

Reference: 66111
Your Ref: 17047

PLANNING CERTIFICATE

Section 149 (2)
Certificate Number: 178421
Issue Date: 06-Mar-2017

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Subject Land
LOT: 32 DP: 1222203
45 Driver TCE
GLENROY NSW 2640

Owner's Details
Iramoo Flyer Pty Ltd
4 Kerr Street
WANGARATTA VIC 3677

1. Names of the relevant planning instruments and DCPs

The names of:

(1)	each environmental planning instrument that applies to the carrying out of development on the land.	Albury Local Environmental Plan 2010 (Gazetted 13/8/2010) 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: www.alburycity.nsw.gov.au State Environmental Planning Policies – Refer to Appendix 'B'
(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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	Land Rezoning – Willowbank Road East Albury The draft planning proposal (as revised) seeks to amend the land use zoning and minimum lot size of a part of the land south of Willowbank Road from RU2 Rural Landscape (100ha minimum lot size) to Part IN2 Light Industrial and Part IN1 General Industrial (no minimum lot size).
(3)	each development control plan that applies to the carrying out of development on the land.	Albury Development Control Plan 2010 (Adopted 13/08/2010) 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 www.alburycity.nsw.gov.au

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 the relevant LEPs

For each local 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)"),	RE2 - Private Recreation Zone R1 - General Residential Zone
(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

3. Complying development

Whether or not the land on which no complying development may be carried out under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.	<p>General Housing Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Rural Housing Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Housing Alterations Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>General Development Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Demolition Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Commercial and Industrial Alterations Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Subdivision Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Commercial and Industrial (New Buildings and Additions) Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p> <p>Fire Safety Code Yes, Complying Development under the Codes SEPP may be carried out on this land.</p>
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Disclaimer - 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.

4. Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works.	The land is not affected by the operation of Section 38 or 39 of the <i>Coastal Protection Act 1979</i> , but only to the extent that the Council has been so notified by the Department of Public Works.
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5. Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of Section 15 of the <i>Mine Subsidence Compensation Act 1961</i> .	This land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the <i>Mine Subsidence Compensation Act 1961</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 Roads Act 1993, or (b) any environmental planning instrument, or (c) any resolution of the council.	None apply
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7. Council and other public authorities 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) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or senior housing) is subject to flood related development controls. (2) Whether or not development on that land or part of the land for any other purposes is subject to flood related development controls. (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .
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 27 of the Act.	None apply
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9. Contributions plans

The names of each contribution plan applying to the land.

<p>Section 94 Development Servicing Plan, March 2005 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014, in relation to:</p> <ul style="list-style-type: none"> • Roads, Traffic and Transport Facilities • Open Space and Recreation • Community and Cultural Facilities • Water Management <p>Section 64 Development Servicing Plan, July 2004 as amended This plan details charges to be levied on development, lodged prior to 30 June 2014, in relation to:</p> <ul style="list-style-type: none"> • Water • Sewerage <p>Albury Infrastructure Contributions Plan 2014 This plan details the Local Infrastructure Contributions (including Section 64 contributions, Section 94 contributions or 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.</p> <p>Some developments and complying developments are exempt from contributions as outlined in Part 3.7.1 of the Albury Infrastructure Contributions Plan 2014.</p> <p>The <i>Albury Infrastructure Contributions Plan 2014</i> is available to view on Council's website: http://www.alburycity.nsw.gov.au/building-and-planning/planning-strategies-and-controls/planning-strategies-and-controls</p>

9A. Biodiversity certified land

If the land is biodiversity land (within the meaning of part 7AA of the <i>Threatened Species Conservation Act 1995</i>), a statement to that effect.
Yes, applies. The Minister of Climate change and the Environment has by Order conferred Biodiversity Certificate 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.

