

Parcel Number: 10207  
Your Reference: BGXPC-KM

## PLANNING CERTIFICATE

Section 10.7(2) & (5)  
Certificate Number: 35301  
Date Issued: 28/04/2022

InfoTrack  
GPO Box 4029  
SYDNEY NSW 2001

### Subject Land

LOT: 11 DP: 243192  
165 Alexandra Street EAST ALBURY NSW 2640

### Owner's Details

NSW Land & Housing Corp  
Department of Communities & Justice  
Locked Bag 7466  
LIVERPOOL BS NSW 1871

### 1. Names of relevant planning instruments and DCPs

*The name of:*

(1) each environmental planning instrument that applies to the carrying out of development on the land.	<b>Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)</b> The consolidated <i>Albury Local Environmental Plan 2010</i> is the principal statutory planning document prepared by Council to guide planning decisions for the Albury Local Government area. An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>  <b>State Environmental Planning Policies</b> – Refer to Appendix 'B' Murray Regional Environmental Plan No 2-Riverine Land - deemed State Environmental Planning Policy (Gazetted 31/3/1994)
(2) 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).	None apply
(3) each development control plan that applies to the carrying out of development on the land.	<b>Albury Development Control Plan 2010 (Adopted 13/08/2010)</b> The <i>Albury Development Control Plan 2010</i> contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.  An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>
<b>Note:</b> In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.	

## 2. Zoning and land use under relevant LEPs

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),	<b>R1 - General Residential Zone</b>
(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Appendix 'A'
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	All development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is prohibited or, if listed as Exempt Development in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A) The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Appendix 'A'
(e) 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,	This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.
(f) whether the land includes or comprises critical habitat	None apply
(g) whether the land is in a conservation area (however described),	None apply
(h) whether an item of environmental heritage (however described) is situated on the land.	None apply

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

*To the extent that the land is within any zone (however described) under:*

(a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (the 2006 SEPP), or	None apply
(b) a Precinct Plan (within the meaning of the 2006 SEPP),	None apply
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,	None apply
the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	

### 3. Complying development

<p>(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development codes) 2008</i>.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p><b>Housing Code</b> Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Rural Housing Code</b> Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Low Rise Housing Diversity Code</b> Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Greenfield Housing Code</b> Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.</p> <p><b>Inland Code</b> Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Housing Alterations Code</b> Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>General Development Code</b> Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Demolition Code</b> Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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	<p><b>Commercial and Industrial Alterations Code</b> Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Container Recycling Facilities Code</b> Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Subdivision Code</b> Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Commercial and Industrial (New Building and Additions) Code</b> Complying Development may not be carried out under the Commercial &amp; Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Fire Safety Code</b> Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p><b>Disclaimer:</b> This certificate only addresses matters raised in Clause 1.19 of the Codes SEPP. It is your responsibility to ensure that you comply with any other requirements of the Codes SEPP. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the Codes SEPP could be invalidated by the Land and Environment Court.</p>	

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

<p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).</p>	<p>None apply</p>
<p><b>Note:</b> “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <i>Local Government Act 1993</i>.</p>	

## 5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .
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## 6. Road widening and road realignment

*Whether or not the land is affected by any road widening or road realignment under:*

(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	The land is not in close proximity to the ring road. The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the <i>Roads Act 1993</i> or a resolution by AlburyCity Council.
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## 7. Council and other public authority policies on hazard risk restrictions

*Whether or not the land is affected by a policy:*

(a) adopted by the council, or (b) adopted by any other public authority 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 sulphate soils or any other risk (other than flooding).	
None apply	

## 7A. Flood related development controls information

(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	
(2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.	
None apply	
(3) In this clause - <b>flood planning area</b> has the same meaning as in the Floodplain Development Manual. <b>Floodplain Development Manual</b> means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 <b>probable maximum flood</b> has the same meaning as in the Floodplain Development Manual.	None apply

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.	None apply
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## 9. Contributions plans

*The name of each contribution plan applying to the land.*

<b>Section 94 Development Servicing Plan</b> , March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Section 64 Development Servicing Plan</b> , July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Albury Infrastructure Contributions Plan 2014</b> This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94 contributions) or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded

Local Infrastructure, Water and Wastewater Management Works.  
The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website:  
[www.alburycity.nsw.gov.au](http://www.alburycity.nsw.gov.au)

#### 9A. Biodiversity certified land

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

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and shall remain in force for a period of 10 years from that date.

**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

If the land is biodiversity stewardship site under the biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

None that Council is aware of.

**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

If the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

None that Council is aware of.

#### 11. Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.  
If none of the land is bush fire prone land, a statement to that effect.

None apply

#### 12. Property vegetation plans

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

None apply

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

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

None that Council is aware of.

#### 14. Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

None apply

#### 15. Site compatibility certificates and conditions for seniors housing

<p>If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies:</p> <p>(a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department, and</p> <p>(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	None apply
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#### 16. Site compatibility certificates for infrastructure, schools or TAFE establishments

<p>A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 17. Site compatibility certificates and conditions for affordable rental housing

<p>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p> <p>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</p>	None that Council is aware of.
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#### 18. Paper subdivision information

<p>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	None apply
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#### 19. Site verification certificates

<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>(a) the matter certified by the certificate, and</p> <p><b>Note:</b> A site verification certificate sets out the Planning Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of <i>State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007</i>.</p> <p>(b) the date on which the certificate ceases to be current (if any) and</p> <p>(c) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>) that are listed on the Register that is required to be maintained under that Division, a statement to</p>	
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that effect.
None apply
<p><b>Information regarding loose-fill asbestos insulation</b></p> <p>Some residential homes located in the AlburyCity area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains the Register of homes that are affected by loose-fill asbestos insulation.</p> <p>You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, health risks (if any) this may pose for the building's occupants. Contact NSW Fair Trading for further information.</p>

## 21. Affected building notices and building product rectification orders

<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is 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, and</p> <p>(b) whether 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.</p> <p>(3) In this clause:  <b>affected building notice</b> has the same meaning as in Part 4 of the <i>Building Products (Safety) Act 2017</i>.  <b>building product rectification order</b> has the same meaning as in the <i>Building Products (Safety) Act 2017</i>.</p>	None that Council is aware of.
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**Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate.**

(a) 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,	None apply
(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,	None apply
(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,	None apply
(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,	None apply
(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.	None apply
<p><b>Contaminated Land:</b> The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.</p>	

**NOTATIONS:**

**Threatened Species**

None apply

**Other Development Constraints**

**Airport Crane Notification**

Any adjoining land owners located within the Airport Crane Notification Area must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the location of the equipment to be used and the duration of the potential incursion.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

**Development Consent/Complying Development Certificates within 5 years**

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

Nil

**GENERAL COMMENTS**

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

*Albury Development Control Plan 2010* complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *Regional Environmental Plan*, *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be overwritten under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

**Service Leader City Development**

**Infrastructure, Planning and Environment**

## APPENDIX 'A' to the PLANNING CERTIFICATE

### R1 – GENERAL RESIDENTIAL ZONE

#### Land Use Table

##### 1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

##### 2. Permitted without consent

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

##### 3. Permitted with consent

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

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

#### Development in the R1 General Residential Zone

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as "Exempt Development" to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/>.

## **APPENDIX 'B' to the PLANNING CERTIFICATE**

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website.

### **ADVERTISING AND SIGNAGE - State Environmental Planning Policy No 64**

*(Gazetted 16 March 2001)*

Ensures that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish and to provide time-limited consents for the display of certain advertisements.

