section 76A(7)(b) of the Act:

General Declarations

Extractive industry, aquaculture industry and rail freight terminals that meet certain criteria.

Potentially hazardous development, industrial development, urban development and shopping centre development in certain locations, canals or other artificial waterways and coal mining related development that meet certain criteria, and new coal mines that require new mining leases.

Specific Declarations

Dunmore Lakes Sand Extraction (Lot 201 DP 865859 and Lot 17 DP 607791)

Clause 4: Coastal Protection

The Department of Public Works has not notified Council that the property is affected by sections 38 or 39 of the Coastal Protection Act 1979.

Clause 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.

Clause 6: Road Widening And Road Realignments

The land is affected by road-widening or road re-alignment under an Environmental Planning Instrument.

Clause 7: Council And Other Public Authority Policies On Hazard Risk Restrictions

Council has adopted a *Flood Policy – Existing and Infill Development* that may restrict development on land. This Policy adopts the 1 in 100 year flood level as the Interim Adopted Flood Level when assessing the impacts of floods, and adopts 0.5 metre above the Interim Adopted Flood Level as the Planning Level.

There are no other policies that restrict the development of land because of the likelihood of land-slip, tidal inundation, acid sulfate soils, subsidence or any other risk not identified in this certificate. In areas affected by such a risk, specific design or site requirements may apply.

For further information please contact Council's Customer Services Section on 4221 6111.

Clause 8: Land Reserved For Acquisition

ACQUISITION OF LAND:

Acquisition of land is subject to the Land Acquisition and Just Terms Compensation Act 1991. The Act provides for a uniform legislative scheme relating to the procedures and compensation for the acquisition of land for public purposes.

Clauses 33 and 35 of Shellharbour Rural Local Environmental Plan 2004 relate to the acquisition of land within zones 9(b) and 9(c) respectively.

Clause 9: Contributions Plan

Shellharbour City Council's Section 94 Contributions Plan 2005 applies to this property. It details the level of Section 94 developer contributions required for the provision of City-wide and precinct level community facilities, the timing and methods of payment and the timing for the provision of facilities.

Clause 10: Matters Arising Under The Contaminated Land Management Act 1997

CONTAMINATED INFORMATION - 1a. There are no matters listed under Section 59(2) of the Contaminated Land Management Act 1997 which should be specified on this certificate.

CONTAMINATED INFORMATION - 2a. The land is affected by a policy adopted by Council that restricts development of land if there is likelihood of contamination. Council has not assessed the likelihood of contamination of the land and cannot certify whether or not the policy restricts development of the land.

Clause 11: Bush Fire Prone Lands

The land is not shown as bush fire prone in Council's records.

PART B: NOTATIONS

Information contained in this certificate relates only to the property for which this certificate is issued on the day it is issued.

Title Information

Title information shown on this Planning Certificate is provided from Council's records and may not conform to information shown on the current Certificate of Title. Easements, restrictions as to

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user, rights of way and other similar information shown on the title of the land are not provided on this planning certificate.

Inspection of the property

The Council has made no inspection of the property for the purposes of this Planning Certificate.

Tree Management Order

The Shellharbour City Council Tree Management Order prohibits the ringbarking, cutting down, pruning, lopping, topping, removing, root pruning, injuring or wilful destruction of any tree which is:

- i. 3 metres or more in height.
- ii. 300mm or more in trunk diameter at ground level.
- iii. 3 metres or more in branch spread.

Without the written consent of Council.

The following trees with a trunk diameter of 600mm or less at ground level, will be given exemption, upon positive identification by Shellharbour City Council.

Theses species are:

- | | |
|---|-------------------------|
| 1. Salix species | Willow Tree |
| 2. Populus species | Poplar Tree |
| 3. Erythrina x sykesii | Coral Tree |
| 4. Ligustrum species | Privet |
| 5. Toxicodendron succedaneum | Rhus Tree |
| 6. Ficus elastica | Rubber Tree |
| 7. Nerium oleander | Oleander |
| 8. Syagrus romanzoffianum | Cocos/Queen Palm |
| 9. Cinnamomum camphora | Camphor laurel |
| 10. Schefflera actinophylla | Umbrella Tree |
| 11. Cupressus macrocarpa "Brunniana" | Golden Cypress |
| 12. Lagunaria patersonii | Itchy Pod Tree |
| 13. Phoenix canariensis | Canary Island Date Palm |
| 14. Domestic and commercial fruit trees that are not endemic species. | |

The above 14 species with a trunk diameter greater 600mm at ground level are subject to the Tree Management Order. The Tree Management Order does not apply to trees required to be pruned under the Overhead Line Safety Regulation 1991, Regulation 23 and 24.