10. Biobanking agreements

If the land is land to which a biobank agreement under Part 7A of the <i>Threatened Species Conservation Act 1995</i> relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change and Water.	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. 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 the <i>Native Vegetation Act 2003</i> 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

If the land is land to which <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> applies: (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include: (i) the period for which the certificate is current, and (ii) that a copy may be obtained from the head office of the Department of Planning, and (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.	None apply
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16. Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure) of which the council is aware, issued under clause 19 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> in respect of proposed development on the land and, if there is a certificate, the statement is to include: (a) the period for which the certificate is valid, and (b) that a copy may be obtained from the head office of the Department of Planning.	None apply
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17. Site compatibility and conditions for affordable rental housing

(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: (a) the period for which the certificate is current, and (b) that a copy may be obtained from the head office of the Department of Planning. (2) A statement setting out any terms of a kind referred to in clause 17(1) or 37(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.	None apply
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18. Paper subdivision information

(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 consent ballot. (2) The date of any subdivision order that applies to the land. (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.	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>Note. A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land - see Division 3 or Part 4AA of <u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u>.</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 of Planning and Infrastructure.</p>	<p>None apply</p>
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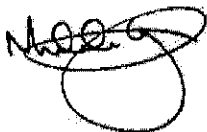
20. Loose-fill asbestos insulation

<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division.</p> <p>Note: Information regarding loose-fill asbestos</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 a 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, the health risks (if any) this may pose for the building/s occupants.</p> <p>Contact NSW Fair Trading for further information.</p>	<p>None apply</p>
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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.

<p>(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.</p>	<p>None apply</p>
<p>(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.</p>	<p>None apply</p>
<p>(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.</p>	<p>None apply</p>
<p>(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.</p>	<p>None apply</p>
<p>(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.</p>	<p>None apply</p>

Contaminated Land - 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.



Michael Keys
 Director
 Planning and Environment

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; Child care centres; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; 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 council's website at www.alburycity.nsw.gov.au and expand to find Forms and Guidelines.

Under the Codes SEPP the following types of development may be carried out as "Exempt Development".

- Access ramps
- Aerials and antennae
- Air-conditioning units
- Animal shelters
- Automatic Teller Machine
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- Barbecues
- Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses
- Carports
- Change of use premises
- Change of use of places of public worship
- Charity bins and recycling bins
- Clothes hoists and clothes lines
- Demolition
- Driveways and hard stand spaces
- Earthworks and retaining walls
- Emergency work and temporary repairs
- Evaporative cooling units (roof mounted)
- Farm buildings
- Fences (residential zones)
- Fences (rural and environment protection zones and zone R5)
- Fences (business and industrial zones)
- Filming
- Flagpoles
- Footpaths – outdoor dining
- Fowl and poultry houses
- Fuel Tanks and gas storage
- Garbage bin storage enclosures
- Home businesses, home industries and home occupations
- Home-based child care
- Hot water systems
- Landscaping structures
- Letterboxes
- Maintenance of buildings in draft heritage conservation areas
- Minor building alterations (external)
- Minor building alterations (internal)
- Mobile food and drink outlets
- Pathways and paving
- Playground equipment
- Portable swimming pools and spas and child-resistant barriers
- Privacy screens
- Rainwater tanks (above ground)

- Rainwater tanks (below ground)
- Roller shutter doors adjoining lanes
- Scaffolding, hoardings and temporary construction site fences
- Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)
- Shade structures of canvas, fabric, mesh or the like
- Signage – business identification signs
- Signage – community notice and public information signs
- Signage – election signs
- Signage – fascia signs
- Signage – internal signs
- Signage – real estate signs
- Signage – replacement of identification signs
- Signage – temporary event signs
- Signage – top hamper signs
- Signage – under awning signs
- Signage – wall signs
- Signage – window signs
- Skylights, roof windows and ventilators
- Stages or platforms for private functions
- Stages or platforms for community events
- Subdivision
- Sculptures and artworks
- Temporary builders' structures
- Temporary structures and alterations or additions to buildings for filming purposes
- Tennis courts
- Tents or marquees used solely for filming purposes and private functions
- Tents, marquees or booths for community events
- Trading hours – temporary extension for Christmas
- Trading hours – temporary extension for licensed premises
- Waste storage containers
- Waterway structures – minor alterations
- Water features and ponds
- Windmills

There are also specific development standards or requirements for each of the above and the following types of development to be deemed "Exempt Development". Please visit the NSW Legislation website www.legislation.nsw.gov.au or contact Council's Planning and Environment Group on (02) 6023 8285 for further information. Under Schedule 2 of the Albury LEP 2010 the following types of development are also "Exempt Development" being development not covered in the Codes SEPP