### **AFFORDABLE HOUSING (REVISED SCHEMES) – State Environmental Planning Policy No 70**

*(Gazetted 31 May 2002)*

Identifies that there is a need for affordable housing across the whole of the State. The policy describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

### **AFFORDABLE RENTAL HOUSING – State Environmental Planning Policy 2009**

*(Gazetted 31 July 2009)*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

### **BUILDING SUSTAINABILITY INDEX - BASIX - State Environmental Planning Policy 2004**

*(Gazetted 25 June 2004)*

Encourages sustainable residential development

### **CANAL ESTATE DEVELOPMENT- State Environmental Planning Policy No 50**

*(Gazetted 10 November 1997)*

Ensures that Canal Estate Development shall not be carried out throughout the State.

### **CARAVAN PARKS - State Environmental Planning Policy No 21**

*(Gazetted 24 April 1992)*

Guidelines for the establishment of caravan parks and provisions for long term leases of caravan park sites.

### **DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT - State Environmental Planning Policy No 65**

*(Gazetted 26 July 2002)*

Aims to improve the design quality of residential flat development in New South Wales. The policy seeks to achieve sustainable development, better built form and aesthetics, better satisfy increasing demand, maximise amenity, safety and security for the benefit of occupants and the wider community, minimise the consumption of energy from non-renewable resources and to conserve the environment and to reduce greenhouse gas emissions.

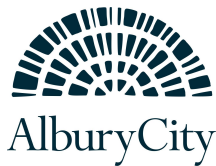
### **EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES - State Environmental Planning Policy 2017**

*(Gazetted 1 September 2017)*

Facilitates the effective delivery of educational establishments and early education and care facilities across the State.

### **EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008**

*(Gazetted 12 December 2008) as amended*



Provides streamlined assessment processes for development that complies with specified development standards.

**HAZARDOUS AND OFFENSIVE DEVELOPMENT - State Environmental Planning Policy No 33**

*(Gazetted 13 March 1992)*

Guidelines for the assessment of hazardous or offensive industries and offensive storage establishments.

**HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY - State Environmental Planning Policy 2004**

*(Gazetted 31 March 2004)*

Encourages the development of high quality accommodation for our ageing (over 55) population and for people with disabilities, and that housing is compatible with the local neighbourhood.

**INFRASTRUCTURE – State Environmental Planning Policy 2007**

*(Gazetted 21 December 2007)*

Facilitates the effective delivery of infrastructure across the state.

**MANUFACTURED HOME ESTATES - State Environmental Planning Policy No 36**

*(Gazetted 16 July 1993)*

Defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates.

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES - State Environmental Planning Policy 2007**

*(Gazetted 16 February 2007)*

Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State as well as establishing appropriate planning controls to encourage ecologically sustainable development.

**MURRAY REGIONAL ENVIRONMENTAL PLAN No 2 – Riverine Land – deemed State Environmental Planning Policy**

*(Gazetted 31 March 1994)*

Aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. The objectives of the policy are to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

**PRIMARY PRODUCTION AND RURAL DEVELOPMENT - State Environmental Planning Policy 2019**

*(Gazetted 28 February 2019)*

Facilitates the orderly economic use and development of lands for primary production through reducing land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The policy identifies State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to encourage sustainable agriculture, including sustainable aquaculture.

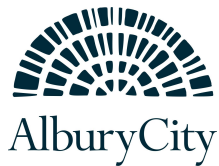
**REMEDIATION OF LAND - State Environmental Planning Policy No 55**

*(Gazetted 28 August 1998)*

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

**STATE AND REGIONAL DEVELOPMENT – State Environmental Planning Policy 2011**

*(Gazetted 28 September 2011)*



Identifies development that is state significant development, state significant infrastructure and critical state significant infrastructure.

**STATE SIGNIFICANT PRECINCTS - State Environmental Planning Policy 2005**

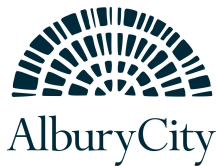
*(Gazetted 25 May 2005)*

Aims to facilitate the development, redevelopment or protection of important urban and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

**VEGETATION IN NON-RURAL AREAS – State Environmental Planning Policy 2017**

*(Gazetted 25 August 2017)*

Aims to protect the biodiversity values and amenity of non-rural areas of the State through the preservation of trees and other vegetation.



Parcel Number: 14037  
Your Reference: BGXPC-KM

## PLANNING CERTIFICATE

Section 10.7(2) & (5)  
Certificate Number: 35302  
Date Issued: 28/04/2022

InfoTrack  
GPO Box 4029  
SYDNEY NSW 2001

### Subject Land

Lot 12 DP 243192  
688 East Street EAST ALBURY NSW 2640

### Owner's Details

NSW Land & Housing Corp  
Department of Communities & Justice  
Locked Bag 7466  
LIVERPOOL BS NSW 1871

### 1. Names of relevant planning instruments and DCPs

*The name of:*

(1) each environmental planning instrument that applies to the carrying out of development on the land.	<b>Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)</b> The consolidated <i>Albury Local Environmental Plan 2010</i> is the principal statutory planning document prepared by Council to guide planning decisions for the Albury Local Government area. An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>  <b>State Environmental Planning Policies</b> – Refer to Appendix 'B' Murray Regional Environmental Plan No 2-Riverine Land - deemed State Environmental Planning Policy (Gazetted 31/3/1994)
(2) 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).	None apply
(3) each development control plan that applies to the carrying out of development on the land.	<b>Albury Development Control Plan 2010 (Adopted 13/08/2010)</b> The <i>Albury Development Control Plan 2010</i> contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.  An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2. Zoning and land use under relevant LEPs

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),	<b>R1 - General Residential Zone</b>
(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Appendix 'A'
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	All development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is prohibited or, if listed as Exempt Development in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A) The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Appendix 'A'
(e) 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,	This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.
(f) whether the land includes or comprises critical habitat	None apply
(g) whether the land is in a conservation area (however described),	None apply
(h) whether an item of environmental heritage (however described) is situated on the land.	None apply

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

*To the extent that the land is within any zone (however described) under:*

(a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (the 2006 SEPP), or	None apply
(b) a Precinct Plan (within the meaning of the 2006 SEPP),	None apply
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,	None apply
the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	

### 3. Complying development

<p>(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development codes) 2008</i>.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p><b>Housing Code</b> Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Rural Housing Code</b> Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Low Rise Housing Diversity Code</b> Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Greenfield Housing Code</b> Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.</p> <p><b>Inland Code</b> Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Housing Alterations Code</b> Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>General Development Code</b> Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Demolition Code</b> Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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	<p><b>Commercial and Industrial Alterations Code</b> Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Container Recycling Facilities Code</b> Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Subdivision Code</b> Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Commercial and Industrial (New Building and Additions) Code</b> Complying Development may not be carried out under the Commercial &amp; Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Fire Safety Code</b> Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p><b>Disclaimer:</b> This certificate only addresses matters raised in Clause 1.19 of the Codes SEPP. It is your responsibility to ensure that you comply with any other requirements of the Codes SEPP. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the Codes SEPP could be invalidated by the Land and Environment Court.</p>	

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

<p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).</p>	<p>None apply</p>
<p><b>Note:</b> “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <i>Local Government Act 1993</i>.</p>	

## 5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .
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## 6. Road widening and road realignment

*Whether or not the land is affected by any road widening or road realignment under:*

(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	The land is not in close proximity to the ring road. The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the <i>Roads Act 1993</i> or a resolution by AlburyCity Council.
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## 7. Council and other public authority policies on hazard risk restrictions

*Whether or not the land is affected by a policy:*

(a) adopted by the council, or (b) adopted by any other public authority 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 sulphate soils or any other risk (other than flooding).	
None apply	

## 7A. Flood related development controls information

(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	
(2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.	
None apply	
(3) In this clause - <b>flood planning area</b> has the same meaning as in the Floodplain Development Manual. <b>Floodplain Development Manual</b> means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 <b>probable maximum flood</b> has the same meaning as in the Floodplain Development Manual.	None apply

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.	None apply
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## 9. Contributions plans

*The name of each contribution plan applying to the land.*

<b>Section 94 Development Servicing Plan</b> , March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Section 64 Development Servicing Plan</b> , July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Albury Infrastructure Contributions Plan 2014</b> This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94 contributions) or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded

Local Infrastructure, Water and Wastewater Management Works.  
The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website:  
[www.alburycity.nsw.gov.au](http://www.alburycity.nsw.gov.au)

#### 9A. Biodiversity certified land

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

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and shall remain in force for a period of 10 years from that date.

