

S10.7 CERTIFICATE ATTACHMENT



Unhealthy Building Land Policy - Schedule 1

Name of this Policy
1. This Policy is called the Unhealthy Building Land Policy.
Purpose of Policy
2. This Policy has been adopted by the Environment Protection Authority (the EPA) because the Unhealthy Building Land Act 1990 (UBL Act) was repealed. Planning certificates for land referred to in Schedule 1 or 2 must indicate that the land is subject to this policy unless the Policy has ceased to apply to the land as set out in Clause 5 below.
Land to which this Policy applies
3. This Policy applies to the land identified in Schedule 1 and Schedule 2.
Commencement of Policy
4. This Policy commenced on 28 April 2003.
When this Policy ceases to apply
5.1 This Policy ceases to apply to land in Schedule 1 : (a) if the land has been identified in a floodplain risk management study as being outside the area where flood related development controls should apply, and the Council is satisfied that the land has been filled and drained to a standard that it is suitable for the purposes for which it is zoned; or (b) if the Council has complied with the NSW Government Floodplain Management Manual (NSW Government 2001) by adopting a floodplain risk management plan through a local flood policy, development control plan or local environmental plan that applies to the land and was developed in accordance with the Manual.
Planning Certificates
6. Under section 10.7(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Councils must note on a planning certificate for land to which this Policy applies that: (a) in the case of land referred to in Schedule 1, the land is affected by this Policy because it is low lying;
Restrictions on development of Schedule 1 land
7. In determining an application under the EP&A Act to carry out development on land specified in Schedule 1, the Council should take into account the NSW Government Floodplain Management Manual (NSW Government 2001), where relevant, and any Council policy, development control plan or local environmental plan concerning the suitability of the site for the development by reason of the land being low lying.