(see <http://www.alburycity.nsw.gov.au/www/html/407-exempt-development-guidelines.asp?intSiteID=1>)

- Signage in Zone B3 Core Commercial – Above awning signs
- Signage – Bracket sign
- Signage – Drop awning sign

The "Exempt Development" proposals under Clause 3.1 of the Albury LEP 2010 must also comply with the following requirements:

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

Exempt development may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979*. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

- (1) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined below).
- (2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (3) To be exempt development, the development:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under the LEP. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

APPENDIX 'A' to the PLANNING CERTIFICATE

RE2 PRIVATE RECREATION ZONE

Land Use Table

1. Objectives of the RE2 Private Recreation Zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To offer opportunities for tourism development.
- To allow for alternative uses of open space areas for community purposes compatible with surrounding areas.

2. Permitted without consent

Environmental protection works

3. Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Serviced apartments; Signage; Water recreation structures

4. Prohibited

Any other development not specified in item 2 or 3

Development in the RE2 Private Recreation 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 council's website at www.alburycity.nsw.gov.au and expand to find Forms and Guidelines.

Under the Codes SEPP the following types of development may be carried out as "Exempt Development".

- Access ramps
- Aerials and antennae
- Air-conditioning units
- Animal shelters
- Automatic Teller Machine
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- Barbecues
- Cabanas, cubby houses, ferries, garden sheds, gazebos and greenhouses
- Carports
- Change of use premises
- Change of use of places of public worship
- Charity bins and recycling bins
- Clothes hoists and clothes lines
- Demolition
- Driveways and hard stand spaces
- Earthworks and retaining walls
- Emergency work and temporary repairs
- Evaporative cooling units (roof mounted)
- Farm buildings
- Fences (residential zones)
- Fences (rural and environment protection zones and zone R5)
- Fences (business and industrial zones)
- Filming
- Flagpoles
- Footpaths – outdoor dining

- Fowl and poultry houses
- Fuel Tanks and gas storage
- Garbage bin storage enclosures
- Home businesses, home industries and home occupations
- Home-based child care
- Hot water systems
- Landscaping structures
- Letterboxes
- Maintenance of buildings in draft heritage conservation areas
- Minor building alterations (external)
- Minor building alterations (internal)
- Mobile food and drink outlets
- Pathways and paving
- Playground equipment
- Portable swimming pools and spas and child-resistant barriers
- Privacy screens
- Rainwater tanks (above ground)
- Rainwater tanks (below ground)
- Roller shutter doors adjoining lanes
- Scaffolding, hoardings and temporary construction site fences
- Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)
- Shade structures of canvas, fabric, mesh or the like
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- Signage – election signs
- Signage – fascia signs
- Signage – internal signs
- Signage – real estate signs
- Signage – replacement of identification signs
- Signage – temporary event signs
- Signage – top hamper signs
- Signage – under awning signs
- Signage – wall signs
- Signage – window signs
- Skylights, roof windows and ventilators
- Stages or platforms for private functions
- Stages or platforms for community events
- Subdivision
- Sculptures and artworks
- Temporary builders' structures
- Temporary structures and alterations or additions to buildings for filming purposes
- Tennis courts
- Tents or marquees used solely for filming purposes and private functions
- Tents, marquees or booths for community events
- Trading hours – temporary extension for Christmas
- Trading hours – temporary extension for licensed premises
- Waste storage containers
- Waterway structures – minor alterations
- Water features and ponds
- Windmills

There are also specific development standards or requirements for each of the above and the following types of development to be deemed "Exempt Development". Please visit the NSW Legislation website www.legislation.nsw.gov.au or contact Council's Planning and Environment Group on (02) 6023 8285 for further information. Under Schedule 2 of the Albury LEP 2010 the following types of development are also "Exempt Development" being development not covered in the Codes SEPP

(see <http://www.alburycity.nsw.gov.au/www/html/407-exempt-development-guidelines.asp?intSiteID=1>)

- Signage in Zone B3 Core Commercial – Above awning signs
- Signage – Bracket sign
- Signage – Drop awning sign

The "Exempt Development" proposals under Clause 3.1 of the Albury LEP 2010 must also comply with the following requirements:

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:

- (a) must be of minimal environmental impact, and

Page (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and

(c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

Exempt development may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979*. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

(1) To be exempt development, the development:

(a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and

(b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

(c) must not be designated development, and

(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.