In accordance with Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, Council gave notice that the above Tree Management Order had been adopted for Shellharbour City in the Government Gazette on 14 December 2001.

A person who contravenes the Tree Management Order is guilty of an offence.

**PART C: - INFORMATION PROVIDED UNDER SECTION 149 (5) OF THE
ACT**

NOTE:

When information under section 149(5) is requested the Council is under no obligation to provide any of the information supplied in this part. We draw your attention to section 149(6) which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land does not imply that the land is not affected by any matter referred to in this planning certificate.

Endangered Ecological Community & Threatened Species.

Council has some mapping that identifies where endangered ecological communities & threatened species are known to occur. For further details contact Council's Customer Environmental Services Department.

Filling

Council has no records to indicate the land has been filled or partially filled. Uncontrolled fill may be present on this site. If you have any doubt as to whether the land is affected by fill material, the services of a suitably qualified Consulting Engineer should be obtained.

Flooding

Council's records show that the land is located in an area where flooding has occurred or is suspected. The services of a suitably qualified Consulting Engineer should be sought to determine the likely effect, if any, on the land. Council's records are incomplete and there is no certainty that the land is affected by this matter.

Development Consents Relating To The Property

Details of current development consents for the property are available on request from the Council.

Constraints

OBSTACLE LIMITATION SURFACE: 52M AHD.

The land is subject to a 52M AHD Obstacle Limitation Surface due to operational requirements of Illawarra regional Airport. Special consideration should be given to any structure which breaches this level. Contact Howard James, Assets Manager for further details.

OBSTACLE LIMITATION SURFACE: GRADED 10M - 52M AHD.

The land is subject to a graded 10M - 52M AHD Obstacle Limitation Surface due to operational requirements of the Illawarra Regional Airport. Special considerations should be given to any structure which breaches these levels. Contact Howard James, Assets Manager for further details.

Floor Level Restrictions - Refer Subdivision Engineer.

.....
This property has been identified in Council's Aboriginal Heritage Study as being within a Zone/s of Archaeological Sensitivity. The property may be of Aboriginal heritage significance. Refer to Clauses 43-51 and the dictionary in Shellharbour Rural LEP 2004 for more information.

