

All correspondence

PO Box 99 Holbrook NSW 2644

P 02 6036 0100 or 1300 653 538 E mail@greaterhume.nsw.gov.au greaterhume.nsw.gov.au

ABN 44 970 341 154

Section 10.7(2) Planning Certificate

Certificate No. 5553

Our Ref: 10113835:P52264-457: Parcel No: 16253TB

Your Ref: 230443 Fee: \$67.00 Receipt No: A/c Date Issued: 22.11.23

Applicant: The land:

Infotrack - Title Searches GPO Box 4029 SYDNEY NSW 2001 Lot: 84 DP: 1249844 Jacob Wenke Drive WALLA WALLA 2659 Parcel Number: 16253

The following Information is provided in respect of the abovementioned land in accordance with section 10.7(2) of the *Environmental Planning and Assessment Act 1979*

1. Names of relevant planning instruments and DCPs

(1)	The name of each environmental planning instrument that applies to the carrying out of development on the land.	Greater Hume Local Environmental Plan 2012, an electronic version is available at: https://legislation.nsw.gov.au/brows e/inforce#/epi/title/g.
		Refer to Appendix A for a list of relevant State Environmental Planning Policies (SEPPs) or deemed SEPPs.
(0)		Greater Hume Development Control Plan 2013 applies.
(2)	The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act that will apply to the carrying out of development on the land.	Nil relevant.

	g and land use under relevant planning instruments	
	wing matters for each environmental planning instrument or draft environmental p	lanning
	ent that includes the land in a zone, however described—	DUE Village
(a)	the identity of the zone, whether by reference to – (i) a name (such as "Residential Zone" or "Heritage Area") or (ii) a number (such as "Zone No. 2 (a)"),	RU5 Village Zone
(b)	(i) may be carried out without development consent, and(ii) may not be carried out except with development consent, and(iii) is prohibited,	Refer to Appendix B for relevant zone Land
(c)	whether additional permitted uses apply to the land,	Use Table information.
(d)	whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions,	Nil relevant.
(e)	the Biodiversity Conservation Act 2016,	Greater Hume Council is not aware that this land is in an area of outstanding biodiversity value
(f)	whether the land is in a conservation area however described,	Nil relevant.
(g)	whether an item of environmental heritage, however described, is located on the land.	Nil relevant.
Contr	ibutions plans	
	(1) The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans	Greater Hume Council Section 7.12 Development Contributions Plan 2023
	(2) If the land is in a special contributions area under the Act, Division 7.1, the name of the area.	The land is no in a special contributions area.
Comp	olying development	<u> </u>
(1)	If the land is land on which complying development may be carried out under each of the complying development codes under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19	Refer to Appendix F.
	If complying development may not be carried out on the land because of 1 of	Refer to

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 thatRefer to Appendix F.

- (a) a restriction applies to the land, but it may not apply to all of the land, and
- (b) 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.

5. Exempt development

(1) If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.

Exempt development may be carried out under each of the exempt development codes under State Environmental Plannina Policy (Exempt and Complying Development Codes) 2008.

6. Affected building notices and building product rectification orders

- (1) Whether the council is aware that-
 - (a) an affected building notice is in force in relation to the land, or
 - (b) a building product rectification order is in force in relation to the land that has not been fully complied with, or
 - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding.
- (2) In this section—

affected building notice has the same meaning as in the Building Products (Safety) Act 2017, Part 4.

building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

Council is not aware of any affected building notice, building product rectification order or notice of intention to make a building product rectification order that is in force in relation to the land to which this Certificate applies.

7. Land reserved for acquisition

Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.

