

# Planning Certificate under Section

## 10.7 (formerly Section 149)

### *Environmental Planning and Assessment Act, 1979*

Land No. 85454

**Applicant:** Ms M Smith  
Level 1, 64 Ballina Street  
LENNOX HEAD NSW 2478

**Certificate No:** ePlanCer22/1325  
**Date of Issue:** 12/05/2022  
**Fee Paid:** \$53.00  
**Receipt No:**

**Your Reference:**

**eCustomer Reference:** GEO03730

**Property Description:** Lot 11 DP 1269398; No. 771 Cudgen Road CUDGEN

*In accordance with the requirements of section 10.7 of the Environmental Planning and Assessment Act 1979 (as amended), the following prescribed matters relate to the land at the date of this certificate.*

#### ITEM 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.
- (2) The name of 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 Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).
- (3) The name of each development control plan that applies to the carrying out of development on the land.
- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

##### Item 1(1)

**The following local environmental planning instrument applies to the carrying out of development on the land:**

Tweed Shire LEP 2014

Tweed Local Environmental Plan 2000

**The following State environmental planning policies (SEPPs) apply to the carrying out of development on the land.**

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Integration and Repeals) 2016

State Environmental Planning Policy (Koala Habitat Protection) 2020

State Environmental Planning Policy (State Significant Precincts) 2005  
State Environmental Planning Policy (Primary Production and Rural Development) 2019  
State Environmental Planning Policy (Coastal Management) 2018  
State Environmental Planning Policy No. 21 - Caravan Parks  
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development  
State Environmental Planning Policy No. 36 - Manufactured Homes Estate  
State Environmental Planning Policy No. 50 - Canal Estate Development  
State Environmental Planning Policy No. 55 - Remediation of Land  
State Environmental Planning Policy No. 64 - Advertising and Signage  
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

**Item 1(2)**

**The following draft local environmental plan(s) and draft planning proposal(s) have been placed on public exhibition and apply to the carrying out of development on the land:**

There are no draft Local Environmental Plans currently applying to the subject land.

**Item 1(3)**

**The following development control plan(s) that have been prepared apply to the carrying out of development on the land:**

Section A1 - Residential and Tourist Development Code  
Section A2 - Site Access and Parking Code  
Section A3 - Development of Flood Liable Land  
Section A4 - Advertising Signs Code  
Section A5 - Subdivision Manual  
Section A6 - Biting Midge and Mosquito Control  
Section A7 - Child Care Centres  
Section A8 - Brothels Policy  
Section A9 - Energy Smart Homes Policy  
Section A10 - Exempt and Complying Development  
Section A13 - Socio Economic Impact Assessment  
Section A15 - Waste Minimisation and Management  
Section A16 - Preservation of Trees or Vegetation  
Section A17 - Business, Enterprise Corridor and General Industrial Zones  
Section A18 - Heritage  
Section A19 - Biodiversity and Habitat Management  
Section B4 - West Kingscliff

Section B9 - Tweed Coast Strategy

Section B26 - Kingscliff Locality Plan

## ITEM 2

### Zoning and land use under relevant LEs

*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) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,*
- (c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,*
- (d) the purposes for which the instrument provides that development is prohibited within the zone,*
- (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,*
- (f) whether the land includes or comprises critical habitat,*
- (g) whether the land is in a conservation area (however described),*
- (h) whether an item of environmental heritage (however described) is situated on the land.*

#### Item 2(a-d)

The subject land is within the following zone(s) and is affected by the following land use table:

#### Zone 1 (b) Agricultural Protection

##### Zone objectives

##### Primary objective

- \* to protect identified prime agricultural land from fragmentation and the economic pressure of competing land uses.

##### Secondary objective

- \* to allow other development that is compatible with agricultural activities.

##### Development within the zone

In Zone 1 (b) development for the purpose of the following is:

##### Item 1 allowed without consent

- \* Agriculture
- \* Forestry

##### Item 2 allowed only with consent

- \* bed and breakfast
- \* dwelling houses if each is on an allotment of: (a) at least 10 hectares, where on land shown lettered "1 (b1)" on the zone map, or (b) at least 40 hectares, where on land shown lettered "1 (b2)" on the zone map, or on an allotment referred to in clause 57
- \* multi-dwelling housing if: (a) not more than two dwellings are involved, and (b) they are attached, and (c) they are on allotment of: (i) at least 10 hectares, where on land shown lettered "1(b1)" on the zone map, or (ii) 40 hectares, where on land shown lettered "1(b2)" on the zone map, or on an allotment referred to in clause 57
- \* any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):

