

Enquiries to: Planning and Building  
Direct Line: (02) 6757 3360  
Email: council@mpsc.nsw.gov.au  
Our Reference: FILE13/85  
Your Reference: PC10.7-2022-7291



09 November 2022

The Trustee for Geolink Unit Trust  
Level 1  
64 Ballina Street  
LENNOX HEAD NSW 2478

Dear Sir/Madam

**PLANNING CERTIFICATE FOR THE PROPERTY  
58 Victoria Terrace MOREE 2400  
LOT: 11 DP: 1113157**

Please find enclosed the Planning Certificate issued under 10.7 (2) of the Act for the above property.

If you require further information please contact me via email or phone, as indicated above.

Yours sincerely

A handwritten signature in black ink, appearing to read "Shaun Yong", is written over a light blue decorative background consisting of overlapping curved lines.

**Shaun Yong  
LAND USE PLANNER  
PLANNING AND DEVELOPMENT**

**CERTIFICATE UNDER SECTION 10.7 (2)  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
PLANNING CERTIFICATE**

Moree Plains Shire Council  
Level 2, Max Centre, 30 Heber Street, Moree NSW  
PO Box 420, MOREE NSW 2400  
Phone: (02) 6757 3258 Fax: (02) 6752 3934

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<b>Applicant:</b>	The Trustee for Geolink Unit Trust Level 1 64 Ballina Street LENNOX HEAD NSW 2478	<b>Applicants Reference:</b>	PC10.7-2022-7291
<b>Parcel No:</b>	19680	<b>Certificate Number:</b>	15561
		<b>Receipt Number:</b>	1249643
		<b>Application Number:</b>	20691
<b>Property Description:</b>	LOT: 11 DP: 1113157 58 Victoria Terrace MOREE 2400		

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The following information is provided in respect of the abovementioned land pursuant to Section 10.7 (2) of the *Environmental Planning and Assessment Act 1979*. For the purposes of Section 10.7 it is advised that as at the date of this certificate the abovementioned land is affected by the following matters:

**1. Names of the relevant planning instruments and development control plans**

- (1) **The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.**

Moree Local Environmental Plan 2011 (LEP)  
Moree Plains Development Control Plan 2013 (DCP)  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Planning Systems) 2021  
State Environmental Planning Policy (Biodiversity and Conservation) 2021  
State Environmental Planning Policy (Resilience and Hazards) 2021  
State Environmental Planning Policy (Transport and Infrastructure) 2021  
State Environmental Planning Policy (Resource and Energy) 2021  
State Environmental Planning Policy (Primary Production) 2021

- (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.**

None.

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**2. Zoning and land use under relevant planning instruments**

**(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)”,**

Under the Moree Plains Local Environmental Plan 2011 the land is zoned:  
R1: General Residential

**(b) The purposes for which development in the zone—**

**(i) May be carried out without development consent, and**

Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home industries; Home occupations

**(ii) May not be carried out except with development consent, and**

Attached dwellings; Boarding houses; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Farm buildings; Flood mitigation works; Group homes; Health services facilities; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures; Water supply systems

**(iii) Is prohibited,**

Any development not specified in item 2 or 3

**(c) Whether additional permitted uses apply to the land,**

No additional permitted uses apply to the land under the LEP.

**(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,**

Yes there is a development standard applying to the land, fixing minimum land dimensions for the erection of a dwelling-house of 650m<sup>2</sup>.

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- (e) **Whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,**

The land is not in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

- (f) **Whether the land is in a conservation area, however described,**

The subject property is not located in a conservation area.

- (g) **Whether an item of environmental heritage, however described, is located on the land.**

No item of environmental heritage is located on the land.

### 3. Contributions plans

- (1) **The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.**

The Moree Plains Shire Council, Section 94A Development Contributions Plan adopted by Council on 5 May 2006, as amended on 7 January 2016, applies to the land.

The Moree Plains Shire Council, Section 7.11 Development Contributions Plan Traffic Generating Development adopted by Council on 13 May 2021, applies to the land.

- (2) **If the land is in a special contributions area under the Act, Division 7.1, the name of the area.**

The land is not in a special contributions area under Division 7.1 of the *Environmental Planning and Assessment Act 1979*.

### 4. Complying development

- (1) **If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.**

**Housing Code**

Complying development may be carried out under Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Rural Housing Code**

Complying development may be carried out under Part 3A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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**Low Rise Housing Diversity Code**

Complying development may be carried out under Part 3B of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Greenfield Housing Code**

Complying development may be carried out under Part 3C of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Inland Housing Code**

Complying development may be carried out under Part 3D of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Housing Alteration Code**

Complying development may be carried out under Part 4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**General Development Code**

Complying development may be carried out under Part 4A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Industrial and Business Alterations Code**

Complying development may be carried out under Part 5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Industrial and Business Buildings Code**

Complying development may be carried out under Part 5A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Container Recycling Facilities Code**

Complying development may be carried out under Part 5B of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Subdivisions Code**

Complying development may be carried out under Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Demolition Code**

Complying development may be carried out under Part 7 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Fire Safety Code**

Complying development may be carried out under Part 8 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.