Clause 5.1 of the GHLEP <u>2012</u> makes provision for the acquisition of land by Council and other relevant State Authorities. At the time of issuing this

	Certificate the land subject of this certificate has not been identified for acquisition in the GHLEP 2012 and accompanying LEP Maps.
8. Road widening and road realignment	NU l
Whether the land is affected by road widening or road realignment under— (a) the <i>Roads Act 1993</i> , Part 3, Division 2, or (b) an environmental planning instrument, or (c) a resolution of the council.	Nil relevant.
9. Flood related development controls	
(1) If the land or part of the land is within the flood planning area and subject to flood related development controls.	Nil relevant.
(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.	Nil relevant.
10. Council and other public authority policies on hazard risk restrictions	
 (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding. (2) In this section— adopted policy means a policy adopted— (a) by the council, or (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council. 	Council has adopted the following policy that may restrict development on the land subject of this Certificate:
	Contaminated Land Management Policy - 15/02/2017
11. Bush fire prone land	
(1) If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.	Some of the land is identified as being bushfire
(2) If none of the land is bush fire prone land, a statement to that effect.	prone land.
12. Loose-fill asbestos insulation If the land includes residential premises, within the meaning of the <i>Home Building Act</i> 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.	Nil relevant.
13. Mine subsidence	
Whether the land is declared to be a mine subsidence district, within the meaning of the Coal Mine Subsidence Compensation Act 2017.	Nil relevant.

(1) The name of a development plan adopted by a relevant authority that—	Nil relevant.
(a) applies to the land, or	
(b) is proposed to be subject to a ballot.	
(2) The date of a subdivision order that applies to the land.	Nil relevant.
(3) Words and expressions used in this section have the same meaning as in this Re 10 and the Act, Schedule 7.	egulation, Part
5. Property vegetation plans	
If the land is land in relation to which a property vegetation plan is approved and in force under the <i>Native Vegetation Act 2003</i> , Part 4, 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.	Nil relevant.
6. Biodiversity stewardship sites	
If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the <i>Biodiversity Conservation Act 2016</i> , Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the Biodiversity Conservation Trust.	None that Council is aware of.
7. Biodiversity certified land	
If the land is biodiversity certified land under the <u>Biodiversity Conservation Act</u> <u>2016</u> , Part 8, a statement to that effect.	None that Council is aware of.
8. Orders under <i>Trees (Disputes Between Neighbours) Act</i> 2006	
Whether an order has been made under the <u>Trees (Disputes Between Neighbours)</u> <u>Act 2006</u> to carry out work in relation to a tree on the land, but only if the council has been notified of the order.	Nil relevant.
Whether an order has been made under the <u>Trees (Disputes Between Neighbours)</u> <u>Act 2006</u> to carry out work in relation to a tree on the land, but only if the council	
Whether an order has been made under the <u>Trees (Disputes Between Neighbours)</u> <u>Act 2006</u> to carry out work in relation to a tree on the land, but only if the council has been notified of the order. 9. Annual charges under Local Government Act 1993 for coastal protection services.	
Whether an order has been made under the <u>Trees (Disputes Between Neighbours)</u> 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. 9. Annual charges under Local Government Act 1993 for coastal protection service existing coastal protection works 1) If the Coastal Management Act 2016 applies to the council	es that relate
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Additional matters to be specified in a planning certificate as per Section 290 of the <i>Environmental</i>			
Planning and Assessment Regulation 2021			
Contaminated Land Management Act 1997 Section 59(2) –			
(a) that the land to which the certificate relates is significantly contaminated land—if	the Nil relevant.		
land (or part of the land) is significantly contaminated land at the date when the			
certificate is issued,			
(b) that the land to which the certificate relates is subject to a management order—if	it is Nil relevant.		
subject to such an order at the date when the certificate is issued,			
(c) that the land to which the certificate relates is the subject of an approved voluntar	y Nil relevant.		
management proposal—if it is the subject of such an approved proposal at the d	ate		
when the certificate is issued,			
(d) that the land to which the certificate relates is subject to an ongoing maintenance	Nil relevant.		
order—if it is subject to such an order at the date when the certificate is issued,			
(e) (e) that the land to which the certificate relates is the subject of a site audit	Nil relevant.		
statement—if a copy of such a statement has been provided at any time to the lo	ocal		
authority issuing the certificate.			