- |                                |   |
|--------------------------------|---|
| * emergency service facilities | * Extractive industries                                       |
| * generating works             | * Recreation areas  |
| * retail plant nurseries       | * road transport terminals                                    |
| * stock and sale yards         | * utility installations being gas holders or generating works |

**Item 4 prohibited:**

- |  |  |
|--|--|
| ** Abattoirs   | * airline terminals                                    |
| * boarding-houses  | * boat repair and servicing facilities                 |
| * boat showrooms   | * boating facilities                                   |
| * Brothels   | * bulk stores  |
| * bulky goods retailing  | * bus depots   |
| * bus stations   | * camping grounds                                      |
| * car parks  | * car repair stations                                  |
| * caravan parks  | * child care centres                                   |
| * Clubs  | * commercial premises                                  |
| * community buildings  | * cruise craft docks                                   |
| * Depots   | * display homes  |
| * dwelling houses not included in Item 2                               | * educational establishments                           |
| * general stores   | * Helipads   |
| * Heliports  | * Hospitals  |
| * Hotels   | * housing for older people or people with disabilities |
| * industries (other than home industries or rural industries)          | * institutions   |
| * integrated housing   | * Junkyards  |
| * light industries   | * liquid fuel depots                                   |
| * manufactured home estates  | * Marinas  |
| * Markets  | * Mines  |
| * Motels   | * motor showrooms                                      |
| * multi-dwelling housing not included in Item 2                        | * Offensive or hazardous industries                    |
| * outdoor eating areas   | * places of assembly                                   |
| * places of public worship   | * professional consulting rooms                        |
| * public buildings   | * Recreation areas                                     |
| * recreation establishments  | * Recreation facilities                                |
| * recreation vehicle areas   | * refreshment rooms                                    |
| * respite care centres   | * Restricted premises                                  |
| * roadside stalls if requiring direct access to an RTA classified road | * Sawmills   |
| * service stations   | * shops (other than general stores)                    |
| * storage units  | * tourist accommodation                                |
| * tourist facilities   | * tourist resorts                                      |
| * transport terminals  | * warehouses   |

[End of Zone 1(b) Table]

**Zone 2 (c) Urban Expansion**

**Zone objectives**

**Primary objectives**

- \* to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake.

**Secondary objectives**

- \* to allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- \* to ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- \* to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

#### Development within the zone

#### In Zone 2 (c) development for the purpose of the following is:

##### Item 1 allowed without consent:

- \* environmental facilities

##### Item 2 allowed only with consent:

- \* bed and breakfast
- \* dwelling houses if each is on an allotment of at least 450m<sup>2</sup>
- \* any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):

- |                             |   |
|-----------------------------|---|
| * Agriculture               | * extractive industries                                       |
| * Helipads                  | * liquid fuel depots  |
| * recreation establishments | * recreation vehicle areas                                    |
| * roadside stalls           | * road transport terminals                                    |
| * rural workers' dwellings  | * utility installations being gas holders or generating works |

##### Item 4 prohibited:

\* Abattoirs  
airline terminals

- |   |   |
|---|---|
| * animal establishments                             | * brothels  |
| * display homes if adjoining an RTA classified road | * forestry  |
| * Heliports   | * industries (other than home industries or light industries)                           |
| * Institutions                                      | * junkyards   |
| * Mines   | * offensive or hazardous industries   |
| * restricted premises                               | * rural industries  |
| * rural tourist facilities                          | * sawmills  |
| * stock and sale yards                              | * transport terminals (other than bus depots, bus stations or road transport terminals) |

[End of Zone 2(c) Table]

#### Zone 7 (I) Environmental Protection (Habitat)

##### Zone objectives

##### Primary objectives

- \* to protect areas or features which have been identified as being of particular habitat significance.
- \* to preserve the diversity of habitats for flora and fauna.
- \* to protect and enhance land that acts as a wildlife corridor.

### Secondary objectives

- \* to protect areas of scenic value.
- \* to allow for other development that is compatible with the primary function of the zone.