**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

If the land is biodiversity stewardship site under the biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

None that Council is aware of.

**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

If the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

None that Council is aware of.

#### 11. Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.  
If none of the land is bush fire prone land, a statement to that effect.

None apply

#### 12. Property vegetation plans

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

None apply

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

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

None that Council is aware of.

#### 14. Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

None apply

#### 15. Site compatibility certificates and conditions for seniors housing

<p>If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies:</p> <p>(a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department, and</p> <p>(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	None apply
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#### 16. Site compatibility certificates for infrastructure, schools or TAFE establishments

<p>A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 17. Site compatibility certificates and conditions for affordable rental housing

<p>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p> <p>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</p>	None that Council is aware of.
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#### 18. Paper subdivision information

<p>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	None apply
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#### 19. Site verification certificates

<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>(a) the matter certified by the certificate, and</p> <p><b>Note:</b> A site verification certificate sets out the Planning Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of <i>State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007</i>.</p> <p>(b) the date on which the certificate ceases to be current (if any) and</p> <p>(c) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>) that are listed on the Register that is required to be maintained under that Division, a statement to</p>	
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that effect.
None apply
<p><b>Information regarding loose-fill asbestos insulation</b></p> <p>Some residential homes located in the AlburyCity area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains the Register of homes that are affected by loose-fill asbestos insulation.</p> <p>You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, health risks (if any) this may pose for the building's occupants. Contact NSW Fair Trading for further information.</p>

## 21. Affected building notices and building product rectification orders

<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is 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, and</p> <p>(b) whether 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.</p> <p>(3) In this clause:  <b>affected building notice</b> has the same meaning as in Part 4 of the <i>Building Products (Safety) Act 2017</i>.  <b>building product rectification order</b> has the same meaning as in the <i>Building Products (Safety) Act 2017</i>.</p>	None that Council is aware of.
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**Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate.**

(a) 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,	None apply
(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,	None apply
(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,	None apply
(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,	None apply
(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.	None apply
<p><b>Contaminated Land:</b> The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.</p>	

## NOTATIONS:

### Threatened Species

None apply

### Other Development Constraints

#### Airport Crane Notification

Any adjoining land owners located within the Airport Crane Notification Area must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the location of the equipment to be used and the duration of the potential incursion.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

### Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

Nil

## GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

*Albury Development Control Plan 2010* complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *Regional Environmental Plan*, *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be overwritten under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

**Service Leader City Development**

**Infrastructure, Planning and Environment**

## APPENDIX 'A' to the PLANNING CERTIFICATE

### R1 – GENERAL RESIDENTIAL ZONE

#### Land Use Table

##### 1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

##### 2. Permitted without consent

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

##### 3. Permitted with consent

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

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

#### Development in the R1 General Residential Zone

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as "Exempt Development" to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/>.

## **APPENDIX 'B' to the PLANNING CERTIFICATE**

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website.

### **ADVERTISING AND SIGNAGE - State Environmental Planning Policy No 64**

*(Gazetted 16 March 2001)*

Ensures that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish and to provide time-limited consents for the display of certain advertisements.

### **AFFORDABLE HOUSING (REVISED SCHEMES) – State Environmental Planning Policy No 70**

*(Gazetted 31 May 2002)*

Identifies that there is a need for affordable housing across the whole of the State. The policy describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

### **AFFORDABLE RENTAL HOUSING – State Environmental Planning Policy 2009**

*(Gazetted 31 July 2009)*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

### **BUILDING SUSTAINABILITY INDEX - BASIX - State Environmental Planning Policy 2004**

*(Gazetted 25 June 2004)*

Encourages sustainable residential development

### **CANAL ESTATE DEVELOPMENT- State Environmental Planning Policy No 50**

*(Gazetted 10 November 1997)*

Ensures that Canal Estate Development shall not be carried out throughout the State.

### **CARAVAN PARKS - State Environmental Planning Policy No 21**

*(Gazetted 24 April 1992)*

Guidelines for the establishment of caravan parks and provisions for long term leases of caravan park sites.

### **DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT - State Environmental Planning Policy No 65**

*(Gazetted 26 July 2002)*

Aims to improve the design quality of residential flat development in New South Wales. The policy seeks to achieve sustainable development, better built form and aesthetics, better satisfy increasing demand, maximise amenity, safety and security for the benefit of occupants and the wider community, minimise the consumption of energy from non-renewable resources and to conserve the environment and to reduce greenhouse gas emissions.

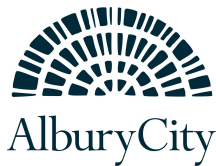
### **EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES - State Environmental Planning Policy 2017**

*(Gazetted 1 September 2017)*

Facilitates the effective delivery of educational establishments and early education and care facilities across the State.

### **EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008**

*(Gazetted 12 December 2008) as amended*



Provides streamlined assessment processes for development that complies with specified development standards.

**HAZARDOUS AND OFFENSIVE DEVELOPMENT - State Environmental Planning Policy No 33**

*(Gazetted 13 March 1992)*

Guidelines for the assessment of hazardous or offensive industries and offensive storage establishments.

**HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY - State Environmental Planning Policy 2004**

*(Gazetted 31 March 2004)*

Encourages the development of high quality accommodation for our ageing (over 55) population and for people with disabilities, and that housing is compatible with the local neighbourhood.

**INFRASTRUCTURE – State Environmental Planning Policy 2007**

*(Gazetted 21 December 2007)*

Facilitates the effective delivery of infrastructure across the state.

**MANUFACTURED HOME ESTATES - State Environmental Planning Policy No 36**

*(Gazetted 16 July 1993)*

Defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates.

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES - State Environmental Planning Policy 2007**

*(Gazetted 16 February 2007)*

Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State as well as establishing appropriate planning controls to encourage ecologically sustainable development.

**MURRAY REGIONAL ENVIRONMENTAL PLAN No 2 – Riverine Land – deemed State Environmental Planning Policy**

*(Gazetted 31 March 1994)*

Aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. The objectives of the policy are to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

**PRIMARY PRODUCTION AND RURAL DEVELOPMENT - State Environmental Planning Policy 2019**

*(Gazetted 28 February 2019)*

Facilitates the orderly economic use and development of lands for primary production through reducing land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The policy identifies State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to encourage sustainable agriculture, including sustainable aquaculture.

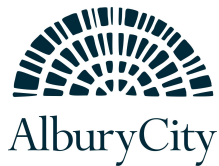
**REMEDIATION OF LAND - State Environmental Planning Policy No 55**

*(Gazetted 28 August 1998)*

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

**STATE AND REGIONAL DEVELOPMENT – State Environmental Planning Policy 2011**

*(Gazetted 28 September 2011)*



Identifies development that is state significant development, state significant infrastructure and critical state significant infrastructure.