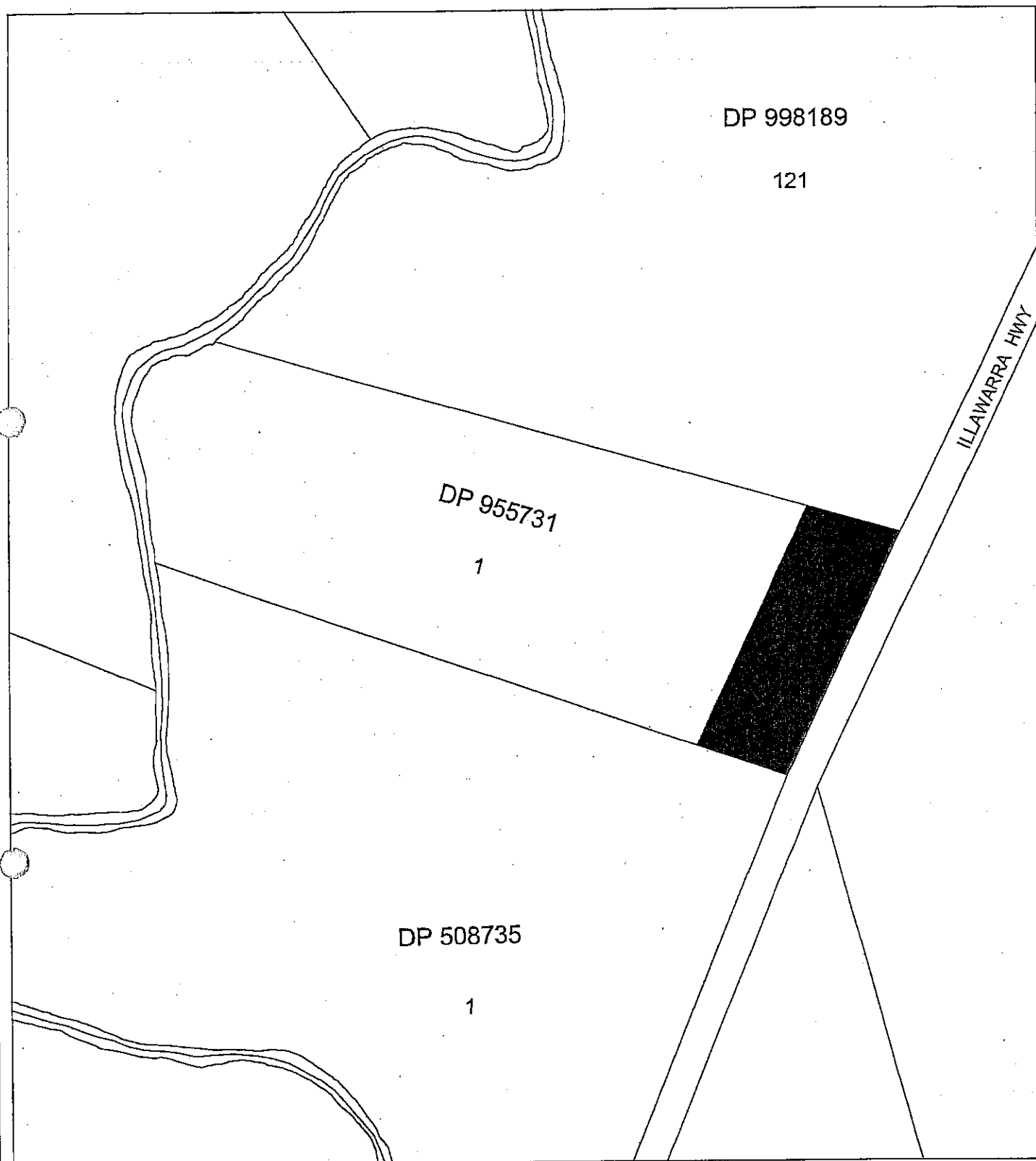
For further information please contact the
Land & Information Services on
(02) 4221 6138

B A Weir
General Manager

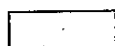
Per.....*FC*

SHELLHARBOUR CITY COUNCIL

SPLIT ZONE - SHELLHARBOUR RURAL LEP 2004



Zone Descriptions



1(a) AGRICULTURE



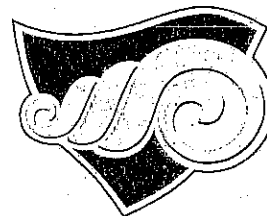
9 (b) ARTERIAL ROADS RESERVATION



This map is supplied by Council on the understanding that Council will not be responsible for any loss or damage which may result from any use made of such information as a result of any errors or omissions contained in the map. Copyright © LIC and Shellharbour City Council 2005.

This map was produced using the Shellharbour City Councils GIS. Mapfile Reference: SplitzonelempdsharbourLEP.yvr

Map Printed By
Lisa McFarlane
GIS Section
Shellharbour City Council
9-August-2006



Applicant:

Consulting Earth Scientists
1/111 Moore Street
LEICHHARDT NSW 2040

Parcel No: 28338
Receipt No: 104221
Print Date: 09/08/2006

- 9 AUG 2006

Applicants Reference: CES 060714-AM

Property Description: 58 Tongarra Road, ALBION PARK 2527
LOT: 6 DP: 1100435

PART A: INFORMATION PROVIDED UNDER SECTION 149 (2)

Matters contained in this certificate apply only to the property on the date of issue.

Clause 1: Relevant LEPs, SEPPs, REPs And DCPs

Local Environmental Plans.

Shellharbour Local Environmental Plan 2000 (2nd June 2000) applies to the property.

Shellharbour Rural Local Environmental Plan 2004 applies to the property.

Exhibited Draft Local Environmental Plans

No exhibited Draft Local Environmental Plans apply to this land.

Development Control Plans

The following approved Development Control Plans apply to the property:

DCP 1/97 - Landscape Guidelines Development Control Plan No 1/97. This plan provides guidelines for landscaping requirements for developments and subdivisions.