Bush fire prone land

If the land is identified as bush fire prone land at **Item 11** of this certificate, it is advised that development of the property may be subject to the requirements of *Planning for Bushfire Protection* (Rural Fire Service, 2019) and/or *Australian Standard 3959:2018: Construction of buildings in bushfire-prone areas*. Further information is available at www.rfs.nsw.gov.au

Loose-fill asbestos insulation

Further to **Item 12** of this certificate, if the land is not identified in the register maintained by NSW Fair Trading and the land contains a dwelling house constructed prior to 1980, it is recommended that any potential purchaser of the land obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in that building and, if so, the health risks (if any) this may pose to the building's occupants. Further information is available at www.fairtrading.nsw.gov.au

On-site sewerage management systems

If the land has a dwelling house and/or shed and this building is connected to a septic tank system i.e. an On-site Sewerage Management System (OSSM system), it is advised that Council has a municipal compliance monitoring program involving periodic inspections of these systems. To assist prospective purchasers of land with OSSM systems assessing the operational performance of these systems, Council staff are available to undertake pre-purchase inspections of these systems as per Council adopted Fees & Charges Schedule. To arrange an inspection Council can be contacted on 02 6036 0100 during business hours.

Per: Colin Kane

Director Environment and Planning

GREATER HUME COUNCIL

Gayan Willramaghe

22 November 2023

Appendix A

State Environmental Planning Policies – applicable to the Greater Hume Council local government area

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

Appendix B

RU5 Village Zone

Greater Hume Local Environmental Plan 2012

Land Use Table

1. Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To protect the amenity of residents.

2. Permitted without consent

Environmental protection works; Home occupations; Roads.

3. Permitted with consent

Agricultural produce industries; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Forestry; Freight transport facilities; Function centres; General industries; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Light industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Schools; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; 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 supply systems; Wharf or boating facilities; Wholesale supplies.

4. Prohibited

Farm stay accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3.

<u>Note</u>: Development terms are defined in the Dictionary of the *Greater Hume Local Environmental Plan 2012*.

APPENDIX F

Response to Question 4(1)							
Code	RU5						
Part 3 - Housing	No						
Part 3A- Rural	No						
Part 3B- Low Rise	Yes						
Part 3C- Greenfield	Yes						
Part 3D- Inland	Yes						
Part 4 - Housing	Yes						
Part 4A- General	Yes						
Part 5- Industrial	Yes						
Part 5A- Industrial	No						
Part 5B- Container	No						
Part 6- Subdivisions	Yes						
Part 7- Demolition	Yes						
Part 8- Fire Safety	Yes						
Part 9- Agritourism	No						

Response to Question 4(2)(3)

tesponse to Question 4(2)(3)					
Code	Yes	No			
Part 3 -	Complying Development under the	Complying Development under the			
Housing Code	Housing Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and subject to compliance with Note1	Housing Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.			
Part 3A- Rural Housing Code	Complying Development under the <i>Rural Housing Code</i> may be carried out on the land, subject to complying with relevant standards under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and subject to compliance with Note1.	Complying Development under the <i>Rural Housing Code</i> may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.			
Part 3B- Low Rise Medium Density Housing Code	Complying Development under the Low Rise Medium Density Housing Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and subject to compliance with Note1.	Complying Development under the <i>Low Rise Medium Density Housing Code</i> may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.			

Response to Question 4(1)				
Part 3C- Greenfield Housing Code	Complying Development under the Low Rise Medium Density Housing Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and subject to compliance with Note1.	Complying Development under the <i>Greenfield Housing Code</i> may not be carried out on the land as the land is not identified as a Greenfield Housing Code Area in the Greenfield Housing Code Area Map.		
Part 3D- Inland Code	Complying Development under the <i>Inland Code</i> may be carried out on the land, subject to complying with relevant standards under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and subject to compliance with Note1	Complying Development under the <i>Inland Code</i> may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		
Part 4 - Housing Alterations Code	Complying Development under the Housing Alterations Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Housing Alterations Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		
Part 4A- General Development Code	Complying Development under the General Development Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the General Development Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		
Part 5- Industrial and Business Alterations Code	Complying Development under the Commercial and Industrial Alterations Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Commercial and Industrial Alterations Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		
Part 5A- Industrial and Business Buildings Code	Complying Development under the Commercial and Industrial (New Buildings and Additions) Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Commercial and Industrial (New Buildings and Additions) Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		
Part 5B- Container Recycling Facilities Code	Complying Development under the Container Recycling Facilities Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Container Recycling Facilities Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.		