**STATE SIGNIFICANT PRECINCTS - State Environmental Planning Policy 2005**

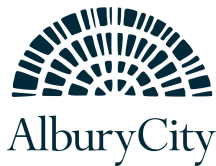
*(Gazetted 25 May 2005)*

Aims to facilitate the development, redevelopment or protection of important urban and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

**VEGETATION IN NON-RURAL AREAS – State Environmental Planning Policy 2017**

*(Gazetted 25 August 2017)*

Aims to protect the biodiversity values and amenity of non-rural areas of the State through the preservation of trees and other vegetation.



Parcel Number: 14038  
Your Reference: BGXPC-KM

## PLANNING CERTIFICATE

Section 10.7(2) & (5)  
Certificate Number: 35303  
Date Issued: 28/04/2022

InfoTrack  
GPO Box 4029  
SYDNEY NSW 2001

### Subject Land

Lot 13 DP 243192  
684 East Street EAST ALBURY NSW 2640

### Owner's Details

NSW Land & Housing Corp  
Department of Communities & Justice  
Locked Bag 7466  
LIVERPOOL BS NSW 1871

### 1. Names of relevant planning instruments and DCPs

*The name of:*

(1) each environmental planning instrument that applies to the carrying out of development on the land.	<b>Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)</b> The consolidated <i>Albury Local Environmental Plan 2010</i> is the principal statutory planning document prepared by Council to guide planning decisions for the Albury Local Government area. An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>  <b>State Environmental Planning Policies</b> – Refer to Appendix 'B' Murray Regional Environmental Plan No 2-Riverine Land - deemed State Environmental Planning Policy (Gazetted 31/3/1994)
(2) 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).	None apply
(3) each development control plan that applies to the carrying out of development on the land.	<b>Albury Development Control Plan 2010 (Adopted 13/08/2010)</b> The <i>Albury Development Control Plan 2010</i> contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.  An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2. Zoning and land use under relevant LEPs

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),	<b>R1 - General Residential Zone</b>
(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Appendix 'A'
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	All development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is prohibited or, if listed as Exempt Development in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A) The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Appendix 'A'
(e) 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,	This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.
(f) whether the land includes or comprises critical habitat	None apply
(g) whether the land is in a conservation area (however described),	None apply
(h) whether an item of environmental heritage (however described) is situated on the land.	None apply

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

*To the extent that the land is within any zone (however described) under:*

(a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (the 2006 SEPP), or	None apply
(b) a Precinct Plan (within the meaning of the 2006 SEPP),	None apply
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,	None apply
the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	

### 3. Complying development

<p>(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development codes) 2008</i>.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p><b>Housing Code</b> Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Rural Housing Code</b> Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Low Rise Housing Diversity Code</b> Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Greenfield Housing Code</b> Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.</p> <p><b>Inland Code</b> Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Housing Alterations Code</b> Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>General Development Code</b> Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Demolition Code</b> Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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	<p><b>Commercial and Industrial Alterations Code</b> Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Container Recycling Facilities Code</b> Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Subdivision Code</b> Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Commercial and Industrial (New Building and Additions) Code</b> Complying Development may not be carried out under the Commercial &amp; Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Fire Safety Code</b> Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p><b>Disclaimer:</b> This certificate only addresses matters raised in Clause 1.19 of the Codes SEPP. It is your responsibility to ensure that you comply with any other requirements of the Codes SEPP. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the Codes SEPP could be invalidated by the Land and Environment Court.</p>	

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

<p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).</p>	<p>None apply</p>
<p><b>Note:</b> “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <i>Local Government Act 1993</i>.</p>	

## 5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .
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## 6. Road widening and road realignment

*Whether or not the land is affected by any road widening or road realignment under:*

(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	The land is not in close proximity to the ring road. The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the <i>Roads Act 1993</i> or a resolution by AlburyCity Council.
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## 7. Council and other public authority policies on hazard risk restrictions

*Whether or not the land is affected by a policy:*

(a) adopted by the council, or (b) adopted by any other public authority 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 sulphate soils or any other risk (other than flooding).	
None apply	

## 7A. Flood related development controls information

(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	
(2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.	
None apply	
(3) In this clause - <b>flood planning area</b> has the same meaning as in the Floodplain Development Manual. <b>Floodplain Development Manual</b> means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 <b>probable maximum flood</b> has the same meaning as in the Floodplain Development Manual.	None apply

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.	None apply
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## 9. Contributions plans

*The name of each contribution plan applying to the land.*

<b>Section 94 Development Servicing Plan</b> , March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Section 64 Development Servicing Plan</b> , July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Albury Infrastructure Contributions Plan 2014</b> This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94 contributions) or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded

Local Infrastructure, Water and Wastewater Management Works.  
The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website:  
[www.alburycity.nsw.gov.au](http://www.alburycity.nsw.gov.au)

#### 9A. Biodiversity certified land

If the land is biodiversity certified land under Part 8 of the <i>Biodiversity Conservation Act 2016</i> , a statement to that effect.	
Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and shall remain in force for a period of 10 years from that date.	
<b>Note:</b> Biodiversity certified land includes land certified under Part 7AA of the <i>Threatened Species Conservation Act 1995</i> that is taken to be certified under Part 8 of the <i>Biodiversity Conservation Act 2016</i> .	

#### 10. Biodiversity stewardship sites

If the land is biodiversity stewardship site under the biodiversity stewardship agreement under Part 5 of the <i>Biodiversity Conservation Act 2016</i> , a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).	None that Council is aware of.
<b>Note:</b> Biodiversity stewardship agreements include biobanking agreements under Part 7A of the <i>Threatened Species Conservation Act 1995</i> that are taken to be biodiversity stewardship agreements under Part 5 of the <i>Biodiversity Conservation Act 2016</i> .	

#### 10A. Native vegetation clearing set asides

If the land contains a set aside area under section 60ZC of the <i>Local Land Services Act 2013</i> , a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).	None that Council is aware of.
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#### 11. Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.	None apply
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#### 12. Property vegetation plans

If the land is land to which a property vegetation plan under Part 4 of the <i>Native Vegetation Act 2003</i> (and that continues in force) applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).	None apply
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#### 13. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Whether an order has been made under the <i>Trees (Disputes Between Neighbours) Act 2006</i> to carry out work in relation to a tree on the land (but only if the council has been notified of the order).	None that Council is aware of.
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#### 14. Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.	None apply
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#### 15. Site compatibility certificates and conditions for seniors housing

<p>If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies:</p> <p>(a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department, and</p> <p>(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	None apply
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#### 16. Site compatibility certificates for infrastructure, schools or TAFE establishments

<p>A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 17. Site compatibility certificates and conditions for affordable rental housing

<p>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p> <p>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</p>	None that Council is aware of.
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#### 18. Paper subdivision information

<p>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	None apply
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#### 19. Site verification certificates

<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>(a) the matter certified by the certificate, and</p> <p><b>Note:</b> A site verification certificate sets out the Planning Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of <i>State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007</i>.</p> <p>(b) the date on which the certificate ceases to be current (if any) and</p> <p>(c) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>) that are listed on the Register that is required to be maintained under that Division, a statement to</p>	
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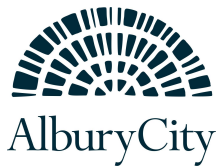
that effect.
None apply
<p><b>Information regarding loose-fill asbestos insulation</b></p> <p>Some residential homes located in the AlburyCity area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains the Register of homes that are affected by loose-fill asbestos insulation.</p> <p>You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, health risks (if any) this may pose for the building's occupants. Contact NSW Fair Trading for further information.</p>

## 21. Affected building notices and building product rectification orders

<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is 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, and</p> <p>(b) whether 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.</p> <p>(3) In this clause:  <b>affected building notice</b> has the same meaning as in Part 4 of the <i>Building Products (Safety) Act 2017</i>.  <b>building product rectification order</b> has the same meaning as in the <i>Building Products (Safety) Act 2017</i>.</p>	None that Council is aware of.
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**Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate.**

(a) 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,	None apply
(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,	None apply
(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,	None apply
(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,	None apply
(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.	None apply
<p><b>Contaminated Land:</b> The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.</p>	



## NOTATIONS:

### Threatened Species

None apply

### Other Development Constraints

#### Airport Crane Notification

Any adjoining land owners located within the Airport Crane Notification Area must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the location of the equipment to be used and the duration of the potential incursion.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

### Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

Nil

## GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

*Albury Development Control Plan 2010* complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *Regional Environmental Plan*, *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be overwritten under clause 1.9A of the *Albury Local Environmental Plan 2010*.