DCP 5/97(AM1) - Advertising and Identification Signs Development Control Plan No 5/97(AM1). This plan provides guidelines for advertisements and advertising structure opportunities on land throughout the city.

DCP 2/98 - Telecommunications Facilities Development Control Plan No 2/98. This plan contains provisions relating to the design and location of telecommunications facilities, visual amenity and electromagnetic radiation.

DCP 4/98 - On-site Waste Water Management for Single Residences Development Control Plan No 4/98. This plan provides guidelines for the preparation of plans for on-site water management facilities.

Exempt Development Control Plan (AM4). This plan identifies certain development for which development consent, assessment or notification is not required.

DCP 10/98 - Notifications Policy Development Control Plan No 10/98. This plan identifies how and when potentially affected persons are notified of Development Applications.

Residential Development Control Plan (Amendment No 3). This provides general development requirements for dwelling houses and associated development that requires development consent.

Industrial Development Control Plan. This plan sets guidelines for controlling all forms of industrial development.

Waste Minimization & Management Development Control Plan. This plan requires applicants who are constructing, demolishing and subdividing land to complete a Waste Management Plan; this also applies to some 'complying developments'.

Floodplain Risk Management Development Control Plan (Amendment No 1). This Plan provides details for development requirements on flood prone land being land inundated to the Probable Maximum Flood.

Exhibited Draft DCP's

No exhibited draft Development Control Plans apply to the land.

Technical Policies

There are no Technical Policies on this land.

Exhibited Technical Policies

Draft Stormwater Policy. This policy provides details for development requirements for land within Shellharbour City Local Government Area.

Illawarra Regional Environmental Plans

Illawarra Regional Environmental Plan No. 1 (Gazetted 11 April 1986) applies to the property.

Illawarra Regional Environmental Plan No 1 (Gazetted 11 April 1986) identifies the land as Airport Buffer Area. Special consideration may apply. Enquires concerning the effect of the plan should be made to the Department of Infrastructure Planning and Natural Resources.

Exhibited Draft Regional Environmental Planning Instruments

No exhibited draft Illawarra Regional Environmental Planning Instruments apply to the property.

Development Control Plans by the Director-General

No Development Control Plans prepared by the Director-general under section 51A of the Act apply to the property.

State Environmental Planning Policies

The Minister has notified Council that the following State Environmental Planning Policies should be specified in this part of the certificate:

SEPP No 1 - Development Standards.

The policy sets out the principle that a development standard may be varied where strict compliance can be shown to be unreasonable or unnecessary or would tend to hinder the objectives of the Environmental Planning and Assessment Act.

SEPP No 4 - Development Without Consent & Miscellaneous Complying Development.

The policy aims to firstly, allow development which is of a very minor environmental significance to be carried out without development consent, and secondly, allow certain development by public authorities and development on land reserved or dedicated under the National Parks and Wildlife Act (1974) to be carried out without consent.

SEPP No 6 - Number Of Storeys In A Building.

A policy for determining the height of a building where height is controlled by reference to the number of storeys.

SEPP No 8 - Surplus Public Land.

The policy seeks to promote and co-ordinate the orderly and economic use of surplus public land and provides for its development to be considered from a State rather than local perspective.

SEPP No 9 - Group Homes.

The policy controls the development of group homes on land where dwellings are allowed.

SEPP No 10 - Retention Of Low-Cost Rental Accommodation.

The policy provides that development consent is required for all proposed strata subdivision of existing buildings used, or which have been used, as flats or boarding houses. Development consent is also required for the demolition, alteration or change of use of boarding houses.

SEPP No 11 - Traffic Generating Developments.

The policy provides that applications for development listed in Schedules 1 & 2 of the policy shall be referred to the Traffic Authority for its view prior to determination.

SEPP No 14 - Coastal Wetlands.

The policy provides that certain lands in coastal Local Government areas (except those in Sydney Metropolitan Area) should not be cleared, drained or filled or have a levee constructed on them without the consent of Council, and the concurrence of the Director-General of Urban Affairs & Planning.

SEPP No 21 - Caravan Parks.

The policy provides that where caravan parks or camping grounds are permissible under the environmental planning instrument, movable dwellings, as defined under the Local Government Act, 1919, are permissible.

SEPP No 22 - Shops & Commercial Premises.