Not Applicable.

- (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) 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.

Not Applicable.

- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

The complying development codes are not varied, in relation to 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.

**General Exempt Development Code**

Exempt development may be carried out under Part 2, Division 1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Advertising and Signage Exempt Development Code**

Exempt development may be carried out under Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Temporary Uses and Structures Exempt Development Code**

Exempt development may be carried out under Part 2, Division 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.

Not Applicable.

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- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that—
- (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 exempt development may or may not be carried out on the land.

Not Applicable.

- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.

The exempt development codes are not varied, in relation to the land.

**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.

Council has no record that the land, the subject of this certificate, includes an affected building notice in force, a building product rectification order is in force in relation to the land that has not been fully complied with, or 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*.

**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.

There is no 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.

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**8. Road widening and road realignment**

Whether the land is affected by road widening or road realignment under—

- (a) *The Roads Act 1993, Part 3, Division 2, or*
- (b) *An environmental planning instrument, or*
- (c) *A resolution of the council.*

The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the *Roads Act 1993*, environmental instrument or a resolution of the council.

**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.**

The land or part of the land is within the flood planning area and subject to flood related development controls.

Council recommends that all necessary enquiries should be made.

- (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.**

The land or part of the land is not located between the flood planning area and the probable maximum flood.

- (3) **In this section—**

***flood planning area*** has the same meaning as in the Floodplain Development Manual.

***Floodplain Development Manual*** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

***probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

**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.**

Council has adopted a policy to restrict the development of the land by reason of the likelihood of bushfire in 'low hazard bushfire areas.



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**(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.

**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.**
- (2) If none of the land is bush fire prone land, a statement to that effect.**

The land is not mapped as bush fire prone on the Bush Fire Prone Land map as certified by the Commissioner of the NSW Rural Fire Service under s10.3 of the *Environmental Planning and Assessment Act 1979*.

**12. Loose-fill asbestos insulation**

**If the land includes residential premises, within the meaning of the *Home Building Act 1989*, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.**

Council has **no** record that the land, subject to this certificate, includes residential premises, within the meaning of the *Home Building Act 1989*, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.

**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*.**

The land, the subject of this certificate, is not declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

**14. Paper subdivision information**

- (1) The name of a development plan adopted by a relevant authority that—**
  - (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.**

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- (3) Words and expressions used in this section have the same meaning as in this Regulation, Part 10 and the Act, Schedule 7.

There is no development plan adopted by a relevant authority that applies to the land or is proposed to be a subject to a ballot, nor there is a subdivision order that applies to the land in relation to a paper subdivision.

**15. Property vegetation plans**

If the land is land in relation to which a property vegetation plan is approved and in force under the *Native Vegetation Act 2003*, 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.

Council has no record of a property vegetation plan under the *Native Vegetation Act 2003* applying to the land.

**16. Biodiversity stewardship sites**

If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the *Biodiversity Conservation Act 2016*, 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.

Note—

Biodiversity stewardship agreements include biobanking agreements under the *Threatened Species Conservation Act 1995*, Part 7A that are taken to be biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016*, Part 5.

Council has no record that the land, the subject of this certificate, is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (including a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*).

**17. Biodiversity certified land**

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

Note—

Biodiversity certified land includes land certified under the *Threatened Species Conservation Act 1995*, Part 7AA that is taken to be certified under the *Biodiversity Conservation Act 2016*, Part 8.

Council has no record that the land, the subject of this certificate, is biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (including land certified under Part 7AA of the *Threatened Species Conservation Act 1995*).

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**18. 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 **no** record that 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.

**19. Development consent conditions for seniors housing**

**If State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).**

Council has **no** record of any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

**20. Site compatibility certificates and development consent conditions for affordable rental housing**

**(1) Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate—**

- (a) The period for which the certificate is current, and**
- (b) That a copy may be obtained from the Department.**

Council is **not** aware of any current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate in relation to proposed development on the land.

**(2) If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).**

Council has **no** records for any development consent issued for developments under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 that applies to the land.

**(3) Any conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).**

There are no conditions of a development consent in relation to land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

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**(4) In this section—**

***former site compatibility certificate*** means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

**Please Note**

Council has not been advised of any matters prescribed by section 59(2) of the *Contaminated Land Management Act 1997*.

**Disclaimer**

The above information has been taken from the Council's records but Council accepts no responsibility and liability for any omission or inaccuracy or any loss or damage arising from the use of this certificate.

This certificate contains information provided to Moree Plains Shire Council by third parties and is as current as the latest information available to Council at the time of production of this document. Council does not warrant the accuracy of the information contained within the information provided by third parties and has not independently verified the information.

Please contact Council's Planning and Community Development Department should you wish to obtain a listing of the information provided by third parties that has been relied upon in the production of this document. It is strongly recommended that you contact the relevant third parties to confirm the accuracy of the information. Should you need further information in connection with this certificate, the request should be marked for the attention of Planning and Building Team.



General Manager per