David Christy

**Service Leader City Development**

**Infrastructure, Planning and Environment**

## APPENDIX 'A' to the PLANNING CERTIFICATE

### R1 – GENERAL RESIDENTIAL ZONE

#### Land Use Table

##### 1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

##### 2. Permitted without consent

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

##### 3. Permitted with consent

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

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

#### Development in the R1 General Residential Zone

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as "Exempt Development" to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/>.

## **APPENDIX 'B' to the PLANNING CERTIFICATE**

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website.

### **ADVERTISING AND SIGNAGE - State Environmental Planning Policy No 64**

*(Gazetted 16 March 2001)*

Ensures that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish and to provide time-limited consents for the display of certain advertisements.

### **AFFORDABLE HOUSING (REVISED SCHEMES) – State Environmental Planning Policy No 70**

*(Gazetted 31 May 2002)*

Identifies that there is a need for affordable housing across the whole of the State. The policy describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

### **AFFORDABLE RENTAL HOUSING – State Environmental Planning Policy 2009**

*(Gazetted 31 July 2009)*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

### **BUILDING SUSTAINABILITY INDEX - BASIX - State Environmental Planning Policy 2004**

*(Gazetted 25 June 2004)*

Encourages sustainable residential development

### **CANAL ESTATE DEVELOPMENT- State Environmental Planning Policy No 50**

*(Gazetted 10 November 1997)*

Ensures that Canal Estate Development shall not be carried out throughout the State.

### **CARAVAN PARKS - State Environmental Planning Policy No 21**

*(Gazetted 24 April 1992)*

Guidelines for the establishment of caravan parks and provisions for long term leases of caravan park sites.

### **DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT - State Environmental Planning Policy No 65**

*(Gazetted 26 July 2002)*

Aims to improve the design quality of residential flat development in New South Wales. The policy seeks to achieve sustainable development, better built form and aesthetics, better satisfy increasing demand, maximise amenity, safety and security for the benefit of occupants and the wider community, minimise the consumption of energy from non-renewable resources and to conserve the environment and to reduce greenhouse gas emissions.

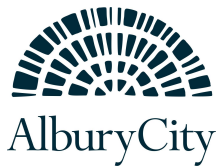
### **EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES - State Environmental Planning Policy 2017**

*(Gazetted 1 September 2017)*

Facilitates the effective delivery of educational establishments and early education and care facilities across the State.

### **EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008**

*(Gazetted 12 December 2008) as amended*



Provides streamlined assessment processes for development that complies with specified development standards.

**HAZARDOUS AND OFFENSIVE DEVELOPMENT - State Environmental Planning Policy No 33**

*(Gazetted 13 March 1992)*

Guidelines for the assessment of hazardous or offensive industries and offensive storage establishments.

**HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY - State Environmental Planning Policy 2004**

*(Gazetted 31 March 2004)*

Encourages the development of high quality accommodation for our ageing (over 55) population and for people with disabilities, and that housing is compatible with the local neighbourhood.

**INFRASTRUCTURE – State Environmental Planning Policy 2007**

*(Gazetted 21 December 2007)*

Facilitates the effective delivery of infrastructure across the state.

**MANUFACTURED HOME ESTATES - State Environmental Planning Policy No 36**

*(Gazetted 16 July 1993)*

Defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates.

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES - State Environmental Planning Policy 2007**

*(Gazetted 16 February 2007)*

Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State as well as establishing appropriate planning controls to encourage ecologically sustainable development.

**MURRAY REGIONAL ENVIRONMENTAL PLAN No 2 – Riverine Land – deemed State Environmental Planning Policy**

*(Gazetted 31 March 1994)*

Aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. The objectives of the policy are to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

**PRIMARY PRODUCTION AND RURAL DEVELOPMENT - State Environmental Planning Policy 2019**

*(Gazetted 28 February 2019)*

Facilitates the orderly economic use and development of lands for primary production through reducing land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The policy identifies State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to encourage sustainable agriculture, including sustainable aquaculture.

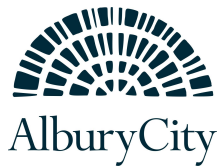
**REMEDIATION OF LAND - State Environmental Planning Policy No 55**

*(Gazetted 28 August 1998)*

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

**STATE AND REGIONAL DEVELOPMENT – State Environmental Planning Policy 2011**

*(Gazetted 28 September 2011)*



Identifies development that is state significant development, state significant infrastructure and critical state significant infrastructure.

**STATE SIGNIFICANT PRECINCTS - State Environmental Planning Policy 2005**

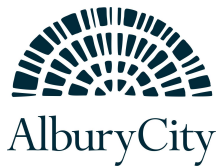
*(Gazetted 25 May 2005)*

Aims to facilitate the development, redevelopment or protection of important urban and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

**VEGETATION IN NON-RURAL AREAS – State Environmental Planning Policy 2017**

*(Gazetted 25 August 2017)*

Aims to protect the biodiversity values and amenity of non-rural areas of the State through the preservation of trees and other vegetation.



Parcel Number: 14039  
Your Reference: BGXPC-KM

## PLANNING CERTIFICATE

Section 10.7(2) & (5)  
Certificate Number: 35304  
Date Issued: 28/04/2022

InfoTrack  
GPO Box 4029  
SYDNEY NSW 2001

### Subject Land

Lot 14 DP 243192  
682 East Street EAST ALBURY NSW 2640

### Owner's Details

NSW Land & Housing Corp  
Department of Communities & Justice  
Locked Bag 7466  
LIVERPOOL BS NSW 1871

### 1. Names of relevant planning instruments and DCPs

*The name of:*

(1) each environmental planning instrument that applies to the carrying out of development on the land.	<b>Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)</b> The consolidated <i>Albury Local Environmental Plan 2010</i> is the principal statutory planning document prepared by Council to guide planning decisions for the Albury Local Government area. An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>  <b>State Environmental Planning Policies</b> – Refer to Appendix 'B' Murray Regional Environmental Plan No 2-Riverine Land - deemed State Environmental Planning Policy (Gazetted 31/3/1994)
(2) 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).	None apply
(3) each development control plan that applies to the carrying out of development on the land.	<b>Albury Development Control Plan 2010 (Adopted 13/08/2010)</b> The <i>Albury Development Control Plan 2010</i> contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.  An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2. Zoning and land use under relevant LEPs