### Development within the zone

In Zone 7 (I) development for the purpose of the following is:

#### Item 1 allowed without consent:

- \* Nil

#### Item 2 allowed only with consent:

- |                                 |  |
|---------------------------------|--|
| * bed and breakfast             | * bushfire hazard reduction that is not exempt development   |
| * business identification signs | * dwelling houses if on an allotment of at least 40 hectares or an allotment referred to in clause 57 and if the number of dwellings does not exceed one for each 40 hectares of land contained within the allotment |
| * Earthworks                    | * environmental facilities   |
| * home businesses               | * noxious weed control that is not exempt development  |

#### Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):

- |  |  |
|--|--|
| * Agriculture  | * camping grounds  |
| * Emergency service facilities                         | * forestry   |
| * public utility undertakings                          | * roads  |
| * urban stormwater water quality management facilities | * utility installations (other than gas holders or generating works) |
| * works for drainage and landfill                      |  |

#### Item 4 prohibited:

- \* any buildings, works, places or land uses not included in Item 1, 2 or 3

[End of Zone 7(I) Table]

### Zone SP2 Infrastructure

#### 1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### 2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

#### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3

[End of Zone SP2 Table]

### Item 2(e) - Minimum Standards for the Erection of a Dwelling-House:

See relevant Tweed Local Environmental Plan(s) applicable to this land as referenced in Item 1(1) above.

### Item 2(f) - Critical Habitat:

The subject land is not identified as including or comprising critical habitat as prescribed in the Biodiversity Conservation Act 2016 or (subject to section 5c) Part 7A of the Fisheries Management Act 1994.

**Item 2(g) - Conservation Area:**

The subject land is not within a heritage conservation area identified within the applicable Tweed Local Environmental Plan.

**Item 2(h) - Item of Environmental Heritage:**

The subject land does not contain nor constitute an item of environmental heritage as listed in the applicable Tweed Local Environmental Plan.

**Other Clauses under Tweed Local Environmental Plan 2000 (if this Plan applies)**

The subject land is not affected by any special clauses in Tweed Local Environmental Plan 2000.

**ITEM 3**

**Complying Development**

**Extract from Clause 47 of the Environmental Planning and Assessment (Complying Development and Fire Safety) Regulation 2013 - Schedule 1 - Amendment of Environmental Planning and Assessment Regulation 2000**

***"Schedule 4 Planning certificates***

- (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 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- (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.*
- (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."*

**Subdivisions Code (Strata Subdivision)**

No. Complying Development under the Subdivisions (Strata Subdivisions) Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land that is within an environmentally sensitive area

**Demolition Code**

No. Complying Development under the Demolition Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land that is within an environmentally sensitive area

**Commercial and Industrial Alterations Code**

No. Complying Development under the Commercial and Industrial Alterations Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land that is within an environmentally sensitive area

**Housing Code, Rural Housing Code, Low Rise Housing Diversity Code & Greenfield Housing Code**

No. Complying Development under the Housing Code, Rural Housing Code, Low Rise Housing Diversity Code & Greenfield Housing Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2
- \* land that is within an environmentally sensitive area

**Housing Alterations Code and General Development Code**



No. Complying Development under the Housing Alterations Code and General Development Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land that is within an environmentally sensitive area

#### **Commercial and Industrial (New Buildings and Additions) Code**

No. Complying Development under the Commercial and Industrial (New Buildings and Additions) Code may not be carried out on this land. The land is affected by specific land exemptions:

- \* land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2
- \* land that is within an environmentally sensitive area

#### **Qualifying Statement on Council Data Affecting this Item**

Tweed Shire Council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, however this restriction may not apply to all of the land.

#### **EXPLANATORY NOTE FOR ITEM 3 COMPLYING DEVELOPMENT**

Please note that Council has updated its Section 10.7(2) Planning Certificate information to reflect the statutory changes introduced by the NSW State Government relating to amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, via the Amendment (Commercial and Industrial Development and Other Matters) 2013, and the Environmental Planning and Assessment Regulation 2000, via the Amendment (Complying Development and Fire Safety) 2013, which all take full effect from 22 February 2014.

To assist with the introduction of these SEPP amendments, the NSW Department of Planning and Infrastructure (DPI) has provided a series of information sheets on its web site [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

The DPI also issued Circulars PS13-004 and PS13-005 on 23 December 2013 which explains what steps local councils need to undertake to implement the commencement of these new controls.

The DPI have stated the following rationale for the new Amendments:

*"The amending Regulation makes important changes to the lodgement and determination of applications for a complying development certificate (CDC). This includes new requirements to provide advice and notification of complying development to neighbours. There are also additional requirements for information to be lodged with an application for a CDC and for conditions to be imposed on a CDC approval.*

*The SEPP has been amended to include new complying development codes, development standards and other requirements. These amendments will require changes to the information provided in section 10.7 planning certificates. The new development types also include a number of prerequisites for certain proposals to be complying development. These and other related matters are specified in the Regulation."*

It is strongly suggested that you review this information before proceeding with the lodgement of a Complying Development Certificate application to either Council or a private certifier.

For any further clarification of these matters, please contact Council's Development Assessment or Building Units.