The policy allows with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, or alternatively, commercial premises to a shop or another kind of commercial premises where the new use is prohibited under an environmental planning instrument if the Council is satisfied that the change of use will have not more than a minor environmental impact and is in keeping with the objectives of the zone.

SEPP No 30 - Intensive Agriculture.

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out requirements to ensure there are effective planning control over this export-driven rural industry.

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

The policy promotes orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is zoned or used, to be redeveloped for multi-unit housing and related development. Redevelopment is enabled by means of a Regional Environmental Plan instigated by the Minister for Planning.

SEPP No 33 - Hazardous & Offensive Development.

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.

SEPP No 34 - Major Employment-Generating Industrial Development.

The policy requires that any proposed development which is of major employment generating industrial or labour intensive rural industrial development be determined by the Minister of Planning. The policy aims to promote the orderly and economic use and development of land for development proposals affected by the policy across the state as well as achieving appropriate planning controls in respect of such development.

SEPP No 35 - Maintenance Dredging Of Tidal Waterways.

Enables public authorities to undertake maintenance dredging of waterways in an appropriate and timely manner.

SEPP No 36 - Manufactured Home Estates.

The policy -(i) defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates, - (ii) enables, with development consent, the subdivision of MHEs, provided such subdivision complies with the provisions of the Local Government (Manufactured Home Estates) Regulation 1993.

SEPP No 37 - Continued Mines And Extractive Industries.

The policy provides for the continued operation of mines and extractive industries that lawfully commenced without development consent before planning controls came into force and which cannot operate in future without obtaining consent.

SEPP No 38 - Olympic Games and Related Development Proposals.

The policy establishes procedures for assessing development proposals required for the Olympic Games.

SEPP No 45 - Permissibility Of Mining.

The policy ensures there are clear planning controls to determine the permissibility of mining.

SEPP No 48 - Major Putrescible Landfill Sites.

The policy makes the Minister for Infrastructure Planning and Natural Resources the consent authority for major putrescible landfills in NSW. Applies to all landfills that receive waste from more than one local government area when the volume of waste to be received exceeds specified thresholds.

SEPP No 50 - Canal State Developments.

This policy provides that where the policy applies, a person shall not carry out canal estate development as defined in the policy.

SEPP No 55 - Remediation Of Land.

The policy aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. The policy applies to the whole state to ensure that remediation is permissible development and is always carried out to high standard. It specifies when consent is required for remediation and lists considerations that are relevant when rezoning land and determining development applications.

SEPP No 64 - Advertising And Signage.

The policy aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising.

SEPP No 65 - Design Quality Of Residential Flat Development.

The policy raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

SEPP No 70 - Affordable Housing (Revised Schemes).

The policy extends the life of affordable housing provisions relating to: Sydney Regional Environmental Plan No 26 - City West, Willoughby Local Environmental Plan 1995, South Sydney Local Environmental Plan 1998.

SEPP - Building Sustainability Index: Basix 2004.

This policy applies to all new single dwelling houses or dual occupancy development from 1st July 2005, and to all new multi-dwelling development or alterations and additions from 1st October 2005. BASIX is a web based tool designed to assess the potential performance of residential buildings against sustainability criteria. Details are available at www.basix.nsw.gov.au or by contacting NSW Department of Infrastructure Planning and Natural Resources.

SEPP - (Major Projects) 2005

This policy identifies the criteria for state significant development to be determined by the Minister for Infrastructure and Planning. This will facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the state.

SEPP - Seniors Living 2004

The policy aims to encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

SEPP - (ARTC Rail Infrastructure) 2004.

The policy aims to facilitate development for the purposes of rail infrastructure facilities. Also provides for development for certain rail facilities that do not require development consent.

SEPP - (Repeal of Concurrence and Referral Provisions) 2004.

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SEPP - Sydney Metropolitan Water Supply 2004.

The policy aims to facilitate development for infrastructure to enable deep water extraction from dams and the investigation of groundwater for water supply in the Sydney Metropolitan area.

SEPP 71 - Coastal Protection.

This State Policy applies to all land located partly or wholly within the Coastal Zone, as identified in the NSW Coastal Policy 1997. This property is affected by this Policy.

Draft State Environmental Planning Policies

The following draft State Environmental Planning Policies apply to the land:

DRAFT SEPP - Application of Development Standards 2004.

The policy aims to provide local councils with flexibility in applying development standards.