Part 6- Subdivisions Code	Complying Development under the Subdivisions Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Subdivisions Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.
Part 7- Demolition Code	Complying Development under the <i>Demolition Code</i> may be carried out on the land, subject to complying with relevant standards under <i>State Environmental Planning Policy (Exempt and Complying Development Codes)</i> 2008.	Complying Development under the <i>Demolition Code</i> may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.
Part 8- Fire Safety Code	Complying Development under the <i>Fire Safety Code</i> may be carried out on the land, subject to complying with relevant standards under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i>	Complying Development under the <i>Fire Safety Code</i> may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.
Part 9- Agritourism and Farm Stay Accommodation Code	Complying Development under the Agritourism and Farm Stay Accommodation Code may be carried out on the land, subject to complying with relevant standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying Development under the Agritourism and Farm Stay Accommodation Code may not be carried out on the land as the land is identified in a zone under an environmental planning instrument where this code does not apply.

Note -1

The development must not be carried out on— (d) land that is subject to a biobanking agreement under Part 7A of the <u>Threatened Species Conservation Act 1995</u> or a property vegetation plan approved under the <u>Native Vegetation Act 2003</u>, refer to Section 16.

- (d1) land that is subject to a private land conservation agreement under the <u>Biodiversity Conservation Act</u> <u>2016</u> or that is a set aside area under section 60ZC of the <u>Local Land Services Act 2013</u>, refer to Section 16.
- (e) land identified by an environmental planning instrument as being—
 - (ii) within a river front area, or

River front area means:

river means the Murray River and Billabong Creek. river front area means—

- (a) in Zone R2 Low Density Residential, Zone R5 Large Lot Residential or Zone RU5 Village—the land within 40 metres of the top of the bank of the river or the full supply level of Lake Hume, or
 - (b) in Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone W1 Natural Waterways or Zone W2 Recreational Waterways—the land within 100 metres of the top of the bank of the river or the full supply level of Lake





Policy No: 105

Policy Title: Right To Farm Policy

Section Responsible: Environment & Planning

Minute No: 2183

Review Date: 31 December 2012

POLICY OBJECTIVE

Greater Hume Shire is predominantly a rural shire and much of its local economy is built on the strength and viability of the many rural and agricultural industries operating in the shire. On this basis, this policy outlines Council's position on the 'right to farm' and the many issues associated with farming that may be impinged upon by urban expansion or expectations.

RELATED LEGISLATION

The Protection of the Environment Operations Act provides the legislative framework within which all activities with regard to noise, odour, pollution, etc. must comply.

POLICY STATEMENT

When conflict arises between landowners undertaking genuine agricultural pursuits and non agricultural/occupiers, Council's position on the 'right to farm' as outlined as follows shall be considered when dealing with issues and passed onto complainants.

Greater Hume Shire Council supports the right of persons to carry out legitimate and compliant rural and agricultural uses and practices on rural land.

Greater Hume Shire Council will not support any action to interfere with the legitimate rural and agricultural use of land where the activity is in accordance with relevant legislation.

When an inquiry is made by an intending rural land purchaser or landholder, the person is advised the legitimate rural and agricultural uses of land may include:

- Logging and milling of timber
- Livestock feed lots
- Piggeries/poultry farming
- Dairies

RIGHT TO FARM POLICY

- Dogs barking
- Noise from cattle and other livestock
- Intensive livestock waste disposal systems and ponds
- Burning of stubble
- Clearing and cultivation of land
- The growing of any agricultural crop or pasture species including those that may produce detectable aromas or pollens, e.g. canola and lucerne
- Bushfire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor-bikes, etc.)
- Pumping and irrigation
- Herbicide spraying
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices (castration, dehorning, etc.)
- Driving livestock on roads
- Fodder production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of woodlots
- Extractive industries
- Stockyards
- Traffic on unsealed rural roads

Such rural activities are likely to cause nuisance in respect of noise, odours, dust, spray emissions, smoke, vibration, blasting, etc. during 24 hours including early mornings and late evenings.

Intending purchasers and owners of rural land who consider they may have difficulty in living with the above practices being carried out on adjacent or nearby land should seriously consider their position.

POLICY DOCUMENT CONTROL

Right To Farm Policy	l First adopted	Date 17Feb10 Min 2183
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