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),	<b>R1 - General Residential Zone</b>
(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Appendix 'A'
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	All development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is prohibited or, if listed as Exempt Development in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A) The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Appendix 'A'
(e) 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,	This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.
(f) whether the land includes or comprises critical habitat	None apply
(g) whether the land is in a conservation area (however described),	None apply
(h) whether an item of environmental heritage (however described) is situated on the land.	None apply

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

*To the extent that the land is within any zone (however described) under:*

(a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (the 2006 SEPP), or	None apply
(b) a Precinct Plan (within the meaning of the 2006 SEPP),	None apply
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,	None apply
the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	

### 3. Complying development

<p>(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development codes) 2008</i>.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p><b>Housing Code</b> Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Rural Housing Code</b> Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Low Rise Housing Diversity Code</b> Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Greenfield Housing Code</b> Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.</p> <p><b>Inland Code</b> Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Housing Alterations Code</b> Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>General Development Code</b> Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Demolition Code</b> Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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	<p><b>Commercial and Industrial Alterations Code</b> Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Container Recycling Facilities Code</b> Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Subdivision Code</b> Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Commercial and Industrial (New Building and Additions) Code</b> Complying Development may not be carried out under the Commercial &amp; Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Fire Safety Code</b> Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p><b>Disclaimer:</b> This certificate only addresses matters raised in Clause 1.19 of the Codes SEPP. It is your responsibility to ensure that you comply with any other requirements of the Codes SEPP. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the Codes SEPP could be invalidated by the Land and Environment Court.</p>	

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

<p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).</p>	<p>None apply</p>
<p><b>Note:</b> “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <i>Local Government Act 1993</i>.</p>	

## 5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .
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## 6. Road widening and road realignment

*Whether or not the land is affected by any road widening or road realignment under:*

(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	The land is not in close proximity to the ring road. The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the <i>Roads Act 1993</i> or a resolution by AlburyCity Council.
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## 7. Council and other public authority policies on hazard risk restrictions

*Whether or not the land is affected by a policy:*

(a) adopted by the council, or (b) adopted by any other public authority 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 sulphate soils or any other risk (other than flooding).	
None apply	

## 7A. Flood related development controls information

(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	
(2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.	
None apply	
(3) In this clause - <b>flood planning area</b> has the same meaning as in the Floodplain Development Manual. <b>Floodplain Development Manual</b> means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 <b>probable maximum flood</b> has the same meaning as in the Floodplain Development Manual.	None apply

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.	None apply
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## 9. Contributions plans

*The name of each contribution plan applying to the land.*

<b>Section 94 Development Servicing Plan</b> , March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Section 64 Development Servicing Plan</b> , July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Albury Infrastructure Contributions Plan 2014</b> This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94 contributions) or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded

Local Infrastructure, Water and Wastewater Management Works.  
The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website:  
[www.alburycity.nsw.gov.au](http://www.alburycity.nsw.gov.au)

#### 9A. Biodiversity certified land

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

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and shall remain in force for a period of 10 years from that date.

**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

If the land is biodiversity stewardship site under the biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

None that Council is aware of.

**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

If the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

None that Council is aware of.

#### 11. Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.  
If none of the land is bush fire prone land, a statement to that effect.

None apply

#### 12. Property vegetation plans

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

None apply

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

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

None that Council is aware of.

#### 14. Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

None apply

#### 15. Site compatibility certificates and conditions for seniors housing

<p>If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies:</p> <p>(a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department, and</p> <p>(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	None apply
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#### 16. Site compatibility certificates for infrastructure, schools or TAFE establishments

<p>A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 17. Site compatibility certificates and conditions for affordable rental housing

<p>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p> <p>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</p>	None that Council is aware of.
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#### 18. Paper subdivision information

<p>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	None apply
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#### 19. Site verification certificates

<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>(a) the matter certified by the certificate, and</p> <p><b>Note:</b> A site verification certificate sets out the Planning Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of <i>State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007</i>.</p> <p>(b) the date on which the certificate ceases to be current (if any) and</p> <p>(c) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>) that are listed on the Register that is required to be maintained under that Division, a statement to</p>	
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that effect.
None apply
<p><b>Information regarding loose-fill asbestos insulation</b></p> <p>Some residential homes located in the AlburyCity area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains the Register of homes that are affected by loose-fill asbestos insulation.</p> <p>You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, health risks (if any) this may pose for the building's occupants. Contact NSW Fair Trading for further information.</p>

**21. Affected building notices and building product rectification orders**

<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is 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, and</p> <p>(b) whether 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.</p> <p>(3) In this clause:  <b>affected building notice</b> has the same meaning as in Part 4 of the <i>Building Products (Safety) Act 2017</i>.  <b>building product rectification order</b> has the same meaning as in the <i>Building Products (Safety) Act 2017</i>.</p>	None that Council is aware of.
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**Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate.**

(a) 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,	None apply
(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,	None apply
(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,	None apply
(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,	None apply
(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.	None apply
<p><b>Contaminated Land:</b> The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.</p>	

## NOTATIONS:

### Threatened Species

None apply

### Other Development Constraints

#### Airport Crane Notification

Any adjoining land owners located within the Airport Crane Notification Area must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the location of the equipment to be used and the duration of the potential incursion.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

### Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

Nil

## GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

*Albury Development Control Plan 2010* complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *Regional Environmental Plan*, *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be overwritten under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

**Service Leader City Development**

**Infrastructure, Planning and Environment**

## APPENDIX 'A' to the PLANNING CERTIFICATE

### R1 – GENERAL RESIDENTIAL ZONE

#### Land Use Table

##### 1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

##### 2. Permitted without consent

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

##### 3. Permitted with consent

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

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

#### Development in the R1 General Residential Zone

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as "Exempt Development" to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/>.

## **APPENDIX 'B' to the PLANNING CERTIFICATE**

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website.

### **ADVERTISING AND SIGNAGE - State Environmental Planning Policy No 64**

*(Gazetted 16 March 2001)*

Ensures that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish and to provide time-limited consents for the display of certain advertisements.

### **AFFORDABLE HOUSING (REVISED SCHEMES) – State Environmental Planning Policy No 70**

*(Gazetted 31 May 2002)*

Identifies that there is a need for affordable housing across the whole of the State. The policy describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

### **AFFORDABLE RENTAL HOUSING – State Environmental Planning Policy 2009**

*(Gazetted 31 July 2009)*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

### **BUILDING SUSTAINABILITY INDEX - BASIX - State Environmental Planning Policy 2004**

*(Gazetted 25 June 2004)*

Encourages sustainable residential development

### **CANAL ESTATE DEVELOPMENT- State Environmental Planning Policy No 50**

*(Gazetted 10 November 1997)*

Ensures that Canal Estate Development shall not be carried out throughout the State.

### **CARAVAN PARKS - State Environmental Planning Policy No 21**

*(Gazetted 24 April 1992)*

Guidelines for the establishment of caravan parks and provisions for long term leases of caravan park sites.

### **DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT - State Environmental Planning Policy No 65**

*(Gazetted 26 July 2002)*

Aims to improve the design quality of residential flat development in New South Wales. The policy seeks to achieve sustainable development, better built form and aesthetics, better satisfy increasing demand, maximise amenity, safety and security for the benefit of occupants and the wider community, minimise the consumption of energy from non-renewable resources and to conserve the environment and to reduce greenhouse gas emissions.

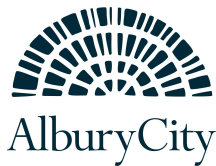
### **EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES - State Environmental Planning Policy 2017**

*(Gazetted 1 September 2017)*

Facilitates the effective delivery of educational establishments and early education and care facilities across the State.