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DRAFT SEPP 66 - Integrating Land Use and Transport.

The policy aims to ensure urban development is located and designed with improved walking, cycling and public transport access, reduces car dependence and supports efficient and viable public transport services.

DRAFT SEPP 1 - Development Standards (Amendment 1).

SEPP 1 gives councils the power to vary standards and approve development in some situations. When applicants use SEPP 1, they must provide sufficient evidence that proposed development meets the objectives of the local plan.

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This property is zoned 7(w) WETLANDS ZONE under Shellharbour Rural LEP 2004. Development that may be carried out without development consent and with development consent and that is prohibited within this zone are contained in the attached copy of Shellharbour Rural Local Environmental Plan 2004.

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Exceptions

Additional use(s) permitted - Landscape supplies depot. Refer also to Clause 82, Shellharbour LEP 2000.

.....
There are additional uses or development permitted on this land in accordance with clause 12 of the Shellharbour Rural Local Environmental Plan 2004.

There are no additional uses or development permitted on this land in accordance with clause 64 of the Shellharbour Rural Local Environmental Plan 2004.

Land Dimensions for the Erection of a Dwelling-House

Shellharbour LEP 2000 does not contain any provisions relating to minimum dimensions for the erection of a dwelling-house however, a minimum land size for the erection of a dwelling-house of 40 hectares applies to certain properties within Zones 1(a), 7(d) and 7(e).

Development standards and controls regarding lot dimensions for the erection of a dwelling house apply to the land under the Shellharbour Rural Local Environmental Plan 2004.

Critical Habitat

The land does not include critical habitat.

Conservation Area

The land is not in a conservation area under Shellharbour Local Environmental Plan 2000.

The property is within an Area of High Conservation Value under the Shellharbour Rural Local Environmental Plan 2004.

Environmental Heritage or Heritage Items/Heritage Conservation Areas

The land does not contain an item of Environmental Heritage under Shellharbour Local Environmental Plan 2000.

The property is within a Heritage Conservation Area or contains a Heritage Item under the Shellharbour Rural Local Environmental Plan 2004.

Clause 3: Declared State Significant Development

Within Shellharbour City, the following developments, or classes of development, is State significant development by virtue of a declaration by the Minister referred to in section 76A(7)(b) of the Act:

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Extractive industry, aquaculture industry and rail freight terminals that meet certain criteria.

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Dunmore Lakes Sand Extraction (Lot 201 DP 865859 and Lot 17 DP 607791)

Clause 4: Coastal Protection

The Department of Public Works has not notified Council that the property is affected by sections 38 or 39 of the Coastal Protection Act 1979.

Clause 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.

Clause 6: Road Widening And Road Realignments

The land is affected by road-widening or road re-alignment under an Environmental Planning Instrument.

Clause 7: Council And Other Public Authority Policies On Hazard Risk Restrictions

Council has adopted a *Flood Policy – Existing and Infill Development* that may restrict development on land. This Policy adopts the 1 in 100 year flood level as the Interim Adopted Flood Level when assessing the impacts of floods, and adopts 0.5 metre above the Interim Adopted Flood Level as the Planning Level.

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For further information please contact Council's Customer Services Section on 4221 6111.

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ACQUISITION OF LAND:

Acquisition of land is subject to the Land Acquisition and Just Terms Compensation Act 1991. The Act provides for a uniform legislative scheme relating to the procedures and compensation for the acquisition of land for public purposes.

Clauses 33 and 35 of Shellharbour Rural Local Environmental Plan 2004 relate to the acquisition of land within zones 9(b) and 9(c) respectively.

Clauses 68, 69 and 71 of Shellharbour Local Environmental Plan 2000 relates to the acquisition of land within zones 9(b), 9(c) and 9(d) respectively.

Clause 9: Contributions Plan

Shellharbour City Council's Section 94 Contributions Plan 2005 applies to this property. It details the level of Section 94 developer contributions required for the provision of City-wide and precinct level community facilities, the timing and methods of payment and the timing for the provision of facilities.

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Clause 11: Bush Fire Prone Lands

The land is not shown as bush fire prone in Council's records.

PART B: NOTATIONS

Information contained in this certificate relates only to the property for which this certificate is issued on the day it is issued.

Title Information

Title information shown on this Planning Certificate is provided from Council's records and may not conform to information shown on the current Certificate of Title. Easements, restrictions as to user, rights of way and other similar information shown on the title of the land are not provided on this planning certificate.