#### **ITEM 4 - REPEALED**

#### **ITEM 4A - REPEALED**

#### **ITEM 4B**

**Annual Charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

*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 Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).*

*Note. "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 Local Government Act 1993.*

No



## ITEM 5

### Mine Subsidence:

*Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.*

No

## ITEM 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.

#### Item 6(a-c)

The subject land is not affected by any road widening or realignment proposal under either Division 2 or Part 3 of the Roads Act, 1993, any environmental planning instrument or any resolution of the Council.

## ITEM 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 sulfate soils or any other risk (other than flooding).*

#### Item 7(a-b)

### Land Slip:

The council has adopted a policy to restrict development of the subject land because of the likelihood of land slip. Geotechnical investigations may be required prior to development of some sites, depending upon the characteristics of the site and the nature of development proposed.

### Bushfire:

The Council has adopted a policy to restrict development of the subject land because of the likelihood of bushfire hazard (see Item 11 below).

### Tidal Inundation:

Council has no records that indicate that the land is affected by tidal inundation. Accordingly, the Council has not adopted a policy to restrict development of the land in respect of tidal inundation.

### Subsidence:

Council records do not indicate that the land is affected by subsidence. Accordingly, the Council has not adopted a policy to restrict development of the land in respect to subsidence.

### Acid Sulfate Soils:

The subject land is identified as Class 2 on Councils "Acid Sulfate Soil Planning Map" under the relevant Tweed Local Environmental Plan.

The subject land is identified as Class 3 on Councils "Acid Sulfate Soil Planning Map" under the relevant Tweed

Local Environmental Plan.

The subject land is identified as Class 5 on Councils "Acid Sulfate Soil Planning Map" under the relevant Tweed Local Environmental Plan.

**Any Other Risk:**

Council has adopted a policy to restrict development of the subject land due to the following other identified risk:

- **Cattle Tick Dip Sites:**

Council records do not indicate that the land is or has been used as a Cattle Tick Dip Site.

- **Contamination:**

Council has by resolution, adopted a policy which may restrict development of the subject land in respect of potential contamination of that land.

Due to the historical nature of land uses in the Tweed Shire, there is a possibility that land previously used for such purposes as agriculture, industrial, residential, commercial or similar uses would contain contamination. Enquiries should be made at the Council for any information held in their files and enquiries should also be made with all other relevant authorities. Tweed Shire Council has not yet prepared any detailed information as to whether this land is contaminated land.

- **Coastal Hazards:**

This property is not affected.

## ITEM 7A

### Flood related development controls information

- |  |
|--|
| <p>(1) <i>If the land or part of the land is within the flood planning area and subject to flood related development controls.</i></p> <p>(2) <i>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.</i></p> <p>(3) <i>In this clause –</i><br/><b>flood planning area</b> <i>has the same meaning as in the Floodplain Development Manual.</i><br/><b>Floodplain Development Manual</b> <i>means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</i><br/><b>probable maximum flood</b> <i>has the same meaning as in the Floodplain Development Manual</i></p> |
|--|

### Item 7A(1-3)

- (1) The land is a flood control lot. Council is aware that the land or part of the land is within the flood planning area and subject to flood related development controls. Flood related development controls, such as the Tweed Local Environmental Plans and minimum floor levels, are prescribed by Development Control Plan Section A3 - Development of Flood Liable Land. Property Flood Reports that provide general flood risk information for this land are available on Council's website.

### Floodplain Risk Management Study

The subject land is situated within the low flow area under the Tweed Valley Floodplain Risk Management Study (and Draft Plan) 2005 - Part 2 Planning Controls for High Flow Areas dated August 2006.

- (2) The land is a flood control lot. Council is aware that 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 in the Tweed Local Environmental Plans and Development Control Plans. Flood related development controls, such as evacuation routes and/or refuges, are prescribed by Development Control Plan Section A3 - Development of Flood Liable Land. Property Flood Reports that provide general flood risk information for this land are available on Council's website.

## ITEM 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.*

The subject land is not identified as being subject to acquisition by a public authority (as referred to in section 3.15 of the EP&A Act 1979) under the provisions of any environmental planning instrument deemed or draft environmental planning instrument.

## ITEM 9

### Contributions Plans:

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

The following contributions plan(s) apply (or may apply depending upon proposed future development) to the subject land:

Section 94 Plan No 4 - Tweed Road Contribution Plan

Section 94 Plan No 7 - West Kingscliff

Section 94 Plan No 11 - Tweed Shire Library Facilities

Section 94 Plan No 12 - Bus Shelters

Section 94 Plan No 13 - Eviron Cemetery

Section 94 Plan No 15 - Developer Contributions for Community Facilities

Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities

Section 94 Plan No 22 - Cycleways

Section 94 Plan No 26 - Shirewide/Regional Open Space

## ITEM 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.*

**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.

Council has not received any biodiversity certifications.