(e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined below).

(2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:

(a) the building has a current fire safety certificate or fire safety statement, or

(b) no fire safety measures are currently implemented, required or proposed for the building.

(3) To be exempt development, the development:

(a) be installed in accordance with the manufacturer's specifications, if applicable, and

(b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under the LEP. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

APPENDIX 'B' to the PLANNING CERTIFICATE

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 RENTAL HOUSING – State Environmental Planning Policy 2009

(Gazetted 1 August 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 1 July 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)

Improves the design quality of residential flat development in New South Wales. Improving the design quality of residential flat development aims 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.

EXEMPT & COMPLYING DEVELOPMENT CODE - State Environmental Planning Policy 2008

(Gazetted 12 December 2008) as amended

This Policy aims to provide 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 aging (over 55) population and for people with disabilities - housing that 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 and replaces several previous policies.

INTENSIVE AGRICULTURE - State Environmental Planning Policy No 30

(Gazetted 8 December 1989)

Aims to achieve consistency in the way in which proposals for Cattle Feedlots and Piggeries are assessed throughout the State.

KOALA HABITAT PROTECTION - State Environmental Planning Policy No 44

(Gazetted 6 January 1995)

Applies only to land zoned under Hume LEP 2001. Encourages conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

MAJOR DEVELOPMENT - State Environmental Planning Policy 2005

(Gazetted 25 May 2005)

Identifies areas and types of developments where the Minister will be the consent authority. The SEPP relates to any development identified in Schedule 1 or 2 of the Policy. The SEPP also applies on sites which are identified as being environmentally sensitive areas of state significance. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPS) and classes of regional development to be determined by JRPPS.

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.

MISCELLANEOUS CONSENT PROVISIONS – State Environmental Planning Policy 2007

(Gazetted 28 September 2007)

Places of public entertainment (POPEs) include theatres, cinemas and public halls used for public entertainment and licensed premises and registered clubs used for entertainment including public entertainment. These new provisions are intended to encourage the staging of more live entertainment, and to make it easier to hold private functions and community events.

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

(Gazetted 31 March 1994)

This plan requires Council, when preparing a local environmental plan or determining a development application; or a public authority or person proposing to carry out development which does not require development consent but which has potential to adversely affect the riverine environment of the River Murray; to take into account the aims, objectives and planning principles outlined in the plan. Identifies development which is considered to have the potential to adversely impact on the riverine environment and either requires council consent, advertising of the development or prohibits the development generally or in certain circumstances. Includes general and specific consultation requirements with nominated agencies for certain development. Determines certain land to be flood liable land, identifies significant wetlands and native vegetation and applies land use controls and consultation requirements.

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 any other aspect of the environment. The policy applies to the whole state, to ensure that remediation is permissible development and is always carried out to a high standard. It specifies when consent is required for remediation and lists considerations that are relevant when rezoning land and determining development applications.

RURAL LANDS - State Environmental Planning Policy 2008

(Gazetted 9 May 2008)

Seeks to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

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.

SUSTAINABLE AQUACULTURE - State Environmental Planning Policy No 62

(Gazetted 25 August 2000)

Encourages sustainable aquaculture, make aquaculture a permissible use for areas for which a comprehensive and integrated regional aquaculture strategy has been developed, sets out the minimum site location and operational requirements for permissible aquaculture development, establishes a graduated environmental assessment regime based on the applicable level of environmental risk associated with the site and operational factors, applies the Policy in the first instance to pond-based and tank-based aquaculture development in the North Coast region of the State following the preparation of a strategy for that kind of aquaculture development in that area.

URBAN CONSOLIDATION - State Environmental Planning Policy No 32 (Redevelopment of Urban Land)

(Gazetted 15 November 1991)

Promotes orderly and economic use and development of land which is no longer required for the purpose for which it is zoned or used to be redeveloped for multi-unit housing and related development.