Inspection of the property

The Council has made no inspection of the property for the purposes of this Planning Certificate.

Tree Management Order

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Without the written consent of Council.

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Theses species are:

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| 10. | Schefflera actinophylla | Umbrella Tree |
| 11. | Cupressus macrocarpa "Brunniana" | Golden Cypress |
| 12. | Lagunaria patersonii | Itchy Pod Tree |
| 13. | Phoenix canariensis | Canary Island Date Palm |
| 14. | Domestic and commercial fruit trees that are not endemic species. | |

The above 14 species with a trunk diameter greater 600mm at ground level are subject to the Tree Management Order. The Tree Management Order does not apply to trees required to be pruned under the Overhead Line Safety Regulation 1991, Regulation 23 and 24.

In accordance with Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, Council gave notice that the above Tree Management Order had been adopted for Shellharbour City in the Government Gazette on 14 December 2001.

A person who contravenes the Tree Management Order is guilty of an offence.

PART C: - INFORMATION PROVIDED UNDER SECTION 149 (5) OF THE ACT

NOTE:

When information under section 149(5) is requested the Council is under no obligation to provide any of the information supplied in this part. We draw your attention to section 149(6) which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to sub-section (5). The absence of any reference to any matter affecting the land does not imply that the land is not affected by any matter referred to in this planning certificate.

.....
Endangered Ecological Community & Threatened Species.

Council has some mapping that identifies where endangered ecological communities & threatened species are known to occur. For further details contact Council's Customer Environmental Services Department.

Filling

Council has no records to indicate the land has been filled or partially filled. Uncontrolled fill may be present on this site. If you have any doubt as to whether the land is affected by fill material, the services of a suitably qualified Consulting Engineer should be obtained.

Flooding

Council's records show that the land is located in an area where flooding has occurred or is suspected. The services of a suitably qualified Consulting Engineer should be sought to determine the likely effect, if any, on the land. Council's records are incomplete and there is no certainty that the land is affected by this matter.

Development Consents Relating To The Property

Details of current development consents for the property are available on request from the Council.

Constraints

SENSITIVE COASTAL LOCATION - SEPP 71. This property is identified as being within a sensitive coastal location under SEPP 71 - Coastal Protection. Further details can be obtained by contacting the Department of Planning.

NSW COASTAL POLICY 1997. The NSW Coastal Policy 1997 applies to all land within the Coastal Zone as identified by the maps held by the Department of Planning. This includes the subject property.

OBSTACLE LIMITATION SURFACE: 52M AHD.

The land is subject to a 52M AHD Obstacle Limitation Surface due to operational requirements of Illawarra regional Airport. Special consideration should be given to any structure which breaches this level. Contact Howard James, Assets Manager for further details.

OBSTACLE LIMITATION SURFACE: GRADED 10M - 52M AHD.

The land is subject to a graded 10M - 52M AHD Obstacle Limitation Surface due to operational requirements of the Illawarra Regional Airport. Special considerations should be given to any structure which breaches these levels. Contact Howard James, Assets Manager for further details.

Floor Level Restrictions - Refer Subdivision Engineer.

.....
AUSTRALIAN NOISE EXPOSURE FORECAST (ANEF). The property is within an area identified as having an Australian Noise Exposure Forecast (ANEF) in excess of 20 units. (GHD ANEF Study) Within the area from 20 - 25 ANEF aircraft noise exposure may start to emerge as an environmental problem, whilst above 25 ANEF the noise exposure becomes progressively more Severe. Contact Howard James, Assets Manager for further details.