### **EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008**

*(Gazetted 12 December 2008) as amended*



Provides streamlined assessment processes for development that complies with specified development standards.

**HAZARDOUS AND OFFENSIVE DEVELOPMENT - State Environmental Planning Policy No 33**

*(Gazetted 13 March 1992)*

Guidelines for the assessment of hazardous or offensive industries and offensive storage establishments.

**HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY - State Environmental Planning Policy 2004**

*(Gazetted 31 March 2004)*

Encourages the development of high quality accommodation for our ageing (over 55) population and for people with disabilities, and that housing is compatible with the local neighbourhood.

**INFRASTRUCTURE – State Environmental Planning Policy 2007**

*(Gazetted 21 December 2007)*

Facilitates the effective delivery of infrastructure across the state.

**MANUFACTURED HOME ESTATES - State Environmental Planning Policy No 36**

*(Gazetted 16 July 1993)*

Defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates.

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES - State Environmental Planning Policy 2007**

*(Gazetted 16 February 2007)*

Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State as well as establishing appropriate planning controls to encourage ecologically sustainable development.

**MURRAY REGIONAL ENVIRONMENTAL PLAN No 2 – Riverine Land – deemed State Environmental Planning Policy**

*(Gazetted 31 March 1994)*

Aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. The objectives of the policy are to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

**PRIMARY PRODUCTION AND RURAL DEVELOPMENT - State Environmental Planning Policy 2019**

*(Gazetted 28 February 2019)*

Facilitates the orderly economic use and development of lands for primary production through reducing land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The policy identifies State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to encourage sustainable agriculture, including sustainable aquaculture.

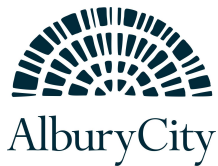
**REMEDIATION OF LAND - State Environmental Planning Policy No 55**

*(Gazetted 28 August 1998)*

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

**STATE AND REGIONAL DEVELOPMENT – State Environmental Planning Policy 2011**

*(Gazetted 28 September 2011)*



Identifies development that is state significant development, state significant infrastructure and critical state significant infrastructure.

**STATE SIGNIFICANT PRECINCTS - State Environmental Planning Policy 2005**

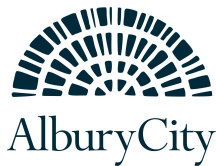
*(Gazetted 25 May 2005)*

Aims to facilitate the development, redevelopment or protection of important urban and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

**VEGETATION IN NON-RURAL AREAS – State Environmental Planning Policy 2017**

*(Gazetted 25 August 2017)*

Aims to protect the biodiversity values and amenity of non-rural areas of the State through the preservation of trees and other vegetation.



Parcel Number: 14040  
Your Reference: BGXPC-KM

## PLANNING CERTIFICATE

Section 10.7(2) & (5)  
Certificate Number: 35305  
Date Issued: 28/04/2022

InfoTrack  
GPO Box 4029  
SYDNEY NSW 2001

### Subject Land

Lot 15 DP 243192  
680 East Street EAST ALBURY NSW 2640

### Owner's Details

NSW Land & Housing Corp  
Department of Communities & Justice  
Locked Bag 7466  
LIVERPOOL BS NSW 1871

### 1. Names of relevant planning instruments and DCPs

*The name of:*

(1) each environmental planning instrument that applies to the carrying out of development on the land.	<b>Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)</b> The consolidated <i>Albury Local Environmental Plan 2010</i> is the principal statutory planning document prepared by Council to guide planning decisions for the Albury Local Government area. An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>  <b>State Environmental Planning Policies</b> – Refer to Appendix 'B' Murray Regional Environmental Plan No 2-Riverine Land - deemed State Environmental Planning Policy (Gazetted 31/3/1994)
(2) 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).	None apply
(3) each development control plan that applies to the carrying out of development on the land.	<b>Albury Development Control Plan 2010 (Adopted 13/08/2010)</b> The <i>Albury Development Control Plan 2010</i> contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.  An electronic version is available at: <a href="http://www.alburycity.nsw.gov.au">www.alburycity.nsw.gov.au</a>

**Note:** In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

## 2. Zoning and land use under relevant LEPs

*For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):*

(a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),	<b>R1 - General Residential Zone</b>
(b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,	Refer to Appendix 'A'
(c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,	All development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is prohibited or, if listed as Exempt Development in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A) The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.
(d) the purposes for which the instrument provides that development is prohibited within the zone,	Refer to Appendix 'A'
(e) 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,	This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.
(f) whether the land includes or comprises critical habitat	None apply
(g) whether the land is in a conservation area (however described),	None apply
(h) whether an item of environmental heritage (however described) is situated on the land.	None apply

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

*To the extent that the land is within any zone (however described) under:*

(a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (the 2006 SEPP), or	None apply
(b) a Precinct Plan (within the meaning of the 2006 SEPP),	None apply
(c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act,	None apply
the particulars referred to in clause 2 (a)-(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	

### 3. Complying development

<p>(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of <i>State Environmental Planning Policy (Exempt and Complying Development codes) 2008</i>.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	<p><b>Housing Code</b> Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Rural Housing Code</b> Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Low Rise Housing Diversity Code</b> Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Greenfield Housing Code</b> Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.</p> <p><b>Inland Code</b> Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Housing Alterations Code</b> Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>General Development Code</b> Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Demolition Code</b> Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
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	<p><b>Commercial and Industrial Alterations Code</b> Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Container Recycling Facilities Code</b> Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Subdivision Code</b> Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Commercial and Industrial (New Building and Additions) Code</b> Complying Development may not be carried out under the Commercial &amp; Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.</p> <p><b>Fire Safety Code</b> Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
<p><b>Disclaimer:</b> This certificate only addresses matters raised in Clause 1.19 of the Codes SEPP. It is your responsibility to ensure that you comply with any other requirements of the Codes SEPP. Failure to comply with these provisions may mean that a Complying Development Certificate issued under the provisions of the Codes SEPP could be invalidated by the Land and Environment Court.</p>	

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

<p>In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).</p>	<p>None apply</p>
<p><b>Note:</b> “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the <i>Local Government Act 1993</i>.</p>	

## 5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i> .
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## 6. Road widening and road realignment

*Whether or not the land is affected by any road widening or road realignment under:*

(a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	The land is not in close proximity to the ring road. The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the <i>Roads Act 1993</i> or a resolution by AlburyCity Council.
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## 7. Council and other public authority policies on hazard risk restrictions

*Whether or not the land is affected by a policy:*

(a) adopted by the council, or (b) adopted by any other public authority 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 sulphate soils or any other risk (other than flooding).	
None apply	

## 7A. Flood related development controls information

(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	
(2) If the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.	
None apply	
(3) In this clause - <b>flood planning area</b> has the same meaning as in the Floodplain Development Manual. <b>Floodplain Development Manual</b> means the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 <b>probable maximum flood</b> has the same meaning as in the Floodplain Development Manual.	None apply

## 8. Land reserved for acquisition

Whether or not any environmental planning instrument, or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.	None apply
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## 9. Contributions plans

*The name of each contribution plan applying to the land.*

<b>Section 94 Development Servicing Plan</b> , March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Section 64 Development Servicing Plan</b> , July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014.
<b>Albury Infrastructure Contributions Plan 2014</b> This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94 contributions) or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded

Local Infrastructure, Water and Wastewater Management Works.  
The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website:  
[www.alburycity.nsw.gov.au](http://www.alburycity.nsw.gov.au)

#### 9A. Biodiversity certified land

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

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and shall remain in force for a period of 10 years from that date.

**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

If the land is biodiversity stewardship site under the biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

None that Council is aware of.