## ITEM 10

### Biodiversity Stewardship Sites:

*If the land is a biodiversity stewardship site under a 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).*

**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.

Council has not been notified of the existence of any biodiversity stewardship agreements by the Chief Executive

of the Office of Environment and Heritage.

## ITEM 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).*

Council has not been notified of the existence of a set aside area.

## ITEM 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.*

The subject land is identified as bush fire prone land in accordance with the Bush Fire Prone Land map certified in accordance with Section 146(2) of the Environmental Planning and Assessment Act 1979, as amended.

## ITEM 12

### Property Vegetation Plans

*If the land is land to which a property vegetation plan approved 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).*

The subject land is not affected by a Property Vegetation Plan under the Native Vegetation Act 2003.

## ITEM 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).*

Council has not been notified of any Order made under the Trees (Disputes between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

## ITEM 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.*

There are no Directions under Part 3A affecting this land.

## ITEM 15

### Site compatibility certificates and conditions for seniors housing

*If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies:*

- (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:*

- (i) the period for which the certificate is current, and
- (ii) that a copy may be obtained from the head office of the Department, 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.

There are no site compatibility certificates and conditions affecting seniors housing on the land.

## ITEM 16

### Site compatibility certificates for infrastructure, schools or TAFE establishments

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:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department

There are no site compatibility certificates for infrastructure on the land.

## ITEM 17

### Site compatibility certificates 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.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

There are no site compatibility certificates and conditions for affordable rental housing on the land.

## ITEM 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 a 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.

There is no paper subdivision information relating to this land.

## ITEM 19

### Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and
  - Note.** A site verification certificate sets out the 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 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries 2007).
- (b) the date on which the certificate ceases to be current (if any), and

(c) that a copy may be obtained from the head office of the Department.

There are no site verification certificates relating to this land.

## ITEM 20

### Loose-fill asbestos insulation

*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, a statement to that effect.*

The land is not affected or listed on the register.

## ITEM 21

### Affected building notices and building product rectification orders

- (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.
- (2) A statement of:
  - (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
  - (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.
- (3) In this clause:

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

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

The land is not affected by any building notice.

### Prescribed matters in accordance with the Contaminated Land Management Act 1997

*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,
- (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,
- (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,
- (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,
- (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.

#### **(a) Significantly Contaminated Land**

As at the date of this certificate, Council has not been notified by the NSW Environment Protection Authority (EPA) that the land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

#### **(b) Management Order**

As at the date of this certificate, Council has not been notified by the NSW Environment Protection Authority (EPA) that the land is the subject of a management order within the meaning of the Contaminated Land Management Act 1997.

#### **(c) Approved Voluntary Management Proposal**

As at the date of this certificate, Council has not been notified by the NSW Environment Protection Authority (EPA) that the land is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.

**(d) Ongoing Maintenance Order**

As at the date of this certificate, Council has not been notified by the NSW Environment Protection Authority (EPA) that the land is the subject of an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.

**(e) Site Audit Statement**

As at the date of this certificate, Council has not been notified that the land is the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997. Council has not been notified/provided with a copy of any site audit statement pertaining to the subject land.

**NOTE:** *The information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.*

*Information provided under Section 10.7(2) is in accordance with the matters prescribed under Schedule 4 of the Environmental Planning and Assessment Regulation 2000.*

*When information pursuant to Section 10.7(5) is requested, the Council is under no obligation to furnish any particular information pursuant to that Section. The absence of any reference to any matters affecting the land shall not imply that the land is not affected by any matter not referred to in this Certificate.*

*In addition to the above information you may wish to obtain advice on additional matters affecting the site. A certificate under Section 10.7(5) of the Environmental Planning and Assessment Act 1979 may provide advice on the following additional matters:*

- *Development Approval/s issued within the last five years;*
- *Draft Environmental Planning Instruments;*
- *Tree Preservation Orders;*
- *Further Information Regarding Contamination;*
- *Height under Tweed Local Environmental Plan 2000; Tweed City Centre Local Environmental Plan 2012 and Tweed Local Environmental Plan 2014*
- *Aircraft Noise;*
- *Future Road Corridor;*
- *Future Road Widening; and*
- *Farmland Protection*

*Council draws your attention to Section 10.7(6) which states that a Council shall not incur any liability in respect of any advice provided in good faith pursuant to subsection (5).*

**Please contact the Development Assessment Unit for further information about any instruments or affectations referred to in the Certificate.**



**TROY GREEN**  
**GENERAL MANAGER**

Per .....