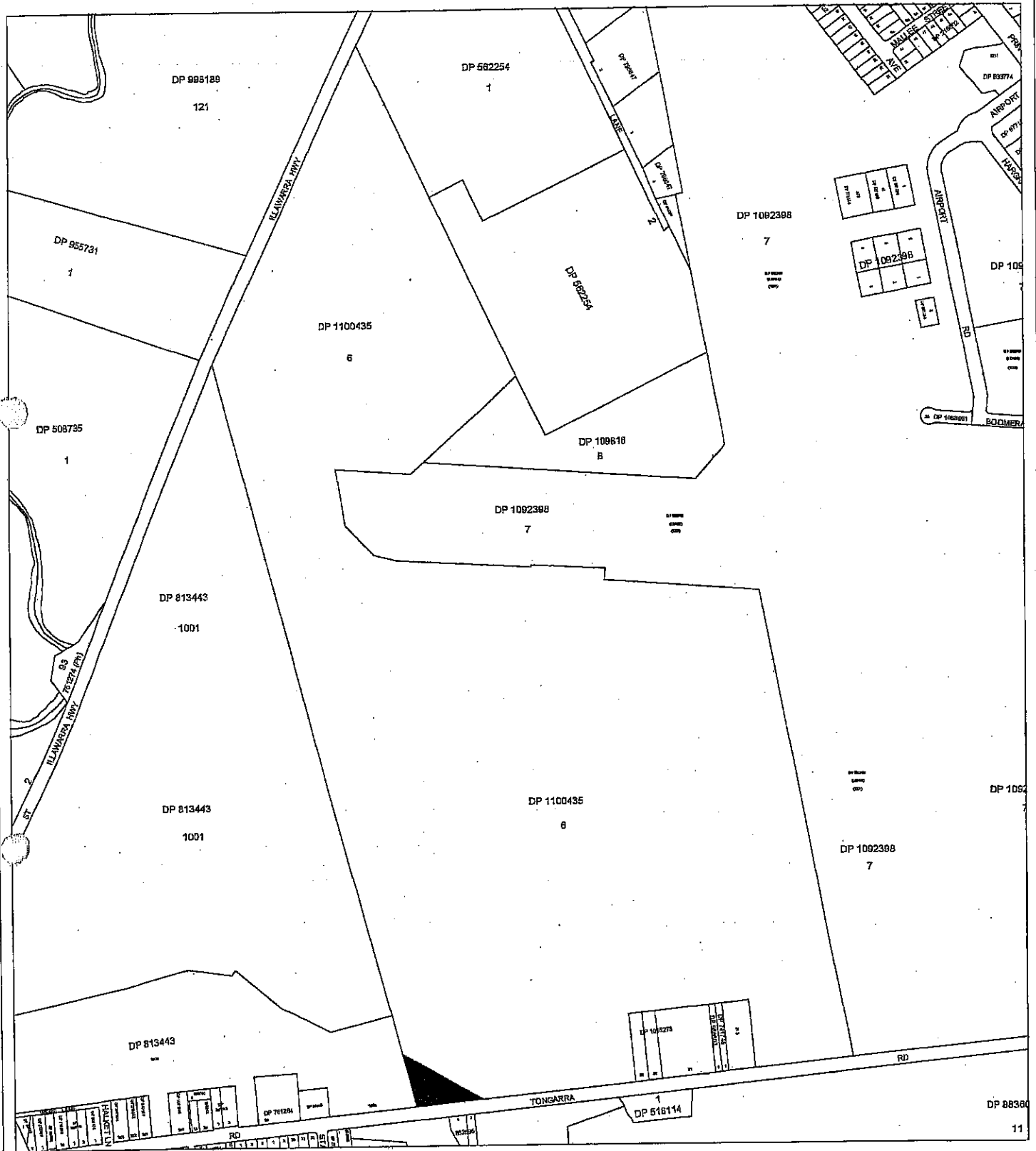
This property has been identified in Council's Aboriginal Heritage Study as being within a Zone/s of Archaeological Sensitivity. The property may be of Aboriginal heritage significance. Refer to Clauses 43-51 and the dictionary in Shellharbour Rural LEP 2004 for more information.

For further information please contact the
Land & Information Services on
(02) 4221 6138

B A Weir
General Manager

Per.....*F. C. O'Leary*.....

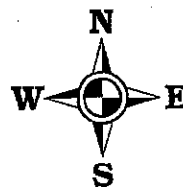
SHELLHARBOUR CITY COUNCIL SPLIT ZONE - LEP 2000



Zone Descriptions



9 (b) ARTERIAL ROADS RESERVATION



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Splitzoneexamples.mxd

Map Printed By
Lisa McFarlane
GIS Section
Shellharbour City Council
8-August-2006

SHELLHARBOUR CITY COUNCIL

SPLIT ZONE - SHELLHARBOUR RURAL LEP 2004



Zone Descriptions



1(a) AGRICULTURE

7(w) WETLANDS

9 (b) ARTERIAL ROADS RESERVATION

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