**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

If the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).

None that Council is aware of.

#### 11. Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.  
If none of the land is bush fire prone land, a statement to that effect.

None apply

#### 12. Property vegetation plans

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

None apply

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

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

None that Council is aware of.

#### 14. Directions under Part 3A

If there is 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, a statement to that effect identifying the provision that does not have effect.

None apply

#### 15. Site compatibility certificates and conditions for seniors housing

<p>If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies:</p> <p>(a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department, and</p> <p>(b) a statement setting out any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	None apply
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#### 16. Site compatibility certificates for infrastructure, schools or TAFE establishments

<p>A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 17. Site compatibility certificates and conditions for affordable rental housing

<p>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p> <p>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</p>	None that Council is aware of.
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#### 18. Paper subdivision information

<p>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	None apply
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#### 19. Site verification certificates

<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>(a) the matter certified by the certificate, and</p> <p><b>Note:</b> A site verification certificate sets out the Planning Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land – see Division 3 of Part 4AA of <i>State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007</i>.</p> <p>(b) the date on which the certificate ceases to be current (if any) and</p> <p>(c) that a copy may be obtained from the head office of the Department.</p>	None that Council is aware of.
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#### 20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>) that are listed on the Register that is required to be maintained under that Division, a statement to</p>	
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that effect.
None apply
<p><b>Information regarding loose-fill asbestos insulation</b></p> <p>Some residential homes located in the AlburyCity area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains the Register of homes that are affected by loose-fill asbestos insulation.</p> <p>You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, health risks (if any) this may pose for the building's occupants. Contact NSW Fair Trading for further information.</p>

## 21. Affected building notices and building product rectification orders

<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is 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, and</p> <p>(b) whether 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.</p> <p>(3) In this clause:  <b>affected building notice</b> has the same meaning as in Part 4 of the <i>Building Products (Safety) Act 2017</i>.  <b>building product rectification order</b> has the same meaning as in the <i>Building Products (Safety) Act 2017</i>.</p>	None that Council is aware of.
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**Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate.**

(a) 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,	None apply
(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,	None apply
(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,	None apply
(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,	None apply
(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.	None apply
<p><b>Contaminated Land:</b> The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.</p>	

**NOTATIONS:**

**Threatened Species**

None apply

**Other Development Constraints**

**Airport Crane Notification**

Any adjoining land owners located within the Airport Crane Notification Area must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the location of the equipment to be used and the duration of the potential incursion.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

**Development Consent/Complying Development Certificates within 5 years**

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

Nil

**GENERAL COMMENTS**

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

*Albury Development Control Plan 2010* complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *Regional Environmental Plan*, *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be overwritten under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy  
**Service Leader City Development  
Infrastructure, Planning and Environment**

## APPENDIX 'A' to the PLANNING CERTIFICATE

### R1 – GENERAL RESIDENTIAL ZONE

#### Land Use Table

##### 1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

##### 2. Permitted without consent

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

##### 3. Permitted with consent

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

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

#### Development in the R1 General Residential Zone

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as "Exempt Development" to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/>.

## **APPENDIX 'B' to the PLANNING CERTIFICATE**

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website.

### **ADVERTISING AND SIGNAGE - State Environmental Planning Policy No 64**

*(Gazetted 16 March 2001)*

Ensures that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish and to provide time-limited consents for the display of certain advertisements.

### **AFFORDABLE HOUSING (REVISED SCHEMES) – State Environmental Planning Policy No 70**

*(Gazetted 31 May 2002)*

Identifies that there is a need for affordable housing across the whole of the State. The policy describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

### **AFFORDABLE RENTAL HOUSING – State Environmental Planning Policy 2009**

*(Gazetted 31 July 2009)*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

### **BUILDING SUSTAINABILITY INDEX - BASIX - State Environmental Planning Policy 2004**

*(Gazetted 25 June 2004)*

Encourages sustainable residential development

### **CANAL ESTATE DEVELOPMENT- State Environmental Planning Policy No 50**

*(Gazetted 10 November 1997)*

Ensures that Canal Estate Development shall not be carried out throughout the State.

### **CARAVAN PARKS - State Environmental Planning Policy No 21**

*(Gazetted 24 April 1992)*

Guidelines for the establishment of caravan parks and provisions for long term leases of caravan park sites.

### **DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT - State Environmental Planning Policy No 65**

*(Gazetted 26 July 2002)*

Aims to improve the design quality of residential flat development in New South Wales. The policy seeks to achieve sustainable development, better built form and aesthetics, better satisfy increasing demand, maximise amenity, safety and security for the benefit of occupants and the wider community, minimise the consumption of energy from non-renewable resources and to conserve the environment and to reduce greenhouse gas emissions.

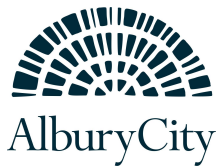
### **EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES - State Environmental Planning Policy 2017**

*(Gazetted 1 September 2017)*

Facilitates the effective delivery of educational establishments and early education and care facilities across the State.

### **EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008**

*(Gazetted 12 December 2008) as amended*



Provides streamlined assessment processes for development that complies with specified development standards.

**HAZARDOUS AND OFFENSIVE DEVELOPMENT - State Environmental Planning Policy No 33**

*(Gazetted 13 March 1992)*

Guidelines for the assessment of hazardous or offensive industries and offensive storage establishments.

**HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY - State Environmental Planning Policy 2004**

*(Gazetted 31 March 2004)*

Encourages the development of high quality accommodation for our ageing (over 55) population and for people with disabilities, and that housing is compatible with the local neighbourhood.

**INFRASTRUCTURE – State Environmental Planning Policy 2007**

*(Gazetted 21 December 2007)*

Facilitates the effective delivery of infrastructure across the state.

**MANUFACTURED HOME ESTATES - State Environmental Planning Policy No 36**

*(Gazetted 16 July 1993)*

Defines where Manufactured Home Estates (MHEs) may be permitted and establishes criteria for the granting of development consent to these estates.

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES - State Environmental Planning Policy 2007**

*(Gazetted 16 February 2007)*

Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State as well as establishing appropriate planning controls to encourage ecologically sustainable development.

**MURRAY REGIONAL ENVIRONMENTAL PLAN No 2 – Riverine Land – deemed State Environmental Planning Policy**

*(Gazetted 31 March 1994)*

Aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. The objectives of the policy are to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

**PRIMARY PRODUCTION AND RURAL DEVELOPMENT - State Environmental Planning Policy 2019**

*(Gazetted 28 February 2019)*

Facilitates the orderly economic use and development of lands for primary production through reducing land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The policy identifies State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land and to encourage sustainable agriculture, including sustainable aquaculture.

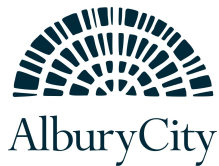
**REMEDICATION OF LAND - State Environmental Planning Policy No 55**

*(Gazetted 28 August 1998)*

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

**STATE AND REGIONAL DEVELOPMENT – State Environmental Planning Policy 2011**

*(Gazetted 28 September 2011)*



Identifies development that is state significant development, state significant infrastructure and critical state significant infrastructure.

**STATE SIGNIFICANT PRECINCTS - State Environmental Planning Policy 2005**

*(Gazetted 25 May 2005)*

Aims to facilitate the development, redevelopment or protection of important urban and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

**VEGETATION IN NON-RURAL AREAS – State Environmental Planning Policy 2017**

*(Gazetted 25 August 2017)*

Aims to protect the biodiversity values and amenity of non-rural areas of the State through the preservation of trees and other vegetation.